

Craig Wilson, Chief
Water Quality Assessment Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

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Comments and Visual Evidence (DVD) to Oppose State Proposal to Remove
Laguna de Santa Rosa From the 303(d) List for Nitrogen and Phosphorus

Dear Mr. Wilson,

I have included a DVD which provides additional commentary and visual evidence that I hope refutes the notion and alleged science presented by some to delist the Laguna de Santa Rosa as an impaired waterway with regard to Nitrogen and Phosphorus. While documenting the NPDES Permitted herbicide spraying of the Laguna on July 18, 2005, I was troubled by not only the large volumes of fresh dairy waste that filled long stretches of the Laguna between the Occidental Bridge and Guerneville Bridge, but that an herbicide would be permitted, in the known area of waste by the NCRWQCB to ineffectively reduce *Ludwigia* sp. and further pollute this sensitive waterway. There is still no comprehensive quantitative or qualitative baseline study on sensitive biotic resources, as required for this project, after nearly one million dollars has been spent by the Laguna Foundation and the Task Force on the *Ludwigia* sp. spray and removal project. And yet the nutrient loading of dairy waste into the Laguna has continued through the fall, all during the spraying by airboats. This current proposal to delist flies in the face of these hasty and irresponsible pollutant dumping- one permitted by your regional agency and the other, a constant violator of source pollution law.

The *Ludwigia* sp. presence in the Laguna at certain key locations maps the nutrient load concentrations for us all. The areas where the indicator *Ludwigia* grows most heavily and spreads for acres in all directions is the area between the Occidental Bridge and the Guerneville Bridge where heaviest dairy waste discharge occurs, as evidenced in the DVD. Many of these repeated dairy violations are recorded with our local NCRWQCB but even if they were not, one would have to hold other values to disregard such evident nitrogen-rich waste solids, outgassing, and creating disturbing amounts of sediment load in the Laguna. If there has been data presented that in some way has indicated to your office that the Laguna shows healthy water quality levels with regards to Nitrogen and Phosphorus then some interested party has been extremely careful in selecting their data points for testing, or there has been a serious error in measurement. I'm sure that your office will carefully, and independently assess the water quality in the Laguna to dispel any public doubts about the methodology and BMPs of the data providers, especially along the above mentioned locations, to assure that these pollutants can be prevented from occurring and traveling further along the reaches of the Russian River in the future.

At this time, again please enter into the record that I oppose the delisting of the Laguna de Santa Rosa with regard to Nitrogen and Phosphorus. It is my hope that when the listing is continued, it will mean a new, serious, scientific commitment to preventing and cleaning up the high-phosphorus winter wastewater spills, continuous high-nitrogen dairy waste dumping will begin. It is also my hope, that in this same level of commitment, a moratorium of permits for herbicides and pesticides in the greater Laguna de Santa Rosa will be put into effect until such time as meaningful baseline biotic data is known. This commitment, with a sound baseline knowledge of sensitive species at all trophic levels, will ensure ecological health and responsible management practices.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Emery', with a stylized flourish at the end.

Douglas Emery
7528 Gates Drive
Sebastopol, CA. 95472
707-829-7968
design@sonic.net

Enclosures: 2 DVDs : Comments and Visual Evidence Against
Delisting of The Laguna de Santa Rosa