



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5342  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>

## NOTICE OF PUBLIC WORKSHOP

### Workshop to Consider a Petition Submitted by Trout Unlimited and the Peregrine Chapter of the National Audubon Society

March 17, 2005 – 11:00 a.m.  
at Joe Serna, Jr. (Cal EPA) Building  
Sierra Hearing Room  
1001 I Street  
Sacramento, California

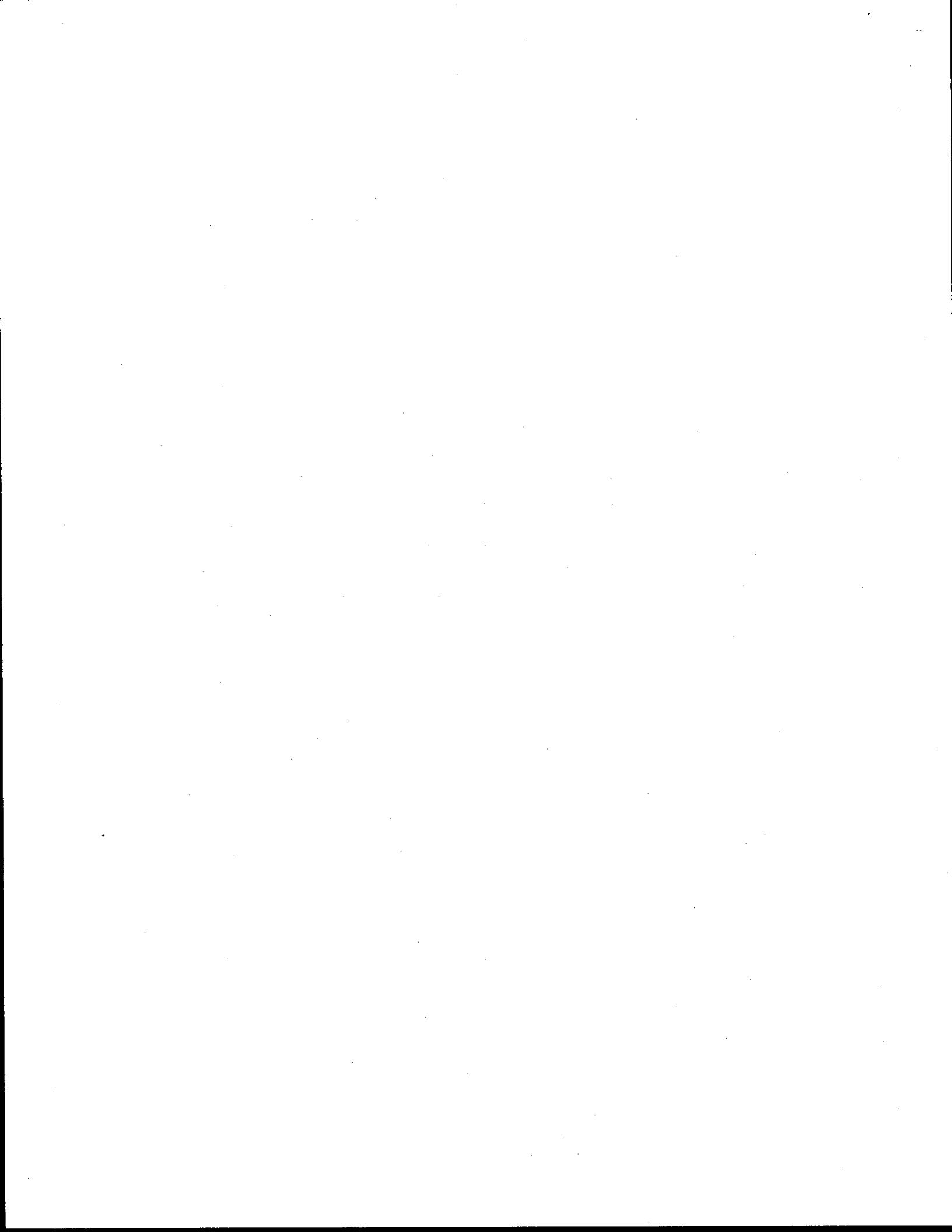
## SUBJECT OF WORKSHOP

The State Water Resources Control Board (State Water Board) will be holding a public workshop after the regularly scheduled Board meeting to discuss a petition submitted by Trout Unlimited and the Peregrine Chapter of the National Audubon Society.

