

STATE WATER RESOURCES
CONTROL BOARD

September 15, 2006

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DIV. OF WATER RIGHTS
SACRAMENTO

Ms. Karen Niiya
Mr. Eric Oppenheimer
State Water Resources Control Board
PO Box 2000
1001 I Street, 14th Floor
Sacramento, CA 95812-2000

**Re: Scoping Comments of Wagner & Bonsignore Consulting Civil Engineers,
James C. Hanson Consulting Civil Engineer, and Ellison, Schneider &
Harris L.L.P on the State Water Resources Control Board North Coast
Instream Flows Policy**

Dear Ms. Niiya and Mr. Oppenheimer:

Assembly Bill 2121 (Stats. 2004, ch. 943, § 3) added Water Code section 1259.4 requiring the State Water Resources Control Board (Board or State Board) to adopt principles and guidelines for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering northern San Pablo Bay (North Coast streams), for purposes of water right administration. The State Board is proposing a North Coast Instream Flows Policy to satisfy AB 2121, and has solicited comments in the scoping process. To assist the Board in defining the scope of this proposed policy, Wagner & Bonsignore Consulting Civil Engineers, James C. Hanson Consulting Civil Engineer, and Ellison, Schneider & Harris L.L.P. submit comments on behalf of numerous landowners and water rights holders in the North Coast region.

Our recommendations have grown out of our active participation with a diverse group of stakeholders in the AB 2121 North Coast Water Rights Working Group, which has not yet made final recommendations for this Policy. Although many if not all of the comments and proposals in this letter have been discussed at the Working Group, these comments are our own and do not represent the consensus of the Working Group. We will continue working on these issues with the Working Group.

I. Purpose and Scope of Policy

A. AB 2121 and Water Code Section 1259.4

AB 2121 and Water Code section 1259.4 specify few requirements for this Policy. The State Board shall adopt "principles and guidelines for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering northern San Pablo Bay, as part of state policy for water quality control adopted pursuant to Article 3