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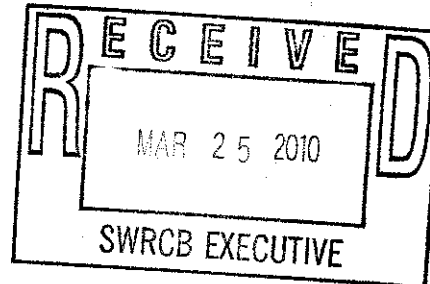
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Hillary Gitelman  
Director

March 25, 2010

Charles Hoppin, Chair  
c/o Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



[Transmitted via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) and Fax: (916) 341-5620]

**RE: Comment Letter – AB 2121 Policy  
Proposed Policy for Maintaining Instream Flows In Northern California Coastal Streams**

Dear Chairman Hoppin:

On February 23, 2010, Napa County received written notice of the State Board's proposed policy and hearing set for April 27, 2010. Because of the complexity of the proposed policy and the extent of potential impacts it could have on use of surface and groundwater within Napa County, the County Board of Supervisors would like to provide more detailed comments. However we will not have had sufficient opportunity to review and consider the proposed policy, its extensive supporting materials, and the technical merit of the complex compliance measures proposed by the April 27<sup>th</sup> hearing date. As a result, we are requesting a 60-day extension of time.

As noted in prior comments (dated April 22, 2008, and attached), Napa County is generally supportive of the proposed policy goals of the State Board's project, however we remain concerned about its implementation, the responsibility and capacity of rural land owners/managers to understand and comply with its requirements measures, the unknown consequences on the County's municipal surface water supplies, and the capacity of the State Board to effectively enforce the proposed policy.

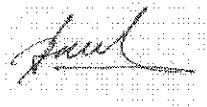
From a big picture perspective, the County is concerned that changes in how water is diverted and used will result in increased reliance on groundwater, which currently supports a \$9 billion agricultural industry and rural residential land uses. Given the complexity of the proposed policy and the uncertainty now facing water diverters, it is unclear what local impacts will result (e.g., diverters switching to groundwater resources adjacent to surface waters and the potential for dewatering). The proposed policy has yet to fully consider the present need and use of surface water, groundwater, and the effect additional

groundwater pumping will have, particularly in areas already identified as "groundwater limited/deficient" (i.e. those areas in overdraft).

The County would like to reiterate its request that any standards of compliance or measures of attainment resulting from this proposed policy be aligned with other policies/regulations that are currently approved or under development by the State and Regional Water Boards in our area (i.e., Region 1, 2 and 5), such as TMDL Implementation Plans, Basin Plan/Water Quality Control Plan Amendments, Waste Discharge Requirements an/or Waivers, and Wetland/Stream/Riparian Policies. Inconsistency among compliance, permitting, monitoring and reporting requirements will result in confusion, failure to attain policy goals and public/community discontent.

We look forward to continuing our work with the State Board and its staff throughout this very important process. Any questions regarding this letter or the County's prior April 22, 2008 comment letter should be directed to Patrick Lowe (707) 259-5937 ([patrick.lowe@countyofnapa.org](mailto:patrick.lowe@countyofnapa.org)) or Jeff Sharp (707) 259-5936 ([jeff.sharp@countyofnapa.org](mailto:jeff.sharp@countyofnapa.org)) on our staff.

Sincerely,



Hillary Gitelman, Director  
Napa County  
Conservation, Development and Planning Dept.

cc: Frances Spivy-Weber, Vice Chair  
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Walter Pettit  
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