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To: <commentletters@waterboards.ca.gov>
Date: 11/10/2010 7:45 AM
Subject: Comment letter - DRAFT Instream flow studies report by nov 10 12 noon

I would like to address the board re San Lorenzo river in Santa Cruz County, that it has been monitored for streamflow by the USGS since 1991.

Additionally, please allow public review and response to these questions/info:

1) NO AUTHORITY, REQUIREMENT OR NECESSITY FOR SWRCB TO DRAFT ANYTHING – SBX7 1 is only effective if SB 7 is inactive. SB 7 is currently “suspended.”

“Executive Summary

Chapter 5 of the 2009-10 Seventh Extraordinary Session (SB X7 1, Simitian) directs the State Water Resources Control Board (Board) to submit to the Legislature, by December 31, 2010, a prioritized schedule and estimate of costs to complete instream flow studies for two categories of rivers and streams, by two specific deadlines: high priority rivers and streams in the Delta watershed that were not covered in the Board’s “Final Report on Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem” by 2012; and 2) all major rivers and streams outside the Sacramento River watershed by 2018.”

The information in above summary is incorrect- no reason to impose 2018 timeline because, the actual txt in SB X7 1 states “The bill would require the State Water Resources Control Board to establish an effective system of Delta watershed diversion data collection and public reporting by December 31, 2010. The bill would require the board to develop new flow criteria for the Delta ecosystem, as specified [no provisions to change 2010 to 2018.] “The bill would take effect only if SB 6 and SB 7 of the 2009–10 7th Extraordinary Session of the Legislature are enacted and become effective.”

“CURRENT BILL STATUS S.B. No. 7 (2009-10 session)

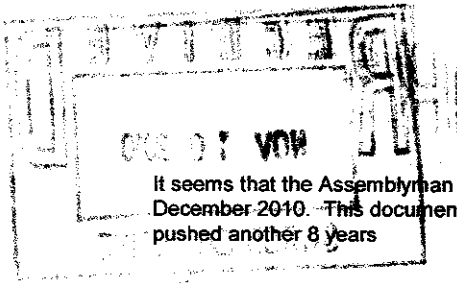
LAST HIST. ACT. DATE: 08/23/2010 LAST HIST. ACTION : Assembly Rule 69(d) suspended”

2) In April 2010, I noticed the “Final Report on Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem” omitted Santa Cruz county rivers, yet prior plans and information always included San Lorenzo river due to its ESA species (distinct populations of steelhead trout, ESA federal protection, so I inquired why the area was removed No one responded to my public comment email. Is the INSTREAM FLOW STUDY” supposed to be the response? I requested Santa Cruz County included in The DELTA PLAN. Now I read that the SAN LORENZO RIVER in Santa Cruz County has been included.

3) AT ONE TIME there was no separate categories of andromous species habitats, here new categories that have not described nor its necessity. Some rivers “outside” are on a lower priority ‘schedule’. Has there has been a change in preservation of protections for many rivers in the Delta Plan? The change has never been described, noticed, the reasoning, and the problem that created the need (which altered the timeline). Necessitation for alternatives is not described, nor its methodology. A strike out version is not found.

4) ENVIRONMENTAL JUSTICE issues is clearly a concern.

The non-affluent communities are placed on hold for protections (under the guise of reporting to and costs study report) that will move the legal requirement for reporting the success of the plan for another 8 years, where the more affluent and richer communities are served with protections immediately. Are the 1st priority areas going to utilize the money that was going to be spent on San Lorenzo river, on their report? The reporting was under promoted and political legislative change under the guise of “prioritized” protection, when protection and implementation was already in place and enough information has been gathered for studies. How about a TREND? What about CURRENT CONDITIONS? HOW WELL DID THE PLAN THAT WE USED TO BELONG IN WORK? Who made the decision for two types of water resource rivers? Did this decision remove protections already in place? Do you know if enforcement is possible under current political agendas?



It seems that the Assemblyman Simition may have changed the requirement that the regional water plan submit its full report by December 2010. This document creates a SECOND type of river (the type where the original report that was due DEC 2010 is pushed another 8 years)

5) OTHER AGENCY JURISDICTION NOT ADDRESSED.

There are a number of other agencies involved in planning for the region that includes: ABAG, AMBAG, CA COASTAL COMMISSION, CENTRAL COAST DISTRICT, State Water Resources Control Board (SWRCB). Specifically, ABAG was created in 1961 to protect local control, "will water supplies be sufficient?" is a question they have jurisdiction over. The plan must allow for other agencies to approve and promote cooperation "Through its role as an association of cities and counties, ABAG has been designated by the state and federal governments as the official comprehensive planning agency for the Bay Area. Its locally adopted Regional Plan provides a policy guide for planning the region's housing, economic development, environmental quality, transportation, recreation, and health and safety."

6) This unusual change in quality and protection is not compatible with the local General County Plan, and must include their approval. As is, cannot pass for local planning.

