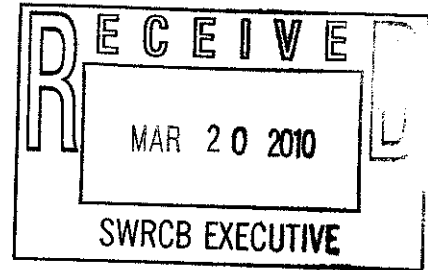


**S. Davis Carniglia, 5630 Golden Gate Ave., Oakland, CA 94618**

Delivered by Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

March 20, 2010

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**

Ladies and Gentlemen:

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

I am a homeowner at The Sea Ranch, which derives its water supply from the South Fork of the Gualala River, which I understand is included in your proposal. My wife and I purchased our home in 2007, in anticipation of my retirement at the end of 2011, when we intend to move there full time. I have followed The Sea Ranch almost since its inception and have owned four undeveloped lots sequentially over thirty years.

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. The Sea Ranch Association and The Sea Ranch Water Company have determined that it would leave The Sea Ranch without water supply for days or even months each year.

Despite the fact that I have several college degrees and have had a successful professional career, I don't begin to understand the technical, scientific or legal considerations behind this proposal. What I do understand is that there is something shockingly wrong with a proposal that would deny an adequate water supply to a community which has existed with your approval for over forty years.

There are something like 1800 homes at The Sea Ranch on something like 2600 residential lots. The Sea Ranch is already a particularly environmentally sensitive community. It was so low-density that the developer lost money on it. Whether it ever should have been allowed on such a beautiful stretch of the coast would have been a reasonable question when it was first proposed, but it was allowed by the government and today there are 2600 families who have over \$2 billion invested in it.

The Sea Ranch has made a number of changes over the years to minimize the impact on the Gualala River. There are numerous water tanks for storage. A reservoir that

was never imagined has been built. The pumping schedule has been limited several times. A massive reconstruction of the entire water distribution system has been approved, resulting in a doubling of our already expensive water bills. The community has had extended periods of water conservation and limitation.

The river flows, the character of the watershed and the extent of The Sea Ranch's water demands have all remained essentially unchanged since the original development was approved. To drastically change the rules now is terribly unfair and unreasonable. It is essentially a taking of a huge economic investment of the people who own property here. If it was a mistake to approve it in the first place, that is a mistake which was made by the government a long time ago and is unfair to impose upon the small number of owners who stand to lose their homes.

As a consequence, I protest your proposal and demand that you withdraw it.

If you are going to pursue this action, I would ask you to consider:

1. Whose Interests Are You Representing?

I'm sure that most of us who have homes at The Sea Ranch care deeply about having and restoring salmon and steelhead running in the river. But I suspect that a highly technical and narrow interest is being addressed here. The entire reason for democratic representation on boards and commissions is to insure that the interests of the people at large are represented and balanced. I think that means that you have a responsibility to consider the interests of the people being impacted by your decisions.

2. Should One Group Bear All the Costs?

The Sea Ranch Homeowners get the benefit of using the water from the Gualala River. But we already get by with as little water as possible and can barely afford our new water rates. We have already suffered significant losses in the value of our property. Most of us would be wiped out by the loss of the water supply necessary to use our property. We were hardly the sole cause of the loss of fish and we would hardly be the sole beneficiaries if this action restores the fish.

3. Have You Balanced the Costs and the Benefits?

This one is really hard, but you have an obligation to consider both the costs and the benefits. Not only is the value of the fish completely uncertain, but the likelihood that your action will result in any improvement in the fish is speculative. But the cost to The Sea Ranch owners is pretty easy to determine and is virtually certain. There isn't much demand for sheep ranches without water anymore.

4. Have You Made Certain That the Costs Will Result in the Benefits?

It isn't at all clear to me that the water taken from the river by The Sea Ranch has any appreciable impact on the surface flow available for the fish. Has anyone studied the differences in the surface flow when The Sea Ranch is pumping and when it isn't? It sounds like the only evidence is purely theoretical and stream flows are notoriously and famously unpredictable.

5. Shouldn't You Pay the Costs?

The fact that The Sea Ranch is here at all and that we, the owners, have invested here is because of a decision made by the government (including your agency in particular). If you are going to change your mind and take an action which takes the value of our property, it seems pretty obvious that the only fair thing is for you to pay the costs. If this is really worth it, the government should be willing to pay for it. If the value of it really exceeds the cost, you ought to be able to collect the value of it from all the people who benefit from it.

6. Have You Taken All the Actions Needed to Achieve the Benefits?

If any withdrawal of water from the watershed has an eventual effect on the surface flows (an assumption that does not seem to be supported by the evidence), haven't you made the problem worse by permitting upzoning of land upstream in the watershed from forest uses to agricultural uses. The vineyards I see in the hills above the Gualala River certainly weren't here when I first bought property at The Sea Ranch. It seems more effective to prevent future development than to take away the value of the development which you have already permitted.

7. Have You Used a Fair Process?

It certainly sounds like you have been considering this for some time. It has taken time and money for the consultants to prepare their studies. It also sounds like special interests have been involved in your process since its inception. But I just heard about this proposal today and it sounds like The Sea Ranch has only known about it for a month. That is more like an ambush than a fair and reasoned democratic process intended to consider all of the issues and all of the interests. You need to allow enough time for the people who are impacted to defend their interests and you ought to consider providing the financial and scientific resources needed to fully understand your decisions.

I think you will have to conclude that this would be an unreasonable and unfair decision.

Thank you for your consideration,

S. Davis Carniglia