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 DIVISION OF WATER RIGHTS
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April 29, 2008

To: Karen Niiya, Senior Engineer
 Division of Water Rights
 State Water Resources Control Board
 1001 I St., 2nd Floor
 Sacramento, Ca. 95814

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

Dear Ms. Niiya;

The Willits Environmental Center is a signatory to comments submitted by Patrick Higgins, Consulting Fisheries Biologist. The following comments are in addition to those of Mr. Higgins.

The Environmental Center supports the intent of the State Water Resources Control Board, Division of Water Rights, which is to administer water rights in a manner that protects fish and fish habitat on northcoast streams. We are prepared to assist the State toward that end. We were surprised and extremely disappointed that, at the Instream Flow workshop held in Mendocino County last Tuesday, April 22nd, our County Board of Supervisors failed to acknowledge that they or their constituents had any role to play in protecting the fish in Mendocino County's streams. We can assure you that the members of the Willits Environmental Center and other organizations and individuals in Mendocino County actually do care that there is sufficient water in our streams to protect fish, and understand that our land use decisions have a major impact on the success or failure of salmonid survival in Mendocino County streams.

I have enclosed a copy of a petition that is being circulated from Mendocino County residents to our Board of Supervisors urging them to be a part of the solution. We hope that this and other communications with our Supervisors will awaken them to the crisis of salmonid survival that has precipitated the issuing of this Draft Policy.

Our comments and criticism of the Draft Policy are detailed in Mr. Higgins' comments, but in brief, we feel that the Policy as written still allows for potentially damaging diversions. Also, it does not propose a funding mechanism for the State Water Resources Control Board or any other State Agency to adequately gather and analyze data or to enforce the Policy. The Draft Policy does not include the Eel River, where the longest runs of coho salmon in North America are still hanging on by a thread; the Policy does not apply to the backlog of water right applications; the Policy does not address the issue of summer bypass flows to maintain coho and steelhead rearing habitat; the Policy leaves too much of the baseline data gathering and analysis to the diverter, a job which cannot and will not be done reliably by the public and which should be done by the SWRCB or another appropriate Agency or Department ; and the Policy ignores the thousands of illegal diversions, from portable pumps floating on tires in class I, II and III streams throughout the region all summer long, to onstream dams.

As an indication of the concern about the survival of our fisheries and the widespread understanding that streams are being over drafted, the Mendocino County Sheriff has indicated, through personal communication, that he is prepared to send deputies into the field to seize illegal diversion devices. Despite our Supervisor's present failure to recognize their responsibility in protecting endangered species, we the people, the Sheriff's Department and our State representative (see enclosed editorial from Senator Patricia Wiggins), are prepared to work with the SWRCB/DWR on a policy to save our fishery. We are not prepared to let the salmon and steelhead go extinct in Mendocino County, and we fully recognize our responsibility to adapt our land use and restrict our water diversions so as to accommodate fish.

Thank you for participating in Mendocino County's workshop.

Sincerely,



Ellen Drell, for the Willits Environmental Center

SAVE OUR STREAMS

PETITION

We, the undersigned citizens of Mendocino County, urge the Board of Supervisors to support the primary objective of the State Water Resources Control Board Division of Water Rights Draft Instream Flow Policy for northcoast streams, issued December 2007, which is to administer water rights in a manner that maintains sufficient water flows in streams needed for the protection and restoration of fish and fish habitat. We further urge the Board of Supervisors to strengthen the Draft Policy by including in that Policy the following:

- 1) the inclusion of the Eel and Klamath Rivers in the Policy, as these rivers have the greatest potential for fish recovery, and suffer the greatest abuse;
- 2) limiting all new water diversions to the rainy season beginning December 15 and ending March 31 as recommended by the California Department of Fish and Game and the National Marine Fisheries Service;
- 3) prohibiting any new unpermitted riparian water rights;
- 4) restoring summer and fall flows sufficient to maintain and/or restore anadromous fisheries to northcoast streams;
- 5) a call for the investigation and possible removal of all illegal and unauthorized impoundments and diversions;
- 6) requiring the Water Rights Division, not the water right applicant, to obtain the data necessary to determine water supply availability including stream flow data, rainfall data, senior water rights locations and descriptions, and the extent of existing and historic anadromous fish runs in the Policy area;
- 7) ensuring that funding is available to the Water Rights Division to gather the necessary data, including the installation of stream gauges throughout the Policy area, and to carry out all monitoring and enforcement functions needed to ensure that data is current and accurate, that diverters are complying with the terms of their contracts, and that streams are free of illegal impoundments and diversions;
- 8) that the Policy be expanded to address the impacts of riparian rights, and the impacts of ground water wells within the zone of stream underflow, on instream water flows and riparian habitat.