## BACKGROUND

On October 27, 2004, two California conservation groups, Trout Unlimited and the National Audubon Society's Peregrine Chapter of Mendocino County (Petitioners), filed a petition with the State Water Board, California Department of Fish and Game (DFG), State Lands Commission and Sonoma, Mendocino, Napa, Marin and Humboldt Counties. The petition proposes the development of guidelines and procedures in order to assure coordinated, timely and effective regulation of water diversions in coastal streams from Marin County northwards to the Mattole River, including the Russian River watershed, as well as those streams in Napa County tributary to San Pablo Bay (central coast streams).

The petition is intended to assist in the implementation of AB 2121 (Stats. 2004, ch. 943) as signed by Governor Schwarzenegger on September 30, 2004. This law requires the State Water Board, on or before January 1, 2007, to adopt principles and guidelines for maintaining instream flows in central coast streams in accordance with State policy for water quality control, for the purposes of water right administration. AB 2121 also requires the State Water Board to annually prepare a chart of pending applications to appropriate water in the Counties of Marin, Napa, Sonoma, Mendocino, and Humboldt, describing the status of each application, the actions taken



in the preceding year, the proposed actions for the upcoming year, and the proposed date for final action on each application.

The petition asserts that in order to protect steelhead and coho salmon fisheries and other public trust values, reform of the water rights system is necessary. Further, the petition claims:

- 1) The State Water Board and the other State agencies named in the petition have not protected the public trust uses of the central coast streams against unauthorized diversions;
- 2) The State Water Board and the other State agencies named in the petition have not adopted adequate procedures for coordinated environmental review of water right permit applications and related permit applications;
- 3) The State Water Board does not have an adequate procedure to assure timely action on water right permit applications;
- 4) The State Water Board does not have an adequate procedure for consultation with responsible agencies in the preparation of environmental documents for its action on water right permit applications;
- 5) The State Water Board improperly exempts small domestic water uses and stockponds from environmental review of cumulative impacts;
- 6) The State Water Board does not have guidelines adequate to determine the existing diversions from central coast streams;
- 7) The State Water Board does not have guidelines adequate to establish water right permit conditions that protect and restore coho and steelhead fisheries in good condition;
- 8) The State Water Board does not have guidelines adequate to establish permit conditions for mitigation monitoring and reporting; and
- 9) The State Water Board does not take adequate enforcement actions to prevent or correct unauthorized diversions.

