

From: "James Mooney" <jkmjrsf@aol.com>
To: "Karen Niiya Senior Engineer" <AB2121Policy@waterboards.ca.gov>
Date: Wed, Apr 16, 2008 4:56 PM
Subject: Comment Letter - AB 2121 Policy

James Mooney
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Oakland, CA 94609-3117

April 16, 2008

Karen Niiya Senior Engineer
Division of Water Rights
1001 I Street, 2nd Floor
Sacramento, CA 95814

STATE WATER RESOURCES
CONTROL BOARD
2008 APR 16 PM 5:00
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.

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

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.

Last, what you are doing will be the equivalent to a "taking" of private policy without compensation.

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,

James Mooney
510-465-5800