

AB2121Policy - Comment on instream flow

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Date: 4/30/2008 4:42 PM
Subject: Comment on instream flow

Attached is my comment on the Draft Policy for maintaining Instream Flows in Northern California Coastal Streams:

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Commentary on Draft Policy for Maintaining Instream Flows in Northern California

I have been a licensed water treatment operator for nearly 30 years and have managed two small public water districts on the north coast, both relying on local streams for their water supplies. The proposed instream flow policy may affect the ability of local water purveyors to supply adequate drinking water to the people served.

I can fully appreciate the need to protect the habitat of the remaining anadromous fish populations. I question, however, the effectiveness of a policy that only restricts water diversions while apparently ignoring the main cause of the deteriorated fish habitat.

Our culture has a long history of deforestation. Our forests on the north coast have suffered over 150 years of often-irresponsible overcutting. Our local water district challenged the California Department of Forestry in a 1990 lawsuit over its lack of consideration for the cumulative effects of timber harvesting activities. Though the lawsuit was successful in reversing one timber harvest plan, to my knowledge, the cumulative effects issue it raised has yet to be effectively dealt with. Is this not the crux of the issue? As the health of the forests is reduced, the negative effect on the water, the other forest product, is a direct consequence.

There are positive environmental benefits of small municipal diversions that are perhaps overlooked. For example, our local districts have, over the years, commented on timber harvest plans. Those comments have resulted in greater stream protection zones, better silvicultural methods, better erosion management plans and less chemical usage. This "canary in the coal mine" effect of small municipal diverters may have a better overall habitat influence than the restrictions imposed by a poorly implemented instream flow policy.

My fear is that a policy will be implemented that is so restrictive in its limits and so complex in its implementation that for small municipal diverters, it essentially becomes impractical to divert at all. While groundwater may be a solution, it may have, in the long run, as much of an impact to stream flow as direct diversion.

To implement an instream flow policy without consideration of the wider causes of habitat degradation seems short-sited. There are local, regional and global impacts of our forestry policies that remain essentially unaddressed. Healthy forests mean healthy watersheds. Addressing the issue at the root cause (poor forest management) will benefit the fish and the people while doing much to benefit the global warming problem as well.

Thank you for considering my comments.

s/ Charles L. Acker