

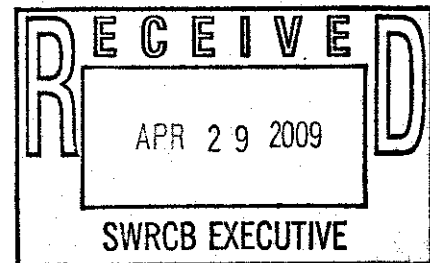
## Russian River Watershed Protection Committee

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April 30, 2009

Jeanine Townsend  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Randy Poole  
General Manager/Chief Engineer  
Sonoma County Water Agency  
P.O. Box 11628  
Santa Rosa, CA 95406



Delivered via Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)  
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### Re: Order 2009-0027-DWR: RRWPC Concerns About Order

Dear Chairman Hoppin, Vice-Chair Spivey-Weber, Board Members and Randy Poole, Sonoma County Water Agency:

On April 10, 2009, I sent the attached letter expressing my preliminary comments on the TUC Order 2009-0027-DWR. Since that time, I have expanded my comments on the ORDER APPROVING TEMPORARY URGENCY CHANGE IN PERMITS 12947A, 12949, 12950, AND 16596 held by the Sonoma County Water Agency and released by the State Board and include them here.

Please distribute both sets of comments and attachments in response to that Order to the Board and include them as part of the record. We are submitting this letter by email and will also mail a hard copy. We request notification when the Board has received our comments and they have been entered into the record. We are also including our comments on the Water Project EIR, which

2004: 145,000 AFY (This is approximate since the graph wasn't very clear.)  
2005:140,000 AFY  
2006:120,000 AFY  
2007: 60,000 AFY (graph stopped here)

According to a line graph recently released by SCWA (for presentation to BOS) the releases from PVP for the last few years has been as follows:

2004-05: 140,000AFY

2005-06: 108,000AFY

2006-07: 82,000AFY

2007-08: 70,000AFY

2008-09: continued downward trend: a little lower than 07-08

Prior to 2004, the customary diversions were about 140,000 AFY or more. Fairly significant discrepancies between the two graphs appear for 2005-06 and 2006-07. But in either case, the amounts for 2007 are below 70,000 AFY, which is already half of what had been traditionally released. We are not clear about the 27,000 LESS described on Page 2 of the Order. Which amount is it LESS than? **What diversions or lack from Lake Pillsbury can be anticipated in the future?**

In a related matter, Agency staff keeps repeating that almost all contractor diversions come from Lake Sonoma. Supposedly water supplies from Lake Mendocino are used up by Mendocino and Northern Sonoma County cities and agriculture. We were assured that almost no water makes it down from Lake Mendocino SCWA's diversion facility. If this is the case, then **why did the contractors have such a strong overt reaction to the proposed 25% cut in diversions from Lake Mendocino in the Order?** How much of the Lake Mendocino water goes to the contractors?

***Order approved without public input or environmental review....***

It appears as though the Order was mostly based on these SCWA documents and differed on only a few points. In other words, most of the directives in the Order and their justification were actually those requested by the Agency. People in the community are quite distressed that there was no environmental review, no opportunity for public input BEFORE the Order was issued. In fact, even SCWA staff seemed surprised that it came down so quickly. We wonder if any changes can be made to the Order after the Workshop on May 6<sup>th</sup> or whether it is set in stone? Will there be any response to these comments? Is this whole effort to respond to the Order a futile exercise?

It was shocking to read that one of the justifications given for substantially lowered flows was to "provide recreational opportunities". On the first page of the Petition, it states, *"These conditions must be implemented to prevent Lake Mendocino from going dry, which would severely impact threatened Russian River fish species, create serious water-supply impacts in Mendocino County and in the Alexander*

- SCWA failed to coordinate with relevant agencies as required;
- The Plan fails to include the degree of specificity required;
- The Plan fails to adequately consider environmental factors, specifically, the effect of changed water flows during periods of water shortfalls on the salmonids, and other potential implications of the Endangered Species Act;
- The Plan fails to adequately address the effect of recycled groundwater on the availability of water supply in the future; and
- The Plan fails to quantify with reasonable specificity the scope of water demand management measures which are relied upon to address the anticipated water shortfalls.

This Order falls into the same pitfalls as the UWMP. What we have is a case of poor planning and bad management. This so-called "emergency" has been evolving for years. What is worse, if we don't have rain next winter, we can be facing total disaster. Every single agency involved has had a hand in creating this situation. What we need is funding and a political will for your Board to regulate the tributaries and groundwater. We need legislation to revise antiquated water laws. We need strong enforcement and accountability. And most of all, we need water policies that are equitable for all interests, including the environment and wildlife.

### ***Comments on contractor Letters...***

SCWA Water Contractors have sent you letters dated April 23<sup>rd</sup> requesting certain revisions to the Order. The WAC (water contractors) and the City of Santa Rosa are petitioning the Board to reconsider the Order, and we request that if you do it for them, you do it for lower river residents and business people also.

This Order calls for a 25% decrease in diversions by the Sonoma County Water Agency (SCWA). It is unclear how that number is calculated, what the percent is based on, and whether contractors would necessarily have to decrease water use by that amount this year. We know that contractors are requesting decreased diversions to only 20%, based on 2004 diversions, and want you to lift the stringent requirement for immediate cessation of commercial turf irrigation.

Almost everyone has expressed confusion about how to calculate the 25% reduction. We have looked at Contractor water use for 2004 and 2007 and attach some charts generated by SCWA and contractors. What they indicate is that contractor's saved about 15% off 2004 levels through 2007. (We question the contractor's claim of 22% savings over 2004 water use.) While they have sustained the original savings, it does not appear that they have improved upon it much and would like to know how they calculated their numbers. If your Board agrees to the recommended 20% based on 2004 usage, in effect the latter

***Proposed Lower River Flow Changes to 35 cubic feet per second (cfs) after July 1, 2009.***

This flow limit is set to occur if inflow into Lake Mendocino is less than 25,000 Acre Feet (AF) before June 30, 2009. Since this is highly likely to occur, our comments will assume that this 35 cfs limit will be put into effect at that date.

RRWPC understands the critical circumstances, which stimulated the need for this Order. But this is the third such Order since 2004 and the critical issues underlying the current situation have existed all along. Yet here we are again, and in much worse shape this time. What will happen if we have another dry winter next year? There are many Russian River interests and stakeholder activities at which to "point the finger", but the bottom line is that the lower river is having to bear the brunt of poor practices and bad management upstream.

We are aware of the goals of the Biological Opinion and have concerns about the focus on very limited watershed changes to protect the endangered Coho and threatened Chinook and Steelhead. We wonder why there is so much focus on managing the river flows for the Chinook's fall run, when they are the least threatened of the three species according to the Biological Opinion? We wonder why the focus of this Order is on the main stem and leaves the flow and habitat issues of critical tributaries unaddressed, upon which Coho depend?

We wonder why large wineries are able to drill new wells to obtain unlimited amounts of ground water, further drawing down the water table and subsequently significantly affecting surface water flows? We wonder why water contractors have consistently been able to avoid mandatory water rationing? Why are illegal water users in agricultural areas able to continue with impunity? Why has gravel mining been allowed to greatly impair the aquifer (SCWA refused to speak out on this matter all the years that deep gravel pits were being dug right upstream and in the area of their water facility)?

***This Order claims to protect the environment...***

On page 5 of the Order, it states that, "*The proposed action will assure the maintenance of a natural resource, i.e., the instream resources of the Russian River.*" It also states, "*The proposed action will assure the maintenance of the environment,...*" On page 6, under **CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE**, it states under the findings that, "*2. The proposed change may be made without injury to any other lawful user of water.*" And "*3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses,...*"

Based on almost 35 years of living near the lower Russian River in Guerneville, I can tell you first hand that when flows are low, recreational experiences, upon which our local economy is based, greatly deteriorate. Furthermore, pollution increases, sometimes causing beaches to be closed due to contamination. Water heats up, invasive plants proliferate, canoeing is compromised, and general

determination could be made that no harm will come to the environment from the drastically lowered flows as a result of this Order. There is no evidence provided to substantiate this claim.

WE REQUEST THAT YOU DEMAND MEANINGFUL AND IMMEDIATE REPORTS ON WATER QUALITY MONITORING RESULTING FROM PRIOR "EMERGENCY" ORDERS. Further, we demand an intensive monitoring program that looks at a whole range of nutrients, conventional pollutants, and toxins, including those, such as pharmaceuticals, that are currently unregulated. According to tests done a few years ago, the mouth of the river contains dead zones. Yet the National Marine Fisheries Service claims that this could be ideal habitat for juvenile salmonids. How is that possible if it is a sink for pollutants? Water quality needs to be tested in the sediments as well as the water column.

Last year there was a large amount of algae and invasive plant growth downstream of the Russian River County Sanitation District outfall. How might that situation be exacerbated if low flows warm the river and sediments are roiled to reintroduce pathogens?

We need full disclosure on water quality impacts downstream as a result of this Order. We need to know that people recreating in such low flows will be safe and not subjected to toxins and pathogenic substances. Regional Board staff need to explore this with the Agency, who should in turn pay for any additional work that needs to be done.

Sincerely,

Brenda Adelman

Russian River Watershed Protection Committee

P.O. Box 501

Guerneville, CA 95446

## **Russian River Watershed Protection Committee**

P.O. Box 501

Guerneville, CA 95446

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April 10, 2009

Mr. Charles R. Hoppin, Chair

Ms. Francis Spivey-Weber, Vice-Chair

Mr. Arthur G. Baggett Jr., Ms. Tam M. Doduc, Members

Ms. Dorothy Rice, Executive Director

State Water Resources Control Board

1001 I Street

Sacramento, CA 95814

Ms. Vicky Whitney, Deputy Director

Mr. Steve Herrera, Permitting Section

Division of Water Rights

1001 I Street

Sacramento, CA 95814

Delivered via Email

Re: TUC Order 20090-0027-DWR- Objection and request for hearing

Dear Chairman Hoppin, Vice-Chair Spivey-Weber and Board Members:

I am writing on behalf of Russian River Watershed Protection Committee (RRWPC) to request that you hold a hearing on the recent Order 2009-0027-DWR to the Sonoma County Water Agency. This Order has vast implications for water users in our area and we urge you to allow public comment from the people who are greatly affected by it.

Furthermore, we have questions about the interpretation of the directives in this Order, concerns about prior implementations of previous orders, and we request opportunities to recommend possible changes and additions to this current directive to make it more effective and clear.

RRWPC has advocated on behalf of the lower Russian River community on water and wastewater issues since 1980. We were advocating for clean water in our area long before it was popular to do so. Now, thankfully, there are many active groups engaged this work, including the 33-group member Sonoma County Water Coalition, of which we are an active member. Our own group has

Finally, on page 8 of the Order, it states, "2. *The petitioned change will not operate to the injury of any other lawful user of water; and 3. The petitioned change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses;...*" Neither the State, nor SCWA has provided any evidence indicating that this is indeed the case. Number 9 on page 10 of the order calls for water quality monitoring to address possible harm of these lowered flows. What happened to the monitoring done in 2004 and 2007 during low flow periods? Where is that information? How complete was it? Simply ordering monitoring doesn't address potential impacts from lowering flows.

To assure that a healthy environment will be maintained, simply by stating that impacts to beneficial uses from this Order will not occur, is just a convenient way to address the "emergency" through a piece of paper, rather than provide meaningful information about actual environmental reality. For this reason, it is essential that you open the review process and allow public input. **This is now the fourth year of the last eight where emergency situations have arisen. When that occurs, what you have is not an emergency, but a MANAGEMENT PROBLEM!**

One of the main directives to the Water Agency is to require 25% savings of what would normally be withdrawn during that period. Their permits allow them to withdraw 75,000 AFY from the system and about two thirds of that would occur during the summer months. This comes to about 50,000 AF. Are you suggesting that the Agency only withdraw 37,500 AF (75%) during these summer months? According to SCWA staff, there is an assumption that savings should be based on 2004 water deliveries, which were 66,193 AF that year. Are you now saying that is no longer the case? SCWA staff seems to be of the impression that the 25% will be based on 2004 use. That would come to 33,093 AF, which is obviously less, and would have greater impacts than doing it the way you seem to be suggesting in this Order. This needs to be clarified.

We would support designating clear amounts to be saved each year. Total Agency use in 2008 was 58,587 AF. In 2007, total Agency deliveries were 60,893. This year, for budgetary purposes, the Agency is tentatively promising 54,500 AF. The numbers are all over the place and keep changing. Some kind of easily calculated consistency is needed.

Also, most contractor savings were through the use of groundwater. Is this an acceptable way to "conserve"? Contractors also merged their conservation numbers into averages so that it was harder to decipher which entities were not pulling their "conservation weight". While not all entities have the ability to save the same amount, there needs to be a clear allocation for each contractor.

All in all, the means of determining the 15% appeared to use sleight of hand measures. The required 25% savings needs to be spelled out in detail. Savings should not be set up to statistically roll over year after year when new crises

UPDATE:

I just found a different SCWA graph from June, 2007 that showed the following inflow into Lake Mendocino from PVP.

2004: 145,000 AFY (This is approximate since the graph wasn't totally clear.)  
2005: 140,000 AFY  
2006: 120,000 AFY  
2007: 60,000 AFY

According to a graph recently released by SCWA (for presentation to BOS) the releases from PVP for the last few years has been as follows:

2004-05: 140,000 AFY  
2005-06: 108,000 AFY  
2006-07: 82,000 AFY  
2007-08: 70,000 AFY  
2008-09: continued downward trend: a little lower than 07-08

Prior to 2004, the customary diversions was about 140,000 AFY



**SONOMA COUNTY WATER AGENCY**  
**SCHEDULE OF ACTUAL PRIOR 12 MONTHS WATER DELIVERIES IN ACRE FEET (BY CUSTOMER TYPE)**  
**JULY THROUGH JUNE (Applicable Years as Indicated)**

Agency No.	JAN 07	FEB 07	MAR 07	APR 07	MAY 07	JUN 07	JUL 07	AUG 07	SEP 07	OCT 07	NOV 07	DEC 07	TOTAL	
<b>PRIMES</b>														
1	City of Santa Rosa	1,568.7	1,096.8	1,305.7	1,889.4	2,311.1	2,518.9	2,863.3	2,279.9	2,211.4	1,695.5	1,480.6	1,508.7	22,699.9
2	City of Petaluma	601.2	478.4	571.4	797.2	975.7	977.8	1,192.2	1,014.9	986.3	724.4	583.8	582.5	9,455.7
2	North Marin Water Dist	711.8	381.4	406.0	717.4	857.5	948.8	954.4	812.1	833.4	632.3	536.0	550.6	8,341.8
2	City of Rohnert Park	356.7	282.1	280.2	334.9	395.9	453.2	378.5	375.7	365.3	400.3	314.9	317.9	4,253.5
1	City of Cotati	61.5	46.9	59.0	82.7	100.0	80.8	93.8	77.7	74.4	60.2	55.6	56.6	849.3
2	Town of Windsor	92.6	69.3	66.0	47.0	26.5	27.4	33.9	30.2	32.9	31.4	33.3	38.1	528.5
4	City of Sonoma	124.7	95.0	135.7	201.2	233.9	242.5	285.4	238.2	229.1	171.8	156.5	125.5	2,239.5
4	Valley of the Moon Dist.	209.7	162.3	196.8	255.1	291.6	274.3	333.4	284.8	273.1	240.4	213.8	199.7	2,935.1
	<b>TOTAL PRIMES</b>	<b>3,725.9</b>	<b>2,612.1</b>	<b>3,020.8</b>	<b>4,294.9</b>	<b>5,192.1</b>	<b>5,523.6</b>	<b>6,133.0</b>	<b>5,113.4</b>	<b>4,975.9</b>	<b>3,956.5</b>	<b>3,374.8</b>	<b>3,379.6</b>	<b>51,303.3</b>
<b>OTHER AGENCY CUSTOMERS</b>														
1	Larkfield Water Co	17.8	14.4	41.7	36.4	64.3	58.8	73.2	62.0	60.7	40.5	29.7	14.7	514.3
2	Pentagon Water Co	13.4	10.7	12.6	16.3	22.1	24.8	31.7	25.6	23.8	18.5	13.8	12.6	225.9
4	Lamwalle Mutual	2.3	1.9	3.2	5.0	7.2	8.4	11.8	9.7	8.4	5.5	3.8	3.0	70.2
4	Kanwood Village Water Co	0.5	1.9	0.7	0.5	0.6	0.8	1.0	0.9	0.8	0.7	0.5	0.4	9.4
3	Forestville Co Water Dist.	28.6	22.3	24.5	34.4	43.4	51.2	62.8	54.8	56.5	40.7	28.2	27.8	475.3
1	Other Gov-Santa Rosa Aq	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.3	0.4	0.3	0.2	0.2	3.0
2	Other Gov-Petaluma Aq	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	Other Gov-Sonoma Aq	0.9	0.9	0.7	1.0	1.2	2.2	2.1	1.4	1.6	0.8	0.6	0.5	14.0
	<b>TOTAL OTHER AGY. CUST.</b>	<b>63.7</b>	<b>52.4</b>	<b>83.8</b>	<b>93.9</b>	<b>139.1</b>	<b>146.5</b>	<b>183.0</b>	<b>154.7</b>	<b>152.3</b>	<b>107.0</b>	<b>76.8</b>	<b>59.2</b>	<b>1,312.1</b>
<b>OFF-PEAK CUSTOMERS</b>														
2	Marin Municipal	795.6	788.4	823.1	840.5	727.8	415.8	480.6	387.5	350.4	644.1	914.4	988.5	8,137.6
<b>SURPLUS CUSTOMERS</b>														
1	Irrigation-Santa Rosa Aq	0.2	0.1	3.6	17.9	3.2	14.9	37.0	1.6	0.0	0.0	0.4	0.1	79.1
2	Irrigation-Petaluma Aq	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	Irrigation-Sonoma Aq	2.1	0.9	1.8	1.8	17.0	12.8	14.4	3.4	2.0	1.8	1.4	1.2	60.5
	<b>TOTAL SURPLUS CUST.</b>	<b>2.3</b>	<b>1.0</b>	<b>5.4</b>	<b>19.7</b>	<b>20.2</b>	<b>27.6</b>	<b>51.5</b>	<b>5.0</b>	<b>2.1</b>	<b>1.9</b>	<b>1.7</b>	<b>1.3</b>	<b>139.6</b>
	<b>TOTAL DELIVERIES</b>	<b>4,589.5</b>	<b>3,433.9</b>	<b>3,933.0</b>	<b>5,246.9</b>	<b>6,079.3</b>	<b>6,113.6</b>	<b>6,848.0</b>	<b>5,660.6</b>	<b>5,480.6</b>	<b>4,709.4</b>	<b>4,367.5</b>	<b>4,428.5</b>	<b>60,892.7</b>

