

Navarro River Basin Instream Flow Needs Assessment Study Plan (Study) Joint Agency/Stakeholder Kick-Off Meeting

October 26, 2017; 4:30-7:00 pm
14400 CA-128, Boonville, CA 95415

MEETING SUMMARY

Meeting Participants:

- See attachment A

Action Items:

1. Written comments on the Navarro Instream Flows Assessment Study Plan (Study) Project Description should be sent to Bryan McFadin, North Coast Regional Water Board (Regional Water Board) at bryan.mcfadin@waterboards.ca.gov by November 9th.
2. Regional Water Board staff will send a link to all meeting participants with instructions for joining the Study listserv as soon as possible.
3. Regional Water Board staff will email electronic copies of the meeting summary, presentations, and project description to all meeting participants.

Meeting Summary¹

Opening Remarks, and Study Background/Context

Bryan McFadin, North Coast Regional Water Quality Control Board (Regional Water Board) staff and Navarro Instream Flows Assessment (Study) lead, delivered opening remarks and a background presentation to contextualize the Study. Specific items in the presentation included:

- Regional Water Board Water Quality Authority in the Navarro Basin:
 - Planning
 - Basin Plan Implementation and Permits
- Beneficial Uses in the Navarro Basin as defined by the Porter Cologne Act
- Water quality risk factors associated with flow:
 - Temperature
 - Dissolved oxygen
 - Biostimulatory conditions
 - Fish disease

¹¹ Full presentations available upon request.

- Regulatory actions/policies leading to the Study
- Four Project phases: Study Plan, Study implementation, amending the Basin Plan (as needed), implementing basin plan amendments

Mr. McFadin stressed that the overarching goal of the Study is not necessarily to create and enforce new regulations. It is meant to develop the science to support restoration of the watershed to meet water quality requirements: this could mean regulation, but it also gives agencies and individuals the information and tools to conduct restoration efforts in advance of potential regulation.

Project Description Review and Study Timeline

Paul Devries, R2 Consultants Inc. and consultant team lead, provided a presentation on the Study Project Description and Timeline. Mr. Devries explained the overall Study approach and opportunities for stakeholder engagement, noting that after each major Study deliverable, stakeholders will be asked to provide input in two tiers: technical input from a limited group of stakeholders with specific expertise on a given topic (i.e., hydrology, fish biology, etc.) and general input from all interested stakeholders. He also described some of the data sources the Study will draw from, provided a detailed overview of the Project Description, and discussed the Study Plan (phase 1) schedule. After the presentation, the following discussion was recorded:

4. A participant asked who the Regional Water Board considers as “stakeholders” for the Study. Mr. Devries responded the stakeholder community includes anyone interested in the Study, but specifically groups like the timber and agricultural industries, regulatory agencies, NGOs, and many others. Mr. McFadin added that all meeting participants are encouraged to share contacts and Study information with anyone they think may be interested in or impacted by the Study.

Stakeholder Assessment Overview

Sam Magill, consultant for Kearns & West, provided a short presentation on a stakeholder assessment conducted as a first step in stakeholder engagement for the Study. The presentation provided background on the assessment approach, findings from stakeholder interviews, and recommendations on Study approach and stakeholder engagement based on these findings. After the presentation, the following conversation was recorded:

5. A participant noted that the presentation mentioned a University of Illinois stickleback study quoted as a potential source for the Study, and asked for more information. This study, conducted by University of Illinois researchers on the Navarro in 2014, is available online at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKewjpuuya_wpvXAhVFzIQKHQRvBagQFgg6MAM&url=https%3A%2F%2Fwww.ideals.illinois.edu%2Fbitstream%2Fhandle%2F2142%2F50565%2FSimon_Pearish.pdf%3Fsequence%3D1&usg=AOvVaw0JTZ99GfpBYlx3ehX1o9IG.
6. Mr. Devries noted that while the assessment recommendations mentioned utilizing peer review for the Study plan, expert review in this phase 1 may be limited to resource agencies. Mr. McFadin added that any future Basin Plan amendment or regulatory action based on Study findings must undergo a complete peer review process.
7. One participant asked if the Regional Water Board is only working with the California Department of Fish and Wildlife (CDFW) or if other state and federal resource agencies such as

the National Marine Fisheries Service (NMFS) are also being consulted. Mr. Devries confirmed that although CDFW is a Study partner, other resource agencies will be consulted.

