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KYN

February 9, 2008

Ms. Karen Niya
Senior Engineer
State Water Resources Control Board
Division of Water Rights
1001 I Street, 2nd Floor
P.O. Box 2000
Sacramento, CA 95812-2000

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO
2008 MAY - 2 AM 11:07

Subject: "Comment Letter-AB2121 Policy"

Dear Ms. Niya:

This letter is in response to the State Water Resources Control Board's policy for maintaining in-stream flows in northern California coastal streams.

Your proposal requires that approximately 1,800 ponds, in the five counties that are affected by these regulations, be required to construct large channels to bypass a substantial percentage of water flowing to each pond, or to put in a system to put a substantial amount of water back into the Class I, II or III stream that it came from.

If each of these projects averaged only \$150,000.00 the total cost would be \$270,000,000.00. I suspect the cost for your proposal would be many times this conservative estimate. Your proposal will solve little, or nothing, except to impoverish the land owners that own ponds in these counties.

This is a one-size-fits-all solution, which perhaps addresses the smallest problem our northern California watersheds face, "low winter flows" and "keeping stream channels scoured during high flow events". Your plan does not address the main problems our streams and fish face in our northern California coastal streams:

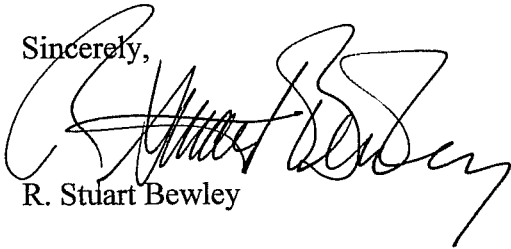
1. Warm water in summer months
2. Reduced summer flows
3. Live stock breaking down stream banks
4. Dirt in creeks smothering fish eggs (caused by poorly designed roads and erosion problems)
5. Riparian water users that pump water in the summer rather than storing winter flows in ponds

Your proposal will in fact endanger fish far more than it will help them. If your proposal is approved, you will have a vast majority of the 1,800 affected pond owners that will have only partially filled ponds. These land owners must find this water somewhere, so they will be forced to use their riparian right to draft water from the Class I and II streams that flow through their property or to drill wells near those streams to draw off underground water near the streams. This is the real problem California's fish now face and this plan will only make it worse.

Rather than suggesting an expensive solution to a non-problem, each watershed should be looked at on an individual basis in order to determine the unique problems they face. Each watershed is different and each will have its own solutions. For one watershed, it may require planting trees to shade the stream during summer months, on another a fence on both sides of the stream to exclude cattle, on a third digging wells rather than pumping from the creek in the late summer and early fall.

Your plan penalizes permit applicants for requesting water rights permits, without moving us towards a real solution to helping our environment and our threatened fish. You can do much better than this. If you are going to spend permit applicants money, please don't waste it on non-problems. Let's spend the money thoughtfully and wisely, and determine some truly effective ways of helping our coastal streams and fish to thrive.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Bewley", written over a printed name.

R. Stuart Bewley

RSB/hs