

**From:** "Al Wagner" <awagner@closduval.com>  
**To:** "Karen Niiya Senior Engineer" <AB2121Policy@waterboards.ca.gov>  
**Date:** Wed, Apr 16, 2008 1:20 PM  
**Subject:** Comment Letter - AB 2121 Policy

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April 16, 2008

Karen Niiya Senior Engineer  
Division of Water Rights  
1001 I Street, 2nd Floor  
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STATE WATER RESOURCES  
CONTROL BOARD  
2008 APR 16 PM 2:30  
DIV OF WATER RIGHTS  
SACRAMENTO

Dear Ms. Niiya:

The Draft Policy is not a workable approach to protecting instream flows. Instead of providing water users guidance on appropriate instream flows, the Draft Policy establishes restrictive, regional criteria that severely limit the ability to divert water when it is most plentiful. This misguided attempt to preserve instream flows for the benefit of salmonids fails to follow California water law, fails to help fish, and actually impairs the ability of many farmers to make improvements to fish habitat.

The State Board failed to provide proper notice of the proposed policy to the hundreds of impacted farmers.

Water in California must be used to its full potential - to benefit habitat as well as agriculture.

The Draft Policy not only fails to relieve the backlog of pending water rights applications, it further complicates an already cumbersome process. By attempting to apply specific criteria across a very diverse region, the Draft Policy will force the majority of pending applications to perform site-specific studies or to seek exceptions.

The Draft Policy is not based upon sound science. It sets standards for very small watersheds, less than a couple square miles, even though the science supporting the policy comes from large watersheds.

In addition, the State Board has not been able to determine the extent in which instream flows are necessary to maintain the fishery in north coast streams, nor have they accounted for the many factors impacting fish populations besides flow.

I urge the State Water Board to adopt an alternative policy that is based on sound scientific facts, provides the appropriate balance between economic development and protecting natural habitat and wildlife species, while using water to its full potential.

Sincerely,

Al Wagner  
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Vineyard Operation Mgr  
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