



April 9, 2009

Mr. Charles R. Hoppin, Chair
Ms. Francis Spivey-Weber, Vice-Chair
Mr. Arthur G. Baggett Jr., Ms. Tam M. Doduc, Members
Ms. Dorothy Rice, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Ms. Vicky Whitney, Deputy Director
Mr. Steve Herrera, Permitting Section
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Delivered via E-mail

Re: TUC Order 2009-0027-DWR – Objection and request for hearing

Dear Chairman Hoppin, Vice-Chair Spivey-Weber and Members of the Board,

I am writing on behalf of Russian Riverkeeper to respectfully request a hearing concerning the issuance of Order 2009-0027-DWR to voice objections with certain provisions of the order, to allow public comment on the specific terms of the order subject to interpretation and possibly issue additional terms to ensure protection of all beneficial uses.

Russian Riverkeeper works with the community to advocate, educate, and uphold our environmental laws to ensure the protection and restoration of the Russian River for the health and benefit of all who use and enjoy it! Russian Riverkeeper represents over 1400 members who own property along the Russian River, operate businesses connected to the River, obtain their water supply from the River and enjoy their right to swim, fish and paddle the Russian River.

This Order will have serious impacts for our members and various beneficial uses and it is unclear whether the goal of conserving water in Lake Mendocino for fall Chinook migration and maintain minimal service within the upper Russian River can be achieved without additional clarity and possibly additional orders. We believe our objections, issues with clarity of permit terms and concern over lack of public input can be addressed via a hearing on this order before the State Water Resources Control Board.

I object to the permit as written for these reasons:

- Severe impacts on lower Russian River water quality, economy and Rec1 / Rec2 beneficial uses
- Potential impairing impacts to community water systems along the Russian River due to reduced flows and water quality
- Past failure to meet instantaneous flow compliance levels at designated compliance points without additional permit terms
- Lack of adequate water quality data that demonstrates water quality standards will be attained at the flow levels specified in the order
- No restraint of junior water rights holders that could divert water released from storage in Lake Mendocino and Sonoma that is intended to satisfy flow requirements
- Lack of specificity on what the 25% SCWA reduction pertains to, past use, permitted diversion amount or conjunctive use.

I request a hearing to allow public input on the following terms of the order subject to interpretation to ensure beneficial uses are protected and impacts are reduced:

Term 3: Clarify "satisfy existing water rights", does this refer only to senior rights holders and if so how will junior rights holders be restrained and will senior rights holders be required to reduce diversions by same amount as SCWA? If this is loosely interpreted Lake Mendocino storage could be well below levels projected by SCWA as a result of having to supply water for existing water rights and meet flow compliance levels.

Term 9: Public input is vital to creating a Water Quality Monitoring Plan and the hearing should require publication and consideration of results from previous monitoring required under term 8 & 9 in Order 2007-0015 DWR and term 8 in Order 2004-0035 Exec. We are concerned about impacts to ESA listed species in the Russian River, community well systems and beneficial uses from water quality degradation as a result of this order.

Term 13: Clarity on 25% of what amount, past diversions, permitted diversion amount, net use?

Term 14: Clarify "commercial turf grass" does it include municipal buildings, schools and clarify whether this provision can or should be extended to the entire basin

Term 15: The disposition of this term will have a profound impact on storage in Lake Mendocino for fall Chinook migration and lower river beneficial uses and the Board has authority to address this via a separate order restraining junior rights holders and requiring conservation by senior rights holders.

Term 16 & 17: Evaluation and consideration of previously required Water Conservation Status Reports required under term 12 of 2004-0035 Exec and term 13 of 2007-0015 DWR

I appreciate your consideration of my request for a hearing on Order 2009-0027 DWR. Please let me know if I can provide additional information on the basis for our objections and concerns with this Order.

Sincerely,



Don McEnhill
Riverkeeper

Cc: Senator Pat Wiggins
Assemblymember Noreen Evans
Assemblymember Wes Chesbro
Congresswoman Lynn Wollsey
Congressman Mike Thompson
William Hearn, NOAA Fisheries
Dick Butler, NOAA Fisheries
Susan Gorin, Mayor City of Santa Rosa
Eric Ziedrich, Mayor City of Healdsburg
Catherine Kulhman, Executive Officer, North Coast Water Quality Control Board
Randy Poole, General Manager, SCWA
Grant Davis, Assistant General Manager, SCWA
Linda Sheehan, CCKA