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STATE WATER RESOURCES CONTROL BOARD
2008 APR 18 AM 11:32
DIV OF WATER RIGHTS
SACRAMENTO

April 16, 2008

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Karen Niiya, Senior Engineer
Division of Water Rights
State Water Resources Control Board
10011 I Street, 2nd Floor
Sacramento, CA 95814

Subject: Comment Letter – AB2121 Policy

Dear Ms. Niiya:

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Thank you for the opportunity to comment on the Instream Flow Policy Draft under consideration. Marin Conservation League (MCL) is a 501(c)3 organization whose mission is to support the protection and restoration of the environmental resources of Marin County.

We support the policy and intent as stated in *Policy for Maintaining Instream Flows in Northern California Coastal Streams, December 2007*. Residential and agricultural withdrawal of water resulting in lessening of stream flow have exacerbated the functioning of the streams including the needs of fish, some of which are listed as endangered or threatened.

Members of MCL's Creeks, Wetlands, and Watersheds Committee, commend you for the level of scientific discussion for the decisions about the policy. We have had some experience with some of the issues. Our local watershed groups are actively involved in preservation and restoration of fish habitat, for example. We will not comment on the technical formulas. We do observe encroachment of the built environment into streamside areas, pumping from the streams, wells in the flood plain that lower the groundwater table, citizen groups removing all woody debris on "clean-up" days, and the negative environmental effects from lack of attention to cumulative actions.

We draw your attention to a successful effort to get cooperation from streamside agricultural operations to address the problem of the cumulative effects of withdrawals and season of withdrawals. The Pine Gulch Creek Farms and the National Park Service working with the county and environmental groups have forged an agreement in which Pine Gulch Farms voluntarily agreed to forego their summer riparian water rights in exchange for a certain amount of winter diversion of water into holding ponds. We urge the Water Board to develop innovative incentive programs for streamside property owners to help achieve constant minimum flows throughout the year.

Having enough water in the streams when it is needed for the fish is one goal of the policy. Withdrawing water at night, when water flow is greater, at a slow rate, has stopped intermittent dewatering of an Eskew Creek property owner. We commend to the Water Board the development of education and alternative tools for land owners and, very importantly, local planning and permitting agencies.

Thank you for your work and consideration of this important policy.

Yours truly,
Roger Roberts, President



Marin County's Environmental Guardian

A nonprofit corporation founded in 1934 to preserve, protect and enhance the natural assets of Marin County.