7) PROTECTIONS IN MY COMMUNITY ARE LOWERED, IGNORED, AND are WITHOUT DISCLOSURE BY THE OFFICIALS. NO CONFLICTS OF INTEREST ARE DISCLOSED, and is requested here.

8) IMPORTANT and NEW INFORMATION SHOULD BE UTILIZED AND MOTIVATE THE WATERBOARD TO PROTECT OUR STREAMS. Looks like we have industry personnel making decisions for the water board.

Report by USGS (please find report and read it, this is an abstract)

Daren M Carlisle, David M Wolock, and Michael R Meador. 2010. Alteration of streamflow magnitudes and potential ecological consequences: a multiregional assessment. *Frontiers in Ecology and the Environment* (e-View)

doi:10.1890/100053

Research Communications

Alteration of streamflow magnitudes and potential ecological consequences: a multiregional assessment

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Abstract Human impacts on watershed hydrology are widespread in the US, but the prevalence and severity of stream-flow alteration and its potential ecological consequences have not been quantified on a national scale. We assessed streamflow alteration at 2888 streamflow monitoring sites throughout the conterminous US. The magnitudes of mean annual (1980–2007) minimum and maximum streamflows were found to have been altered in 86% of assessed streams. The occurrence, type, and severity of streamflow alteration differed markedly between arid and wet climates. Biological assessments conducted on a subset of these streams showed that, relative to eight chemical and physical covariates, diminished flow magnitudes were the primary predictors of biological integrity for fish and macroinvertebrate communities. In addition, the likelihood of biological impairment doubled with increasing severity of diminished streamflows. Among streams with diminished flow magnitudes, increasingly common fish and macroinvertebrate taxa possessed traits characteristic of lake or pond habitats, including a preference for fine-grained substrates and slow-moving currents, as well as the ability to temporarily leave the aquatic environment.

9) OTHER LAWS WILL BE VIOLATED, IF THIS IS APPROVED, (also included are the agencies with the jurisdiction for consultation of this alteration in "SCHEDULE"). Finally, lacks a report of the Biological Resources and how will it achieve legal mandates imposed, such as:

-State/Local California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1)

CEQA Lead Agency Provide information concerning proposed water resources and water quality

protection (see Section ##)

-Federal Endangered Species Act of 1973, as amended; 16 USC § 1531 et seq.; 50 CFR parts 17 and 222

U.S. Fish and Wildlife Service (USFWS); National Marine Fisheries Service Protect and manage federally-listed species (

-Federal Migratory Bird Treaty Act USFWS Protect migratory birds and their nests (see Section ##)

Federal Clean Water Act of 1977; 33 USC § 1344; 30 CFR § 330.5(a)(26)

-U.S. Army Corps of Engineers Protect waters of the U.S. (see Section ##)

-State California Species Preservation Act of 1970; California Wildlife Preservation Act of 1990;

California Fish and Game Code §§900 – 903

California Department of Fish and Game (CDFG)

-State Native Plant Protection Act of 1977 CDFG Protect rare and endangered plants (see Section ##)

-State California Endangered Species Act of 1984, California Fish and Game Code §§ 2050 - 2098

CDFG Protect state-listed plants and animals State California Fish and Game Code §§ 3511, 4700, 5050, and 5515 CDFG No taking of fully-protected birds, mammals, reptiles, amphibians, or fishes

-Local Santa Cruz County Code § 16.32 (Sensitive Habitat Protection) Santa Cruz County Planning

Department. Comply with requirements to protect sensitive habitats (also part of the LCP)

-Local Santa Cruz County Code § 16.34 (Significant Trees Protection)

Santa Cruz County Planning Department Comply with requirements to protect SIGNIFICANT trees (also part of the LCP)

-Water Quality Federal Clean Water Act § 402; 33 USC §1342; 40 CFR parts 122 – 136

RWQCB, EPA Region IX As necessary, obtain NPDES permits for stormwater discharge and prepare SWPPPs for construction projects

-Federal Clean Water Act § 311; 33 USC §1321; 40 CFR parts 110, 112, 116, and 117

RWQCB, EPA Region IX, and California Office of Emergency Services

Report any prohibited discharge of oil or hazardous substances (see Section ##)

-state California Water Code § 13271 –13272; 23 CCR 2250 – 2260 RWQCB and California Office of

Emergency Services Report releases of reportable quantities of hazardous substances or sewage

Local Santa Cruz County Code §§ 7.38 (Sewage Disposal) and 7.78

(Preservation of Monterey Bay and Coastal Water Quality)

Santa Cruz County Planning Department Comply with regulations for protecting water quality (also part of the LCP)

-Local Santa Cruz County Code § 7.73

(Individual Water Systems) Santa Cruz County Planning Department Comply with regulations for protecting water resources (also part of the Local Coastal Program) (see Section ##)