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COUNTY of NAPA

BOARD OF SUPERVISORS

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April 12, 2005

[Via Fax and First Class Mail]

Ms. Debbie Irvin
Clerk to the Board
State Water Resources Control Board
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Sacramento, CA 95812-0100
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Mr. Richard Roos-Collins
Natural Heritage Foundation
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5th Floor
Berkeley, CA 94704
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Mr. Charlton H. Bonham
Trout Unlimited
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Albany, CA 94706
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RE: Submittal of comments to workshop to consider a petition submitted by Trout Unlimited and the Peregrine Chapter of the National Audubon Society

Dear Ms. Irvin, Messrs. Roos-Collins and Bonham:

This letter is timely submittal of comments to the March 17, 2005 workshop held on the above-referenced petition. Napa, Sonoma, Mendocino, Humboldt and Marin Counties were named in the petition. The petition includes the following (summarized) claims that request action from the named Counties, the Department of Fish and Game and the State Lands Commission:

- 1) A coordinated response to the petition with the State Water Resources Board action as lead;
- 2) Adoption of an interagency Memorandum of Understanding for coordination of the named agencies' respective proceedings to approve or condition water diversions and related facilities or activities; and
- 3) A systematic investigation of central coast streams to identify unauthorized diversions.

These claims are listed with more specificity in paragraphs 198, 199, 209, 210 and 211 of the petition.

The petition is an attempt to implement provisions of AB 2121, for which compliance costs over the next three years were estimated to be \$7 million. It is interesting to note that in the Governor's signatory statement for AB 2121, he wrote in part: "The SWRCB should begin

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developing this policy only if the \$1.5 million transfer from the Resources Trust Fund to the SWRCB pursuant to the 2004 Budget Act is made. If adequate funding is not made available to the SWRCB, then the work should be postponed until funding is available. As part of the comprehensive effort to develop guidelines for water rights administration on northern California coastal streams, I urge the SWRCB to focus on the Russian River first. I am also concerned that the deadline in the bill is unattainable, even if adequate funding is provided, given the complexity and importance of adopting in-stream flow guidelines. I ask that the Legislature follow up next session with a bill to extend the deadline and provide additional funding as necessary."

Napa County embraces the objective of improving water quality and habitat in the Napa River and its tributaries and in fact has in place numerous programmatic and regulatory controls to protect and enhance the watershed. These include support for both public and private watershed efforts, such as:

- a model Napa River flood and floodplain management program;
- stormwater management regulations and related public education programs;
- a Watershed Information Center and Conservancy Board and on-line website to increase community education, outreach, coordination and stewardship capacity;
- a dedicated Wildlife Conservation Commission;
- numerous groups and individuals actively seeking and procuring conservation easements;
- support for local watershed stewardship efforts and voluntary restoration activities occurring on private lands throughout the Napa River basin; and
- public and private multi-organizational support of numerous watershed restoration projects amounting to significant federal, state and local grant funding each year, such as the Rutherford Dust Restoration Project currently underway along a 4.5+ mile length of the Napa River.

However, in light of the challenging financial climate within which we operate, Napa County respectfully objects to undertaking any actions requested by the petition to the extent they constitute unfunded mandates by which the County will incur compliance costs (including but not limited to County staffing costs for regulatory and enforcement activities) which may be necessary to carry out the petitioner's requested relief.

Respectfully submitted,



Diane Dillon
Chair, on behalf of the Napa County Board of Supervisors