

# AB2121 Policy - Comment-Letter AB2121 Policy

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**To:** <ab2121policy@waterboards.ca.gov>  
**Date:** 5/1/2008 8:02 AM  
**Subject:** COMment-Letter AB2121 Policy

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2008 MAY -1 AM 11:57

Thank you for the opportunity to comment on the draft policy *Policy for Maintaining Instream Flows in Northern California Coastal Stream (Policy)*. The draft *Policy* is a major step towards protecting and conserving stream flows vital to the survival of California’s anadromous salmonids. As all Californians know, some of the state’s salmon and steelhead fisheries have already reach critical levels of decline in many watersheds and other may soon share the same fate. One of the most serious problems is clear: too many of our rivers and streams simply lack the appropriate water to support fish. For the final *Policy* to be successful in aiding the recovery of salmon and steelhead, it must adequately implement scientifically based criteria to (1) set seasonal limits on diversion, (2) establish minimum bypass flow requirements, (3) establish maximum cumulative diversion limits, and (4) specifically outline monitoring protocols to ensure sustainability of the water resource. I further discuss each of the four topics below:

1) Setting seasonal limits on diversion

The draft policy advanced the annual opening date of the season of diversion to October 1<sup>st</sup> through March 31. October, being the third driest month of the year in the policy area, should be included as in the dry season. Typically, reliable rains falls do not come until late November or into December, which could delay the diversion season. Flows during a December 15 start date would more likely meet the minimum bypass flow requirements. I concur with DFG and NMFS, as they recommend December 15 as the beginning of the diversion season. An October 1 start date could potentially presents the following problems for juvenile and adult anadromous salmonids:

- The available juvenile salmonid rearing habitat would spatially be reduced and early emigrating steelhead smolts downstream passage may

be limited.

- Breaching of estuary/lagoon sandbars may be delayed, effecting run timing of adult Chinook and coho salmon.
- Attractant flows, an important cue for adult migrating salmonids, could be affected causing additional delays to adult spawners.
- Reduced flows may impede and delay adults during their upstream migration.

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