



Sanctuary Forest

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April 14, 2005

Ms. Debbie Irvin
Clerk to the Board
State Water Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms Irvin,

On behalf of Sanctuary Forest, I am writing in response to a petition submitted by Trout Unlimited and the Peregrine Chapter of the National Audubon Society encouraging the State Water Board's adoption of principles and guidelines for maintaining instream flows for North Coast rivers and streams.

We support the petition and are very concerned about the low flow crisis at our home in the Mattole River headwaters and its dire impacts to endangered salmonids and community residents.

Sanctuary Forest is a land trust located near the headwaters of the Mattole River whose purpose is to conserve land for wildlife and fisheries habitat in the Mattole Valley and surrounding areas. Sanctuary Forest along with many groups and agencies including Mattole Salmon Group, Mattole Restoration Council, California Department of Fish & Game, California Wildlife Conservation Board, California Coastal Conservancy, California State Water Resources Control Board, Bureau of Land Management, and the community have worked for two decades to restore the health of the Mattole River and fisheries. Many successful restoration and habitat improvement projects have been completed with documented benefits to the fisheries. Then, in 1999 critically low summertime streamflows emerged as a new threat to the survival of the Mattole's endangered salmonids. The Mattole headwaters has been impacted by extreme low flows for the last six years. Scott Downie and Gary Flosi of the local Department of Fish and Game are very concerned about the threat of Mattole low flow conditions to salmonid survival. Scott Downie perceives the low flow condition to be the lightning rod issue that, if not solved, will overshadow all the fish habitat improvement work of the last 20 years. The Mattole low flow problem is recognized in the North Coast Watershed Assessment Program (NCWAP) report on the Mattole watershed, as well as in the *Recovery Strategy for California Coho Salmon*.

Sanctuary Forest researched potential causes and solutions to the Mattole low flow problem in 2004. During the low flow months of August through mid November human use was determined to be very significant. In the Sanctuary Forest report, "Options and Obstacles, Living with Low Water Flows in the Mattole River Headwaters," voluntary water conservation was determined to offer the greatest immediate benefit to stream flows. River flows in the Mattole headwaters were measured during the 2004 low flow season. On August 28, Mattole flows were measured at 0.1 cfs. Total human usage is estimated to be equivalent to 0.2 cfs in flows. Thus in the absence of human use the natural unimpaired flows would be 0.3 cfs. Water storage along with the cessation of human withdrawals has the potential to triple dry season flows with 100% community participation.

In order for water conservation and storage to be effective for streamflow improvement there must be a method for protection of conserved water from downstream users. Sanctuary Forest researched California water rights and found that the only instrument currently available for protection of conserved water is water code section 1707. However the Mattole water users are 90% riparian rights and a 1707 dedication does not protect conserved water from downstream riparian users.

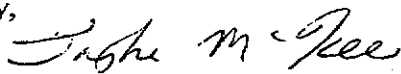
Our goal is to develop voluntary incentive based programs for landowners who are willing to forbear from water withdrawals during the low flow months. Sanctuary Forest is developing a voluntary water storage program whereby landowners would enter into a formal agreement that would restrict all water withdrawals during the dry months (August 1st through November 15th) and be compensated with a storage system that would become their personal property. The participating landowners would provide a public benefit by dedicating their seasonal water use to instream flows and receive assistance for developing the water storage capacity needed. This program will help improve streamflows in specific river reaches but will have limited effectiveness for downstream streamflow improvement because currently there is no protection of conserved water from downstream riparian users in California water law.

We request the SWRCB to consider the critical low flow problem of the Mattole and to take the following actions to assist with voluntary solutions for streamflow protection.

- Develop a mechanism to protect conserved water from downstream users in predominantly riparian streams.
- Quantify streamflows and seasonal water availability prior to issuing new water rights.
- Include seasonal water use restrictions for all new appropriative rights permits.
- Keep the Mattole streamflow gauges operating. (The long term data provided by the gauges is needed for all streamflow improvement measures and projects)
- Support incentive based programs for voluntary water conservation and storage.

We have received correspondence from the California Department of Fish and Game and other agencies, groups and concerned residents from North Coast rivers who have low flow problems similar to the Mattole and are faced with similar obstacles with regard to protection of minimum streamflows and dedication of conserved water for streamflows. We hope that the SWRCB will work collaboratively with the resource protection agencies, watershed groups and communities to help solve streamflow problems statewide.

Sincerely,



Tasha McKee
Stewardship Coordinator
Sanctuary Forest