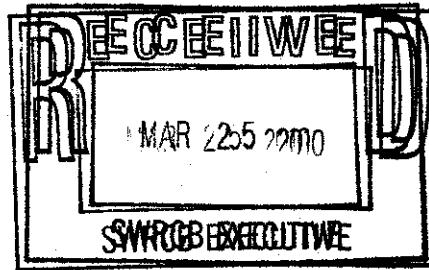


PO Box 1499, Gualala, CA 95445

State Water Resources Control Board

Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814
March 22, 2010



Subject: Comment Letter – AB2121 Policy

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

In response to AB2121, the State Water Resources Control Board (SWRCB) staff recommended proposed rules, applicable regionally, that would have drastic, negative impact on The Sea Ranch water supply.

Two components of the proposed policy are especially onerous and their economic burdens must be lifted for Sea Ranch is to remain a viable community:

The proposal is to limit the diversion season to December 15 to March 31. For years, The Sea Ranch Water Company met the water needs of The Sea Ranch under a set of permits allowing the operation of wells sunk adjacent to the South Fork of the Gualala River. The wells operate year-round provided there are specified minimum surface flows. Typically the flow is adequate for the wells to operate from December until July, although in the 2008-2009 drought, pumping did not begin until February 2009.

The proposed policy will require huge flows in the Gualala River before we can operate the wells. We estimate the flows would have to be about 10 times greater than the current permitted policy.

The combined effect will deprive The Sea Ranch of adequate water supply to sustain viability even in normal rainfall years. In drought conditions, the reservoir that was prudently sized for the presently permitted flows will dry quickly. In normal years, The Sea Ranch will be without a water supply for weeks or months.

There is no way to replace the water The Sea Ranch currently is allowed to divert, except at significant cost. One possibility is to expand storage and pumping capacity (above currently permitted levels) or construction of a desalination plant. Obtaining permitting would be difficult and costly with construction costs in millions of dollars.

Each property on The Sea Ranch will lose value. If the proposed policy is put into effect, property values will drop precipitously, as will economic activity and property taxes in the region; an area that already suffers from chronic unemployment.

The proposed policy may be applicable to some hypothetical regional norm, but it does not take into account the actual hydrology of the Gualala River watershed. The proposed policy does not recognize that the primary threats to fish in the South Fork Gualala River are silt, high temperatures caused by de-vegetation of riparian zones, and de-watering of the upper reaches of the Gualala River watershed. The "one size fits all" proposed regional policy has no basis in

science applied to the Gualala River watershed or to our operation of wells located within the aquifer that lies in the Gualala River watershed.

The geology, hydrology, and biology of the Gualala River watershed are dramatically different from the conditions of the areas that served for validation of the proposed policy. In particular, the aquifer from which The Sea Ranch pumps its water extends several hundred feet deep into the San Andreas Fault zone. To the best of our knowledge, the SWRCB has asserted but not demonstrated a coupling between the surface flows and flows in the aquifer. No studies show that flows in the aquifer are correlated with the short, high volume, bursts of surface flow characterized in the proposed policy.

If the SWRCB staff is proposing to impact the community in which I live, the least it should do is demonstrate that the proposed policy as applied to the South Fork Gualala River have scientific validity and will lead to demonstrable increases in salmonid populations.

The proposed policy appeases us whose economic well-being is threatened. The rules would permit The Sea Ranch to present "site specific" studies as an alternative. To meet the SWRCB's guidelines with scientific integrity, such studies would be equivalent to full environmental impact studies under CEQA, costing \$1 million or more.

The proposed policy does not provide criteria by which a "site specific" alternative would be evaluated, which could be subjected to an ill-defined and arbitrary concept rather than a scientific standard. The SWRCB should bear the burden of developing a set of evaluation criteria that would balance the economic impact on long standing, permitted developments against the speculative benefits to fish populations that may result from the proposed policy.

The proposed policy should be scrapped or revised to require that the rules take into account economic and other impacts on water users. The rules should employ science applicable to each specific stream. The policy should be evaluated including burden as well as benefit.

The proposed policy was announced on February 18, 2010. Forty-five days is an inadequate time for evaluation of the impact on the proposed policy on specific sites. While The Sea Ranch had the opportunity to evaluate the draconian impact of the proposed policy on water supply, I have not had time to evaluate the economic effects on my property (my primary residence) on The Sea Ranch, or on the larger coastal community. If the SWRCB does not choose to revamp the proposed rules so that they correspond to the physical and economic realities of the Gualala River watershed, **I request that the SWRCB extend the comment period for 90 days.**

The SWRCB has scheduled one weekday hearing on the proposed policy in Sacramento, several hours drive for those whose lives will be affected by the proposed policy. I request that the SWRCB schedule hearings in the north coast region so that those citizens whose homes and livelihoods will be affected by the SWRCB's decisions may be heard.

Thank you for your consideration of these comments.

Yours sincerely,

John Moelter
Cecilia Moelter

John and Cecilia Moelter