



November 18, 2011

Richard Satkowski, SWRCB, Division of Water Rights
State Water Resources Control Board (SWRCD)

RE: Comment Letter – Water Measurement

The California Waterfowl Association (CWA) appreciates the opportunity to provide input on the State Water Resources Control Board's "Guidance for Complying with Water Diversion Measurement Requirements for Statement Holders."

CWA is a 20,000-member nonprofit organization that restores and enhances wetlands and other waterfowl habitat. Many of our habitat projects, as well as those of our members, rely on water diversions to recreate wetland conditions for the benefit of breeding and wintering waterfowl, as well as a host of other wetland-dependent species.

Our comments are as follows:

First, we strongly support the use of alternative measuring methods due to the exorbitant cost for many wetland managers associated with purchasing, installing and maintaining water measuring devices at every diversion point. Due to already high wetland management costs and related expenses (e.g. mosquito abatement, noxious weed control, fuel for equipment, etc.), many of our members who flood their lands for waterfowl habitat purposes can only do so with the financial assistance of state or federal conservation programs. Adding significant expenses related to water measuring devices would not only impair their ability to provide optimal waterfowl habitat conditions at certain times of the year, but may also leave them unable to fully comply with conservation easement and other legally binding habitat agreements with the U.S. Fish and Wildlife Service or Wildlife Conservation Board, for example. In determining what is "locally cost effective" and what is not for wetland managers to implement, we strongly urge you to consider these factors.

In addition, wetland projects have some unique constraints in terms of landowner responsibility and public trust interests. Accessing wetland properties for installation and maintenance of water measuring devices creates the potential disruption of both terrestrial and aquatic habitats which could trigger a series of federal, state, and local permits. This, in turn, could delay compliance of installing measuring devices or because of cost, abandonment of water service to wetlands. Given the relatively few acres of wetlands in California, we recommend that SWRCB conduct a

CEQA scoping review to insure that the implementation of its guidelines/regulations do not have unintended consequences of doing harm to wetland-dependent fish, wildlife and other public trust resources.

Diversions in the Suisun Marsh and other areas of the Sacramento-San Joaquin Delta that are brackish in nature and/or those in which there is no net consumptive use of water (i.e. the water is subsequently released back into the stream or river) should not be subject to the proposed guidelines or related regulations. The purpose of the implementing legislation, SB 7.8x, was only to measure consumptive use of water while the relatively small number of brackish water diversions also makes it unnecessary to measure them at this time.

We additionally request clarification as to what specifically constitutes a water diversion point. Does it include every turnout that feeds into an irrigated field, for example, or is it sufficient for Statement holders to only provide measurement data for the initial diversion point off of a river or other stream that may also provide water to several other properties? Also, what does SWRCB believe will be the long-term costs of implementing its water diversion measurement regulations, and whom will these costs ultimately fall upon? Will SWRCB absorb these costs on its own, or do you anticipate new fees on Statement holders, for example?

Finally, we strongly urge SWRCB to hold hearings outside of Sacramento prior to any final guidelines being promulgated to ensure the greatest possible participation from affected stakeholders. Many diverters do not have the time or ability to travel to Sacramento to provide input or are unaware of all of the SWRCB's proposed regulations on this subject. Having regional hearings would garner more public input and help ensure that the regulations are flexible enough for all the various diverters to comply.

Thank you for the opportunity to comment. Should you need more information, please feel free to contact me at (916) 648-1406 or jcarlson@calwaterfowl.org.

Sincerely,



John Carlson, Jr.
President