



Gold Ridge Resource Conservation District

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Comments on Proposed Drought Emergency Regulation Requiring Enhanced Water Conservation and Water User Information for the Protection of Fisheries in Specific Russian River Tributaries

June 11, 2015

To the State Water Resources Control Board:

The Gold Ridge Resource Conservation District (RCD) has been engaged in programs to protect and enhance salmonid habitat in support of coho salmon recovery efforts in both Dutch Bill and upper Green Valley Creeks for over a decade. In partnership with numerous private landowners, and utilizing financial assistance from multiple state, federal and local agencies, we have implemented a number of projects to improve instream habitat, enhance riparian vegetation, prevent and control erosion, conserve water and improve instream flow.

Through our participation in recent years in the Russian River Coho Water Resources Partnership, we have worked to develop projects to reduce or eliminate dry season water diversion that occurs either through direct diversion or via alluvial wells. The focus of these efforts is to provide local water storage and either alter the timing of diversion or develop alternative sources, most importantly rainwater. During the current exceptional drought, the RCD fully supports initiatives to maintain adequate streamflows for juvenile salmonids in these creeks through water conservation measures, be they voluntary or mandatory, and we encourage landowners to be diligent in conserving water at all times, regardless of drought.

An important fact we have learned through our work in these watersheds is that there is a pressing need for information and education. Because of the lack of enforcement of existing regulations, many riparian diverters are unaware of the requirement that they file a periodic statement of diversion. We have found that the majority of well owners are not aware that their wells may be drawing from the subsurface flow of the stream, and are likewise unsure of either the overall or screened depth of their wells. Nearly all wells on rural residential properties in the affected areas are unmetered, and we anticipate that the vast majority of people who are subject to an informational order will not be equipped to collect the data that will be required of them. It will take time to install the appropriate metering equipment and generate relevant data.

The Gold Ridge RCD strongly believes that any informational order should include a reasonable amount of flexibility and emphasize an educational and collaborative approach to compliance. It takes time and diligence to develop the relationships necessary to address issues around water diversion, water conservation and habitat protection, and a regulatory approach that is heavy-handed is likely to damage vital long-term efforts on these issues.

Specifically, we submit the following:

1. The draft regulation has an apparent contradiction as to who is subject to the provisions of subdivision (d). Subdivision (b) states that water users who receive water from diversions sourced within the identified watersheds are subject to subdivision (d), while subdivision (d)(3) states that conservation measures detailed in subdivision (d) shall take effect immediately throughout the identified watersheds (not specific to water sourced from diversions). As not all residents of each of these watersheds use water drawn from diversions as defined in subdivision (a)(2), this contradiction should be clarified.
2. The draft regulation provides no information as to how hydraulic connection as defined in subdivision (a)(3) is to be determined. There is therefore likely to be a great deal of confusion on the part of water users within the identified watersheds as to whether they are subject to the prohibitions listed in subdivision (d). The proposed regulation should be explicit in defining hydraulic connection.
3. To allow landowners time to comply with any informational order, we urge that it include the option to submit, within 30 days of the effective date of the order, a notice of intent to file, and allow a minimum of 30 days thereafter to submit water use data.
4. We strongly urge that there be no filing fee associated with any informational order.
5. To maximize the likelihood of success of an informational order, it should be accompanied by an intensive public outreach effort, including the provision of contact information for SWRCB staff and other entities for the specific purpose of providing assistance and advice on determining what information is required and how to collect it.
6. Since there is likely to be a great deal of confusion on the part of landowners as to how to collect the data required by an informational order, we urge the development of a dedicated funding stream for the provision of technical assistance, both to educate landowners of their responsibilities under an informational order, and to assist with acquiring and installing the equipment necessary to enable them to provide information.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Green', with a long horizontal flourish extending to the right.

John Green
Lead Scientist
Gold Ridge Resource Conservation District