

RESOLUTION NO. 931

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SANTA ROSA RECOMMENDING THAT THE CITY COUNCIL COMMENT ON THE STATE WATER RESOURCE CONTROL BOARD'S DRAFT POLICY FOR MAINTAINING INSTREAM FLOWS IN NORTHERN CALIFORNIA COASTAL STREAMS

WHEREAS, the City of Santa Rosa ("City") Board of Public Utilities ("BPU") actively promotes efficient use of water resources through water conservation and recycling; and

WHEREAS, ample water supply and allocation thereof for instream needs, agricultural users and urban users is needed for ecologic and economic vitality of the Russian River watershed; and

WHEREAS, the City has an interest in maintaining ecologic and economic vitality of the Russian River watershed; and

WHEREAS, in December, 2007, the State Water Resource Control Board ("SWRCB") issued the Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams ("Draft Policy" attached as Exhibit A); and

WHEREAS, the SWRCB's stated objective of the Draft Policy is to ensure that the administration of water rights occurs in a manner that maintains instream flows needed for the protection of fishery resources; and

WHEREAS, the adoption and implementation of the Draft Policy is expected to affect the allocation of water resources to instream, agricultural and urban demands and thereby potentially affect the ecologic and economic vitality of the Russian River watershed; and

WHEREAS, the SWRCB is seeking input on the Draft Policy at a workshop scheduled for August 6, 2008 in Santa Rosa;

NOW, THEREFORE, BE IT RESOLVED, that the BPU hereby recommends that the City Council comment to the SWRCB at its August 6, 2008, workshop as follows:

1. The City supports the concept of watershed-based water rights applications and decision-making consistent with that described in Section 12 of the Draft Policy as a means of protecting fish and fish habitat, reducing applicants' cost and expediting SWRCB decisions.
2. The City supports self-monitoring and reporting consistent with that described in Section 11.1 of the Draft Policy, and requests SWRCB fully fund a program to enforce compliance with water rights granted under the Policy consistent with Section 11.
3. The City supports the five Principles described in Section 2.2 and requests that a principle be added to include granting of rights for diversions of water for water supply and other appropriate purposes.
4. The City requests that the Draft Policy be modified to include the opportunity for applicants for rights under the Policy to enhance fish habitat by contributing to the enhancement of diversions under existing rights and to contribute to other instream enhancement projects.
5. The City requests that the Draft Policy be modified so that projects with a net benefit to instream flows and small projects above limits of anadromy are processed in an expedited manner.
6. The City supports the opportunity for applications based on site-specific flow criteria as an alternative to Regionally Protective Instream Flow Criteria. However, the City considers the Draft Policy to discriminate against applicants using site-specific flow criteria based on the structure of the Draft Policy and the lesser detail provided for the site-specific flow criteria. The City requests that the Draft Policy be re-structured to give equal weight to site-specific approach.
7. The City requests clarification that petitions for changes to existing rights (except for increased diversion) are not subject to the Policy.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 17th day of July, 2008.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Recording Secretary

APPROVED: _____
Chairman

APPROVED AS TO FORM:

City Attorney

EXHIBITS:

A: Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams