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STATE WATER RESOURCES
CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO
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“Comment Letter -- AB 2121 Policy”

Dear Ms. Niiya:

I am not sure if you are aware of the significant damage which awaits many Sonoma County farmers should the State Water Resources Board draft policy (headlines enclosed) be made law.

When one considers the enormous benefit in money, prestige and importance the wine industry brings to California, it is incomprehensible how Governor Schwarzenegger and your office could allow such a policy to get to this stage of possibly being made law.

As you should be well aware, Sonoma County is at the forefront of environmental awareness in preserving an agricultural character. Without the foresight of many in Sonoma County, this beautiful, diverse, and agriculturally important county would be looking like many of the environmentally devastated and over-developed towns in other parts of California. The grape farmer is at the heart of this high quality environmental profile of Sonoma County.

Given the above, and the importance which should be given to both small business and agriculture, it is impossible to understand Governor Schwarzenegger and your office allowing this draft policy to get to such a serious stage of discussion. When I think of the stereotypical bureaucratic problems small businesses face in California, there is not a better example than the State Water Board and this new draft policy. I can imagine that you may not feel sorry for an individual farmer having to pay \$50,000, \$100,000 or \$500,000 to comply with this new draft policy to potentially get their water right. However, taken as a group, this policy could have a serious financial impact on the Sonoma County wine industry, which currently is one of the bright spots in the California industry.

I care deeply about some of the environmental issues facing California, particularly the problem of water. However, when a group of people come up with a policy of “one size fits all” without taking into account some of the specific situations of individual farmers,

nor the small impact these farmers have on the issue of water, it clearly demonstrates "bureaucracy run amok" in our great State.

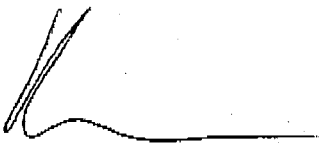
To put this policy into something more concrete, I would like to highlight my specific example: I purchased a rural property in the northern part of Sonoma County about five years ago. This property had an existing reservoir on it which was built 25 years earlier. This property is high up in the hills at above 2,000 ft and has some small temporary streams on it which run, in some cases, only a few weeks or months a year (during very heavy rains). Because the reservoir was built on one of these very tiny streams, the reservoir is deemed to be "on-stream". As a result of this, the previous owner of my property had to file for a water-right permit due to this small diversion of water into the reservoir for a few rainy months per year. This permit was filed in 1999. In the meantime, the expenses incurred for a number of studies which had to be done (Biological study, Engineering study, Water-availability analysis, anthropological study) in addition, to consulting fees needed to interact with the State Water Resources Board, have added up to more than \$65,000.

Many of us farmers incurred these over-the-top expenses because we were lead to believe that they would lead to believe that at the end of the road, we would get a water right for our reservoirs. We put up with this bureaucracy which saw only a very small number of water rights permits acted upon during the past 9 years. If the draft policy is made law, many of us farmers will either have to incur significant additional expenses in engineering and construction fees to have a significant portion of the water, flowing from these small streams into our reservoirs, bypass our reservoirs. In addition, we will need to incur the expense of monitoring systems. We are the lucky ones. Some farmers, who have reservoirs built on more important streams/tributaries, will need to remove their reservoirs. The estimated cost of this is \$500,000. This amount will obviously put many farmers into bankruptcy.

In short, one often hears of the bureaucracy of doing business in California and the nightmare many small business owners face. This is a very perfect example. I hope you are able to think through this policy clearly and help stop it from being implemented.

Sincerely,

Barry Hoffner



BREAKING NEWS: Water Board releases draft North Coast policy for stream dams, diversions

Jeff Quackenbush
STAFF REPORTER

NORTH COAST -- The State Water Resources Board has released a draft policy for dealing with hundreds of pending applications to use water from North Coast waterways that support endangered fish, and a coalition of many of the major applicants so far is optimistic about the document.

The water board was under the mandate of Assembly Bill 2121, signed in 2004, to develop a policy for managing water rights in streams and rivers in parts of Mendocino and Humboldt counties, west Napa County including Napa and American Canyon, and all of Sonoma and Marin counties.

The draft North Coast Instream Flow Policy proposes methods for dealing with 284 water-rights applications submitted by water providers, winegrape growers and property owners in that area before 2007.

Those applications include several large requests for more water from Sonoma County Water Agency and other municipal providers as well as those from winegrape growers, ranchers and homeowners for planned or existing reservoirs or other water-diversion systems.

State and federal wildlife regulators as well as environment-advocacy groups last summer recommended the water board get tough on instream dams that block fish migration and disrupt habitat.

The draft environmental document estimates that if all instream reservoirs were moved out of waterways, nearly 4,000 acres of farmland would be required to do so. However, the document, prepared by Stetson Engineers of San Rafael, notes that some of the instream dams may have been built with fish passage and habitat features.

The Salmonid Coalition is a public-private group that has been working toward a cooperative conservation plan for part of Sonoma County covered by the draft policy that would allow for water-supply, mining and construction projects while helping to rebuild populations of protected salmon and trout.

Marc Kelley, a Santa Rosa-based endangered species consultant for the coalition, said the draft policy and related documents signal a cumulative approach for water rights in the North Coast, versus a piecemeal approach. However, the group will be spending the next couple of weeks mulling over the some 870 pages of documents and talking with regulatory agencies on the approach to be taken on rainy-season diversion of waterway flows to streamside reservoirs.

The draft policy and related documents are posted on the Internet at www.waterrights.ca.gov/HTML/instreamflow_nccs.html.