

From: "Peter Nissen" <nissenvyds@aol.com>
To: "Karen Niiya Senior Engineer" <AB2121Policy@waterboards.ca.gov>
Date: Wed, Apr 16, 2008 5:10 PM
Subject: Comment Letter - AB 2121 Policy

Peter Nissen
President, Napa County Farm Bureau
Nissen Vineyard Services Inc.
3255 Bennett Lane
Calistoga, CA 94515-9725

April 16, 2008

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

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.

The State Board failed to provide proper notice of the proposed policy to the hundreds of impacted farmers.

The Draft Policy not only fails to relieve the backlog of pending water rights applications, it further complicates an already cumbersome process.

By attempting to apply specific criteria across a very diverse region, the Draft Policy will force the majority of pending applications to perform site-specific studies or to seek exceptions.

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.

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,

STATE WATER RIGHTS
CONTROL BOARD
2008 APR 17 PM 5:00
DIV OF WATER RIGHTS
SACRAMENTO

Peter Nissen
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President, Napa County Farm Bureau
Nissen Vineyard Services Inc.