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WATER RESOURCES CONTROL BOARD → 3415620

Trout Unlimited Public Workshop
March 17, 2005
hard cc: Board, Debbie Irvin

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SHEILA JAMES KUEHL March 15, 2005
CHAIR

Ms. Debbie Irvin
Clerk to the Board
State Water Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Petition of Trout Unlimited and Peregrine Chapter of the National Audubon Society Concerning Minimum Streamflows

Dear Ms. Irvin:

Last year I authored a bill, A.B. 2121, signed by Governor Schwarzenegger, that requires the Board to adopt principles and guidelines for maintaining instream flows in certain coastal streams in northern California. I believe that the issues raised by the referenced petition merit further consideration and action. The petition will also assist the State Water Board in the implementation of AB 2121.

As the petition explains, the beneficial uses and public trust resources of fish and wildlife in coastal streams in northern California counties from San Francisco Bay to the Mattole River (Marin, Sonoma, Napa, Mendocino, and southern Humboldt) will remain at risk of adverse impact without State Water Board guidelines and procedures in place to assure coordinated, timely, and effective regulation of water diversions in these important coastal streams. As the Board knows, almost 300 applications for new surface water diversions are pending in this region, some of which have been pending for almost a decade. Action on the petition will help establish a path forward out of this regulatory backlog. The petition, at its heart, proposes an open and collaborative effort to develop necessary guidelines and procedures. It will also help provide adequate protection of valuable public trust resources like salmon and steelhead, while still allowing diversions to meet consumptive use needs.

Action on the petition will also greatly assist the State Water Board in fulfilling its obligation under AB 2121 to adopt principles and guidelines for maintaining instream flows in certain coastal streams in northern California. This obligation must be met before January 1, 2007. Many of the recommendations in the petition and requirements in AB 2121 reflect basic improvements that will benefit the public. For example, AB 2121 requires the State Water Board to publish an annual chart of the pending applications for new diversions, including a description of status, proposed actions, and

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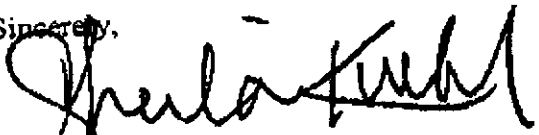
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proposed date for final decision. Such guidelines and procedures will serve to reduce the regulatory uncertainty that presently exists.

For these reasons, and the many others detailed in the petition, I encourage the State Water Board to embrace the recommendations proposed by Trout Unlimited and Peregrine Chapter of National Audubon Society, to develop an open and collaborative process to resolve the issues raised, and to bring efficiency to the regulation of applications for new water rights in this region.

Thank you for consideration in this matter. If you have any further questions, please feel free to contact Bill Craven of my staff at 445-5441.

Sincerely,



Senator Sheila Kuehl, Chair
Senate Natural Resources and Water Committee