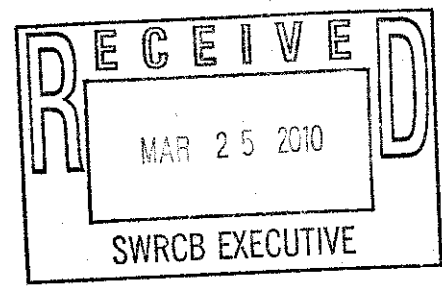


From: Ray and Verena Borton <rvborton@comcast.net>
To: <commentletters@waterboards.ca.gov>
CC: Efren Carillo <ecarillo@sonoma-county.org>
Date: 3/25/2010 9:50 PM
Subject: COMMENT LETTER- AB2121 POLICY.February 2010 Draft North Coast Instream Flow Policy, STRONG
OBJECTION TO THIS DRAFT POLICY AND REQUEST FOR EXTENSION OF TIME

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

In response to AB2121, the State Water Resources Control Board (SWRCB) staff has recommended a proposed policy, applicable regionally, that would have drastic negative impacts on The Sea Ranch water supply. It would leave The Sea Ranch, where we have owned a home since 1969, without water supply for days or even months each year. It appears that the regionally applicable criteria would undermine the viability of an internationally known community of long standing on the Sonoma County coast.



Components of the proposed Regional Criteria that are especially onerous are:

- (1) Limiting the diversion season to December 15 to March 31. Typically the flow is adequate for the Sea Ranch wells to operate from December to July as they have heretofore under specific permits.
- (2) The bypass flows that would be mandated under the proposed policy would be about 10 times greater than the state's current policy for The Sea Ranch.

The combined effect would be to deprive The Sea Ranch of an adequate water supply to sustain the community's viability even in normal rainfall years.

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 devegetation of riparian zones and dewatering of the upper reaches of the Gualala River watershed caused by logging activities, conversion to vineyards, overgrazing and illegal taking of water for marijuana production.

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. 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 is proposing to destroy the community of The Sea Ranch at the very best it must demonstrate that the proposed policy will lead to increases in the salmonid populations. The Regional Criteria would dedicate far more water to one use than is reasonably needed, while causing damage to other reasonable existing uses.

The proposed policy should be scrapped or revised to require that economic and other impacts on water users be taken into account and avoided. The policy should employ science applicable to the relevant 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 of a very complex and highly technical policy on specific sites. We request that the SSWRCB extend the comment period for 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 the proposed policy. We request that the SWRCB schedule workshops and 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,

Raymond E. Borton and

Verena R. Borton

cc: Sonoma County Supervisor Efren Carillo