8. A stakeholder asked if the State Water Resources Control Board (State Board) Division of Water Rights has stopped granting new water rights permits on the Navarro. Mr. McFadin responded that there is no hard and fast rule, but during the drought, new water rights have not been approved in general. A representative from Trout Unlimited noted that Trout Unlimited received some for restoration projects, but in general approvals have slowed down.
9. Another stakeholder commented that the State Water Board has made it difficult to get approval of some permits, even for projects that could reduce reliance on summertime diversions. Mr. McFadin noted that off stream storage is a potential solution to low flows in the summer; this Study could be used to support the idea. The Study can be used to establish a benchmark for summer diversions water rights holders need to achieve.
10. Representatives from TNC and Trout Unlimited noted that a program currently under development will establish discreet areas where increasing flows for fish may have benefits. The program is based on voluntary participation with willing landowners, and could pave the way for the Regional Water Board to ease restrictions on the use of storage tanks to reduce summer diversions. Mr. Devries added that the Study could be used to provide the scientific underpinning to analyze the storage tank/retention pond idea.
11. A participant asked if the Study *only* looks at low flows, or whether the impacts of high flow events on fish populations/habitat will be looked at as well. Mr. Devries and Mr. McFadin commented that although the Study will focus on low flows during the summer, some consideration of whether flows in the winter are sufficient to support the idea of off stream storage warrants investigation. Mr. Devries added that current science shows it's difficult to identify the direct impacts of high flow events on fish habitat and population from a water quality perspective.
12. A participant asked if riparian rights trump other considerations on the Navarro, and suggested that landowner education is the best way to restore fish populations. Mr. McFadin added the only two things that supersede riparian rights are rules around waste and unreasonable use. The Regional Water Board is vested with the authority to protect the public trust for natural resources.
13. Another stakeholder asked how far back the Study will look for information. Mr. Devries commented that the Study team is looking back to the 1990s, since hydrology has changed over the years. Mr. McFadin noted that restoration goals must be based on what's possible given current landscape: just because there may have been fish in an area at some point in the past doesn't mean it's possible to restore to a pristine condition now. This idea is currently a significant topic of discussion in the restoration community.
14. Participants asked if plans exist to install more monitoring stations/gauges in the Navarro Basin as part of this Study. Regional Water Board staff and consultants confirmed there could be a need for new gauges. One possibility is having the technical consultants team with proponents of existing studies to utilize their information: the benefit of doing this is information provided to 3rd party consultants does not need to be publicly shared with and published by the Regional Water Board.
15. A stakeholder noted that the Regional Water Board and Study consultants should include specific statements in the Study plan about how data will be used/shared, since some existing

data was only developed via agreements with landowners and private organizations. Mr. Devries commented the Study Project Description does touch on the idea; one additional possibility is for the Study consultant team to share their models with other study teams to confirm assumptions based on privately held data.

16. Participants asked how diversions for marijuana cultivation will be addressed in the Study plan. Mr. Devries responded the Study will address current diversions and their impact on basin hydrology. Mr. McFadin added that while specific crop type is not the focus of this Study, differentiating between “guerilla grows” and cannabis operations permitted under state law is a concern and impacts diversions around the state. Although the Regional Water Board is becoming increasingly proficient at estimating water use from aerial pictures of grow operations, it is still challenging to determine water use for unpermitted grows under tree canopies. Mr. Devries encouraged stakeholders to provide additional insight on the issue in future Study products.
17. A participant asked if the Study only looks at impacts to salmonids, or if other species will be included as well. Mr. McFadin confirmed that salmonids are a major focus of the Study, but other species will be considered as well.

Action Item Discussion and Next Steps

Participants discussed immediate next steps and action items before closing the meeting, including:

18. Stakeholders asked where written comments on Study documents should be sent. Mr. McFadin agreed to accept all written comments, but stressed that the Regional Water Board will not conduct a CEQA-style comment/response document for the Study. Comments on the Project Description document should be sent to Mr. McFadin at bryan.mcfadin@waterboards.ca.gov by November 9th (**see Action Item #1**).
19. Mr. McFadin noted that the Regional Water Board will develop a specific listserv for this project; email will be used as the primary means of communication for this Study process. Participants were encouraged to share listserv sign up information with all interested individuals as soon as possible (**see Action Item #2**).
20. Regional Water Board staff will email electronic copies of the meeting summary, presentations, and project description to all meeting participants as soon as possible (**see Action Item #3**).
21. For future engagement, stakeholders suggested announcing the Study to all water rights holders in the Navarro Basin via USPS and utilizing the Anderson Valley Adviser (AVA) for future meeting announcements.

After reviewing action items and encouraging participants to share information about the Study with other interested individuals, Mr. McFadin thanked participants for attending and closed the meeting.

ATTACHMENT A: Meeting Participants

Meeting Participants:

- Beverly Dutra
- Marvin Dutra
- Deborah Cahn
- Laurel Marcus, Fish Friendly Farming
- Andrew Beebe, Roeterer Estates
- Barbara Goodell
- Kirk Vodopals, Mendocino Redwood Company
- Linda McClure
- Devon Jones, Mendocino Farm Bureau
- Bob Gibson, Roeterer Estate
- Monty Schmitt, The Nature Conservancy
- Matt Clifford, Trout Unlimited

Agency Staff and Consultants:

- Bryan McFadin, Regional Water Board
- Alydda Mangelsdorf, Regional Water Board
- Lance Le, Regional Water Board
- Dianne Haas, CDFW
- Paul Devries, R2 Consultants
- Dirk Pederson, Stillwater Sciences
- Steve Howard, R2 Consultants
- CiCi Vu, Kearns & West
- Sam Magill, Kearns & West