

Ad Hoc Committee for Clean Water

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re-faxed to:

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staff@OAL.ca.gov

*916 317-5400 fax (wrong)**916 371-5400!**my FAX to:**916 323-6826 fax 1 of 1*

6/23/15

Re: *Emergency Actions due to Insufficient Flow for Coho in Tributaries of the Russian River*

We hereby submit these comments in connection with the Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River and the recent submission to OAL.

We recommend that the State Water Board withdraw, reconsider and revisit this regulation, and the Office of Administrative Law not approve it. As will be discussed below, it is the State Water Board that is in defiance of Governor Brown's Drought Proclamation and Order.

I live in the watershed of Green Valley Creek, in the upper reach, the headwaters. It is historically water scarce with lots of serpentine and Franciscan formations, notoriously low water-bearing.

I am a past member of Salmon Unlimited, Trout Unlimited and a long-time advocate of maintaining the historic bounty of salmon in our rivers and streams and a strong fishing industry.

I have testified repeatedly that the main cause of decline of salmonids is the de-watering of the tributaries. This is widely acknowledged today, but little is being done about it.

Now comes the SWRCB proposing to focus its attention and increased regulation on the non-commercial sector of the population, making demands regarding information and monitoring of residential water use. Why? We all know that it is the rapid expansion of acreage of irrigated vineyards in the hills that is draining the creeks and aquifers due to an overindulgence in water well drilling, extraction and diversion.

Many appellations in France (if not all!) prohibit irrigation! Grapes are perfectly suited to our summer-dry climate and can thrive without irrigation. The only reason there is little acreage of grapes dry-farmed now is because grower/investors get increased tonnage per acre = increased revenue = increased profits for shareholders.

How long did we expect that generous permitting of irrigated vineyard in the dry hills of West County could continue before causing a collapse of the fishery? And, in the relentless pursuit of higher returns per acre, varieties have been allowed on land where frost is a problem, and groundwater allowed to be sprayed on grapes for frost protection -- that's flooding the soil and drenching the leaves with water to prevent freezing. Couldn't we foresee the inevitable?

And the SWRCB is regulating lawns! What lawns? I challenge you to find ornamental lawns in the Dutch Bill, Green Valley and Atascadero Creek watersheds. It is not *grass* that is causing a

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problem it is irrigated vineyard. A 5 acre vineyard uses as much water as a 5 acre ranchette. Would Sonoma County planners allow a density of 40 homes on 200 acres? Never! And water would be one of the main issues. But they readily, willingly, allow 200 acres of irrigated grapes with an equivalent water use.

Furthermore, vineyard wells are permitted without full CEQA review, with compliance essentially only with erosion control measures, without insisting on any review of irrigation alternatives and dry-farming or any other water conserving alternatives, we believe in violation of state environmental law.

The solution is *obviously not* to ignore this travesty and restrain rural residents, it is to take on the hard task of limiting irrigated vineyard acreage in this sensitive part of the county.

We suggest the SRWCB table this new regulation and instead:

1. Hold workshops in the upper reaches to allow residents and growers to engage in our own problem solving with regulators and planners involved, including SWRCB staff;
2. Ban groundwater use for frost protection;
3. Offer incentives for dry-farming and seminars by members of the industry who are enthusiastic about the age-old technique.

Thank-you for your consideration.
Sincerely,

Ann Maurice

Dear staff reviewing atty OAL 6/29/15
3084

and Daniel Schutt, SWRCB.

*Re: Emergency Russian River reviewed by OAL
We are horrified at the latest fiasco!

The FAX # you inserted on the application
to OAL was WRONG.

See attached

That FAX # was put on the OAL
website! How much testimony
was thwarted? Mine almost was!

Withdraw, rescind, revisit

This debacle How much denial
& which other way will you use to
deny us access to democratic process?

Ann Maurice

EMERGENCY

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLISHED IN THE CALIFORNIA REGISTER

See instructions on reverse)

For use by Secretary of State only

4084

STP-600 (REV. 01-2013)

NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-0624-01E
For use by Office of Administrative Law (OAL) only		
2015 JUN 24 PM 1:17 OFFICE OF ADMINISTRATIVE LAW		
NOTICE	REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board		AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
CALIFORNIA REGISTER ONLY		STP NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTION(S) (Including title 24, if toxic related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Section 878
TITLE(S) 23	AMEND Article 24
	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code § 11348)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code § 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(f))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn non-emergency filing (Gov. Code § 11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Emergency (Wat. Code § 1068.5)</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FEE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(b); Cal. Code Regs., title 1, § 100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a))

Effective on filing with Secretary of State

§ 100 Changes Without Regulatory Effect

Effective on filing with Secretary of State

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 309) (SAM 50660)

Fair Political Practices Commission

State Fire Marshal

Other (Specify)

7. CONTACT PERSON

Daniel Schultz	TELEPHONE NUMBER 916-323-0302	FAX NUMBER (Optional) 916-314-6400	E-MAIL ADDRESS (Optional) daniel.schultz@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Thomas Howard

DATE
6/23/15

TYPED NAME AND TITLE OF SIGNATORY
Thomas Howard, Executive Director

For use by Office of Administrative Law (OAL) only