



SIERRA CLUB

FOUNDED 1892

REDWOOD CHAPTER

404 Mendocino Avenue, Suite A
P.O. Box 466, Santa Rosa CA 95402-0466
(707) 544-7651 Fax: (707) 544-9861

April 12, 2005

Ms. Debbie Irvin, Clerk of the board
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
P.O. Box 2000
916-341-5342
Fax: 916-341-5400

Sacramento, CA 95812-2000

Re: Trout Unlimited and the Peregrine Chapter of the National Audubon Society's petition for timely and effective regulation of new water diversions in central coast streams

Members of the Board;

The Redwood Chapter of the Sierra Club supports the Trout Unlimited and the National Audubon Society's petition presented to the California State Water Resource Control Board, (SWRCB) and discussed at the March 17th public workshop.

Salmon now face a gauntlet of barriers on their epic journey from the stream to the sea and back again, including killer dams, degraded spawning areas, pollution, unnaturally warm water and inadequate water flow.

The Redwood Chapter of the Sierra Club represents 11,000 members in Northern California's coastal region. Our members have an interest in protecting salmon (and other anadromous) runs that are endangered and threatened throughout this region.

The Redwood Chapter of the Sierra Club encourages the SWRCB to accept the petitioner's offer to work with the SWRCB and other stakeholders to draft policies and administrative remedies that will address the litany of problems endangering in-stream flows in our Northern California coastal rivers.

At the public workshop on March 17, 2005, following the Trout Unlimited and National Audubon Society's presentation, the SWRCB's staff response acknowledged the validity of the petitioners' claims. It was clear to all that the petition depicts a realistic picture of the problems facing the SWRCB.

Governor Schwarzenegger signed AB2121 on September 30, 2004. This new law requires the SWRCB to adopt principals and guidelines for maintaining in-stream flows in central coast streams/rivers in accordance with State policy for water quality control for the purposes of water rights administration. This petition, further states, that in order to protect salmon and steelhead fisheries and other public trust values, reform of the water rights system is necessary.

- 9 2005
DWT

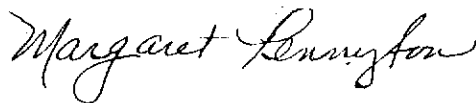
This petition's scope of influence includes many rivers within the Redwood Chapter including the: Petaluma, Napa, Russian, Navarro, Albion, Noyo, Ten Mile, Big River and others. Our members are active participants in stewardship for the health of these many coastal ecosystems found no where else in the world, known as the coastal temperate rain forest. These rivers are heavily impacted by sediment (have TMDL listings for sediment) and water diversions from past and present land disturbances. The Albion has been stated to have genetically 'pure' Coho salmon making it a 'refugia' for future restoration. The Napa River, a vital estuary in this region, is over appropriated due to massive water rights, off site wells and appropriations exceeding minimum flows to sustain anadromous life cycles. These coastal rivers are in jeopardy and are losing their sustainable flows. The SWRCB should take decisive and continuing action to remedy the situation.

During the workshop on March 17th the SWRCB Chairman, Baggett, and the hearing committee expressed willingness to consider the approach of the petitioners, but indicated the petition and AB2121 is an unfunded mandate and that their present resources are seriously constrained. It was also brought out at the hearing that State funding has been severely depleted for most California USGS stream flow gauges which are essential for conducting the agency's day-to-day work in collecting data on in-stream flows. The entire water rights and appropriation permit system and studies relating to these applications for water rights, are built upon knowledge of the current in-stream flows. These gauges must be in place and working to support the objectives set out in AB 2121.

The Sierra Club supports the comments submitted by, the National Marine Fisheries, the Department of Fish and Game and other individuals that presented at the March 17, 2005 workshop in favor of the petition suggesting recommendations on cost effective measures for dealing with some of the issues. For example, adopting the guidelines developed by National Marine Fisheries Service and the Department of Fish and Game where they stated the problems of cumulative impacts from numerous small diversions. Insufficient staffing is a primary issue that the SWRCB must address. The Sierra Club believes that the SWRCB in their response to the petition should acknowledge the facts of inadequate funding and submit a request to the legislature and to the governor for adequate resources necessary to properly address the mandate of AB 2121.

Trout Unlimited and the National Audubon Society's petition advocates for public trust resources with their concise and comprehensive petition in addition to their knowledge and expertise evident to develop this petition on these important issues. The Sierra Club welcomes the opportunity to join in this effort and subsequent discussion and requests that we be informed of the progress of the petition outcomes in order to have a seat at all tables. The Sierra Club seeks to protect and conserve fish, plants and wildlife that depend on healthy riparian and riverine habitats where adequate flows are essential to health of these resources and important to human quality of life and beneficial uses.

Very truly yours,



Margaret Pennington
Chair, Redwood Chapter of the Sierra Club

CC:

Governor Schwarzenegger

Assemblywoman Patty Berg

Senator Wes Chesbro

Congressman Mike Thompson

Roger Foote, Peregrine Audubon

Stan Griffin, N. CA President, Trout Unlimited

Trout Unlimited Mr. Charlton H. Bonham

National Oceanic and Atmospheric Administration

National Marine Fisheries Service
Bill Hern

National Marine Fisheries Service
Stacy Li

National Marine Fisheries Service
Steve Edmondson
Northwest California Supervisor

National Marine Fisheries Service
Northwest Regional Director
Bob Lohn

U.S. Fish and Wildlife Service

Ca. Depart. Of Fish and Game
Robert Floerke, Regional Manager

Ca. Depart. Of Fish and Game
Carl Wilcox

State Lands Commission
Chief Counsel
Jack Rump

State Lands Commission
Paul D. Thayer
Executive Office

State Water Resource Control Board
Celeste Cantu
Executive Director

State Water Resource Control Board
Craig M. Wilson, Chief Counsel

State Water Resource Control Board
Chief, Division of Water Rights

State Water Resource Control Board
Jim Kassel
Division of Water Rights

State Water Resource Control Board
Kathy Mrowka
Division of Water Rights

Resources Agency
Secretary Mike Chrisman

California Regional Water Quality Control Board
Central Coast

California Environmental Protection Agency
San Francisco Bay Region

California Environmental Protection Agency
Secretary Terry Tarmmienen

California Environmental Protection Agency
Law Enforcement and Counsel

Napa County Planning and Conservation Depart
Planning Director
Robert Lynch

Napa Resource Conservation District

Napa County Counsel
Robert Westmeyer

Sonoma County Permit and Resource Management Dept.
Department Head
Pete Parkinson

Sonoma County Council
Steven M. Woodside

Mendocino County Planning and Building Department
Raymond Hall

Mendocino County Council

Humboldt County Public Works Department

Humboldt County Council

Lt. Governor Cruz M Bustamante

Natural Heritage Foundation