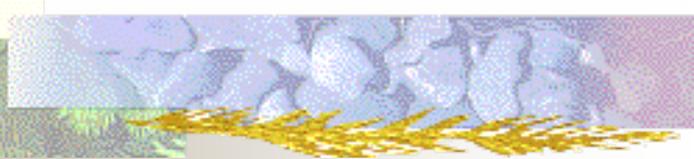
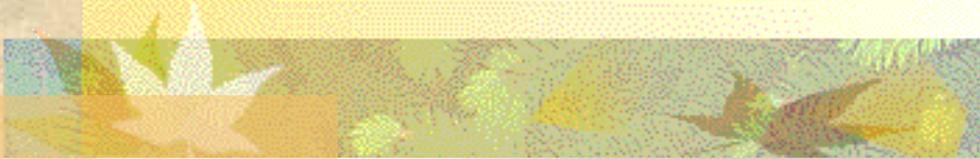




# **Next Steps in Strengthening Stream Restoration Program Drivers**

**Santa Clara County Creeks Coalition  
Richard McMurtry  
October 2017**











# Creek Cleanups



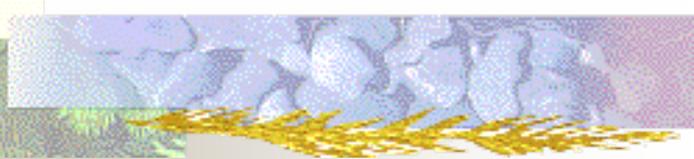
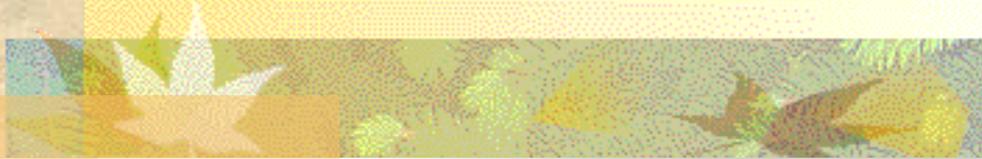
# Nature Walks





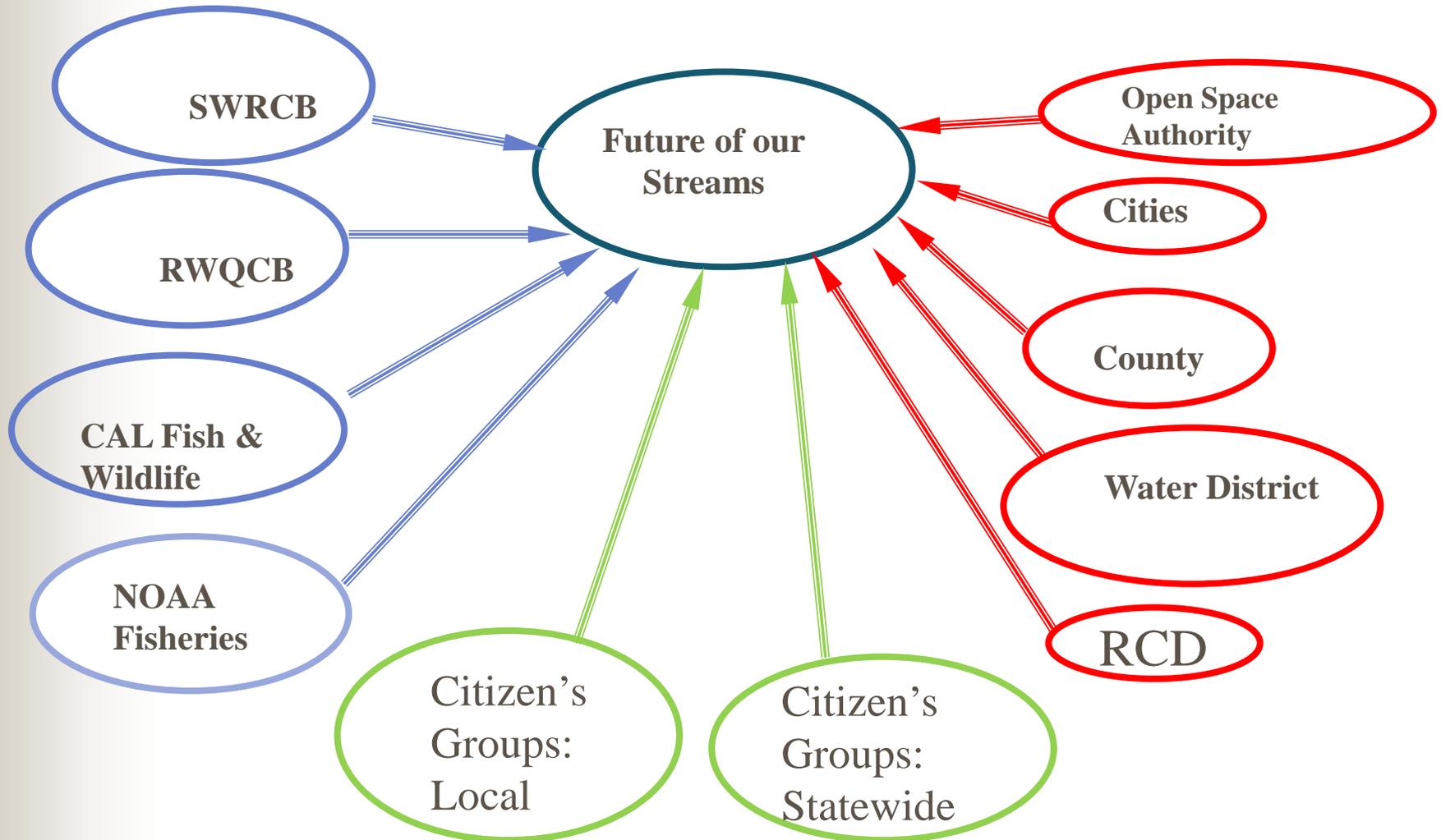
# Kayak Trips







# Stream Destruction and Restoration System





# Funding and Focus

Increase regulatory agency funding with strong stream restoration mandate

Increase operating agency funding through bond measures for projects focused on limiting factors to ecological health

Increase funding for citizen organizations to do planning projects with financial credits for volunteers and without onerous local match requirements



# Creek Connection

- Concerted effort to find a myriad of ways to connect people to their creeks



# Legal Strategy

- Statewide Coalition of 6 to 7 groups scattered around the state
- Raise funds to hire outreach coordinator to create a legal assistance program to the local groups through partnership with law schools
- File water rights complaints and petitions for Regional Water Board action



## Legal strategy 2

Seek judicial remedy with assistance of major environmental groups

Negotiate settlement with SWRCB to create program to restore stream health in a manner that addresses the failures of the regulatory agencies to act



## Legal strategy 3

Seek judicial remedy for 6 sites



# The Program: Water Rights Element

- Create program to investigate public trust resource impacts of water rights licenses within 7 years
- During 1<sup>st</sup> year, prioritize licenses for further investigation
- Program funded by increase in annual fee



# The Program:

## Water Rights Element

- Create second program to provide detailed evaluation of individual licenses.
- Program funded by license fees for new Public Trust Resource Impact evaluation permit.
- Funded by specific fees for licenses selected for investigation.



# The Program: Water Rights Element

- Water Rights would be directed to contract at least 50% of funds from Public Trust Resource Impact Evaluation Permit to the Regional Boards to assist with investigations and feasibility studies.



# The Program: Water Rights Element

- Authorize Regional Boards to use Water Code Section 13325 to require local agency submission of technical reports analyzing water quality and public trust impacts and feasibility of remedies
- Authorize Regional Boards to use cost recovery mechanisms to defray costs that exceed funding provided by Water Rights



# The Program:

## Basin Plan Violations Element

- Link to federal TMDL program
- Mandate that Regional Boards use Water Code Section 13325 to require local agency submission of technical reports analyzing water quality and public trust impacts and feasibility of remedies for violations of Basin Plan water quality objectives not addressed by other Regional Board programs



# The Program:

## Basin Plan Violations Element

- Authorize Regional Boards to use cost recovery mechanisms to defray costs of oversight



# Chances of Success

- No judge will mandate such a program
- Plan A: Negotiate a settlement with SWRCB to create programs
- Plan B: Judge could direct agencies to address the issues on the 6 sites in a more timely manner



# Chances of Success

- Worth doing!



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