

Welcome to the Public Scoping Meeting for the North Coast Instream Flow Policy Substitute Environmental Document (SED)

**Wednesday, August 16, 2006
3:00 – 5:00 pm / 5:30 – 7:30 pm**

- **Please take a moment to sign in. Be sure to indicate on the sign-in sheet if you would like to be added to the distribution list for the North Coast Instream Flow Policy.**
- **Two sessions are scheduled, from 3:00 to 5:00 pm and from 5:30 to 7:30 pm. The same information will be presented at both sessions. Each session will begin with brief opening remarks.**
- **Please visit the information stations located around the room. Each station is staffed by project representatives who are available to answer questions you may have about the policy, the policy formulation and adoption process, or the SED / CEQA process.**
- **Please visit our Comment Station to submit your written comments. You may also mail or email comments to the State Water Resources Control Board at the address provided on the comment form. All scoping comments must be received by August 25, 2006.**

Thank You for Attending!



Roles and Responsibilities of the State Water Board

The State Water Board consists of the Division of Water Rights, Division of Water Quality, and Division of Financial Assistance.

The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

The Division of Water Rights' mission is to establish and maintain a stable system of water rights in California to best develop, conserve, and utilize in the public interest the water resources of the State while protecting vested rights, water quality, and the environment.

The Division is responsible for:

- Allocating surface water rights;**
- Adjudicating water right disputes; and**
- Water quality control planning.**



North Coast Instream Flow Policy Background

Assembly Bill 2121 (Stats. 2004, ch. 943, § 3) added section 1259.4 to the Water Code.

“On or before January 1, 2008, the [State Water Resources Control Board] shall adopt principles and guidelines for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering northern San Pablo Bay, in accordance with state policy for water quality control . . . for the purposes of water rights administration.”

--Water Code section 1259.4

The State Water Board will comply with this section of the Water Code by developing a North Coast Instream Flow Policy.



North Coast Instream Flow Policy Background, Continued

The North Coast Instream Flow Policy may apply to the following:

- **Water right applications**
- **Small domestic use and livestock stockpond registrations**
- **Existing water right permits and licenses**
- **Petitions to change the place of use, purpose of use, or point of diversion of water right permits or licenses, including transfer petitions**
- **Petitions for extensions of time to complete water development projects**
- **Wastewater change petitions**
- **Water right complaints and enforcement actions**
- **Other State agency-issued permits**



The California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) – CEQA is a state statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

The adoption of a North Coast Instream Flow Policy (Policy) is a “certified regulatory program”, and therefore is exempt from the requirement to prepare an Environmental Impact Report or Negative Declaration. Certified regulatory programs, are, however, still subject to the other provisions of CEQA, including the policy of avoiding significant environmental impacts where feasible. Development of a policy will necessitate the preparation of a Substitute Environmental Document (SED) by the State Water Board.

SED – An SED is a public document. The State Water Board plans to include a discussion of the following topics in the SED for the North Coast Instream Flow Policy:

- a project description
- range of feasible alternatives
- analysis of environmental impacts
- analysis of cumulative impacts
- mitigation measures to minimize effects on the environment



CEQA, Continued

The project is adoption of a North Coast Instream Flow Policy. The policy itself will not approve any particular water diversion projects, but will operate to protect the environment by ensuring that water rights are administered in a manner designed to maintain instream flows. Adoption and implementation of a policy; however, could lead persons affected by such a policy to take the following actions:

- pumping groundwater instead of diverting surface water
- directly diverting under riparian rights instead of seasonally storing water
- ceasing diverting and allowing irrigated land to fallow
- removing or modifying onstream storage reservoirs
- constructing new offstream storage reservoirs

Potential indirect impacts from these future actions will be evaluated at a programmatic level in the SED. Potential indirect impacts may include:

- lower groundwater levels
- reduced instream flows during spring, summer, and fall
- loss of riparian vegetation/wetlands and associated impacts to dependent species
- increased water temperatures and fine sediment levels
- loss of agricultural resources
- loss of recreational opportunities
- construction related impacts, such as temporary noise and air quality impacts



