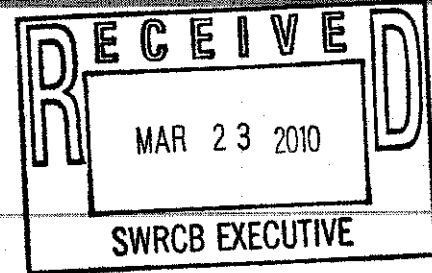


commentletters - Comment Letter AB2121

From: CHARLES M KINNEY <m-ckinney@sbcglobal.net>
To: <commentletters@waterboards.ca.gov>
Date: 3/23/2010 10:59 AM
Subject: Comment Letter AB2121



Dear Representatives,

Having been an owner of property at the Sea Ranch in Sonoma County since the early 1980's and studied Larry Halprin's design while at graduate school in the 1960's it has been brought to our attention that the State Water Resources Control Board (SWRCB) is considering adopting a policy that is intended to enhance instream flows in the north coast region including the Gualala River using Assembly Bill 2121 passed in 2004 as a vehicle for this new policy.

The SWRCB staff recommended proposed policy if applicable regionally, could have a drastic and negative impact on The Sea Ranch. As a result of this policy that is being considered if passed 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. Water needed for The Sea Ranch should not be re-dedicated to instream flow, especially when it is not even needed for that purpose.

The Regional Criteria would limit the diversion season to December 15 - March 31. Historically and currently, The Sea Ranch is not allowed to operate its wells, diverting from the aquifer underlying the South Fork Gualala River, year - round as long as river flows are within the permitted range. The Sea Ranch has adhered rigorously to the required water volume bypass flows for fish protection and typically operate the wells from December - July.

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

Resale markets in other developments that have lost their water supply suffered considerable loss in value which at the Sea Ranch if such a policy were to be adopted is estimated could lower existing property values by 2 billion dollars.

The proposed regional policy does not take into account the hydrology of the Gualala River nor the primary threats to fish. The State has designated the Gualala River as impaired because of silt and high temperatures caused by de-vegetation of riparian zones. The proposed policy assumes one size fits all. It was not validated for the Gualala River, but instead for inland conditions far different than ours at The Sea Ranch. The proposed policy has no basis in science applicable specifically to the Gualala River watershed or to our pumping from the aquifer within this watershed.

Although the proposed policy would permit The Sea Ranch to present site specific studies as an alternative, ie an EIR report, this could cost us about \$1 million. Besides concerns for fish and instream flows, where is the concern and accountable impacts on The Sea Ranch?

I believe the proposed policy should be revised to require that the economic and other impacts to current water users be taken into account: include burden as well as benefit. In addition the policy should

employ science that addresses conditions like those found on the South Fork of the Gualala River.

Please revise this policy so that it makes common sense and does not spread a wide net over areas both in need of such a policy and those areas such as The Sea Ranch that does not qualify for inclusion in this policy.

Sincerely,

Marilyn and Chuck Kinney