

## **Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams Status Update – December 2008**

The State Water Board released the Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams in December 2007. The public comment period ended on May 1, 2008. Over six hundred comment letters were received. In August 2008, the State Water Board held two public workshops to discuss the AB 2121 Draft Policy. One workshop was held on August 5 in Ukiah, and the second was held on August 6 in Santa Rosa.

Major comments included the following: (1) consider rebalancing the policy with respect to the amount of water allocated for fish versus the amount of water available for diversion; (2) consider adding detail to the watershed approach section; (3) consider an exemption for small projects; (4) consider changing the start of the diversion season from October 1 to December 15; (5) consider disincentives for existing illegal diversions; (6) consider incentives for stewardship projects; (7) consider additional guidance for site specific studies; (8) consider implementing a monitoring program to assess policy effectiveness; (9) consider a policy exemption for all streams that have previously established minimum instream flow requirements for the protection of fish; and (10) consider implementing the policy on a trial basis before adopting.

Division of Water Rights staff is evaluating the comments received, preparing a response to comment document, and planning revisions for the draft policy. Division staff is also preparing an analysis that evaluates how alternatives to the proposed regional criteria may affect the amount of water available for diversion, and the relative protectiveness of those alternatives to fish habitat. Additionally, Division staff anticipates Trout Unlimited, the law firm of Ellison, Schneider, and Harris, and the engineering firm of Wagner & Bonsignore will be providing a technical supplement to their May 1, 2008 joint comment letter. Division staff plans to bring the revised policy to the Board for consideration in mid-2009.