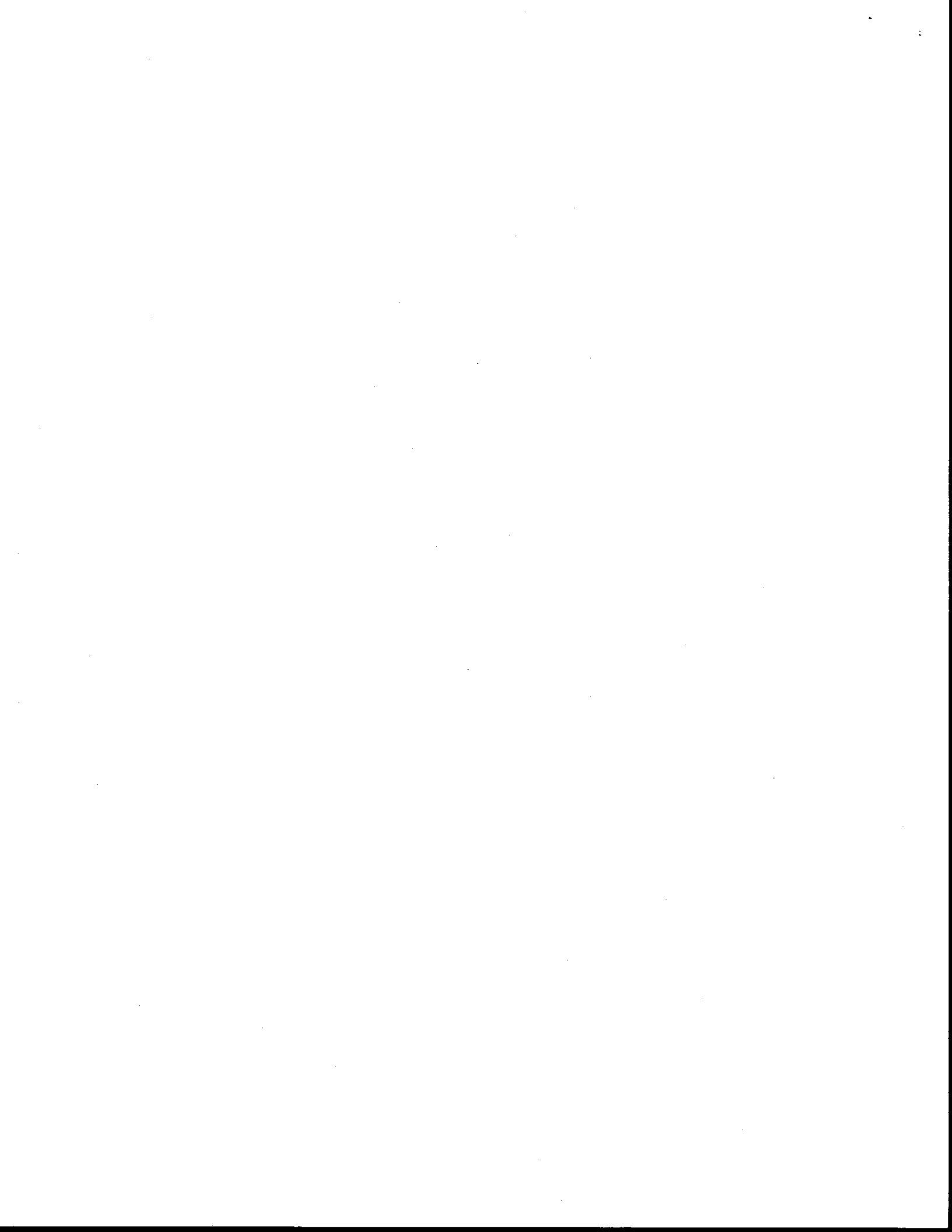
The petition includes additional claims against DFG, the State Lands Commission, and the five counties named in the petition.

The petition requests the following remedies from all agencies named in the petition:

- 1) A coordinated response to the petition with the State Water Board acting as lead;
- 2) Adoption of an interagency Memorandum of Understanding (MOU) for coordination of the 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.

The petition requests the following remedies from the State Water Board only:

- 1) Amendment of the State Water Board's standard MOU for preparation of California Environmental Quality Act (CEQA) environmental review documents on water right permit applications consistent with the interagency MOU;
- 2) Adoption of guidelines for the substantive review of water right permit applications that use as a starting point the 2002 guidelines for protection of fish prepared jointly by DFG and the National Marine Fisheries Service;



- 3) Adoption of a general time limit for the processing of water right permit applications on central coast streams not to exceed three years;
- 4) Enforcement actions and the use of enforcement procedures that effectively prevent or correct unauthorized diversions in the central coast streams; and
- 5) Adoption of regulations to ensure that small domestic use and livestock stockpond registrations comply with CEQA.