July  
 Aug  
 Sept  
 Oct  
 6133  
 5113.4  
 4979.9  
 3956.5  
 20,178.8 AF  
 2,400 AF  
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SCHEDULE OF WATER DELIVERIES BY AQUEDUCT  
PAST 36 MONTHS / 12 MONTHS AVERAGE

		DELIVERING AQUEDUCT				Monthly
		Santa Rosa	Petaluma	Forestville	Sonoma	Total
36	Jan-05	1,020.8	2,562.0	22.4	473.6	4,078.8
35	Feb-05	919.3	2,178.5	20.6	435.5	3,553.8
34	Mar-05	994.4	2,535.3	23.2	538.3	4,091.1
33	Apr-05	1,093.1	2,277.1	23.1	552.0	3,945.4
32	May-05	1,426.2	3,406.0	31.0	934.1	5,797.3
31	Jun-05	1,706.8	3,579.8	43.4	1,049.2	6,379.2
30	Jul-05	1,789.9	3,936.4	53.9	1,163.4	6,943.6
29	Aug-05	2,168.3	4,745.7	62.8	1,285.8	8,262.6
28	Sep-05	1,633.3	3,781.2	47.9	907.8	6,370.1
27	Oct-05	1,526.9	3,973.9	43.0	868.0	6,411.8
26	Nov-05	913.2	2,928.0	24.9	514.0	4,380.1
25	Dec-05	747.3	2,501.1	20.5	397.2	3,666.1
24	Jan-06	804.0	2,775.4	23.2	515.1	4,117.6
23	Feb-06	690.7	2,340.5	18.8	447.1	3,497.1
22	Mar-06	753.5	2,460.1	20.2	486.3	3,700.1
21	Apr-06	782.9	2,314.4	19.4	449.7	3,566.4
20	May-06	1,577.3	4,034.6	41.2	1,037.8	6,690.9
19	Jun-06	1,887.4	3,962.2	52.1	1,048.4	6,950.1
18	Jul-06	2,876.6	4,291.7	68.8	993.5	8,230.7
17	Aug-06	2,817.0	3,783.3	63.5	926.0	7,589.9
16	Sep-06	2,187.6	3,224.9	51.3	969.3	6,433.1
15	Oct-06	2,055.8	3,323.0	44.6	932.2	6,355.6
14	Nov-06	1,284.3	2,432.0	24.7	562.6	4,303.6
13	Dec-06	861.6	2,060.4	21.5	485.5	3,429.0
12	Jan-07	1,414.5	2,560.1	28.4	566.5	4,589.5
11	Feb-07	972.3	1,981.9	22.2	457.5	3,433.9
10	Mar-07	1,168.9	2,172.5	24.3	567.3	3,933.0
9	Apr-07	1,522.6	2,831.4	33.9	861.1	5,248.9
8	May-07	1,866.4	3,150.7	42.8	1,019.4	6,079.3
7	Jun-07	1,991.4	3,003.6	50.5	1,068.1	6,113.6
6	Jul-07	2,253.8	3,294.4	61.7	1,238.1	6,848.0
5	Aug-07	1,781.7	2,838.4	54.1	986.4	5,660.6
4	Sep-07	1,701.7	2,725.7	55.9	997.4	5,480.6
3	Oct-07	1,391.9	2,479.0	40.3	798.1	4,709.4
2	Nov-07	1,351.4	2,417.9	27.8	570.3	4,367.5
1	Dec-07	1,287.3	2,508.2	27.6	605.5	4,428.5
<b>Total Deliveries</b>		<b>53,221.8</b>	<b>107,371.2</b>	<b>1,335.9</b>	<b>27,707.9</b>	<b>189,636.8</b>
<b>3-Year Annual Average</b>		<b>17,740.6</b>	<b>35,790.4</b>	<b>445.3</b>	<b>9,236.0</b>	<b>63,212.3</b>
<b>Past 12 Months</b>		<b>18,703.8</b>	<b>31,963.7</b>	<b>469.7</b>	<b>9,755.5</b>	<b>60,892.7</b>
Total Deliveries		53,221.8	107,371.2	1,335.9	27,707.9	189,636.8
Less: North Marin			28,771.3			28,771.3
Marin Municipal			22,555.7			22,555.7
<b>Sonoma Co. Deliveries</b>		<b>53,221.8</b>	<b>56,044.2</b>	<b>1,335.9</b>	<b>27,707.9</b>	<b>138,309.8</b>
<b>3-Year Annual Average</b>		<b>17,740.6</b>	<b>18,681.4</b>	<b>445.3</b>	<b>9,236.0</b>	<b>46,103.3</b>

SR 7130

144 10.1.00

SCWA Water Contractor Statistics - July through October (data in acre feet except no. of services)

	2007 (July 1st thru October 28th)				2008 (July 1st thru October)					
	SCWA (1)	Local	RW	Total	SCWA (1)	Local	RW	Total	Services	
Santa Rosa	9,050	830	119	9,999	50,629	8,768	1,051	119	9,938	50,982
Petaluma	3,788	<del>(3,665)</del> 209	339	4,336	19,220	3,799	393	360	4,552	19,300
North Marin	3,110	<del>(2,222)</del> 311	117	4,538	20,325	3,296	1,404	137	4,837	20,399
Rohnert Park	1,518	587	555	2,660	8,849	1,485	721	2(3)	2,206	8,849
VOMWD	1,131	251	0	1,382	6,880	1,168	269	0	1,437	6,900
Sonoma	925	64	0	989	4,294	975	86	0	1,061	4,321
Corati	306	187	0	493	2,548	310	140	0	450	2,572
Windsor	1,928	<del>(2)</del> 0	478	2,406	9,018	1,946	0	501	2,447	9,112
MMWD	1,818	<del>(1,657)</del> 0,086	353	12,257	59,459	1,797	9,913	366	12,076	58,449
<b>Total</b>	<b>23,574</b>	<b>13,525</b>	<b>1,961</b>	<b>39,060</b>	<b>23,544</b>	<b>13,977</b>	<b>1,483</b>	<b>39,004</b>		

