

March 30, 2007

STATE WATER RESOURCES
CONTROL BOARD

**WATERSHED MANAGEMENT APPROACH
FOR THE ADMINISTRATION OF WATER RIGHTS**

2008 MAY -1 PM 11:56

DIV OF WATER RIGHTS
SACRAMENTO

A. Overview of Watershed Management Approach

Watershed management and watershed-based approaches are well established concepts in water quality management and ecosystem restoration, but the watershed management approach is underutilized in water rights administration. Water rights applications have typically been processed individually rather than in groups of similarly situated applications. Traditionally, water rights permits and licenses tend to be implemented by water users and monitored by the SWRCB individually. A more holistic and collaborative approach to administering water rights is to utilize a watershed management approach. The goal of the watershed management approach is to satisfy competing environmental, land use and water use interests by taking advantages of opportunities to manage diversions collaboratively within a watershed, such as through cost sharing and coordination of diversions, that may not be available with the traditional approach. Under the watershed management approach, diverters could join together to develop local physical solutions to their watershed specific problems. For example, diverters could agree to coordinate management of their diversion schedules so that needed streamflows were maintained at particular points in a stream. Diverters could also share costs associated with developing data and monitoring conditions and could work together on projects that improved habitat at the most significant locations in the watershed, rather than only on their individual properties.

Because this approach would establish and enforce performance objectives for stream flows and other variables, which would be measured by actual stream conditions, the approach should be preferable for conservation. Because it would allow coordinated management and sufficient flexibility to achieve the watershed objectives in the most cost-effective manner, the approach should be preferable for water users.

The watershed management approach is an option which should be considered for all new permits in the North Coast region, and where appropriate, for coordination with existing permittees and licensees. The watershed approach differs from the traditional approach in that:

- Applicants will jointly conduct hydrological and biological analyses of the relevant watershed or stream reach, which will provide more comprehensive information and will reduce per-applicant costs;
- The watershed-specific analyses will enable the development of substantive instream flow performance standards for the specific watershed or stream reaches based on actual conditions and resource needs;
- The standards will be developed to address the most important issues in the watershed, in addition to the particular issues that may exist at the points of diversion;
- Applicants will be able to recommend and implement watershed management measures that could not be adopted in an application-by-application approach,

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such as off-site mitigation and equivalent protections, development of offstream ponds to store rainy season water (or creation of increased capacity in existing offstream ponds), and coordination of diversions with existing water diverters.

- Permit terms and conditions will take advantage of the cooperation of diverters to ensure performance of stream flow and other requirements at relevant locations in the watershed; and
- Monitoring compliance with watershed performance standards will be simpler and more informative than monitoring compliance with application-specific standards because it will be tied to actual conditions in the stream.

With the watershed management approach, water diverters in a watershed would work together to form an association or other management entity for water diverters specific to that watershed. The primary task of the management entity would be to develop and implement a scientifically sound and feasible watershed management plan that can be recognized by regulatory agencies as a workable approach to accomplish watershed goals and specific performance objectives. Elements of the watershed management plan would include goals, objectives and strategies for protection of beneficial uses, data collection and monitoring, development of physical solutions and adaptive management approaches, development of flow requirements for a watershed, and regular reporting to and oversight by the SWRCB and other regulatory agencies. Coordination and cooperation would also be required on a regional level, and with existing public agencies (local, regional, state, and federal) and other stakeholders. The watershed management approach is not intended to supplant legal requirements or regulatory enforcement; rather, it is an option that will provide a new mechanism to accomplish the goals and objectives of the law.

B. Mandatory Elements of the Watershed Approach

Procedurally and substantively, the watershed management approach differs from the traditional approach in a few basic ways.

- There must be a critical mass of applicants willing to jointly process their applications in a watershed management approach. The number of applicants and the watershed area must be sufficiently large to address the key issues affecting the watershed yet small enough to accomplish practical solutions. The geographic scope may an entire stream watershed, a distinct sub-watershed, or even a defined stream reach..
- Applicants should take advantage of opportunities to include existing water rights holders in the watershed management approach, such as rotation of diversions and moving existing summer and fall diverters to using rainy season water stored in offstream ponds.
- Coordinated hydrological and biological analyses of the watershed shall be prepared. At a minimum, the analysis shall examine water availability and the limiting factors affecting fishes.

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- Participants shall provide adequate funding to accomplish the management objectives and implement the plan on a specified time schedule.
- Participants shall agree that their diversions shall be watermastered, where appropriate, and that they shall share the costs of watermastering.
- The participants shall form or participate in a legal entity capable of accomplishing the necessary functions. The management entity might be an existing public agency such as a Resource Conservation District, or a new corporation or association, as appropriate.
- A watershed management plan shall be prepared that describes the enforceable management objectives and the watershed standards and the actions the participants will take to accomplish the objectives and standards.
- The watershed approach shall be coordinated with existing resource management entities.
- Compliance with the California Environmental Quality Act and other regulatory requirements shall be coordinated where practical.
- An enforceable monitoring and compliance plan shall be established and funded.
- The participants shall provide funding for stream gauging, monitoring, and studies.
- The participants will be bound by the new resource protection standards tailored to the watershed.
- The plans will provide opportunity to implement alternative actions that provide equivalent or better resource protection than the default standards. Examples may include fish passage improvements, stream shading, and shifting of existing spring, summer and fall diversions to the winter rainy season.
- The SWRCB must be able to find that the watershed standards provide equivalent or greater protection than would be provided by default resource protection standards that would be imposed on individual applicants under the traditional approach.
- Water rights permits must include terms and conditions requiring compliance with the watershed standards and the terms and conditions must be enforceable.

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C. Watershed Management Plans

Applicants must submit a basic agreement or watershed management plan to describe the watershed instream flow protection standards, how they will divert water consistent with the standards, and optionally, how they will coordinate their actions to achieve those standards. The management plan must be sufficiently detailed and enforceable to be included as permit terms and conditions or to allow the SWRCB to develop specific permit terms and conditions. The plan must address instream flow protection criteria and may include other alternatives that provide equivalent or more effective resource protection, such as non-flow or off-site physical measures.