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August 30, 2006

Attn: Karen Niiya and Eric Oppenheimer  
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State Water Resources Control Board  
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STATE WATER RESOURCES  
CONTROL BOARD  
2006 AUG 31 AM 9:11  
DIV OF WATER RIGHTS  
SACRAMENTO

**Re: North Coast Instream Flow Policy (A.B. 2121)  
Substitute Environmental Document**

Dear Ms. Niiya and Mr. Oppenheimer:

As you may know, I was the author of A.B. 2121, which was signed into law by Governor Schwarzenegger. The law requires the Board to adopt principles and guidelines for maintaining instream flows in coastal areas in northern California. I am pleased to see that the Board has opened the scoping period and formally begun the work of adopting that instream flow policy.

For far too long, ineffective regulation of water diversions has threatened salmon, steelhead, and other important public trust resources. At the same time, the lack of adequate policies for maintaining instream flows has made processing new permit applications in the area very difficult. The Board's adoption of sound principles and guidelines for instream flows will be a strong first step toward the recovery of salmon and steelhead and reaching decisions on the backlog of pending applications.

At a minimum, the North Coast Instream Flow Policy must include scientifically based safeguards to protect instream flows, maintain a natural hydrograph, regulate destructive in-channel reservoirs, provide fish passage and screens where helpful, and guard against cumulative impacts resulting from multiple diversions. The policy must also include measures that ensure proper monitoring and compliance. I am pleased that the Notice of Preparation declares that the policy will include an enforcement element.

Thank you for your consideration. If you have any questions, please contact William Craven of my staff, at 916-651-4116.

Sincerely,



Senator Sheila Kuehl, Chair  
Senate Natural Resources and Wildlife Committee