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Gordon Bennett
40 Sunnyside Dr, Inverness CA 9493
415-663-1881
gbatmuirb@aol.com

April 25, 2008

State Water Resources Control Board
Attn: Ms. Karen Niiya or Eric Oppenheimer
PO Box 2000, 1001 I Street, 14th floor, Sacramento, CA 95812

Re: Policy for Maintaining Instream Flows in Northern California Coastal Streams

Dear State Board:

We are writing to concur with the points raised by our colleagues in the Sierra Club Redwood Chapter's 8/25/06 comment letter and to add additional Marin-specific points.

Marin's Tomales Bay watershed supports one of the State most important and successful Coho recovery efforts in spite of having over half the length of its salmon creeks cut off behind dams. In response to these dams, State Board Order WR 95-17 noted that (permitted) *"water development in the Lagunitas watershed has reduced annual flow into Tomales Bay by over 30,000 AF out of a total average unimpaired run-off of approximately 94,000 AF."* Yet Table ES-1 shows that Marin also has another 180 unauthorized on-stream dams holding 18,033 Acre-Feet (5,876 Million gallons) of creek water. The authorized and the unauthorized impairments together now total almost 62% of the watershed's rainfall, yet we have recently found that local agencies are researching methods to impair even more rainfall.

The 4/3/08 Point Reyes Light reports that the Marin Resource Conservation District held a December workshop on the "Yeoman Program" (www.yeomansplow.com.au/ and www.keyline.com.au/). The websites state "Yeomans... pioneered...the use of on-farm irrigation dams in... a system of amplified contour ripping that controlled rainfall run off and enabled the fast flood irrigation of undulating land with out the need for terracing." Such a watershed-wide fenceline-to-fenceline contouring designed to withhold water has the potential to significantly add to the existing 62% impairment and diminish in-stream flows throughout the Watershed even if no further instream dams are constructed. It is not clear that your regulatory proposal or our creeks are equipped to deal with the Yeoman Program. Nor is it clear that your regulatory proposal adequately deal with diversion of creek underflows and riparian diversion rights.

We do, however, appreciate the watershed level approach and would suggest a prioritization of incentives to those watershed councils that have the highest percentage of water users at the table. In this regard we wish to suggest that the Tomales Bay watershed Council should be high on the list.

Gordon Bennett

Sierra Club Marin Group

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