

commentletters

LATE COMMENT

From: ASimpCatDr@aol.com
Sent: Thursday, July 09, 2015 1:24 AM
To: commentletters
Subject: Russian River Tributaries Emergency Regulation



The Russian River Tributaries Emergency Regulation is seriously flawed. The biggest problem with it is that it ignores the elephant in the room: vineyards. It exempts commercial agriculture, which will doom the regulation to failure. The primary agricultural product in Sonoma County is wine grapes, and it is the explosive growth of new vineyard plantings which are responsible for the majority of the water use in the Russian River Tributaries area. It is bad enough that vineyards are exempt from any restrictions on water use, but wine, contrary to the opinion of many consumers in Sonoma County, is not even an essential food item. It is a non-essential luxury item that many people cannot even afford and it should not get preferential treatment. Ordinary residents should not have to watch their trees die while wealthy vineyard owners get a pass. I live in a Priority area, not a Critical area, and only about 0.3 miles from the border. Yet water restrictions will be imposed on me if the current regulation fails to achieve its goal, and it's not likely to achieve its goal because it exempts agriculture.

I am concerned that my well production has been affected by my neighbor's installation several years ago of a drip irrigation system to irrigate a 10 acre zinfandel vineyard that is over 140 years old. It survived for all these years without summer irrigation, but now it is being irrigated for no apparent reason, and at what cost to me? Why should I suffer while my neighbor is allowed to pump an unlimited amount of water from the ground only a thousand feet from my well to irrigate grape vines which probably don't even need summer water to survive? Just so he can produce wine, a luxury product? The vineyard is not even the owner's primary source of income. He lives in Marin County and the income from the vineyard pays the property taxes, he told me. The house is rented out.

I also object to the fact that this regulation uses CA Government Code 51201 to define those agricultural lands not affected by restrictions on irrigation, because Government Code 51201 says "Land which supports livestock for the production of food and fiber" is "prime agricultural land," but not pasture used for horses. The State Water Resources Board probably considers horses insignificant, but the equine industry generates \$613 million annually for Sonoma County businesses, supports over 7,700 jobs, and provides over \$11 million in annual local tax revenues for Sonoma County governments from direct spending on equine ownership totaling \$464 million, according to a 2014 study on the Economic Impacts of Equestrian Activities in Sonoma County conducted by the Center for Regional Economic Analysis, School of Business and Economics at Sonoma State University. The study says there are also ripple effects on Sonoma County that add to the equine industry's local economic footprint. This may be dwarfed by the economic value of the wine industry to Sonoma County, but is hardly insignificant.

Another seriously flawed part of the regulation is Sec. 876(d)(1)(C) and 876(d)(1)(D) which dictate that landscapes may be watered only two days per week and not between the hours of 8:00 am to 8:00 pm because the regulation does not specify any limits on the amount of water used. It is completely irrelevant how many days a week or hours per day water is "applied" to landscaping. All that matters is how much water is used, per acre, not how often or for how long water is "applied." The regulation does not apply to drip irrigation methods and appears to be intended only for sprinkler irrigation. The whole point of drip irrigation is to apply small amounts of water only a longer period of time, so it makes no sense to limit the number of days per week or hours per day. Even more problematic is that the regulation does not take into account the output of a well which may not produce enough water per hour to irrigate a large property in only two days per week only 12 hours per day. Mine does not, which is why I use drip irrigation to water trees, shrubs, and perennial plants. I do not have any lawn or turf and never did.

Whether sprinklers or drip systems are used, the amount of water applied in a week depends on the number of sprinklers or emitters times the output per sprinkler or emitter per hour, times the hours per week, not just how many hours per week water is applied. Without specifying any limit on the amount of water allowable, much less the amount of water per acre, this regulation is meaningless and useless.

I also have a problem with Sec.876(d)(1)(G) which prohibits the use of potable water to refill decorative ponds. I have a chain of three "decorative" ponds which are dredged out of a natural seasonal drainage swale which crosses my property, creating a "water feature." A pump circulates water between the ponds in the summer. In the winter they have a natural flow through them when it rains. The ponds and the ditch between them fill with water and sometimes even flood during heavy rain storms in the winter, turning into a backyard equivalent of the Mississippi River which occasionally threatens to

flood my house. I do not know where the water eventually ends up, but the ponds have native fish in them which presumably swim upstream in the winter. If I were to let the ponds dry up in the summer, the fish would die. Most of the fish are bluegill, I've been told, but I used to have a few fish resembling brown trout in the ponds. I would like to know if the State Water Resources Control Board actually wants me to let the fish die.

And I have a problem with Sec. 876(d)(1)(E) which prohibits washing vehicles except with rainwater or grey water. The road from my house to my barn is dirt, and it gets very dusty in the summer. I have a small hatchback style car which, due to the aerodynamics of the design, collects dust on the rear window, as did the last car I had of similar design. I think all cars of this design have this problem. If I don't wash the rear window every few days, I can't see out of it, and driving in traffic becomes dangerous. The front windshield also needs washing as needed, or my visibility is reduced. If I am not allowed to wash the dust off the car as needed, I am going to be at increased risk of being injured or killed in a traffic accident. I also have a problem with bird excrement on my car and truck because I have planted a lot of trees and my property is a haven for wildlife. I have lots of birds including hawks and owls, doves, quail, ravens, finches, many unidentified song birds, even mallard ducks and herons on the ponds, occasional Canada geese, and of course, turkeys. Bird poop can etch the paint on a vehicle if not promptly washed off. It would be an onerous economic and time burden for me to visit a car wash every time I needed to clean the windshield or wash off bird poop and tree leaf and seed debris. But I could argue that windshield washing is allowed under Sec. 876(d)(1) which creates an exemption for "an immediate health and safety need." Opaque windshields create a safety hazard which could lead to a serious health hazard. Besides, the amount of water used to wash vehicles is miniscule compared with the amount of water used for other purposes. And all of the water used to wash vehicles goes into the ground and waters trees. It's not like it runs down a gutter into a storm drain.

The regulation ignores the fact that well water used outdoors might conceivably to some degree end up back in the well as it soaks into the ground. The fact is that little to nothing is known about underground aquifers. Neither the state nor well drillers know the source of the water that enters any particular well. Whether a particular well located a mile from the nearest creek draws from that creek is completely unknown. Probably the depth of the well is an important factor. Perhaps the state should be doing test drilling for water the way oil companies drill test drills for oil, in an effort to study underground aquifers.

Even the required information gathering on water use will be onerous and in many cases, impossible for a landowner to know. Short of putting water gauges on wells, a requirement property owners would be likely to fight tooth and nail, any guesses landowners make about their water use are likely to be wildly inaccurate.

I am not willing to provide my name or address at this time for fear of being singled out for scrutiny or harassment by the water police. It's bad enough I have to provide an email address to submit comments.