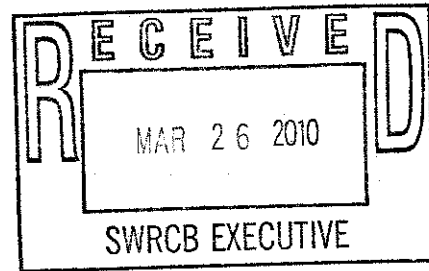


From: "Marge Hoversten" <hoverstn@lvha.net>
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CC: <ecarrillo@sonoma-county.org>
Date: 3/26/2010 10:51 AM
Subject: AB2121 Policy



COMMENT LETTER - AB2121 POLICY

February 2010 Draft North Coast Instream Flow Policy

Strong Objection to this Draft Policy

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.

We own a home at the Sea Ranch in Sonoma County.

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, especially when it is not even needed for that purpose.

1. The Regional Criteria would limit the diversion season to December 15 - March 31. Historically and currently, we are and have been allowed to operate our wells, diverting from the aquifer underlying the South Fork Gualala River, year-round as long as river flows are within the permitted range. We adhere rigorously to the required water volume bypass flows for fish protection, and typically operate the wells from December - July, although in the 2008-2009 drought, pumping didn't begin until February 2009.

2. The proposed policy will mandate huge volumetric river flows in the Gualala River before we can operate the wells. The Sea Ranch Water Co. estimates that the bypass flows would have to be about 10 times greater than the state's current permitted policy for the Sea Ranch.

The combined effect would be to deprive the Sea Ranch of adequate water supply to sustain the community's viability even in normal rainfall years. The Sea Ranch water rights and facilities were developed and conditioned to meet both fish protection and municipal water service needs based upon assumptions far different from those reflected in the proposed policy. The policy appears to be designed as if unimpaired conditions are the starting point and without any consideration of municipal water service needs.

The Sea Ranch developed off-stream storage to provide better fishery protection. This offstream reservoir was sized for the presently permitted diversions, including bypass flows and rate caps. Under drought conditions, the Regional Criteria would cause the reservoir to dry up quickly, leaving NO water supply for the Sea Ranch. During times when water is available, that supply would be reduced to approximately 15-25% of the needed supply. Our research has shown that even in normal years, the Sea Ranch would be without a water supply for weeks or months.

The Sea Ranch has an excellent water conservation program and a very low gallons per capita per day usage. The opportunity for additional conservation is at most limited.

The impact on property value in The Sea Ranch would be enormous. If the proposed policy is put into effect, property values will drop precipitously, causing loss of jobs and decreased property tax revenues in the region. Our area already suffers from chronic

unemployment and would suffer more.

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. Nor does the proposed policy 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 diversion from the aquifer underlying 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, it has been asserted, but not demonstrated, that surface flows in the river are reduced by diversion of aquifer storage. Even if this occurs, the relationship may well be quite attenuated. 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.

The proposed policy would permit The Sea Ranch to present "site specific" studies as an alternative. The stated guidelines for developing "site specific" alternatives appear to require studies equivalent to environmental impact studies under the California Environmental Quality Act (CEQA). To have scientific integrity, such studies would cost about \$1 million. Further, there is no provision to take into account impacts on The Sea Ranch, while the criteria remain focused exclusively on fish and instream flow.

The Association and the Water Company believe the proposed policy should be revised to require that the economic and other impacts to current water users be taken into account. The policy should be evaluated by including burden as well as benefit. Further, the policy should employ science that addresses conditions like those found on the South Fork Gualala River.

Sincerely,

Vincent and Marjorie Hoversten