

RRWPC Comments on:

## **Water Project DEIR**

March 10, 2009

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Submitted by email to Erica Phelps

### **General Comments:**

Russian River Watershed Protection Committee (RRWPC) offers comments on the following portions of the Water Project DEIR: Chapters 1, 2, 3, 4, Sub-Chapters 5.9, 5.13, and Appendix P. We commented primarily on the Russian River Project and did very little or nothing on the other components. We did not have time to examine other parts of the DEIR, so our silence on those other portions should not be taken as a lack of concern. Had we had more time, we would have done a lot more.

We wish to chide the Agency for not allowing extended time to respond to this very long, in places highly technical and complicated document. This is especially problematic in light of the fact that the Chief Engineer, Randy Poole announced recently at a Technical Advisory Committee meeting of the water contractors that there is no money to respond to comments and that no response would be made, in effect throwing the whole project in doubt.

It is thoughtless to leave potential participants in limbo after asking them to spend their time attending hearings and writing comments when probably no one would ever see what they have written. Furthermore, it is an irresponsible waste of public funds to hold hearings, ask people to come out at night and give comments that will never be responded to, with a court reporter present at six meetings taking notes to boot. Most of the notes taken by the reporter consisted of the staff reading the same presentation from her power point six times. How much did that cost the Agency? Why was it necessary under the circumstances?

In general, RRWPC supports conservation and some kind major infrastructure improvements to the Cotati-Kastania pipeline. We understand that the pipeline is old and may be on the verge of collapse. The people of Petaluma and Marin do not have adequate alternatives for water supply and a major accident could jeopardize the health and safety of many people. While we have no comment on the specific proposed project in this DEIR, we urge you to resolve this matter. We don't generally support "piece-mealing", but in this case we believe it would have made a lot of sense to deal with the pipeline portion of the project separately and move it forward on a faster track.

Most RRWPC supporters live, work, and recreate in the lower Russian River. As you are probably aware, we have advocated for a clean river for the last 30 years. Our comments will focus on those aspects that most concern our supporters,

since we have limited time to spend on this project. Those issues mostly relate to capacity projections, water quality, and recreation.

We are very concerned that while the Biological Opinion (BO) and stream flow alteration requirements in Decision 1610 are mentioned extensively in this DEIR, there is no attempt to deal with the impacts that would result from a lowering of flows as called for in the BO. There is good cause for requesting that they be addressed. In 2002, 2004, and 2007, the Water Agency requested an Emergency Declaration designating the year as “dry” as per Decision 1610. From the perspective of the lower river, this means that minimum flows at the Hacienda bridge where a USGS gauge is located, would be a minimum of 85 cubic feet per second (cfs) rather than 125 cfs as during a normal year.

According to the Press Democrat article on March 5, 2009, (*Water officials dispute declaring North Bay at ‘normal’ levels*) the Agency was asking that this year be declared as “critically dry”, which would require minimum flows at 35 cfs. In effect, this would eliminate recreation this summer even though levels at Lake Pillsbury are officially categorized as “normal”. Rather than ask for a “dry” year designation (because of very low levels in Lake Mendocino), asking for the “critical dry” indicates a lack of regard for uses other than contractor’s water supply.

Historically the Agency has down-played the needs of the lower Russian River in its project plans. It was disconcerting to read in the section on Recreation (page 5.13-3) *“Summertime canoe trips are possible primarily due to the controlled releases throughout the summer from lakes Mendocino and Sonoma. Without Pacific Gas and Electric Company’s (PG&E) diversion of water from the Eel River into the Russian River, and the summertime releases of water from lakes Mendocino and Sonoma, flow in the Russian River would be intermittent during most summers.”*

**First, we don’t know that flows in the lower river (Forestville to Jenner) would be intermittent since no evidence has been provided to prove that claim. Furthermore, without those diversions from the Eel River, Santa Rosa, Rohnert Park, Marin and the other major cities under contract for water would have not been able to develop to the extent they have. Who knows how many vineyards would have developed without that extra water in the river? And the Sonoma County Water Agency probably wouldn’t exist. So we really don’t appreciate the attitude, especially since West County taxpayers help fund Warm Springs Dam, that you are doing us a favor to send any water our way. Recreation is the lifeblood of the economy of the lower river and you need to recognize that in a meaningful way. (More details below.)**

## Chapter 2: Summary

Chapter 2 begins by stating that the Sonoma County Water Agency (SCWA) produced this document on behalf of the Water Contractors and that SCWA is the lead Agency per CEQA. It states, (pg. 2-1), *“The Agency is the lead agency for the Water Project. The lead agency has principal responsibility for carrying out or approving a project and preparing CEQA documents.”*

There has been quite a lot of discussion by SCWA staff on the level of their responsibility for this DEIR. Directors of the Agency (Supervisors) held off on its release in August '08 because of the impending release of the Biological Opinion by the National Marine Fisheries Service (NMFS). This DEIR was formally released for a 90-day comment period in mid-December, 2008. Supposedly this document incorporates directives of the Biological Opinion into this draft DEIR, or at least that was the intent in holding off its release for four months.

While the main components of the BO are mentioned, we have not discovered any attempt to deal with the issues raised therein. Since the BO has the standing of Federal law, and we would assume must take priority, we wonder how release of this document without considering issues raised by the BO, is legally adequate?

