

AB2121Policy - Comment Letter AB2121Policy

From: <BRSunrise@aol.com>
To: <AB2121Policy@waterboards.ca.gov>
Date: 5/1/2008 11:03 AM
Subject: Comment Letter AB2121Policy

Ms. Karen Niiya, Senior Engineer
 Division of Water Rights
 State Water Resources Control Board
 1001 I Street, 2nd Floor
 P.O. Box 2000
 Sacramento, CA 95814

STATE WATER RESOURCES CONTROL BOARD
 SACRAMENTO
 2008 MAY -1 AM 11:57

Re: *Comment Letter – AB 2121 Policy*

Dear Ms. Niiya:

We are a winery and land owners in Sonoma County and the draft Policy will have a devastating impact on the farming interest of our family's business. In 2006 we filed an application to appropriate water in the winter months from an unnamed stream within the Russian River watershed. Our filing was prompted by State Water Board staff's identification of two existing reservoirs on our property, which were designed by the Soil Conservation Service, a Department of the US Department of Agriculture, and constructed over 50 years ago by the Army Corps of Engineers for the purpose of flood and erosion control. In addition to performing these necessary functions, the lakes provide other significant environmental benefits. They attract a myriad of wild life, especially migrant birds, during the spring and fall. They provide sustenance to a wide variety of other wild life year round. They contribute to charging of the aquifer year round. They provide a buffer for high flow rates during heavy rainfalls and thereby reduce soil erosion. They perform a function of flood control – reducing flow rates especially during the early parts of the rainy season.

They also provide irrigation water for our 25 acres of vineyard.

The draft Policy states that the stringent bypass and diversion limitation criteria are to benefit fishery resources. We believe it is questionable whether those resources would be benefited as the draft Policy model has not been tested. Further, several recent scientific reports maintain that the decrease in salmon is due to a decrease in their food supply due, probably, to global warming. The draft Policy indicates that the cost to implement the proposed bypass criteria would be a minimum of \$100,000 for a small project, and from \$473,000 to over \$3,000,000 for larger projects. Therefore, the overall costs to landowners might exceed \$2 billion based on the number of dams identified in the draft Policy! Before such costs are even contemplated, it would seem necessary that the State Water Board verify that the proposed measures would not only benefit the intended resources but also not cause deleterious impacts on other aspects of the environment. We believe the governmental policy should be fair to competing interests and balance the competing needs of the environmental and the agricultural and industrial community who share the resources.

It is also our understanding that your Division has a backlog of over 300 applications in the north coast alone and that some water right applications have been pending for more than 10 years. We are concerned that the proposed Policy will exacerbate the existing backlog of water right applications thereby causing further delays in processing of applications such as mine. Applicants deserve clear guidance as to how to obtain a water right permit.

Further, I attended the workshop on the draft Policy conducted by the State Water Board on February 7th. The meeting room was inadequate to allow all attendees to listen to the presentation, and I was told they would repeat it later in the afternoon. When I returned at the appointed time, the presentation was not repeated.

The State Water Resources Control Board should reject the Draft Policy and replace it with a policy based on sound scientific data that provides appropriate balance between economic interests and environmental protection. It should consider all aspects of the environment and it should be demonstrated that implementation of the policy will have the appropriate results.

We look forward to your full consideration of our concerns.

Sincerely,

Barry and Phyllis Rodgers

cc: Tam Doduc, Chair, SWRCB

SWRCB Members: Arthur Baggett, Jr., Charles Hoppin, Frances Spivy-Weber, Gary Wolff

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