

## Schultz, Daniel@Waterboards

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**From:** John Loades <pollyjohn52@gmail.com>  
**Sent:** Sunday, June 28, 2015 8:42 PM  
**To:** Schultz, Daniel@Waterboards; OAL Reference Attorney; Efren.Carrillo@sonoma-county.org; Goodwin, Cathleen@Waterboards  
**Subject:** Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River

June 28, 2015

Re: Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River - Section 876, Title 23,

Wat. Code 1058.5

To Whom It May Concern:

We all agree that California has had drought conditions for the last four years. We also agree with Governor Brown's Proclamation of a Continued State of Emergency that there are, "... urgent challenges: water shortages in communities **across** the state, greatly increased wildfire activity, diminished water for agricultural production, degraded habit for **many fish** and **wildlife species**, ..."

We agree with the statement that there needs to **combined forces of mutual aid region or regions**.

Let's not belabor the list of how all Californians **should refrain** from wasting water. I am confident that many of us have a much longer list of ideas than those listed, (a-d). I know we make a game of conserving water from schlepping a bucket of dish water to one of our few plants, or taking quick showers even during the rainy season. For two reasons, we want to help our watershed and we want to make sure our well does not go dry. When that happens and it has we are in big trouble.

Item 8 expands the statement regarding combined forces by stating, "The Department of Fish and Wildlife will work with other state and federal agencies and with landowners in priority watersheds..." I don't have any real evidence of this occurring. There were over 130 references and sources listed in the Emergency Actions...Russian River document and not once was the North Coast Regional Water Quality Control Board cited. I have not seen any documentation that this very important entity was ever involved. In fact, I was told by a person that answered the hotline on June 22, there was no reason to do so.

Yet one of it's many responsibilities is to monitor the water quality from the Occidental Wastewater Treatment Plant, that discharges into Dutch Bill Creek. Sonoma County Water Agency is required to send self-monitoring reports monthly NCRWQB. These reports include information on the Biological Oxygen Demand, Total Suspended Solids, Total Organic Nitrogen, Total Ammonia, Total Nitrate Nitrogen, and Acute Toxicity, among others, all of which can harm the fish and other wildlife species in the Dutch Bill Creek Watershed. That just doesn't compute. Why ignore the one agency that actually has data about the water quality of pertinent watersheds?

I don't feel as if the CDFW has worked with us. Some say the head waters of Dutch Bill Creek is located on our property. I guess we are just as important as the regional board. The SWRB was informed by the CDFW on May 28, 2015 (pages 60-64) via a letter that the CDFW had conducted several outreach meetings. We were never informed of any meetings. And as I understand it very few landowners attended. I wonder why. How much follow up was done to discover the reason for the low attendance? What are the findings of the follow up and where are they located?

I believe "working" is synonymous with co-operation and mutual respect. Where is the evidence that the CDWF and the SWRB are collaborating with a majority of the landowners?

Charles Bonham, CDWF to CSWRCB, May 28, 2015, appears to be mindful of other agencies but he is not. "The recommendation for an informational order is in no way intended to interfere with local leadership or implementation." Does he mean that non-interfering is the same as non-informing? Is that why our one supervisor said he did not know about the voluntary drought initiative? Oh, that's why we did not receive the infamous June 9th letter until June 18th, the day after the meeting in Sacramento. Fines for non-compliance and not providing information is okay unless if we are the ones doing the non-informing???

Page 9 of the Emergency Actions...Russian River, "...The State Water Board's January 23 , 2015, notice encourages advanced conservation planning and suggests that the water right holder look into the use of alternative water supplies, such as groundwater wells, purchased water under contractual agreements and recycled waste water.

On the surface that sounds like a feasible plan but stop and think if we weren't notified of this *encouragement* how would water right holders know they were being *encouraged*? Instead of my possibly purchasing water for our use, how about the Department of Water Resources use some of the funds that are providing financial incentives or contracts that have been set aside to mitigate the drought to purchase water and release it directly to Dutch Bill Creek.

Surely the agency is not suggesting we drill a groundwater well in a *critically dry watershed*? Drill a well during a drought - ludicrous. We need another form of water extraction when there is only so much water???

I do agree with the last portion of the above statement. Recycled waste water can definitely be used on ornamental turf, landscaping and pasture. The town of Windsor actually requires treated waste water be the only source of landscape watering for some residential areas. Item 10 in the January 17, 2014 Proclamation is in agreement in order to reduce potable water supplies, so then why would the SWRB, June 9, 2015, mandate there can be no application of water except gray water to ornamental turf?

Because, according to the environmental scientist that answered the Russian River Tributaries hotline on June 22, 2015, *fish don't know the difference between potable and non-potable water.*

In that case, every waste water treatment plant producing tertiary level water should be allowed to discharge directly into the nearest creek or river. But wait, that's illegal to do so during non-discharge or low flow months according to the NCWQCB and title 22.

