



Linda S. Adams
*Secretary for
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State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF ADOPTION HEARING

PROPOSED POLICY FOR MAINTAINING INSTREAM FLOWS IN NORTHERN CALIFORNIA COASTAL STREAMS

**The State Water Resources Control Board will hold a public hearing
to Receive Comments and to Consider Adopting a proposed
Policy for Maintaining Instream Flows in Northern California Coastal Streams**

The Public Hearing will commence on
Tuesday, April 27, 2010
at 10:00 a.m.

in the
Coastal Hearing Room
Joe Serna, Jr./Cal-EPA Building
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

Water Code section 1259.4, which was added by Assembly Bill 2121 (Stats. 2004, ch. 943, § 3), requires the State Water Resources Control Board (State Water Board) to adopt principles and guidelines for maintaining instream flows in northern California coastal streams as part of state policy for water quality control, for the purposes of water right administration. The proposed Policy for Maintaining Instream Flows in Northern California Coastal Streams (proposed policy) was developed to comply with Water Code section 1259.4. The purpose of the proposed policy is to preserve the instream flows needed to protect fishery resources, while minimizing the water supply impacts of the proposed policy on other beneficial uses, including agricultural, municipal, domestic, and industrial uses. The proposed policy will apply to applications to appropriate water, small domestic use and livestock stockpond registrations, and water right petitions. The geographic scope of the policy encompasses coastal streams from the Mattole River to San Francisco and coastal streams entering northern San Pablo Bay, and extends to five counties -- Marin, Sonoma, and portions of Napa, Mendocino, and Humboldt Counties. Streams in the policy area provide habitat for steelhead trout, coho salmon, and Chinook salmon, which have been listed as threatened or endangered species under the federal Endangered Species Act and the California Endangered Species Act.

The proposed policy contains guidelines for evaluating whether a proposed water diversion, in combination with existing diversions in a watershed, may affect instream flows needed for the protection of fishery resources. It prescribes protective criteria limiting the season of diversion, establishing minimum bypass flows, and limiting the maximum cumulative rate of diversion from

California Environmental Protection Agency



a watershed. As an alternative to the criteria specified in the proposed policy, the policy allows site-specific studies to be conducted to evaluate whether different protective criteria could be applied. The proposed policy also limits construction of new onstream dams and contains measures to ensure that approval of onstream dams does not adversely affect instream flows needed for fishery resources. The proposed policy provides for a watershed-based approach to evaluate the effects of multiple diversions on instream flows within a watershed as an alternative to evaluating water diversion projects on an individual basis. Enforcement requirements contained in the proposed policy include a framework for compliance assurance, prioritization of enforcement cases, and descriptions of enforcement actions.

Earlier versions of the proposed policy were released for public review and comment in December 2007 and in March 2008. The proposed policy has since been revised based on evaluation of the public and peer review comments received, and is ready for State Water Board consideration. The February 2010 revisions to the proposed policy are summarized in the attached information sheet.

DOCUMENT AVAILABILITY

The proposed policy and supporting documents are available on the State Water Board's website at http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/. Alternatively, you may receive a copy of the documents on CD by leaving a voicemail message for Karen Niiya at (916) 341-5342, or by sending an email to AB2121Policy@waterboards.ca.gov. To subscribe to an email list for future notifications about the proposed policy, go to the State Water Board's website at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml, and choose "AB 2121 Instream Flow Guidelines for Northern Coastal Streams."

SUBMISSION OF WRITTEN COMMENTS

The State Water Board has received and considered extensive written comments on the content of the proposed policy, substitute environmental document, and supporting technical documents. Interested persons are encouraged to focus their comments on the most recent revisions to the proposed policy and supporting documentation. Participants are encouraged to submit their comments, evidence, and other material electronically. Comment letters can be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620 with the subject "**Comment Letter – AB 2121 Policy.**" In order to be fully considered, **written comments** must be received by **12:00 noon on Friday, March 26, 2010.**

Written comments may also be delivered by via-mail or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

PROCEDURAL MATTERS

The hearing will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. Participants are encouraged to submit written comments prior to the hearing. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml at the State Water Board's Web site. Parties with questions concerning the hearing may also leave a voicemail message for Karen Niiya at (916) 341-5342.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board Web site at: <http://www.calepa.ca.gov/EPAbldg/location.htm>.

The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5881 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922. An audio broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

Parties with questions about this notice may leave a voicemail message for Karen Niiya at (916) 341-5342 or by sending email to AB2121Policy@waterboards.ca.gov.

February 18, 2010

Date



Jeanine Townsend
Clerk to the Board

[Attachment](#)