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DIVISION OF WATER RIGHTS
SACRAMENTO
STATE WATER RESOURCES CONTROL BOARD

April 27, 2008

Karen Niiya, Senior Engineer
Division of Water Rights
State Water Resources Control Board
1001 I Street, 2nd Floor
Sacramento, CA 95814

Dorothy R. Rice, Executive Director, SWRCB, **Charles R. Hoppin**, Board Member, SWRCB, **Arthur G. Baggett, Jr.**, Board Member, SWRCB, **Frances Spivy-Weber**, Board Member, SWRCB, **Tam M. Doduc**, Board Member, SWRCB, **Gary Wolff**, Vice Chair, SWRCB

SUBJECT: Comment Letter – AB 2121 Policy

Dear Ms. Niiya and the Board,

Firstly, Ms. Niiya, I would like this letter to be delivered to all the addressees listed above.

We live and do business in Sonoma. We are very active in our community. Our home is on the western bank of Arroyo Seco Creek in Sonoma. This beautiful natural streambed is a valued element bordering our property. Yet, our coexistence with this creek is not without risk. Every winter, we brace for flooding. Two years ago, were it not for a wall of sandbags, our home would have flooded!

It has come to our attention that the State Water Resource Control Board may implement a new water policy which will have devastating effects on our community. In attempts to comply with AB2121, the SWRCB chose to focus only on increasing water flows, a narrow interpretation of the AB2121 mandate, in our opinion.

This narrow interpretation puts at risk of flooding anyone in our community who lives near riparian elements. Winter water flows in our Sonoma streambeds are very robust. There is no need to bypass or remove small ponds in our community.

Now consider the impact on our neighbors, small pond owners, farmers and community. By focusing on waterflows only, you are neglecting the impact upon these people. **You will force pond owners to modify or remove existing ponds at disastrous expense. You will take the very source of sustenance from a multi-billion dollar industry in Sonoma and surrounding counties: water.**

Will increased water flows in our streambeds work? Let's consider this critical question of efficacy:

In peer review, Charles M. Burt, Registered Civil and Agricultural Engineer, stated, "...an activity to clear a passageway in the upstream areas of a watershed will have no impact until passage impediments are first removed further downstream. The final policy proposal indicates the existence of numerous natural in-stream barriers - would it be sufficient to remove simply the natural in-stream barriers?"

If this question was asked during peer review, we surmise that it was not adequately addressed in the creation of this proposal. **How can the SWRCB impose such a draconian policy without first resolving this critical issue?**

We love the idea of one day seeing increased salmon or steelhead runs within Arroyo Seco,. Yet, we will not blindly endorse or accept policy that is so narrow and unbalanced.

We suggest that first, you take to heart the issue of downstream impediments. It is here you will find a viable manner in which to solve the problem. Second, we direct you to adopt a balanced policy. Our neighbors, farmers, small pond owners and community are, in fact, as important to us as is enhancing certain species of fish.

Sincerely,

Adrian and Mary Martinez

