

AB2121Policy - Fwd: Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams

From: Karen Niiya
To: AB2121Policy
Date: 5/1/2008 10:00 AM
Subject: Fwd: Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams

2008 MAY -1 AM 11:57
 STATE WATER RESOURCES CONTROL BOARD
 SACRAMENTO

>>> Bill Orme 4/28/2008 9:59 AM >>>

Karen,

Please accept our informal comments on the *Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams*. We understand that our comments should not be part of the official record since we are in the same agency. Our comments follow:

The State Water Resources Control Board (State Water Board) – Division of Water Quality has reviewed the *Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams* (Instream Flow Policy) as prepared by the State Water Board's Division of Water Rights, and has the following comments.

Note that, for the sake of convenience, we have assumed that "wetland habitat" and "riparian habitat" are synonymous with "wetland" and "riparian area" or "riparian zone." In text citations to follow, quoted text is indented. Suggestions for new text are presented in **bold underlined type**. Suggested deletions are in ~~**bold strike-through type**~~.

Comment 1: In that the proposed instream flow requirements will generally improve conditions for wetland and riparian function and health, the Division of Water Quality staff supports the draft policy.

Comment 2: On April 15, 2008, the State Water Board approved a Wetland and Riparian Protection Policy Resolution. This resolution directs Water Board staff to develop a wetland and riparian protection policy in three phases. The first phase will include wetland definitions and assessment methods; the second and third phases will expand the policy to include wetland and riparian water quality standards. The proposed Instream Flow Policy should include reference to, and be coordinated with, this emerging Wetland and Riparian Protection Policy. An example of an opportunity for this coordination can be found in the following proposed text for Sec. 4.4.4 (Guidance for Developing Mitigation Plans):

... The mitigation plans shall be developed by qualified individual(s). **Mitigation Plans shall include monitoring guidelines for documentation of the plan's effectiveness. Specific monitoring methods may be required by the State Water Board.** ...

Similar opportunities occur throughout the document, particularly in Sections 10 and 11 (pp.31-32).

Comment 3: Throughout the document, reference is made to riparian habitats, but reference to wetlands is omitted. One such example of this omission occurs in Sec. 4.4.2, Requirement No. 3 (Onstream Dams on Class II Streams). We suggest that wording be added to this section as shown in the following citation. Similar wording should be added in all other instances throughout the document

where this omission occurs (numerous additional examples can be provided):

3. Mitigation plans for non-native species eradication, gravel and wood augmentation, **wetland** and/or riparian habitat replacement, are developed and implemented, where needed. Guidance for developing mitigation plans is provided in section 4.4.4.

Comment 2: Regarding Sec. 4.4.3 (Onstream Dams on Class III Streams), it should be noted that these Class III streams, although lacking in fish or continuous aquatic habitats, often have habitats and riparian and/or wetland features that contribute to the biological integrity and hydrologic function of a watershed. Therefore, the following text additions and deletions are suggested for Sec. 4.4.3, requirement 2:

Mitigation plans for non-native species eradication, ~~and~~ gravel and wood augmentation, **wetland and/or riparian habitat replacement** are developed and implemented, where needed...

Comment 4: Section 12.0 (Watershed Approach) encourages groups of water users to cooperate for achieving the dual purposes of water use efficiency and habitat maintenance. Since many watersheds are home to active watershed groups, guidance should be given on how water diverters' groups will coordinate with other "watershed approaches" already occurring in the same watersheds. This should include reference to the "watershed approach" that is to be a part of the Wetland and Riparian Policy resolution discussed above, and any other "watershed approaches" sponsored by other Water Board Sections or Units.

Comment 5: No definition of wetland appears in the glossary. Provision should be made to coordinate these definitions with those under development through authority of the Wetland and Riparian Protection Policy Resolution.

Division of Water Quality staff appreciates this opportunity to comment on the proposed North Coast In-Stream Flow Policy, and is ready to collaborate with the Division of Water Rights to achieve better coordination of our respective programs. For any questions relating to these comments, please contact Cliff Harvey, charvey@waterboards.ca.gov, or (916) 322-2514.

Bill Orme
Senior Environmental Scientist
401 Certification and Wetlands Unit
Division of Water Quality
State Water Resources Control Board
1001 I Street
Sacramento, CA. 95814
Voice 916-341-5464
Fax 916-341-5470
Email borme@waterboards.ca.gov