Coho Salmon
Spawning Female



Steelhead Salmon
Spawning Male

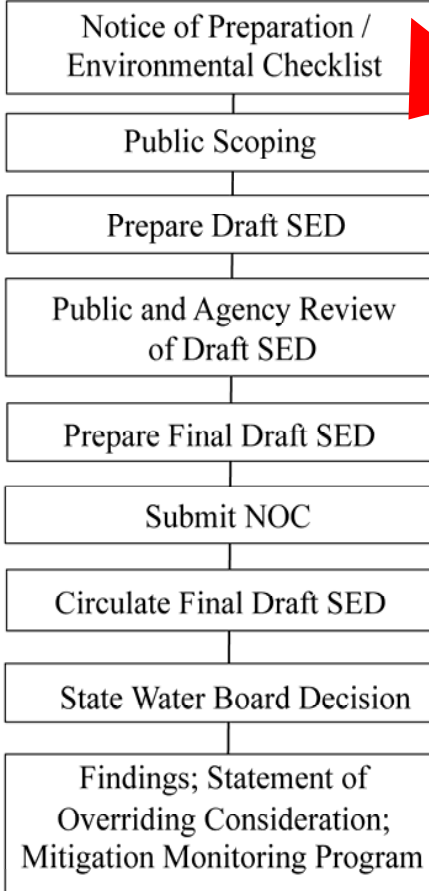


Chinook Salmon
Spawning Female



Public Involvement Opportunities During the CEQA / SED Process

CEQA / SED Process



August 16, 2006 – Public Scoping Meeting in Santa Rosa, CA

August 25, 2006 – Deadline for Agency / Public Scoping Comments

Summer 2007 – Public Review / Comment on the Draft SED / Draft Policy

- Availability of the Draft SED / Draft Policy will be announced in 2007 in local and regional newspapers and notification will be sent to those on the Distribution List.
- The Draft SED / Draft Policy will be available on the State Water Board website: http://www.waterrights.ca.gov/HTML/instreamflow_nccs.html
- The State Water Board will provide at least 45 days for public review of the draft SED. The 45-day comment period commences with the announcement of the availability of the Draft SED.

Summer 2007 – Public Workshop on the Draft SED / Draft Policy

Late Fall 2007 – Public Review Final Draft SED / Final Draft Policy

- Notification will be sent to those on the Distribution List
- The Final Draft SED / Final Draft Policy will also be available on the State Water Board website.

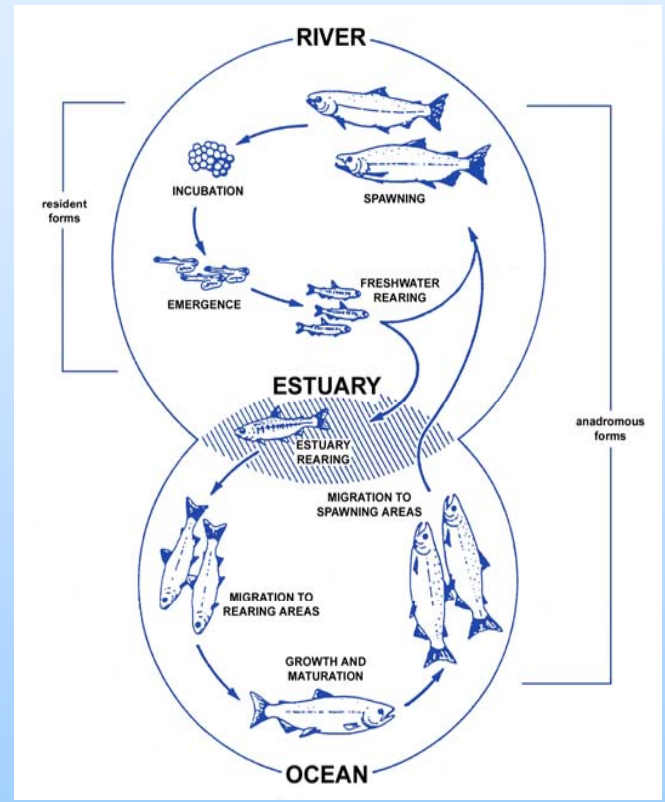
Winter 2007 – State Water Board Hearing / Adoption Meeting

While it is our goal to meet these dates, all dates are tentative and may be adjusted as circumstances dictate during the CEQA / SED process.



Generalized Freshwater Life Stages and Timing for North Coast Salmonids

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
COHO SALMON												
Upstream Migration												
Spawning												
Incubation												
Emergence												
Rearing												
Emigration												
STEELHEAD												
Upstream Migration												
Spawning												
Incubation												
Emergence												
Rearing												
Emigration												
CHINOOK SALMON												
Upstream Migration												
Spawning												
Incubation												
Emergence												
Rearing												
Emigration												



State Water Resources Control Board (SWRCB). Proposed actions to be taken by the Division of Water Rights on pending water right applications within the Russian River watershed. 1997.



Salmonid Habitat Requirements

(By Freshwater Life Stage)

Upstream Migration (Accessibility)

- Sufficient Flow, Water Depth, and Velocity (Not Too Fast Over Riffles)
- Frequency and Duration of Passage Events (Deep Enough Water For a Long Enough Time)
- Suitable Water Temperatures
- Holding/Resting Habitat

Spawning Habitat Availability

- Spawning Habitat Area
- Sufficient Depth, Suitable Velocity Range
- Suitable Substrates (Gravel), Low % Fine Sediments
- Influenced by High Flows