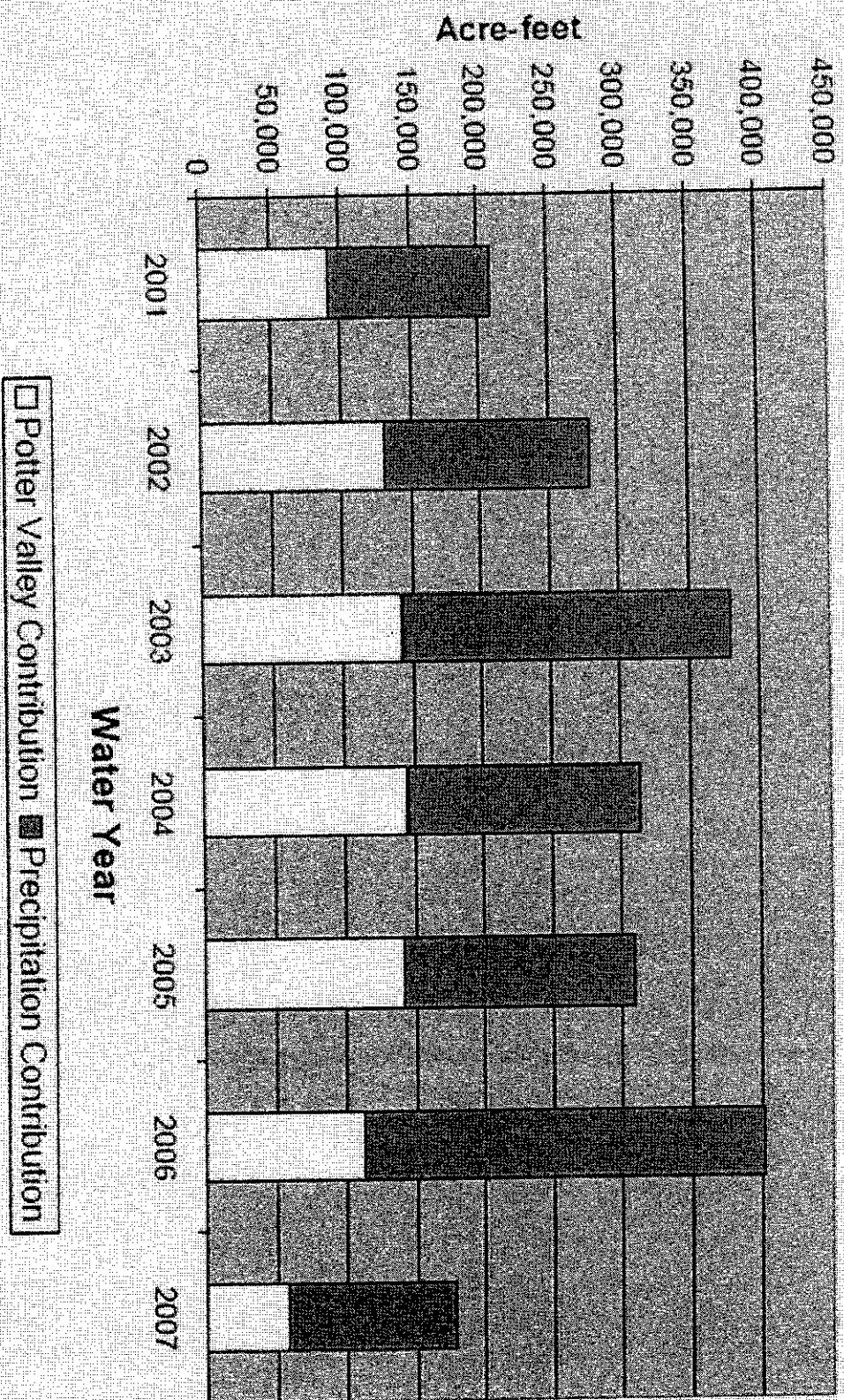
20,415 (Russian River Only, 2)

20,256 (Russian River Only, 2)

- (1) SCWA Wells & Russian River
- (2) Russian River Diversions for period July 1 Thru October 28
- (3) Rohnert Park Recycled Water statistics not yet available

Date: 11/21/2008

# Annual Lake Mendocino Watershed Inflows



## CAN THIS LAWN BE SAVED?

Published on April 26, 2009

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COLUMN: PETE GOLIS

Yes, I know that marriage is supposed to be a partnership, but was it really necessary to discuss the front lawn? It's a postage stamp of a lawn, I reminded her, hardly big enough to notice. And don't forget that our children played on that very grass. I brushed away a tear, but she paid no attention. The children are grown up and gone, she said. Now there's a water shortage. Women can be so unsentimental.

In self-defense, more than anything else, I decided to find out what it would mean to replace the turf that once brought so much joy to our family. Tape measure in hand, I surveyed my average city lot. Let's see, 19 feet by ... It turns out that I am the owner -- make that the co-owner -- of 625 square feet of grass.

I called Dan Muelrath, the city of Santa Rosa's water conservation coordinator. He was very helpful. In fact, he was too damned helpful.

Probably your lawn is irrigated by sprinklers with overlapping spray patterns, he guessed.

Well, yes, how did you know?

They're not very efficient, he noted. Muelrath led me to a water-use table at the city's water conservation Web site. ([www.srcity.org/wc](http://www.srcity.org/wc).) There I learned that in the month of July, one square foot of turf will use 4.09 gallons of water. But drought-resistant plants will use only 1.23 gallons. The calculator, please. Bottom line: The potential savings amounts to 1,787.75 gallons of water per month. Ouch.

Your real-life savings will probably be more than that, Muelrath added helpfully. Almost 1,800 gallons a month. This was more than I expected.

At a public hearing on water rates earlier in the week, some hard-core folks testified that they use less than 2,000 gallons in a month for everything. And I was using 1,800 gallons for that stupid lawn. Muelrath told me that Santa Rosans use about 13 million gallons of water per day in December -- and 32 million gallons on the hottest summer day. Most of the difference between winter and summer demand is water used to irrigate landscaping. And turf uses more than three times as much water as other plants.

