



Agenda Date: 4/12/2005
Agenda Placement: 6U

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Lorenzo Zíalcita, Principal Management Analyst , 253-4826
SUBJECT: Authorization to submit comment letter on Trout Unlimited and Peregrine Chapter of the National Audubon Society to the State Water Resources Control Board.

RECOMMENDATION

Supervisor Dillon requests authorization for the Chair to sign and submit a comment letter to the State Water Resources Control Board on the petition filed by Trout Unlimited and the Peregrine Chapter of the National Audubon Society (Unanimous affirmative vote of Board members present is required).

EXECUTIVE SUMMARY

On October 27, 2004, two conservation groups, Trout Unlimited and the National Audubon Society's Peregrine Chapter of Mendocino County filed a petition with the State Water Resources Control Board. The petition named the State Water Resources Control Board, the Department of Fish and Game, the State Lands Commission, and Napa, Sonoma, Mendocino, Marin and Humboldt counties.

The State Water Resources Control Board held a workshop on this matter on March 17, 2005, and invited written comments before the deadline of April 16, 2005 from those counties named in the petition. Supervisor Dillon requested staff prepare the attached letter providing comments on the petition.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On October 27, 2004, two conservation groups, Trout Unlimited and the National Audubon Society's Peregrine Chapter of Mendocino County filed a petition with the State Water Resources Control Board. The petition named the State Water Resources Control Board, the Department of Fish and Game, the State Lands Commission, and the counties of Napa, Sonoma, Mendocino, Marin and Humboldt. The State Water Resources Control Board held a workshop on the petition on March 17, 2005, and invited written comments from the counties named in the petition by April 16, 2005.

The petition proposes the development of guidelines and procedures for the 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 the Napa County tributary to San Pablo Bay (central coast streams). The petition is intended to assist in the implementation of AB 2121 as signed by the Governor on September 30, 2004. This law requires the State Water Resources Control Board to adopt principles and guidelines for maintaining instream flows in central coast streams, in accordance with State policy for water control and purposes of water right administration, on or before January 1, 2007.

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. It also includes additional claims against the Department of Fish and Game, the State Lands Commission, and the five counties named in the petition. Furthermore, the petition requests specific remedies from all state and local agencies named in the petition, including a requirement that the counties conduct a systematic investigation of central coast streams to identify unauthorized diversions.

County Counsel does not believe that there is any jurisdiction for the Water Resources Control Board to require the County to take the actions called for in the petition, though the petitioners could potentially take legal action concerning this issue in the future. The County is not obligated to provide any comments on the petition.

Supervisor Dillon requested staff prepare the attached letter to provide comments on the petition before the deadline of April 16, 2005. The letter refers to the County's embrace of the objectives of improving water quality and habitat within the County. In fact, Napa already has programmatic controls in place. However, in light of funding concerns facing all counties, Napa County objects to the claims in the petition to the extent they constitute unfunded mandates.

SUPPORTING DOCUMENTS

A . Comment Letter

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita