

April 29, 2009

Jeanine Townsend

Clerk to the Board

State Water Resources Control Board

1001 I Street

Sacramento, CA 95814

Randy Poole

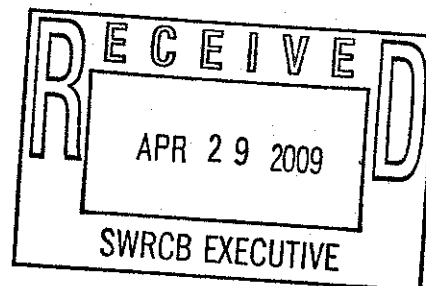
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RE: Protest the Relaxation of Minimum Instream Flow Requirements; STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS ORDER APPROVING A TEMPORARY URGENCY CHANGE PETITION BY SONOMA COUNTY WATER AGENCY REGARDING PERMITS 12947A, 12949, 12950, AND 16596 (APPLICATIONS 12919A, 15736, 15737, 19351)

Dear Board Members and Mr. Poole:

The basis of the above described petition is fatally flawed-there is no emergency. It is not an emergency to require a lead agency including a majority of the Board of Supervisors, to fulfill the requirements of the law -- maintain minimum instream flows, when it is clearly within its ability to do so. The alleged concern over a fishery does not fall into the category of disaster proclaimed by the Governor and the claimed protection of natural resources and the environment also do not apply.

The Governor's emergency proclamation was not a response to a natural resource disaster but an alleged agricultural disaster in the central valley. The proclamation makes water sales from Northern California to Southern California cities and San Joaquin Valley farms easier. The impending emergency does not relate to protection of natural resources or the environment as asserted by the Petitioner.

The petition if granted will have the opposite effect, of doing harm to the natural resources and environment in the long hot summer, by decreasing vital flows, substantially decreasing cooling influences of deeper pools and upstream inputs of cool water, dewatering of tributaries, and substantially lowering water quality. The fish emergency referred to in the petition relates to the Fall run of Chinook Salmon. Lake Sonoma has enough water for the Fall-run- fishery at a time when water can be released.

With knowledge of the past water shortages experienced by cities like Cloverdale, the drying of creeks in the Russian River basin, the experience of local property owners losing well water and the like, the Sonoma County Water Agency has knowingly over promised, sold, and speculated with the water resources over which it has control. It has knowingly failed to conserve, eliminate waste, eliminate unreasonable use, failed to put a halt to numerous harmful practices including illegal reservoir filling, unpermitted diversions, interference with underflows, and unpermitted impoundments. These actions have been documented by state and federal agencies, and I hereby incorporate all relevant actions, correspondence, complaints, and all other communications of the State Water Resources Control Board of California, the North Coast Regional Water Quality Control Board, the National Marine Fisheries Service, the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration (NOAA), the California Department of Fish and Game, The federal and state Environmental Protection Agencies, and studies by private organizations or individuals demonstrating or supporting the "minimum instream flow requirements", the condition of populations of listed species of aquatic organisms in the subject hydrologic basin and related watersheds.

As explained above, the action by the lead agency is not exempt from the California Environmental Quality Act under CCR §15307 protect natural resources or CCR 15308 Protect the environment. The petition seeks to reduce minimum instream flows. This is harmful to the natural resources and environment on several levels during the summer. It is just this sort of action where there is credible disagreement as to the potential direct and indirect cumulative impacts of the action that necessitates an initial study.

I urge you to weigh the actions and inactions of this agency, and the large water consumers in rural areas, in your decision as to

whether to relax the minimum instream flow requirements in the Russian River. This agency has substantial resources yet has failed to manage those resources in order to properly comply with state and federal law in a timely manner. As you are, I am sure, keenly aware, time is not on the side of the listed species struggling to survive yet another round of pleas and demands.

Sincerely,

Kimberly Burr

**Kimberly Burr
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