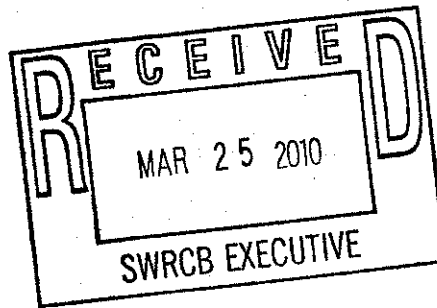




March 25, 2010

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Subject: Comment Letter AB 2121 Policy

The Lompico Watershed Conservancy has had considerable contact with the Central Coast Regional Water Quality Control Board. We have also commented upon State Board policy and filed an appeal to your Board is the past.

The underlying law in this case does not yet apply to streams south of San Francisco Bay. We have similar problems with water diversion and the same fish species (in most cases). Our Central California Coho salmon were extirpated from the largest watershed in the Santa Cruz Mountains during the 1986 to 1993 drought when stream flows in the lower San Lorenzo River gorge were reduced by water diversion up-stream. The fish could not make it through the gorge due to the low-flow conditions made worse by heavy, but permitted, water diversion. Coho vanished from the San Lorenzo River during this drought and are now nearly extinct south of San Francisco Bay.

At this point in history water diversion is probably the single most important factor in the looming extinction of California salmonids. The Department of Fish and Game has proven itself unwilling to effectively address this issue despite its legal mandate and authority to maintain stream flows. DFG management has repeatedly stood by as fish are destroyed by water diversion. For this reason, action by the State Board on 2121 implementation is probably a last hope for certain California salmon.

From experience with our Regional Board's, lax enforcement actions, lack of field presence, and lack of an internal agency determination to carry out the law, we consider matters of staffing and enforcement to be the two most important issues that this 2121 policy needs to address effectively.

The complexity of the problems with stream flow should not prevent your agency from stepping in aggressively. There will be many instances where multiple water diversions are impacting a salmon stream or river. In these cases the question of which diverter is most responsible should not be allowed to confuse this issue to a standstill. The data necessary to determine a maximum allowable rate of diversion for every permit will always be in dispute. The issue of new permits will in some cases be moot. Preventing water diversion during low flow conditions is especially important.

The text of the original 2004 legislation seems quite open ended. Nearly six years have passed. We are hopeful that the policy you are about to issue will actually lead to a recovery of stream flows for salmon species. Otherwise their extinction is virtually inevitable.

Regards,

Kevin Collins (signature on file)