OK, so my wife was right. (Are you surprised?) No more watering the lawn. Eager to cash in on my born-again devotion to conservation, I then calculated how much money I would save by reducing water consumption by 1,800 gallons a month. It turns out I would save \$7 a month in the hottest months of the year.

I learned three things last week: (1) we wouldn't have a water crisis if we replaced ornamental lawns; (2) sometimes the reward in life involves doing the right thing; and (3) it's not such a bad thing that marriages are called partnerships.

Pete Golis is a columnist for The Press Democrat. E-mail him at [petegolis@pressdemo.com](mailto:petegolis@pressdemo.com).

RRWPC Comments on:

## **Water Project DEIR**

March 10, 2009

By Brenda Adelman

Submitted by email to Erica Phelps

### **General Comments:**

Russian River Watershed Protection Committee (RRWPC) offers comments on the following portions of the Water Project DEIR: Chapters 1, 2, 3, 4, Sub-Chapters 5.9, 5.13, and Appendix P. We commented primarily on the Russian River Project and did very little or nothing on the other components. We did not have time to examine other parts of the DEIR, so our silence on those other portions should not be taken as a lack of concern. Had we had more time, we would have done a lot more.

We wish to chide the Agency for not allowing extended time to respond to this very long, in places highly technical and complicated document. This is especially problematic in light of the fact that the Chief Engineer, Randy Poole announced recently at a Technical Advisory Committee meeting of the water contractors that there is no money to respond to comments and that no response would be made, in effect throwing the whole project in doubt.

It is thoughtless to leave potential participants in limbo after asking them to spend their time attending hearings and writing comments when probably no one would every see what they have written. Furthermore, it is an irresponsible waste of public funds to hold hearings, ask people to come out at night and give comments that will never be responded to, with a court reporter present at six meetings taking notes to boot. Most of the notes taken by the reporter consisted of the staff reading the same presentation from her power point six times. How much did that cost the Agency? Why was it necessary under the circumstances?

In general, RRWPC supports conservation and some kind major infrastructure improvements to the Cotati-Kastania pipeline. We understand that the pipeline is old and may be on the verge of collapse. The people of Petaluma and Marin do not have adequate alternatives for water supply and a major accident could jeopardize the health and safety of many people. While we have no comment on the specific proposed project in this DEIR, we urge you to resolve this matter. We don't generally support "piece-mealing", but in this case we believe it would

Recreation is the lifeblood of the economy of the lower river and you need to recognize that in a meaningful way. (More details below.)

## Chapter 2: Summary

Chapter 2 begins by stating that the Sonoma County Water Agency (SCWA) produced this document on behalf of the Water Contractors and that SCWA is the lead Agency per CEQA. It states, (pg. 2-1), "*The Agency is the lead agency for the Water Project. The lead agency has principal responsibility for carrying out or approving a project and preparing CEQA documents.*"

There has been quite a lot of discussion by SCWA staff on the level of their responsibility for this DEIR. Directors of the Agency (Supervisors) held off on its release in August '08 because of the impending release of the Biological Opinion by the National Marine Fisheries Service (NMFS). This DEIR was formally released for a 90-day comment period in mid-December, 2008. Supposedly this document incorporates directives of the Biological Opinion into this draft DEIR, or at least that was the intent in holding off its release for four months.

While the main components of the BO are mentioned, we have not discovered any attempt to deal with the issues raised therein. Since the BO has the standing of Federal law, and we would assume must take priority, we wonder how release of this document without considering issues raised by the BO, is legally adequate?

Since that time, we have heard the General Manager and the Assistant General Manager of SCWA, in meetings with the contractors, indicate that the Agency was pressured to release the DEIR by contractors against their will. SCWA staff arranged for contractors to attend six hearings on the Draft EIR, which ended up being very poorly attended, with only a handful of comments received for the record at these meetings. It was embarrassing to learn that there were more Agency and contractor representatives in attendance in at least three of the six meetings held, with no more than two public comments made at each. While staff made a brief presentation on the contents of this 3000-page document, the meetings were set up to take comments from people about the document, as if they had had the opportunity to read it. There was no attempt to tailor the presentation to the local audience.

We have heard staff say on numerous occasions that they want to focus on implementing the Biological Opinion, that it may be ten or more years before they get the increased permit allowance of 26,000 AFY, and finally, that there is no money to respond to comments and the Agency will not be doing so. So where does that leave us with this document?



The Demand Analysis conducted by Brown and Caldwell, while thorough, is based on data from 2000 to about 2004. So much has changed since then, the analysis is limited for purposes of planning for capacity needs over the next 20 years. Rohnert Park's General Plan hasn't been updated since 2000. The document quotes Department of Finance and ABAG numbers where current General Plan estimates are not available, but we wonder about the assumptions upon which they are based. That information is not available in this document. It is my understanding they are generally higher than locally generated estimates.

In 2005 Brown and Caldwell estimated 9,440 AFY could be saved through conservation by 2030. Yet in 2009, contractors are being required to save about 15%, which is the same as the 9,940 AFY, while they are already far below current capacity of 76,000 AFY. I wonder if the conservation estimates are greatly understated. It would be important to look at new technologies developed since 2005 and see what further improvements can be utilized. (see comments from Sonoma County Water Coalition)

It is interesting that the numbers in Table 2-A showing demand estimates, conservation and recycled water savings, comes out to an exact number of 101,000 AFY. Yet this is the amount that has been requested since about 1992. It would be interesting to go back to the 1997 DEIR to see how they came up with the exact same number twelve years ago. It seems like the consultant started with the final number and worked backwards. This is fairly easy to do, since we are dealing with projections and estimates, which are easily manipulated.

The economy has been in freefall in the last year. We don't think any of that is considered in this document, since the estimates used are based on data that is at least several years old (latest from 2005). This needs to all be reevaluated in light of current drastically changed economic circumstances.

In the water conservation component, we need to know why new development, subject to installation of all the new water savings devices, still uses far more water than older residences. There needs to be a full analysis of this situation.

The Biological Opinion is referred on page 2-11 as though it had not been released yet. This section needs updating to include the issues that need to be addressed to comply with the time line. Also on that page is a discussion of the new water right permit that would be needed from the State Board. This too has been in the works since the early 1990's. We have heard Randy Poole say it will not be forthcoming until at least 2016.

