

Sonoma County Water Coalition

55 Ridgeway Avenue, Santa Rosa CA 95401
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DEPT. OF PUBLIC RIGHTS
SACRAMENTO

Dr. William T. Hogarth,
Assistant Administrator for Fisheries,
National Marine Fisheries Service,
1315 East-West Highway,
Silver Spring, Maryland 20910

Dear Mr. Hogarth,

April 2, 2008

Re: Sonoma County Water Coalition and the Current Salmon Coalition Process

The Sonoma County Water Coalition (SCWC) includes 33 organizations representing more than 25,000 citizens in Sonoma County, California, having a shared concern for the water resources of Sonoma County. SCWC advocates for protection and sustainability of water and biotic resources.

In April, 2006, SCWC wrote a letter to National Marine Fisheries Service (NMFS) outlining concerns about the Salmon Coalition's role in the MOU process for developing a "comprehensive conservation strategy," with the intent of revising or eliminating the Critical Habitat Designation for listed salmon stocks on the Russian River (letter enclosed). SCWC still has serious concerns about the Salmon Coalition, their representation, and what they are trying or not trying to accomplish in terms of restoration efforts.

SCWC members are concerned that the Salmon Coalition wants to give the appearance of an environmental protection and sustainability coalition that includes all "stakeholders." In truth, we feel that it falls far short of this representation, and actually is an alliance of industry and property rights groups, such as the Russian River Property Owners Association, which do not represent public interests. In our experience, such processes, conceived and managed by those having a "property rights" biased agenda—including many Salmon Coalition members—have produced unsatisfactory outcomes for water and biotic resources. An example is the MOA process for the California Tiger Salamander that will protect only 3,450 to 4,250 acres in Sonoma County out of 73,336 that qualified under federal law.

We are particularly concerned that any semblance of participation in the Salmon Coalition by SCWC and other environmental groups will be represented to agency staff, legislators, and the press as evidence that the coalition is broad-based and working toward collaborative conservation. At this time, SCWC does not believe this is the case, and the Press Democrat article of March 20, 2008 (article enclosed), justifies our concern. For this reason, SCWC and its member organizations have chosen not to participate or otherwise legitimize the Coalition's process.

Members: * Atascadero/Green Valley Watershed Council * Russian River Watershed Protection Committee * Community Clean Water Institute * Friends of Mark West Watershed * O.W.L. Foundation * SWiG (Sebastopol Water information Group) * Valley of the Moon Alliance
Supporting Organizations: Bellevue Township * Blucher Creek Watershed Council * California Native Plants Society: Milo Baker Chapter * Coalition for a Better Sonoma County * Coast Action Group * Coastal Forest Alliance * Community Alliance with Family Farmers (N.Coast Chapter) * Earth Elders of Sonoma County * Forest Unlimited * Forestville Citizens for Sensible Growth * Friends of the Eel River * Friends of the Gualala River * Graton Community Projects * Laguna Lovers * Madrone Audubon Society * Mark West Watershed Alliance * Occidental Arts and Ecology Center * Petaluma River Council * Russian River Advocates * Russian River Chamber of Commerce * Sierra Club (Sonoma County Group) * Sonoma County Conservation Action * Town Hall Coalition * Western Sonoma County Rural Alliance *

SCWC members find the following partial list of Salmon Coalition goals especially disconcerting:

- Granting of Incidental Take Permits for Endangered Species to landowners;
- Granting of Incidental Take protection for the purpose of manipulating riparian zones and instream flows, for stream channel maintenance, and the use of recycled water for agriculture;
- Granting a degree of control over Coyote Dam releases to some coalition members;
- Retention of existing agricultural diversions;
- Approval of permits for water storage impoundment, including existing non-permitted (illegal) impoundments, and protection for diversion and storage rights;
- Pre-approval for ESA Section 7 Biologic Opinions on projects handled by NRCS.

We also have been reviewing the State Water Resources Control Board's draft Policy for Maintaining Instream Flows in Northern California Coastal Streams, and fear that the Board might make the kinds of allowances proposed by the Salmon Coalition. In contrast, we support strict adherence to regulations for maintaining stream flow levels that are required to support salmonids.

The Salmon Coalition members have not yet demonstrated a willingness to follow NMFS recommendations in the draft November 16, 2007 report, *Habitat Restoration and Conservation Plan for Anadromous Salmonid Habitat in Selected Tributaries of the Russian River Basin*. SCWC would participate in a neutral third-party-facilitated process guided by the NMFS recommendations. This process could include Salmon Coalition and SCWC members and (or) representatives, and associated governmental agencies and legislative representatives. As part of this process, SCWC would insist on a discussion of the NMFS recommendations for limiting diversions in order to restore instream flows, and the adoption of California Department of Fish & Game and NMFS recommended **Best (not Beneficial)** Management Practices.

The SCWC rejects the notion that the limited participation of some environmental groups reflects a consensus as to what is required for fish recovery. Until the Salmon Coalition demonstrates an intent to adopt the necessary elements for recovery of fish populations, SCWC cannot participate in or support its process. We therefore ask you to insist that Salmon Coalition members subscribe to full oversight and enforcement of all laws pertaining to Federal & State Clean Water Acts & Endangered Species Acts.

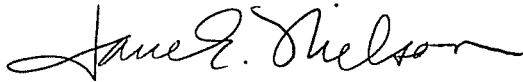
Over-appropriated watersheds, or those waiting for water right permits approvals should be fairly adjudicated. Minimum instream flows need to be established, protected, and enforced. All developed and approved Best Management Practices must be tied to quantifiable and measurable results. Third-party certification entities should be required to verify and monitor the implementation of BMP's.

Please give careful scrutiny to any applications for restoration money or Salmon Coalition projects. We strongly urge the use of taxpayer dollars to fund public agency staff for conservation and enforcement duties. Taxpayer monies released to private stakeholder groups must be tied to results associated with maintaining and increasing instream flows, enhancing habitat values, and

increasing populations of threatened and endangered aquatic species for the good of the general public and protection of public trust resources.

Thank you for your attention to this matter.

Yours truly,



Jane E. Nielson, Ph.D.
Sonoma County Water Coalition

cc: Richard Butler, National Marine Fisheries Service, 777 Sonoma Ave., Room 325,
Santa Rosa, CA 95404

Alexis Strauss, US Environmental Protection Agency, Region 9, Watersheds Section,
75 Hawthorne St., San Francisco, CA 94105

Victoria Whitney, State Water Resources Control Board, Division of Water Rights,
P.O. Box 2000, Sacramento, CA 95812-2000

Chair Tam Doduc, State Water Resources Control Board, P.O. Box 100,
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Member Arthur Baggett, State Water Resources Control Board, P.O. Box 100,
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Member Charlie Hoppin, State Water Resources Control Board, P.O. Box 100,
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Member Dorothy Rice, State Water Resources Control Board, P.O. Box 100,
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Catherine Kuhlman, Executive Officer, Regional Water Quality Control Board,
5550 Skylane Blvd, Santa Rosa, CA 95403

Senator Barbara Boxer c/o Jeff Rosato, 112 Hart Office Building,
Washington, DC 20510

Senator Dianne Feinstein c/o John Watts, 331 Hart Office Building,
Washington, DC 20510

Representative Lynn Woolsey, 2263 Rayburn House Office Building,
Washington, DC 20515

Representative Mike Thompson c/o Jonathan Birdsong,
231 Cannon House Office Bldg, Washington, DC 20515

President Pro Tempore Don Perata, Senate Rules Committee, State Capitol,
Room 205, Sacramento, CA 95814

State Senator Carole Migden, State Capitol, Room 5114, Sacramento, CA 95814

State Senator Pat Wiggins c/o Brett Williams, State Capitol, Room 4081,
Sacramento, CA 95814

Mr. Bill Craven, Senate Natural Resources and Water Committee, State Capitol,
Room 4035, Sacramento, CA 95814

Assemblymember Patty Berg State Capitol, P.O. Box 942849,
Sacramento, CA 94249

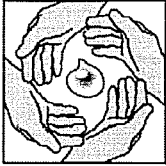
Assemblymember Noreen Evans, 50 D St. Suite 301, Santa Rosa, CA 95404

Assemblymember Jared Huffman, State Capitol, Room 4139,
Sacramento, CA 95814

City Council, City of Santa Rosa, 100 Santa Rosa Ave, Santa Rosa, CA 95404

Mayor Pro Tem Debora Fudge, Town of Windsor, Town Hall P.O. Box 100,
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Tom Roth, 1101 College Avenue, Suite 200, Santa Rosa, CA 95404



Sonoma County Water Coalition

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WATER RIGHTS
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William T. Hogarth, PhD.
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

April 24, 2006

Re: Proposed Conservation Strategy & Critical Habitat Designation MEMORANDUM OF UNDERSTANDING for Salmonid Stocks on the Russian River

The Sonoma County Water Coalition (SCWC) now includes 32 organizations representing approximately 27,000 concerned citizens. The unifying momentum behind this coalition is a shared concern for the endangered water and fishery resources in Sonoma County.

A group of interested parties, that does not include representatives of resource preservation and fishery advocacy groups, has initiated an MOU process to develop a "comprehensive conservation strategy" with the intent of revising or eliminating the Critical Habitat Designation for listed salmon stocks on the Russian River.

The Sonoma County Water Coalition (SCWC) has certain reservations and concerns related to the MOU process and any proposed conservation strategy that would revise or remove the designation for Critical Habitat, and related protections, for the listed salmon stocks on the Russian River.

Summary

We have all been aware of declining salmon stocks on California's north coast and the relative inability of agency intervention to effectively address this issue.

As a response to diminished salmon stocks on the Russian River and listing of those stocks as threatened and endangered under the federal ESA, NMFS published a rule designating Critical Habitat on the Russian River (January 2006).

Subsequently, a group of interested parties, vineyard associations, gravel extraction industries, water agencies, and homebuilders, have initiated a process to develop a comprehensive conservation strategy equal to that offered by the Critical Habitat designation. This effort is pointed at the removal of such designation and protective policy initiated by NMFS under the federal ESA.

The Sonoma County Water Coalition would applaud any proactive land and water use policy that would provide protections for salmonids on the Russian River with verifiable programs and conservation planning. SCWC believes, however, that such programs and conservation planning as presented by the parties must include land use and water use actions that are both verifiable as likely to provide such protections as needed to protect listed stocks, and (also) be substantial at a level of implementation (numbers and frequency) to be likely to provide the necessary protections to remedy conditions related to the acknowledged salmonid fishery decline on the Russian River.

Any consideration of a change in the Critical Habitat designation should await completion of Russian River assessment studies and the ongoing TMDL process for pollutants sediment, temperature, and nutrients.

Some discussion is provided (below) concerning some necessary considerations and attributes of

any proposed conservation planning that might affect Critical Habitat designation.

Background

Existing statute and programs are the authority and framework for achieving conservation goals. The listing of salmonids in this region of California recognizes both the failure of regulatory programs to support conservation efforts, as well as inappropriate land use practices that have contributed to the salmon decline. Any MOU document must acknowledge such conditions and demonstrate a commitment to address historic land use practices and develop programs and implementation strategies and standards that would address conservation needs related to the recovery of salmon stocks on the Russian River.

Necessary Aspects of MOU Document

Coho salmon are listed as endangered under the California Endangered Species Act. The State of California has engaged in a lengthy listing and recovery policy development process. Recently developed State Coho Recovery Guidelines define many strategies, including land use and water diversion guidelines, needed for recovery and conservation efforts. The MOU document must recognize the need to collaborate with the State in effort to provide species protection for listed (multiple) species in the same habitat. The MOU document must identify and address those issues raised in the State Coho Recovery Guidelines.

The proposed MOU indicates a collaborative effort. Responsible state agency and local government, in consultation with NMFS, must be included if this program is to provide a functional conservation effort. Implementation of such effort must be based on the statutory authority of the California Fish and Game Code, the California Environmental Quality Act, the Forest Practices Act, the Porter-Cologne Water Quality Act, the Federal Clean Water Act, and the Federal Endangered Species Act. The indicated conservation goals of the MOU should be to develop specific watershed protection plans and to restore and maintain properly functioning habitat.

Monitoring and adaptive management must be part of any conservation effort for evaluation of the effectiveness of programs and policy.

Any proposed actions or solutions must have a significant element of performance-based standards. There must be a pre-agreed to and built-in feedback and correction loop until peer-reviewed performance standards to ensure salmonid recovery are met.

Clean Water Act

Elements of the MOU should address Clean Water Act elements as well as the California Water Code.

