



Barry Hoffner
181 San Carlos Avenue
Sausalito, CA 94965
415 331 0567
Barryh822@aol.com
(f) 415 480 1369

May 1, 2009

Ms. Dorothy Rice
Executive Director
State Water Resources Control Board
1001 I. Street
Sacramento, CA 95814

“Comment Letter – Joint Recommendations for the North Coast Instream Policy”

Dear Ms. Rice:

I appreciate, in advance, you taking your time to review my letter regarding the Joint Recommendations for the North Coast Instream Policy developed jointly by Trout Unlimited and Wagner & Bonsignore. This Joint Recommendation was developed in response to the substantial inadequacies of the Draft Instream Flow Policy developed by the staff at the State Water Board in response to AB 2121.

As you may be well aware, the Draft Instream Flow Policy would significantly harm a number of very small farmers, many of whom have been “doing the right thing” by paying significant costs (for engineering, consulting, processing fees) to obtain a water right. Many of these reservoirs, as in the case of the one on my property, were built many years (and owners) ago, are small in size, are in tiny watersheds, and divert a very small amount of water. Nonetheless, if the Draft Instream Flow Policy went through as proposed, it would force many of us to abandon our farms given the significant mitigation and surveillance costs involved (as estimated by your own draft). Despite this severe economic impact on our small farms, the amount of water saved is completely immaterial.

As a result, Trout Unlimited, no friend to us farmers and Wagner & Bonsignore (a consultant on water rights to many small farmers) were able to agree on a Joint Recommendation which helps to conserve a material volume of water by focusing on the large watersheds and water diversions. This is the kind of common sense proposal lacking in the Draft Instream Flow Policy. If the California State Water Board cannot advance a proposal agreed on by two parties on seemingly opposite ends of the issue of water rights for farmers, I fear the future for California’s small farming community.

I hope that the State Water Board will act on this Joint Recommendation as soon as possible. In my own particularly case, I bought my property about six years ago. The

reservoir was put in more than 20 years ago (three owners before me). The previous owner applied for the water right six years before I bought the property. Thus twelve years has gone by with both myself and the previous owner incurring substantial costs to keep our water right application up to date. This has to come to end at some point. I hope, in my case, this will mean that I can continue to operate our small farm.

Sincerely,

Barry Hoffner

A handwritten signature in black ink, appearing to be 'Barry Hoffner', with a long horizontal flourish extending to the right.