



State Water Resources Control Board



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Secretary for

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NOTICE OF AVAILABILITY OF DOCUMENTS AND OPPORTUNITY FOR PUBLIC COMMENT DRAFT POLICY FOR MAINTAINING INSTREAM FLOWS IN NORTHERN CALIFORNIA COASTAL STREAMS

This notice is to advise interested persons that the State Water Resources Control Board (State Water Board) will receive public comments on the Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams, also known as the North Coast Instream Flow Policy (Draft Policy), and on the accompanying Substitute Environmental Document until February 19, 2008. The Substitute Environmental Document has been prepared for the Draft Policy under Section 21080.5 of the Public Resources Code.

DESCRIPTION AND LOCATION OF THE PROPOSED POLICY

Water Code section 1259.4, which was added by Assembly Bill 2121 (Stats. 2004, ch. 943, § 3), requires the State Water Board to adopt principles and guidelines for maintaining instream flows in northern California coastal streams for the purposes of water right administration. The Draft Policy implements Water Code section 1259.4.

The Draft Policy will apply to applications to appropriate water, small domestic use and livestock stockpond registrations, and water right petitions. The geographic scope of the Draft 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.

The Draft Policy establishes principles and guidelines for maintaining instream flows for the protection of fishery resources. It prescribes protective measures regarding the season of diversion, minimum bypass flows, and maximum cumulative diversion. The Draft 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.

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE POLICY

As more fully described in the Substitute Environmental Document, adoption and implementation of the Draft Policy has no direct effects on the environment. Depending on actions taken by affected persons, adoption and implementation of the Draft Policy could indirectly result in potentially significant impacts to the following resources: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems.

DOCUMENT AVAILABILITY

Copies of the Draft Policy, Substitute Environmental Document, and all documents referenced in the Substitute Environmental Document are available on the State Water Board's website at http://www.waterrights.ca.gov/HTML/instreamflow_nccs.html. Alternatively, you may receive a copy of the documents on CD by contacting Karen Niiya or Eric Oppenheimer at (916) 341-5342 or by sending email to AB2121Policy@waterboards.ca.gov.

The following documents are available:

1. **Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams** (approx. 100 pages)
2. SWRCB Instream Flow Policy: GIS-Analysis Criteria for Upstream Distribution Limit of Steelhead (3 pages)
3. SWRCB Instream Flow Policy: Summary of Reasoning Used to Propose Size Criterion for Woody Debris Pieces Qualifying Under a Wood Augmentation Plan (2 pages)
4. Water Availability Analysis Assumptions for Estimating Partial Face Value of Irrigation and Frost Protection Uses (5 pages)
5. Direct Cost Analysis for the Proposed Policy (approx. 55 pages)
6. **Draft Substitute Environmental Document** (approx. 100 pages)
7. Appendix A - Notice of Preparation and Initial Study (42 pages)
8. Appendix B - Special-Status Plants Occurring in Riparian, Freshwater Marsh, and Vegetated Lacustrine Habitats (7 pages)

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9. Appendix C - Special-Status Animals Occurring in Riparian, Freshwater Marsh, and Vegetated Lacustrine Habitats (6 pages)
10. Appendix D - Potential Indirect Impacts on Municipal, Industrial and Agricultural Water Use and Related Indirect Impacts on Other Environmental Resources (approx. 55 pages)
11. Appendix E - Potential Indirect Environmental Impacts of Modification or Removal of Existing Unauthorized Dams (approx. 65 pages)
12. **North Coast Instream Flow Policy: Scientific Basis and Development of Alternatives Protecting Anadromous Salmonids. (166 pages)**
13. Appendix A – Chronology and Technical Basis of the DFG-NMFS Draft Guidelines (20 pages)
14. Appendix B – Physical, Hydrological, and Ecological Conditions Influencing Anadromous Salmonid Habitat in Policy Area Streams (8 pages)
15. Appendix C – Summary of Important Biological Characteristics of Target Anadromous Salmonid Species (12 pages)
16. Appendix D – Defining Protectiveness Levels of Flow Related Habitat Requirements of Anadromous Salmonids at a Regional Scale (42 pages)
17. Appendix E – Development of Policy Element Alternatives Defining a Range of Protective Levels of Minimum Bypass Flow for Application at the Regional Scale: Upper MBF and Lower MBF Alternatives (30 pages)
18. Appendix F – Hydrologic Analysis of Validation Sites (52 pages)
19. Appendix G – Approach for Assessing Effects of Policy Element Alternatives on Upstream Passage and Spawning Habitat Availability (28 pages)
20. Appendix H – Upstream Passage and Spawning Habitat-Flow Relationships Derived for Validation Sites (16 pages)
21. Appendix I – Results of Validation Site Protectiveness Analyses (16 pages)
22. Appendix J – Properties and Behavior of the Cumulative Flow Impairment Index (CFII) (10 pages)
23. Appendix K – Recommendations for Monitoring the Effectiveness of the North Coast Instream Flow Policy for Protecting Anadromous Salmonids (30 pages)

SUBMISSION OF WRITTEN COMMENTS

The State Water Board welcomes written comments on the content of the Draft Policy, Substitute Environmental Document, and supporting technical documents. Comments will be received commencing on the publication date of this notice and must be received by noon on February 19, 2008 and addressed to:

Karen Niiya, Senior Engineer
Division of Water Rights
State Water Resources Control Board
1001 I Street, 2nd Floor
Sacramento, CA 95814

Write "Comment Letter – AB 2121 Policy" in the subject line. Electronic submission of comments, evidence, and other material is preferred. Comment letters may be submitted to the Division of Water Rights by email at AB2121Policy@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5400. Couriers delivering comment letters must check in with lobby security personnel, who can contact Karen Niiya at (916) 341-5300.

FUTURE NOTIFICATIONS

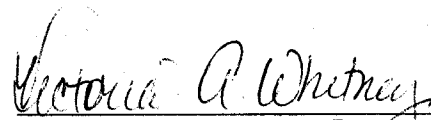
The State Water Board will consider adoption of the policy at a future Board meeting. A separate notification will be distributed detailing the date and time of the hearing. To subscribe to an email list for future notifications about the Draft Policy, go to the State Water Board's website at http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html, and choose "AB 2121 Instream Flow Guidelines for Northern Coastal Streams".

ADDITIONAL INFORMATION

Please direct questions about this notice to Karen Niiya or Eric Oppenheimer at (916) 341-5342 or by sending email to AB2121Policy@waterboards.ca.gov.

DEC 28 2007

Date


Victoria Whitney, Deputy Director
Division of Water Rights