Is it no wonder with "experts" like that working for the SWRB that landowners are concerned about CEQA being suspended. Governor Brown's Proclamation was very specific. Will the restrictions be followed? What are those 19 residential landowners that have signed the VDI going to be allowed to do without normal CEQA monitoring? The second to the last paragraph of Mr. Bonham's letter to SWRB, (page 63 of the document in question) smacks of bribery in my opinion. That sure fosters co-operation. "CDWF recommends that landowners operating in conformance with the terms of an executed agreement that includes conservation commitments be exempt from new conservation regulations..." Many of us are already complying we just don't

want to sign a formal agreement as we object to the words Coho rescue and relocation. We also do not want to be monitored like children.

This board that is supposedly *working with landowners* has the audacity to list mandatory enhanced water conservation measures that it deems appropriate under proposed section 876 (d)(1) for Dutch Bill Creek Watershed without knowing much about the area. Where is the evidence that people are not complying? Come see my brown pasture. We sing the song about there is no gold in California only dry brown hills. How many lawns are actually in our area? Before we point our fingers at the vineyards, we need to ask how many are being dry farmed. If people are wasting water, let's enforce the current laws and punish them while educating them about water usage. As precious as water is around here, we might think about tarring and feathering a water waster.

This is also a contradictory statement. The Dutch Bill Creek Watershed contains the town of Occidental but it is excluded or "... exempt from the enhanced conservation measures in section 876, subdivision (d), (page 30 of the Emergency Actions document). Does this mean that the people in Occidental are only advised to conserve water while I must conserve and make choices between an inch more water in the bath tub or filling our three bird baths for the squirrels, birds, and raccoons. I am concerned the gray water maybe harmful to them. It's a very good thing that my town neighbors are already conserving just as much as we are even though they won't be "forced" to comply. I have never witnessed anyone washing the few sidewalks we have in town.

I believe they already are aware that they must conserve because the watershed supplying them with water could soon face a similar water challenge with another species - perhaps even human.

Yes, we want to protect the Coho. But are these agencies really doing what the fish need to survive? Data collection is not going to aid the fish right now. It will take at least a year to compile it once it is collected. The information provided in this report was interesting but there are so many more reasons as to why we don't have an abundance of Coho and Steelhead. I counted at least nine reasons in the Emergency Action document. I am sure there are many more including how hatchery fish don't do well once they are released. And as Tom Stienstra, SF Chronicle's outdoor writer stated in his Sunday, June 28th column, they just don't know. He was referring to the fact that the salmon in the SF area are not following the federal and state biologists' forecast about the fish. 50 years of fish tracking indicates the fish should not be doing what they are. "... it may be part of something bigger going on that cannot be explained by anybody." Now if those salmon aren't following the experts best predictions, how can we believe the Coho will spawn the way and in the location man wants.

Perhaps some of the estimated 94 million used to fund the Broodstock Program should have been used to study drought conditions after the drought we faced the last time Governor Brown was in office. We might have discovered solutions to this huge challenge before so much dissension was created, blocking communication and problem solving.

Yes, it is easy to complain, so what are my solutions? What would I do if I was in charge?

First of all I would and am requesting that the Office of Administrative Law not approve this regulation. It must be returned to the SWRCB for further review and consultation with all the agencies and public. This is too important to be rammed down peoples' throats. Let us learn from the mistakes and move forward.

Secondly, I would make sure the methods of informing all involved parties was much more thorough. One newspaper article, ( never actually saw it), electronic notification, (wasn't even aware of a notification list) and one very late letter does not constitute open communication. If the public did not respond, I would find out why even if I had to call some of the people. Effort must be made to involve the community. There are a lot of older farmers that have been watching the Coho for years that can provide very good insight.

The third thing I would do is pursue the use of tertiary treated water. Recycling of waste water is so important.

I would ask for co-operation and not threaten landowners with fines.

I would also really scrutinize the VDI and eliminate the the words rescue and relocation of Coho. I believe the fish might have a higher survival rate if we just left them alone. We sure don't have any evidence to the contrary in the last 20 years.

I would remove the threat of fines and re-think what the true purpose of all this data gathering is,

Lastly, I would take into consideration how much time and effort landowners have put into understanding and writing letters regarding this very serious challenge and the inept solution provided by the SWRCB and the CDFW. We need to realize this is not an emergency situation and cannot be solved quickly with a 911 call. We don't even have a trained rescue team in place. We have data collectors and document writers.

Please send this document back to SWRCB!

Sincerely,

Pauline Loades

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cc Efren Carrillo, Supervisor 5th District - County of Sonoma  
Cathleen Goodwin, North Coast Regional Water Quality Control Board