

## Schultz, Daniel@Waterboards

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**From:** John Williams <john@guilliams.com>  
**Sent:** Monday, June 29, 2015 3:48 PM  
**To:** OAL Reference Attorney; Schultz, Daniel@Waterboards  
**Subject:** State Water Board's "Emergency Actions due to Insufficient Flow for Specific etc.  
**Attachments:** water board 1.docx

**To:** "[staff@oal.ca.gov](mailto:staff@oal.ca.gov)" <[staff@oal.ca.gov](mailto:staff@oal.ca.gov)>  
**Cc:** "[daniel.schultz@waterboards.ca.gov](mailto:daniel.schultz@waterboards.ca.gov)" <[daniel.schultz@waterboards.ca.gov](mailto:daniel.schultz@waterboards.ca.gov)>

**Subject:** Comments on Emergency Regulation Review, SWRCB Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River

To: Office of Administrative Law:

Re: State Water Board's "Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River," filed on June 23, 2015.

June 29, 2015

Gentlemen,

While I applaud the attention being given to this issue, I do not believe these emergency regulations will result in the desired goals. I should point out that **California Code 11349.1 requires that emergency regulation needs to effectuate the purpose of the statute.** I don't believe that the Water Board has reached this threshold. Ceasing to wash cars that probably don't get washed, ceasing to water lawns that are likely less than .001% of the watershed, and watering gardens, etc. at night twice a week is not going to change water consumption measurably. Compared to 25,000 acres of forest transpiring on a hot day, the savings are meaningless. Following are some pertinent facts and opinions.

As a property owner in the Mark West Watershed and a local resident for 37 years, I have local experience and knowledge. The average rainfall for the upper portions of the Mark West Watershed is approximately 50 inches per year. For the last 4 years, the average has been 37.5 inches, or 75% of normal. While less than desirable, the aquifer at my home property appeared to fill each year.

Coho Salmon's (and other native fish species) survival is thought to be tenuous in the 4 named watersheds due to a lack of water flow in the local streams. Are the water flows less than

normal, and therefore endangering the Coho Salmon? Quite possibly the answer is yes. Are there flow records that are in possession of the Water Board? To my knowledge they did not use measurement data for their decision. Have there been any significant developments and increases in water use in the Mark West Watershed in the last 5 years? I don't believe so.

Taking all of these facts and opinions into account, is it possible that there is another reason besides human use or drought for dwindling stream flows? I would suggest that there is. To my knowledge there has not been a major fire (more than 500 acres) in the watershed in almost 100 years. Prior to man's arrival, there were likely natural fires every 15 to 20 years. In a virgin forest, trees are large, with generous spacing and minimal understory growth. Today in the Mark West Watershed, the forests are vigorous, dense, and have plentiful understory. I have overhead photographs of my property (historic and current) that appear to show the difference. Could it be that the healthy and plentiful natural vegetation is transpiring more and more of the available water every year?

These conditions are worthy of significant study (see UC Merced studies on watersheds, transpiration, leaf area index, etc.), and long term solutions. There are implications for carbon sequestration, climate change, water use and storage, and species survival. These particular emergency regulations will do little or nothing to aid the Coho Salmon's survival.

Sincerely,

John Guilliams