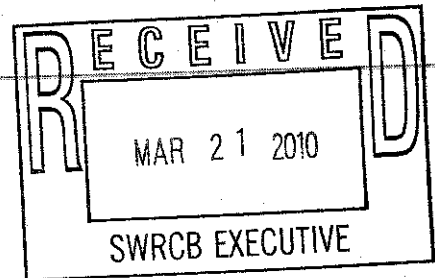


commentletters - Fw: Feb 2010 Draft North Coast Instream Flow Policy

From: "Bruce Leibrock" <leibrock@mcn.org>
To: <commentletters@waterboards.ca.gov>
Date: 3/21/2010 10:15 PM
Subject: Fw: Feb 2010 Draft North Coast Instream Flow Policy



State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter - February 2010 Draft North Coast Instream Flow Policy

Strong Objection to this Draft Policy and Request for Extension of Time

We request that these comments be made part of the administrative record for the Proposed Policy of Maintaining Instream Flows in Northern California Coastal Streams.

As a result of Assembly Bill 2121 (2004), the State Water Resources Control Board (SWRCB) is considering adopting a policy to enhance instream flows in the north coast region, which includes the Gualala River.

The SWRCB staff-recommended proposed policy, applicable regionally, could have a drastic, negative impact on The Sea Ranch. It could leave The Sea Ranch without water supply for days or even months each year. The proposed policy should be revised to require that the economic impacts on current water users be taken into account. The policy should be evaluated by including burden as well as benefit. Water needed for The Sea Ranch should not be re-dedicated to instream flow.

These are a short summary of the effects of the proposed policy.

The proposal is to limit the diversion season to December 15 to March 31. For years, The Sea Ranch Water Company has met the needs of the The Sea Ranch under a set of permits allowing the diversion of water from the aquifer underlying the South Fork Gualala River. The wells may operate year-round provided that there are specified minimum surface flows bypassed. The Sea Ranch rigorously adheres to those bypass requirements. Typically the flow is adequate for the wells to operate from December until July. During the 2008 - 2009 drought, pumping did not begin until February 2009.

The proposed policy would require huge flows in the South Fork Gualala River before we could operate the wells. The flows would have to be 10 times greater than the current permitted policies commonly referred to as Term 14 of The Sea Ranch Water Diversion permit.

The combined effect would deprive The Sea Ranch of adequate water supply to sustain the community's viability even during normal rainfalls.

The Sea Ranch water rights and facilities were developed and conditioned to meet both fish protection and municipal water service needs. These assumptions appear far different from those reflected in the proposed policy. It appears that the policy is designed as if unimpaired conditions are the starting point and without consideration of municipal water service needs.

Effects during drought will include severe conservation measures. With these measures in place, our reservoir would likely dry up quickly after March 31. It is unlikely that it would be refilled if the drought continues. The Sea Ranch has an excellent water conservation program. The per capita use per day is very low.

The impact on property value in The Sea Ranch would be incalculable. Should the proposed policy come into effect, property values will drop precipitously, causing job losses and property tax revenues in the region. This area is already suffering from chronic unemployment and would suffer even more.

The proposed policy might be applicable to some hypothetical regional norm elsewhere. It does not take into account the actual hydrology of the Gualala River watershed. Neither does the proposed policy recognize that the primary threats to the fish in the South Fork Gualala River are silt, high temperatures caused by the de-vegetation of riparian zones plus de-watering of the upper reaches of the Gualala River watershed. This "one size fits all" proposed regional policy has no basis in science applied to the Gualala River watershed or to our operation of diversion from the aquifer underlying the Gualala River watershed.

The geology, hydrology, and biology of the Gualala River watershed are drastically different from the conditions of the areas that served for validation of the proposed policy. The aquifer from which The Sea Ranch pumps its water reaches several hundred feet deep into the San Andreas Fault zone. As far as we know, it has been asserted, but not demonstrated, that surface flows in the river are reduced by diversion of aquifer storage. There are no studies showing that flows in the aquifer are correlated with the short, high volume, bursts of surface flow characterized in the proposed policy.

If the SWRCB proposes to destroy the community we live in (unacceptable to us), at the very least the SWRCB must demonstrate to us that the proposed policy as applied to the South Fort Gualala River has scientific basis and will prove that it will increase significantly the salmonid populations. At present, these Regional Criteria would dedicate far more water to one use than reasonably needed and cause irreparable damage to other reasonable existing uses.

The proposed policy should be scrapped or revised to require taking economic and other impacts on water users into account. The burden and the benefits should be taken into account.

The proposed policy was announced on February 18, 2010. Forty-five days are not an adequate time for evaluation of the probable impact of this very complex and highly technical policy on specific sites. Personally, we have not evaluated the economic effects on our property on The Sea Ranch (we are full-time residents) and on the larger coastal community and request an extension of at least 90 days.

The SWRCB has scheduled one weekday hearing on the proposed policy, to be held in Sacramento, many hours drive for those whose lives will be affected by this proposal. We request that the SWRCB schedule workshops and hearings in the north coast region in order to for those citizens whose homes and livelihood will be affected by the SWRCB's decisions may be heard.

Thank you for your consideration of these comments.

Sincerely yours,

Bruce and Jutta Leibrock
158 Black Point Close
The Sea Ranch, CA 95497

cc: Supervisor Efren Carrillo, Fifth District Supervisor, County of Sonoma

Assemblyperson We Chesbro

Senator Pat Wiggins

Governor Arnold Schwarzenegger

Dan Pellissier, Deputy Cabinet Secretary, Office of the Governor