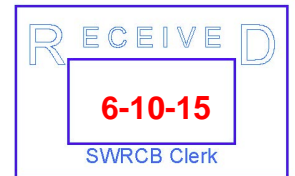


commentletters



From: Kimberly Burr <kimlarry2@comcast.net>
Sent: Wednesday, June 10, 2015 10:48 PM
To: commentletters
Cc: Evoy, Barbara@Waterboards; Howard, Tom; Marcus, Felicia@Waterboards
Subject: Suggestions June 17th Hearing Russian River ITEM 12

> Dear Ms. Evoy, Mr. Howard, and Chair Marcus:

>
> Thank you for taking time to consider these suggestions and comments concerning the May 28, 2015 request by the California Department of Fish and Wildlife and NOAA Fisheries Service. That correspondence addresses drought conditions in four critical habitat streams in the Russian River basin.

>
> Specifically, these resource agencies are urging the state to issue an informational Order to obtain data about diversions and to order reductions in irrigation by residential and some other users in four Russian River tributaries.

>
> Two Suggestions

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> 1. The conservation measures outlined in the letter do not address the large diversions caused by commercial agricultural operations. FN1



>
> Mark West Creek diversion apparently for wine grapes.

>
> The challenge of providing essential food commodities now exists. Water must be used judiciously for the public good and to prevent extinction. An "unreasonable use" of water should include use of potable water to irrigate crops grown exclusively for the

manufacture of a controlled substance. This is logical insofar as such crops do not aid in the "health and safety" of local or state residents. Crops that produce food and are in direct competition for water with the aforementioned crops.

>
> In the Section of 876(d)(1) add: the use of water, except gray water or recycled water, for irrigation of wine grapes or other crops exclusively grown to make a controlled substance.

> Growers of highly discretionary items, or luxury items, do so as purely private business enterprises that do not benefit the general public. With these business investments, come associated business risks. These risks should never be allowed to be externalized onto a public trust resource, must not be "exempted" from an Order to conserve water in a drought emergency at the expense of important recovery efforts paid for with public funds, and must not be implicitly prioritized higher than the species on the verge of extinction.

>
> The state now has funds available for many drought and conservation related strategies. Out of those funds, the state could offer drought insurance policies that incentivize reliance on insurance that protects investments (as opposed to profits) at a reasonable rate of return.

>
> In addition, all businesses are supposed to carry unemployment compensation insurance that will assist any workers who may be affected by the drought related reduction in jobs. This is likely to only be a temporary reduction in these types of jobs.

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> 2. The proposed Order is too narrow in scope. The whole Russian River basin has been designated critical habitat. Although some may say the agencies are acting too swiftly, and they need to slow down and study the issue some more, many years have transpired since the Coho and Steelhead were listed and much has already been invested in the effort to save these important fish. Millions of public and private dollars and many thousands of hours of volunteer hours have been invested in working to restore creeks that keep going dry. Notice to the overly ambitious developers and recalcitrant local jurisdictions has been out there for a long time, and the state must now move forward to ward off a future of dead rivers and streams.

> Large water diverters, developers that perpetually file for new permits to "rip" the soils and vegetation, and local jurisdictions that improperly issue permits to drill wells without analysis of the impacts, have not done enough to reverse the impacts on the species that have been on the list of threatened and endangered species for many years. The state now has little choice but to Order conservation in addition to curtailments in the Russian River in order to stop irreparable harm. As the manager of water rights, it is incumbent upon the state to use its authority now as a back stop and avoid contributing to take. The state must take adequate steps to prevent the loss of the listed species. The state must act swiftly and comprehensively.

>
> Conclusion

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> Thank you to you and your staff for working with and acting on this modest request by NOAA and DFW. I hope that the state expands the scope of this request in order to immediately protect, the instream flows that are needed, in all Russian River tributaries especially from the largest diverters.

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- >
- > Mark West Creek diversion apparently for wine grapes.
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- > Mark West Creek diversion apparently for wine grapes.
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- > Algae in Austin Creek
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- > Dead fish - Green Valley Creek approx. 11/07
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- > Kimberly Burr
- > Restoration volunteer Green Valley Creek
- >
- > cc: Chuck Bonham, Director California DFW
Alicia Van Atta, Deputy Regional Director, NOAA Fisheries
Gary Stern, Branch Chief, SF West Coast Region NOAA Fisheries

> FN1 "Article 24 Section 876(d)(1) The use of potable and non-potable water sourced from areas identified in accordance with subdivision (d)(4) is prohibited for any of the following actions, except where necessary to address an immediate health and safety need or where used exclusively for irrigation for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b):