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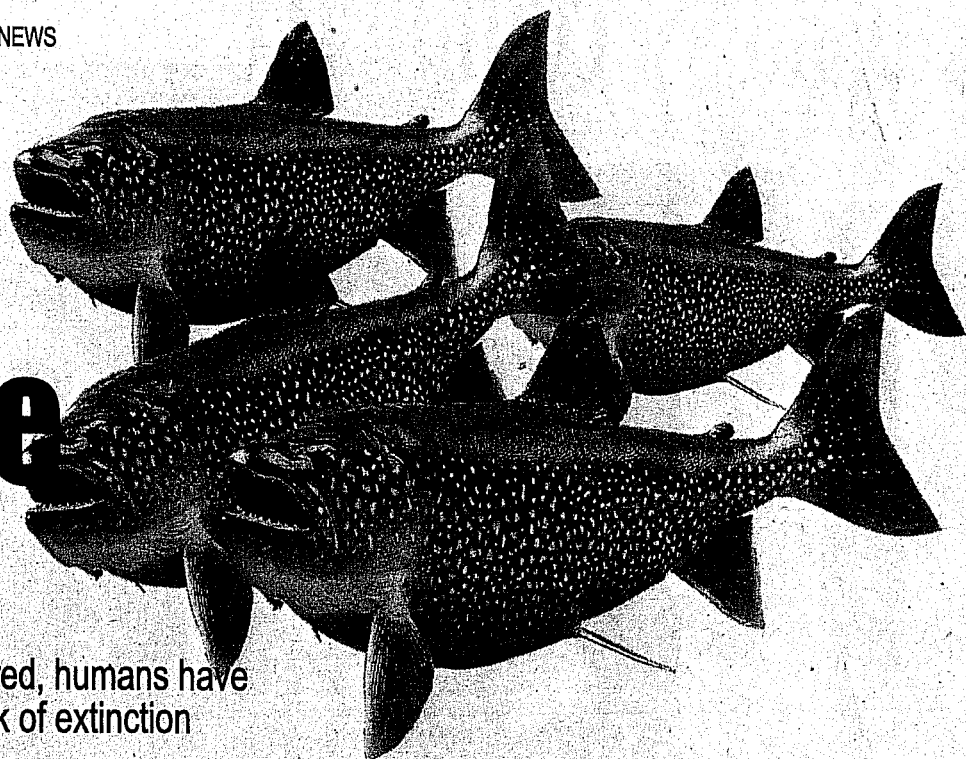
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COMMENTARY

Part of the problem



From super-abundant to endangered, humans have brought the salmon to the brink of extinction

By PATRICIA WIGGINS

There is a paradox about salmon: we love them, but we are part of their problem.

We love them as an important food, as the base of fishing economies, for sport recreation, and as symbols of fresh water and renewal. But we harvest them, dam, pave and pump their streams, pollute their water and mix their gene pool with hatchery fish.

Then there's global warming and changing ocean currents.

When we look at Central Valley Spring Run salmon decline, we look back to the 1990s and realize, shocked, that the populations have crashed by over 90 percent. Estimates may make that 95 percent or worse.

But that only looks at a few years. We don't like to acknowledge that less than two centuries ago, the fish were so plentiful they supported cultures. They were so abundant, in fact, they could be harvested with pitchforks. The run of fish supported animals, the soil and plants, and were a significant wild ocean resource as well.

Now the runs are on the ropes, and wild salmon will be disappearing from our plates, as well as our rivers, for the next couple of years...at least.

The problems that salmon, as a group of species, have encountered are epic. They include loss of habitat, fishing in the ocean, changing ocean and inland conditions, less water, more pollution and predation from other marine life. In addition, we have introduced hatcheries into the life cycle of the fish.

Our runs are hatchery-dominated, with survival and pathogen issues plaguing the raised fingerlings. The hatcheries stand with the dams, the mitigations for cutting off spawning habitat, adding up to

hundreds of miles of major rivers and thousands of miles of tributaries, the small streams where fish reproduce.

Ocean-farmed fish are not a solution. There are so many problems of disease, escapement and pollution that California doesn't allow factory salmon farms in state waters.

The problem of salmon collapse is not restricted to the Central Valley. We have lost significant salmon and steelhead runs in the Russian, the Eel and the Klamath Rivers as well, creating economic disasters for fishermen and the sport-fishing industry. Emergency relief funding will only last so long, and we cannot support the fishing community on handouts from the government (nor do they wish to be supported in this way).

On April 1, the Senate passed my bill (SB562) to support salmon monitoring and restoration with nearly \$5.3 million. This money, which may enable our state to secure up to \$20 million in federal matching funds, will go to basic science and the repair of specific problems on creeks and rivers. It is an investment in this resource.

But we will need more than simple patience and investment to get salmon back to respectable runs. We will need cooperation from fishermen, farmers, water users, the tribes, power companies, the governor's office and the Legislature to find an effective path to recovery.

We also need help from every citizen to "think at the sink" and "use your brain at the drain," and not introduce oil, detergents and chemicals into our waters.

No less than recovery is necessary for our fishing and sport-fishing economy, for our responsibility to the species, and to have great tasting, healthy wild salmon as part of a continuing California tradition.

ABOUT THE AUTHOR: Patricia Wiggins represents California's 2nd Senate District, which includes portions or all of six counties (Humboldt, Lake, Mendocino, Napa, Solano and Sonoma). She also chairs the Legislature's Joint Committee on Fisheries and Aquaculture.