March 22, 2010

State Water Resources Control Board
Charles Hoppin, Chair
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Public Comment Period and Notice of Adoption Hearing on Proposed Policy for Maintaining Instream Flows in Northern California Coastal Streams

Dear Chairman Hoppin:

Your Board released the revisions to its Draft Policy for Maintaining Instream Flows in Northern California Streams (Policy) on February 18, 2010 and scheduled an adoption hearing for April 27, 2010. The public is given only until March 26, 2010 to submit comments on the extremely complex 1,000+ pages of the revised Policy, supporting documents and responses to comments.

My farm property is 1,000 acres with 400 acres in cattle gazing and 15 acres of planted vineyard located within the Napa River watershed that will be impacted by the proposed Policy. This operation employs more than 10 people in Napa County. The policy does not appear to evaluate the secondary environmental and economic impacts that will result from the denial of permits for pending projects unable to meet the new criteria of the proposed Policy.

The proposed Policy does not explain how these new requirements would affect real world projects named in pending water right applications and petitions in the north coast. This effort will require many hours of hydrologic modeling by water resource engineers to understand how it will affect a specific pending project. It is our understanding that most reservoir projects will fail the regional criteria analysis and thus require site specific analyses, for which no clear indication is given as to how a pending project would be permitted.

Your Board recognized the need to provide the public additional information about the implications of the first draft Policy (2007) and held a technical staff workshop in the Policy region and a 70-day extension of time to comment. The 2010 revised draft Policy should be no different. There is inadequate information provided to the public and inadequate time to evaluate all of the ramifications associated with the proposed revised Policy in time for the March 26, 2010 comment submittal date. An extension of the comment period is necessary for the

regulated community to understand the environmental, economic and legal consequences of the proposed Policy and provide meaningful comments. Further, we believe it is inappropriate to hold an Adoption Hearing on April 27, 2010 without the benefit of public workshops where the public would have the opportunity to question the Board (or staff) about specific parts of the proposed Policy.

We respectfully request at least a 90-day extension to comment on the revised Policy, cancellation of the proposed State Water Board Adoption Hearing, and scheduling of one or more technical workshops on the revised Policy within the Policy region.

Sincerely,

David A. Garden

cc: Frances Spivy-Weber, Vice Chair
Tam Doduc
Arthur Baggett
Walter Pettit
Dorothy Rice
Victoria Whitney