



April 30, 2008

Karen Niiya, Senior Engineer  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street, 2nd Floor  
Sacramento, CA 95814  
Email: [AB2121policy@waterboards.ca.gov](mailto:AB2121policy@waterboards.ca.gov)  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

2008 MAY - 1 AM 9:02  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
JAN 20 2008 10:10 AM

**RE: Comment letter AB 2121 SWRCB Flows Policy**

Dear Ms. Niiya:

California Trout (CalTrout) offers the following comments on the AB 2121 State Water Resources Control Board (SWRCB) Flows Policy (Policy).

The Policy should be easily understood, able to be implemented and fully enforceable.

The Policy must be fully funded and implemented.

The goal of the Policy should be the protection *and recovery* of all federally and state listed salmonids (Chinook salmon, coho salmon and steelhead).

The Policy should be consistent with the all goals in the Recovery Strategy for California Coho Salmon (2004) which was developed by stakeholders (including SWRCB, CalTrout, California Cattleman's Association and California Farm Bureau representatives), finalized by the Department of Fish and Game (DFG) and formally adopted by the Fish and Game Commission. The following specific Range Wide actions must be addressed in the Policy:

- 7.1 Streamflow: RW-I-B-01, RW-I-D-01, RW-I-D-02, RW-I-D-06, RW-I-D-08.
- 7.2 Water Rights: RW-II-A-01, RW-II-A-02, RW-II-A-04, RW-II-A-05, RW-II-B-01, RW-II-B-02, RW-II-B-03.
- 7.3 Fish Passage: RW-III-A-02, RW-III-C-01.
- 7.6 Water Temperature: RW-X-B-01.
- 7.10 Habitat Fragmentation: RW-XVI-B-01, RW-XVI-B-02.
- 7.11: Competition: RW-XVIII-A-03.
- 7.16 Public Outreach: RW-XXVIII-B-01.
- 7.17 Integration with Other Plans and Programs: RW-XXX-B-06, RW-XXXI-A-02.
- 7.18 Permitting: RW-XXXI-B-07.

1976 Archer Road, McKinleyville CA 95519  
**Phone:** (707) 839-1056 **Fax:** (707) 839-1054 **E-mail:** [caltrout@sbcglobal.net](mailto:caltrout@sbcglobal.net)

7.19 Watershed Planning: RW-XXXII-B-02.

7.20 Enforcement of Existing Laws: RW-XXXIII-A-01, RW-XXXIII-A-02, RW-XXXIII-A-03, RW-XXXIII-A-04, RW-XXXIII-A-05, RW-XXXIII-A-08.

The Policy should exceed the Joint DFG/NMFS Proposed Guidelines (2002). It should be consistent with the Water Code, particularly Section(s) 13140, 13141, 13142, and 13146; the Clean Water Act; the California Endangered Species Act; the federal Endangered Species Act; and the California Environmental Quality Act. This includes any permitting that would occur under the "watershed" approach or any proposed group action to meet Policy standards. While watershed planning is desirable any group permitting should be discouraged as individual responsibility must be clearly identifiable and required.

The Policy should include full *enforcement* of existing law including a credible compliance, monitoring and enforcement program for any and all Policy components. It should ensure all illegal diversions are stopped and fully mitigated including removal of all illegal diversion and storage facilities. In order to accomplish this SWRCB must bolster enforcement capabilities.

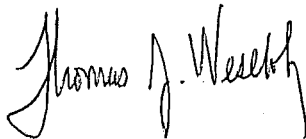
Pre-1914 riparian rights and groundwater use should be monitored and addressed. Universal monitoring and reporting of stream flows should be required with all diversions gauged. Adequate minimum bypass flows for adult and juvenile fish passage should be required at all times and fish migration must not be impeded by instream dams. Bypass flows must protect all natural stream functions.

The Policy should include a plan for adding streams to the "Declaration of Fully Appropriated Streams" for all streams that are already over allocated.

The Policy should include a full review every five years.

Thank you for the opportunity to comment on the *Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams*. The future of our anadromous fishes is in your hands. We appreciate your consideration of our comments.

Sincerely,



Thomas J. Weseloh, Northcoast Manager