

## Water Rights Reform Action Alert!

The State Water Resources Control Board (SWRCB) Water Rights Division (WRD) has issued the *Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams*.

- The WRD study focuses on how much winter flow salmon and steelhead need for migration and spawning, but doesn't even discuss low summer and fall conditions that are known to be more limiting.
- No action is discussed regarding removal of more than 1771 illegal diversions and dams in the *Policy* area acknowledged in Appendices.
- The *Policy* does not cover the Klamath and Eel rivers, which have greater potential for fish recovery and greater identified water rights enforcement needs.
- The *Policy* does not cover riparian water rights, which do not require a Permit and, consequently, will likely confound any allocation planning.
- WRD ignores groundwater withdrawal in the *Policy* despite the fact that increased appropriative water rights permit difficulty or cost is likely to increase well use and that groundwater use is recognized as contributing to surface water depletion and loss of fisheries productivity in the region.
- The WRD has not enforced California Water Code § 1052, 1055, 1243, and 1375 leading to an epidemic of illegal dams that have dried up North Coast salmon and steelhead streams.
- The *Policy* fails to meet California Environmental Quality Act (CEQA) requirements of dealing with cumulative effects:
  - All the diversions acting together cause problems off site.
  - Changes due to land use have caused reduced water supply and water availability that need to be considered in Water Rights Permit issuance.
- The *Policy* proposes to use Watershed Groups to fund studies, assess flow availability, and mitigate all problems related to diversions, but these groups are defined as "a group of diverters in a watershed who enter into a formal agreement to effectively manage the water resources." *In other words, the WDR wants to turn water allocation over to diverters!*

*Comments by fisheries scientists Pat Higgins are on-line at:*

<http://redwood.sierraclub.org/action.html>  
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