Incubation Conditions

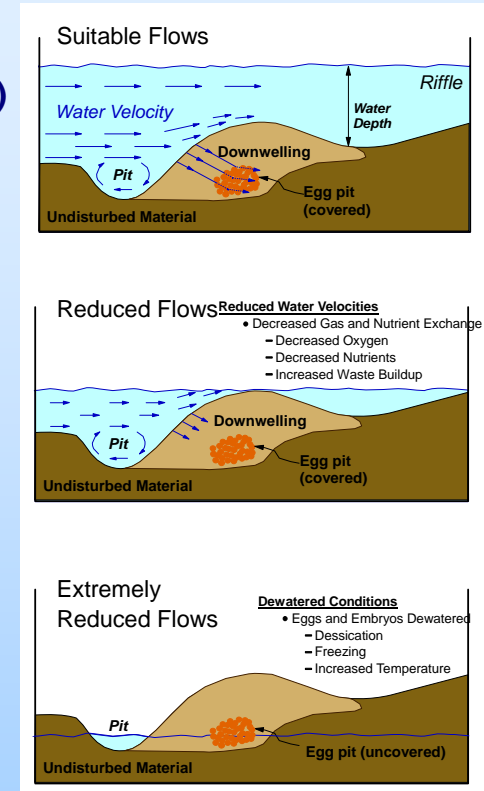
- Sufficient Flow and Velocity to Keep Embryos Wet, Deliver Oxygen, Remove Wastes
- Location of Redd and High Flow Effects on Infiltrating Fines, Scour
- Suitable Water Temperatures for Embryo Development and Survival

Rearing Habitat Quantity, Quality

- Sufficient Water Depth, Velocity
- Suitable Water Temperatures
- Instream Food Production/Bioenergetics
- Riparian: Overhead/Instream Cover and Nutrients/Food
- Habitat Structure/Diversity and High Flows

Emigration (Downstream Migration)

- High Flow Stimulus, Timing
- Suitable Water Temperatures and Smolting
- Cover/Refuge From Predators



Potential Impacts of Water Diversions on Salmonid Habitat

Water Withdrawal / Reduced Flows

- Insufficient Flow For Upstream Migration, Spawning, Incubation (Dewater Redds)
- Reduced Spawning Habitat
- Reduced Water Velocity (Reduced Inter-Gravel Flow, Changes in Distribution of Aquatic Insects)
- Dewater Streams in the Dry Season (Late Spring, Summer, Fall) and Reduce Rearing Habitat and/or Concentrate Fish/Increase Predation
- Changes to Springtime High Flow Cues/Stimulus - Delayed Migratory Movement of Fish
- Increased Summer Water Temperatures
- Changes to Natural Hydrograph/Peak Flow Reduction/Changes to Channel Forming Flows
 - Long-Term Changes to Channel Geometry and Riparian Ecosystem
 - Reduced Recruitment of Woody Instream Cover and Structure, Reduced Shading
 - Decreased Ability to Cleanse Fine Sediments From Gravels/Increased Sedimentation
- Entrainment of Fish on Pump Intakes

Onstream Dams

- Block Fish Passage / Diversion Structures May Physically Block Fish From Reaching Their Historical Habitats
- Eliminate Free Flowing Stream Habitat That May Support Fish or Aquatic Insects That Provide Food For Fish
- Trap Gravel/Interrupt Downstream Gravel Requirement at Spawning Sites, Interfere Aquatic Insect Drift
- Provide Habitat For Invasive Species



NMFS-DFG Draft Guidelines

In developing a North Coast Instream Flow Policy, the State Water Board will consider the Draft “Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Steams,” which were developed in 2002 by the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (DFG) (NMFS-DFG Draft Guidelines). In developing a North Coast Instream Flow Policy, the State Water Board plans to consider the NMFS-DFG Draft Guidelines and other feasible policy alternatives identified during the scoping process.

The NMFS-DFG Draft Guidelines apply to applications for small water diversions (direct diversions of three cubic feet per second or less, or diversions to storage of 200 acre-feet per year or less).

In general, the NMFS-DFG Draft Guidelines recommend:

- Limiting diversions to December 15 - March 31
- Maintenance of minimum bypass flows
- Protection of the natural hydrograph and avoidance of cumulative impacts
- No permitting of existing or newly constructed onstream storage reservoirs
- Providing adequate fish passage facilities and screened intakes where needed



Comment Station

The public scoping meeting provides you the opportunity to submit written comments concerning policy alternatives, potential environmental impacts, and mitigation measures that should be included in the Substitute Environmental Document (SED).

The State Water Resources Control Board will consider information and comments that are timely received.

YOU CAN PROVIDE COMMENTS IN EITHER OF THE FOLLOWING WAYS:

1. You may submit written comments at this meeting by using the form provided at the Comment Station.
2. You may mail or email comments to the State Water Resources Control Board at the address below:

Attn: Karen Niiya or Eric Oppenheimer
State Water Resources Control Board
P.O. Box 2000, 1001 I Street, 14th Floor
Sacramento, CA 95812-2000

FlowPolicy@waterboards.ca.gov

All scoping comments must be received by August 25, 2006.

