

**STATE WATER RESOURCES CONTROL BOARD
BOARD WORKSHOP SESSION - DIVISION OF WATER RIGHTS
NOVEMBER 16, 2010**

ITEM 10

SUBJECT

PUBLIC WORKSHOP: TO RECEIVE PUBLIC COMMENTS ON A STAFF REPORT CONTAINING A PRIORITIZED LIST AND ESTIMATE OF COSTS FOR INSTREAM FLOW STUDIES ON CALIFORNIA RIVERS AND STREAMS DEVELOPED PURSUANT TO THE DELTA REFORM ACT.

DISCUSSION

In November 2009, California enacted a comprehensive water reform package intended to ensure a reliable water supply for the State and to restore the Delta and other ecologically sensitive areas. One of the bills included in this package, Senate Bill 7-1, contains the Sacramento-San Joaquin Delta (Delta) Reform Act of 2009 (Delta Reform Act). Water Code section 85087, contained in the Delta Reform Act, requires the State Water Resources Control Board (State Water Board) to submit to the Legislature by December 31, 2010, a prioritized schedule and estimate of costs to complete instream flow studies for two categories of rivers and streams by two specific deadlines: (1) "high priority rivers and streams in the Delta watershed, not otherwise covered by section 85086, by 2012"; and (2) "all major rivers and streams outside the Sacramento River watershed by 2018." Staff, in response to the Legislative directive, developed three prioritized schedules. The 127 rivers and streams included in this report represent diverse geographic conditions and unique habitats throughout the state.

Streams that serve as habitat for endangered anadromous fish, such as Coho Salmon, Chinook salmon, and Steelhead Trout, are prioritized in the schedules. Staff also identified those rivers and streams within the habitat range of declining populations of amphibians, such as the federally listed California Red-Legged Frog (threatened) and the Western Pond Turtle, (a reptile and state listed Species of Concern). Two primary methods were used to identify the streams as priorities: (1) review of Department of Fish and Game (DFG) habitat range maps for endangered, threatened, and sensitive species, and (2) coordination with DFG staff (as required by section 85087) and staff of the North Coast, San Francisco Bay, Central Coast, Los Angeles, Central Valley, Lahontan, and San Diego Regional Water Quality Control Boards.

There are some inconsistencies between the Legislative directive and the resources required to conduct instream flow studies. For example, the specified deadlines do not consider time-consuming administrative processes required prior to initiating studies, nor do they consider the length of time required to conduct studies (three years or more.) It is therefore unlikely that the schedule will be followed as presented in the report.

This informational workshop offers an opportunity for public comment on the [staff report](#). In particular, staff is seeking input on:

1. Whether there are streams that should be added to the list.

2. Whether there are existing and adequate streamflow studies for streams that are on the list.
3. Whether there is other information available on likely costs that will help inform the State Water Board.

The report does not have regulatory effect nor does it constitute an official plan. It may however influence future planning processes and activities under the State Water Board's obligation to protect public trust resources.

POLICY ISSUES

This informational workshop is presented to provide an opportunity for public comment. The State Water Board is not voting on this issue.

FISCAL IMPACT

N/A

REGIONAL BOARD IMPACT

N/A

STAFF RECOMMENDATION

N/A

This effort is consistent with Goal 4 of the Water Board's Strategic Plan: to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.