

Schultz, Daniel@Waterboards

From: Tito Sasaki <tito@att.net>
Sent: Thursday, June 25, 2015 9:56 PM
To: OAL Reference Attorney
Cc: Schultz, Daniel@Waterboards
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.

From: Tito Sasaki, Chair, Sonoma County Farm Bureau Water Committee.

Gentlemen:

We request that you delete Section 876, subdivisions (e) and (f) from the pending emergency regulations under your review.

These subdivisions would mandate that affected property owners furnish data on surface water diversions and groundwater extractions at the landowners' expense.

Most of the data sought are available through exercising existing regulations and the new laws, SB 88 and 83 (Sec. 42), without issuing an informational order. Furthermore, the practical need for the data is questionable because the Water Board can control the use of both surface water and groundwater by invoking the reasonable use doctrine without creating new data-supported regulations. No explanation was given how the collected data would be used to formulate new regulations or if such were really necessary. We have heard that the Board wished to relate specific groundwater extractions to particular stream flows. But attaining such a goal will take many years of study and far more than the data that could be collected by the proposed informational order.

The costs of the informational order to the affected property owners are substantial in terms of expenses, time requirement, and loss of good will. We are deeply concerned about all these impacts, particularly the last one. It is inopportune that the informational order surfaced just as the agricultural community in the area was gearing up for the Voluntary Drought Initiative program. Our members, who had offered to release some of their hard-saved irrigation water in order to save fish, may have second thoughts if they find that the voluntary initiative is only one-sided.

We would appreciate it if you deleted subdivisions (e) and (f) for lack of immediate practical merits and for the sake of protecting the last chance of saving fish this summer.

Respectfully submitted,
Tito Sasaki, Chair
Sonoma County Farm Bureau Water Committee
tito@att.net
(707) 938-8888