The Biological Opinion requires a timeline that directs the Agency to obtain a change to minimum flows required in D1610 in the next two years and to address habitat improvements in Dry Creek over the next twelve years. They have stated that the habitat improvements are an experiment and if they don't work in about ten years, SCWA can then implement the pipeline. In that time,

Our major concern is with allowing supposed low threat and incidental runoff discharges in the summer when the flows are very low and the assimilation capacity of the creeks and streams is also very low. There are many unregulated chemicals in even tertiary wastewater and there has been more and more scientific evidence that this causes harm to aquatic and wild life. Also, this is the time of most recreational use and the risk of exposure to humans becomes much greater. By legalizing incidental runoff without really being able to predict cumulative impacts, there is a very serious situation that could result. We are also very concerned that this runoff will carry pesticide and soil amendment residues and be more toxic than the wastewater itself. We feel that you should address this issue since this project supports and encourages such practices and even includes them in your capacity analyses.

Furthermore, one reason supporting this practice states, "*Protects Russian River watershed by reducing treated wastewater discharge.*" This is not really true because the irrigation occurs mostly in the summer when discharges are not allowed.

On page 3-34 the document notes that the Agency OWNS certain wastewater discharge and treatment facilities. Which does the Agency own?

You note further down the page that the North Sonoma County Ag Reuse Project is due to release the EIR/EIS in June, 2008. Obviously that is impossible since it is March, 2009 and it hasn't been released yet. I suggest a correction here.

Pages 3-35 to 3-39 refers to the Jenner Estuary, the Section 7 Consultation and the BO, and the need for alteration of D1610. In other parts of these comments we express support for incorporating these into this document. This section was not updated as promised after the Biological Opinion was released. In regards to D1610, this document also fails to acknowledge that the BO requires the Agency to start the process for changing D1610 by next year I believe. This section also needs updating, especially since the effects of permanently lowering main stem flows could have major impacts on the environment.

## **Chapter 4: Project Description**

On page 4-5 it states that, "*The Water Project is needed so that the Agency may obtain legal rights to release and use additional water currently stored in Lake Sonoma and divert and re-divert the water from the Russian River.*" Do you mean that this project is a precursor to getting expanded rights? Can you please explain this? Perhaps you cannot USE the rights before you have the project, but do you actually need to have the project before getting the rights? That would be like building a project before getting a permit to do so.

This section, which talks about demands for more water is totally divorced from the current economic and housing situation. It states that the project is needed to

won't be much incentive to take action now, if contractors have over 20 years to implement. When does the 10% penalty kick in? Does it only kick in when they don't meet current levels?

**Russian River Component: Page 4-18**

This DEIR assumes that the Dry Creek pipeline project is the only alternative to conveying water from Lake Sonoma to the Wohler facility. Again, it ignores the directive of the BO to examine habitat improvements in Dry Creek before committing to an expensive and politically controversial alternative. Of course, the project description states that this pipeline is studied at a programmatic level of detail and that more detailed studies would follow in a project specific EIR. In a few places, we noted that a treatment plant is planned. What kind of treatment is planned? It is unclear whether it is the current chlorine and corrosion control treatment or if you are contemplating a full-blown water treatment facility? This needs to be clearly spelled out.

Also the DEIR states that only the pipeline is studied at the programmatic level, the other parts of the project are considered at the project level. This needs to be more clearly spelled out. Is this referring to the entire facility at Wohler/Mirabel and both dams and the schedule of releases are considered a programmatic DEIR? If so, how can you not include a detailed discussion of proposed changes to D1610?

The Agency uses the Russian River System Model as its hydrologic computer model to determine whether current and future water availability is adequate. Is this model considered part of the Russian River System in this DEIR? We wonder if the model had predicted reservoir shortages at Lake Mendocino in 2002, 2004, and 2007? What is the track record of its predictions?

The third paragraph on page 4-18 is extremely interesting. It states that the model knows about all diversions in the watershed. That means the model can probably figure out, using permit data from the State Board, exactly who is stealing water and perhaps even how much. And then the Agency makes sure that adequate water is flowing to supply those illegal uses. At least, that's what we have to deduce from the information given here. It also states that you have a pretty good idea of what the sediment rates are in Lake Pillsbury, Lake Mendocino, and Lake Sonoma. So how much water is used by ag and how much of it is under permit (totals would be fine)? To what extent are sediment depositions in the lakes surpassing expectations?

It appears there is no or little attempt to use the model for the purpose of meeting flow requirements at the Hacienda Bridge. (page 4-19 top) Why is that? How will flows be affected at Steelhead Beach and Burke's Canoe's? How will the model be used to project stream flows under critical dry conditions? Will such an analysis be brought to the State Board when you present your request for an Urgency Petition to declare a critically dry year? It seems as though you are

spills, violations, and penalties, even though your agency operates several of those systems and is very familiar with all the problems. We suggest that there is more information available about wastewater treatment plant failures that should be revealed in your discussion here.

On page 5.9-7 it states that SCWA water delivered to customers is of very high quality and no further treatment is needed other than chlorination and pH control. We wonder then why you include a treatment plant as part of the project description? (See page 4-25 in the project description.) You don't say much about it, even though it would be a major undertaking to install. Why is no further information given here? Please provide.

We wonder if you test for trihalomethanes in your water and whether you have ever had a positive test? Have you tested for the 126 priority pollutants since 2007? Don't you test annually for those? Have any ever been positive? Do you ever test for endocrine disruptors or test fish tissue samples for the same? There have numerous studies coming out recently (We will try to submit one or two.) that indicate that pharmaceuticals and personal care product chemicals are getting into the drinking water supply of a large number of supplies nation wide. Have you ever tested for these constituents? Would you be willing to do so? You are working with USGS on water quality sampling and they conducted such a study in 2002 I believe. Could we do that here?

On page 5.9-17 it states that the Russian River Model ESTIMATES the flows at Hacienda. Why are ESTIMATES necessary since there is a USGS gauge there?

Water Conservation Component (page 5.9-18) in the "Background" section there is discussion of recycled water being used to offset potable water and the savings get entered into the computer model. I haven't seen this discussed yet in the parts I've read, so I will make comments here and hope I didn't miss something you addressed in another section.)

We have expressed extensive concern in the past about water quality impacts of irrigation runoff. Our 30 pages of comments to the Regional Board on the Basin Plan Amendment are attached to this document. In a nutshell, numerous conditions that possibly cause serious environmental impacts are coming together in a way that are not addressed in this DEIR. The elements include lowered stream flows, (perhaps greatly lowered if Decision 1610 is amended significantly), possibly legalized incidental runoff (waiting on a Basin Plan Amendment process to be completed), and increased irrigation with wastewater in the attempt to offset potable water use into creeks and streams that are severely impaired.

There is a massive Ludwigia problem in the Laguna along with Pepperweed and now the problem is moving its way down to the lower river to the Monte Rio area. A friend reported extensive Ludwigia blooms in the lower river. I also plan to attach a picture of the Ludwigia by Stony Point last August. After

occasions. Please address this issue. How often is it likely to fall below the 1610 minimum?

While this document claims that flows will be MORE than current Decision 1610 minimums, nevertheless, as we mentioned before, SCWA has requested "dry" year designations from the State Board in three of the last seven years. Now SCWA is preparing to request "critical dry" status. Then within the next year, your agency will be asking for permanent stream flow and other operational changes. It makes absolutely no sense to certify this document now when current reality appears to be pushing things in a totally different direction.

Decision 1610 establishes minimum flows at the base of Dry Creek and at Hacienda. Are the assertions for meeting Decision 1610 at Mirabel merely assumptions based on estimated flows coming out of a model? We wonder if the actual flows at these two gauges are used to model projected flows?

Furthermore, these projections don't explain the reality that in three of the last seven years SCWA has gone to the State asking for an Urgency ruling to allow "dry" flow conditions (as mentioned above). This year you intend to request "critical dry". Then you say that you will deliver the same water under each scenario you would have prior to the project but the Agency has the "wild card" by applying to the State for altered flow regimes.

Circumstances are arranged for SCWA to call the shots in favor of the contractors by applying for dry or critical dry status, and the lower river gets shorted water with little account for the impacts to downstream, whether or not the flows and storage justify the designation, as is the case we believe, by requesting a "critical dry" year at this time. We could understand why the Agency may want to ask for a "dry year" designation but fail to understand the "critical dry year" designation request. Please explain. (At this point there are some meetings coming up to apparently explain this, but they occur AFTER the deadline for these comments.

In addition, as we mentioned earlier, this DEIR does not examine the alteration of Decision 1610 to allow for lower flows on a permanent basis. There is a great deal of work in changing this designation and this document doesn't address the impacts from doing so. Since the change is critical to this project, and must precede it, according to the BO, why do you think this DEIR is adequate in light of that circumstance?

### **Sub-Chapter 5.13: Recreation**

First, please see general comments above about our assessment of the Agency's attitude towards lower river recreation as stated on p. 5.13-3. (page 2 of these comments)

discharges between July and September. We theorized that if we subtract the average monthly summer dry weather flow from the average monthly wet weather flow, we will come up with a number that for the most part, represents infiltration and inflow (I & I) through leaky pipes into the wastewater system.

That surplus water costs a great deal to treat, not only in terms of dollars per gallon, but also represents expensive and wasted energy use. Furthermore, it takes up water that could stay in the ground or end up in our creeks and streams and provide potable water (as much as any of our water is potable). Instead it gets mixed with polluted water, which has to be cleaned under standards that are inadequate in many respects and expensive to boot. Therefore the water could have a negative impact on the environment. It could also save the City all or part of the \$150 million it was planning to spend on an irrigation program that offsets potable water use.

For numerous years, we have been nagging Santa Rosa to "fix their old and leaky pipes". They did a pilot program and early results indicate that there may be a significant decrease in the amount of water flowing to the treatment plant. Since clean water laws expect those pipes to be repaired anyway, and in some cases the private laterals (and possibly pipes) are causing raw sewage to enter into and pollute the groundwater, it may be worthwhile to give credit for fixing leaking wastewater pipes. We have been asking Santa Rosa to do a serious cost/benefit analysis on fixing their older pipes at a faster rate than the 1% they have been doing. They are starting to get the message.

We are aware that fixing pipes are very expensive, but there are many, many advantages to looking into this. We are hopeful that cities can get offset credit for doing this, and at least make it part of the mix. We estimated that the water lost between 1995 and 2007 was 1.5 billion gallons of water, with Santa Rosa accounting for 2/3 of it. Obviously the smaller systems would have more trouble doing this, but we would like to see offset credits as part of the mix of incentives in this program.

And one more thing, in any case where more than 5% of the potable water is lost, cities should be given offset credit for fixing leaking water pipes as well. (You're welcome to lower the %, but I don't think it should be higher.)

## **Appendix P**

We are running short of time, so we will not be able to do justice to this very important model study and discussion of the basis for projections. I will try to describe some critical issues however.

### **General Comments:**

that time they have instituted conservation pricing. Shouldn't that information be updated, since you are projecting use to 2030 and that should be considered?

At the top of page 21, there is a discussion about what caused Santa Rosa's decline in water use. Only minimal credit was given to conservation, yet in the late 1990's Santa Rosa instituted a major toilet retrofit program (not sure if we have the date right). It would seem as though that at least in the late 1990's, when vacancy was less and the program was in place, that decreases in water use should be credited to conservation instead of the claimed "shifting account mix".

On page 2-20 it states that average household usage was 288.3 gpd. On page 2-21 it states that new households use an average of 344 gpd. That is a significant difference. Since it is likely that new households have water saving appliances, they must be doing more washing of clothes and dishes and irrigating their gardens. That's almost a 20% increase, in spite of water saving toilets and appliances. What accounts for this disparity? The difference in North Marin is much smaller and Petaluma much greater. It would be interesting to have an analysis on this comparison.

We wonder if Santa Rosa sells water to households and businesses outside their boundaries and not considered in their population numbers? If so, that would skew the data unless accounted for.

### **Base Populations:**

There are some discrepancies between the Brown and Caldwell analysis that do not appear to be serious but we wonder about the lack of consistency. One example is that Table 4-A states the Rohnert Park's population in 2005 was 41,640. In the B/C Report on page 3-4 it states that the 2004 population was 41,228. Why weren't the same numbers used? I guess an increase of 412 population in a year is not unreasonable, but how were the different numbers arrived at? (B/C Report gives explanation, but I'm not sure about 4-A. I'm running out of time so I can't check.)