It is understood that most of the areas of salmonid species loss are related to riverine environments - water bodies - that are also listed as impaired, on the EPA and State 303 (d) list, and by pollutants, on the EPA and State 305 (b) report. These water bodies, including the Russian River, are subject to TMDLs. A TMDL includes waste load allocations for a pollutant based on source analysis, a pollutant budget, linkage analysis, and an allocation of expected reductions. Also included in the TMDL are problem statements related to instream conditions and specific numeric targets related to instream desired conditions and pollutant loading reduction.

Under the State of California Porter-Cologne Water Act and the Federal Clean Water Act, both the EPA and the State must adopt TMDLs that show how watersheds will reduce waste load allocations (TMDL mandated) and show how attainment of water quality standards will be met. With a TMDL, all projects in an indicated watershed should include strategy for how, and with reasonable assurances that, both, point and non-point source load allocations established in the TMDL will in fact be achieved.

NMFS and Responsible Agency Assessment

NMFS and responsible agencies must assess the effectiveness of any proposed program(s) or policy offered as conservation planning. Reliance on programs or policy that depend on assertions of compliance must be reviewed and assessed for competency and effectiveness. Program and conservation plan potential for effectiveness must be substantiated by NMFS and other responsible agencies. The possibility of providing a panel of experts, that would include staff from NMFS and other responsible agencies, should be considered. Calculation and assessment of environmental benefits of proposed policy and program(s) is challenging and subject to debate. Reliance on such proposed programs should be scientifically and pragmatically substantiated.

Finally, there are newly proposed (proposed by the parties seeking relief) studies to be accomplished on the Russian River assessing habitat and linkages with practices and degradation. In addition the Russian River TMDL and Action Plan for controlling pollutants sediment, temperature, nutrients (etc) are slated to be accomplished in the next year or so. It would seem reasonable and judicious to wait for findings of these processes before any change in the critical habitat designation is suggested.

Sincerely



for Sonoma County Water Coalition

cc.

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Washington, DC 20515*

*Senator Barbara Boxer
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Helping grapes, fish share water
Growers, conservationists work together for solution

By ROBERT DIGITALE
THE PRESS DEMOCRAT
March 20, 2008

Grape growers from northern Sonoma County gathered Wednesday with conservationists to announce a joint effort to provide enough water for the region's fish and vineyards.

The two groups, which have been meeting for two years, expressed hope that state and federal regulators one day would allow groups of growers on a single creek to use off-stream reservoirs to capture excess water during winter storms.

Those growers would use the reservoirs in the dry months to irrigate, thereby leaving enough water in the creeks for salmon and steelhead. The fish are protected under the federal Endangered Species Act.

"I think it will work, but it's a long process," said Al Cadd, an Alexander Valley grape grower.

Leaders of both sides said they are trying to break a stalemate that has kept farmers from obtaining state water rights but also prevented conservationists from ensuring adequate stream flows for bringing back salmon and steelhead.

"If we can't find a way to do things together, we're all out of luck," said Brian Johnson, an attorney and official with Trout Unlimited.

The groups met Wednesday at Quivira Vineyards in the Dry Creek Valley to unveil their effort, which they dubbed "Water and Wine." The participants included 16 wineries and growers, the Sonoma County Winegrape Commission and United Winegrowers of Sonoma County. The conservation groups are Trout Unlimited and the Sonoma County Salmonid Coalition.

Duff Bevill, chairman of the Winegrape Commission, said the past two years had been a "courtship" between representatives of the two sides and Wednesday's gathering was akin to "meeting the rest of the family."

Bevill expressed hope that growers and conservationists would go on to create a partnership that could be a model of sustainable farming and fishery restoration.

In the coming months, the growers will try to select one or more streams that could serve as pilot projects. Growers and property owners would need to gather information on water flow and demand in the watershed, as well as develop a plan for future water diversions while protecting fish.

Paul Kelley, supervisor for the northern part of the county, commended the effort and said it had the potential to provide "so much more bang for the buck" than the growers' individual attempts to deal with water issues.

Johnson said state and federal regulators are encouraging the effort and watching "whether we can make it real."

One reason for hope is a paper by University of California researchers that suggests water could be diverted from county streams in winter without harming salmon or steelhead.

Storing that water in reservoirs would provide enough water for vineyards for the rest of the year.

"I think there are solutions we can develop," said Matt Dietch, one of the study authors and now on the staff of the Center for Ecosystem Management and Restoration in Oakland.

He noted that the Dry Creek Valley averages roughly 40 inches of rainfall per year, mostly in the winter months.

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