The petition requests additional remedies from DFG, the State Lands Commission, and the five counties. The complete text of the petition, including all claims against the agencies named in the petition and corresponding recommendations may be viewed at:  
[www.waterrights.ca.gov/coastal\\_streams/tupetition](http://www.waterrights.ca.gov/coastal_streams/tupetition).

### **PURPOSE OF WORKSHOP**

The purpose of this workshop is to: (1) provide the Petitioners an opportunity to describe their petition; (2) discuss whether the issues raised in the petition merit further consideration by the State Water Board; and (3) discuss the State Water Board procedures for evaluating the petition and coordinating a response with the other agencies named in the petition.

### **PROCEDURAL MATTERS**

This is an informal workshop. There will be no sworn testimony or cross-examination of participants. The State Water Board and its staff may, however, ask clarifying questions. A court reporter will be present. **Comments filed in response to this notice shall be submitted to the persons listed below. The State Water Board will accept written comments for a period of 30 days following the workshop.**

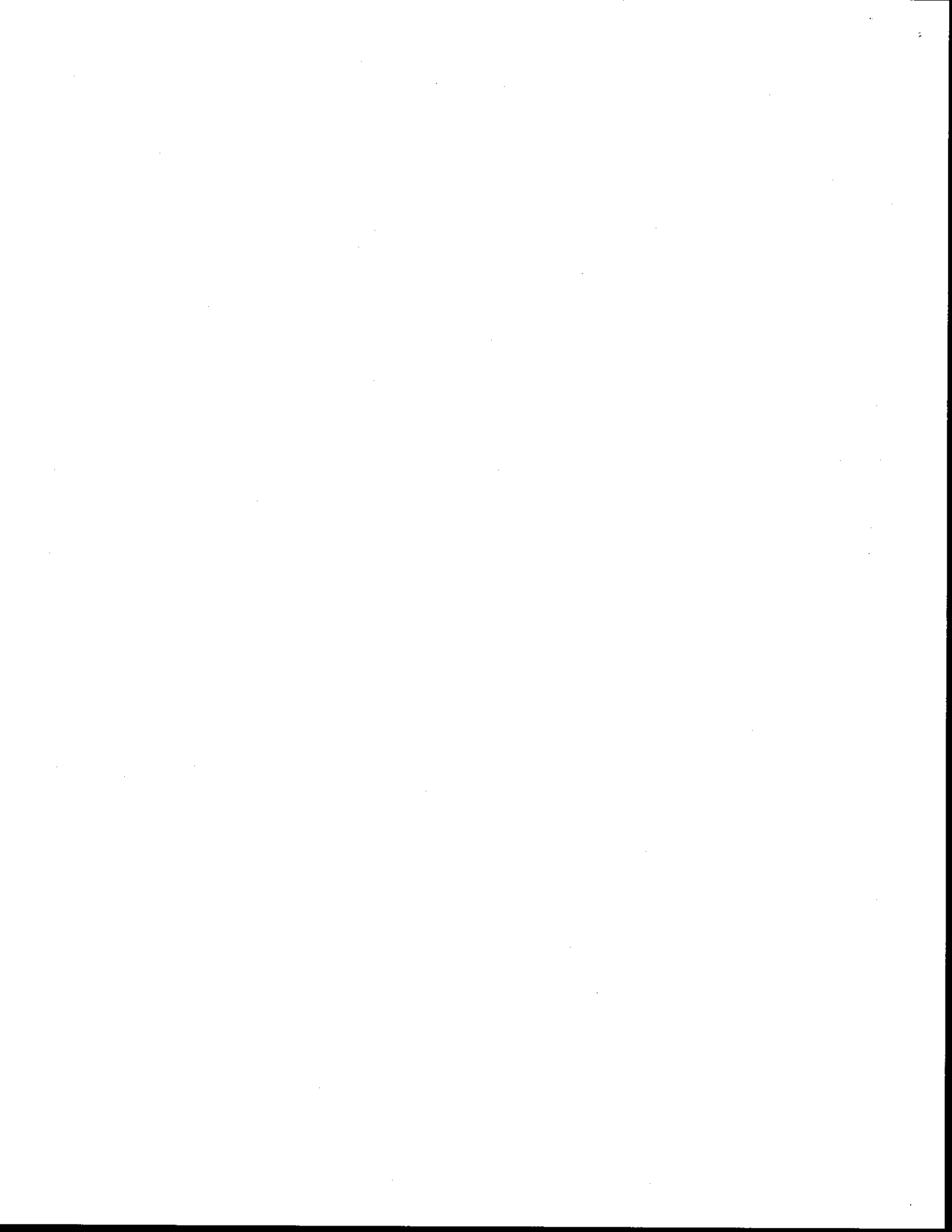
Send any comments to the following:

Ms. Debbie Irvin, Clerk to the Board  
State Water Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
FAX No. (916) 341-5620  
E-mail: [dirvin@waterboards.ca.gov](mailto:dirvin@waterboards.ca.gov)

Mr. Richard Roos-Collins  
Natural Heritage Foundation  
2140 Shattuck Avenue, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
FAX (510) 644-4428  
E-mail: [rrcollins@n-h-i.org](mailto:rrcollins@n-h-i.org)

Mr. Charlton H. Bonham  
Trout Unlimited  
828 San Pablo Avenue, Suite 208  
Albany, CA 94706  
FAX (510) 528-7880  
E-mail: [cbonham@tu.org](mailto:cbonham@tu.org)

The State Water Board requests that electronic copies of written comments be e-mailed to [dirvin@waterboards.ca.gov](mailto:dirvin@waterboards.ca.gov) with the subject line "Trout Unlimited Petition." Participants are encouraged to summarize their written comments in their oral presentations. At the beginning of the workshop, the Petitioners will summarize the content of their petition. Oral presentations by other interested parties will be limited to ten minutes or less. Participants with similar comments are requested to make joint presentations.



In addition to the above submittal requirements, anyone who intends to make a presentation at the public workshop should bring additional copies of his or her statement for interested parties.

State Water Board agendas are posted at <http://www.waterboards.ca.gov/wksmtgs/index.html>. If you wish to sign up to receive by e-mail future notices of State Water Board workshops and meetings to consider action on the petition or the related AB 2121 planning process, go to [http://www.waterboards.ca.gov/lyrisforms/swrcb\\_subscribe.html](http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html) and check the box marked "AB 2121 (Trout Unlimited Petition)."

### **PARKING, ACCESSIBILITY, AND SECURITY**

Public parking is available in metered spaces on area streets, and in the public garages. A map of the building and surrounding parking facilities can be viewed at [www.waterrights.ca.gov/hearings/DwntnPk.pdf](http://www.waterrights.ca.gov/hearings/DwntnPk.pdf). The Cal-EPA Headquarters Building second-floor hearing rooms are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five working days prior to the hearing date. TTY users may contact the California Relay service at 1-800-735-2929 or voice line at 1-800-735-2922. Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security prior to attending any meeting. Visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Please allow up to 15 minutes to sign in and receive a visitor's badge. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification.

### **IF YOU HAVE ANY QUESTIONS**

Questions concerning this notice may be directed to the Trout Unlimited Petition information line at (916) 341-5342. Questions may also be sent electronically to [mmoody@waterboards.ca.gov](mailto:mmoody@waterboards.ca.gov) with the subject line of "Trout Unlimited Petition."



Debbie Irvin  
Clerk to the Board

Date: FEB 17 2005

Note: An audio broadcast of the Board meeting and workshop will be available beginning at 10:00 a.m., March 17, 2005 at [www.calepa.ca.gov/Broadcast/](http://www.calepa.ca.gov/Broadcast/).