Since that time, we have heard the General Manager and the Assistant General Manager of SCWA, in meetings with the contractors, indicate that the Agency was pressured to release the DEIR by contractors against their will. SCWA staff arranged for contractors to attend six hearings on the Draft EIR, which ended up being very poorly attended, with only a handful of comments received for the record at these meetings. It was embarrassing to learn that there were more Agency and contractor representatives in attendance in at least three of the six meetings held, with no more than two public comments made at each. While staff made a brief presentation on the contents of this 3000-page document, the meetings were set up to take comments from people about the document, as if they had had the opportunity to read it. There was no attempt to tailor the presentation to the local audience.

We have heard staff say on numerous occasions that they want to focus on implementing the Biological Opinion, that it may be ten or more years before they get the increased permit allowance of 26,000 AFY, and finally, that there is no money to respond to comments and the Agency will not be doing so. So where does that leave us with this document?

People are wondering if the south pipeline part of the project and conservation component should be separated from the Dry Creek pipeline project outlined in this document. Thus far, staff has not been receptive to this idea. Circumstances have been changing so drastically and quickly in the last six months in terms of budgetary constraints. Furthermore, the Dry Creek pipeline is probably out of reach economically at this time, and the South pipeline project needs to also be scaled back.

It would be wise to address the part of the project that is drastically needed and which can affect the health and safety of a large number of people in the southern part of the system. It may be that a scaled down version (and less expensive) would be much more expedient.

It appears as though the same population projections that were used in the Urban Water Management Plan (UWMP) and successfully challenged in a lawsuit (now under appeal), are also used in this document. We hope to have time (now running low) to do some analysis on the numbers in Appendix P.

RRWPC is deeply concerned (see article in West County Gazette) about the fact that at the very time you are holding hearings on this DEIR to obtain more water from the system, you are also preparing to appeal to the State Board to declare this year critically dry, even though Lake Pillsbury is currently (March 10<sup>th</sup>) at what is termed a “normal” level. We understand that Lake Mendocino is lower than you would like, but your facile willingness to destroy the recreational economy of the lower river through this designation is reprehensible. The community west of Forestville does not seem to exist in your considerations.

The Agency hides behind its Charter giving it certain roles and not others. Every project is seen in a vacuum, unconnected from everything other than the habitat, dirt, vegetation, etc. within about 50 feet of the construction. Document after document does the same thing; that is, neglects seeing the interconnectedness of all the many factors. So the Agency is not responsible for the water downstream of the Hacienda Bridge after it has met certain stream flow requirements, which they are now trying to reduce.

We disagree that the contractors need more water at this time. Currently the Agency is contemplating the distribution of 52 AFY to contractors with a further month limit in the summer time (5 AF?) This doesn't come close to the 76,000 AFY currently authorized under normal conditions. We have heard contractors say they can live pretty easily with about 58,000, which is what they used last year. That is 76% of their allocation, and with more creative conservation methods, the increased allocation may not be necessary for a long time. Furthermore, as I point out in my article, the economy is changing rapidly, and new growth is not only not happening, but vacancy rates are climbing (see pp. of Appendix P) at astronomical rates.

The Demand Analysis conducted by Brown and Caldwell, while thorough, is based on data from 2000 to about 2004. So much has changed since then, the analysis is limited for purposes of planning for capacity needs over the next 20 years. Rohnert Park's General Plan hasn't been updated since 2000. The document quotes Department of Finance and ABAG numbers where current General Plan estimates are not available, but we wonder about the assumptions upon which they are based. That information is not available in this document. It is my understanding they are generally higher than locally generated estimates.

In 2005 Brown and Caldwell estimated 9,440 AFY could be saved through conservation by 2030. Yet in 2009, contractors are being required to save about 15%, which is the same as the 9,940 AFY, while they are already far below current capacity of 76,000 AFY. I wonder if the conservation estimates are greatly understated. It would be important to look at new technologies developed since 2005 and see what further improvements can be utilized. (see comments from Sonoma County Water Coalition)

It is interesting that the numbers in Table 2-A showing demand estimates, conservation and recycled water savings, comes out to an exact number of 101,000 AFY. Yet this is the amount that has been requested since about 1992. It would be interesting to go back to the 1997 DEIR to see how they came up with the exact same number twelve years ago. It seems like the consultant started

with the final number and worked backwards. This is fairly easy to do, since we are dealing with projections and estimates, which are easily manipulated.

The economy has been in freefall in the last year. We don't think any of that is considered in this document, since the estimates used are based on data that is at least several years old (latest from 2005). This needs to all be reevaluated in light of current drastically changed economic circumstances.

In the water conservation component, we need to know why new development, subject to installation of all the new water savings devices, still uses far more water than older residences. There needs to be a full analysis of this situation.

The Biological Opinion is referred on page 2-11 as though it had not been released yet. This section needs updating to include the issues that need to be addressed to comply with the time line. Also on that page is a discussion of the new water right permit that would be needed from the State Board. This too has been in the works since the early 1990's. We have heard Randy Poole say it will not be forthcoming until at least 2016.

The Biological Opinion requires a timeline that directs the Agency to obtain a change to minimum flows required in D1610 in the next two years and to address habitat improvements in Dry Creek over the next twelve years. They have stated that the habitat improvements are an experiment and if they don't work in about ten years, SCWA can then implement the pipeline. In that time, this DEIR will be out of date and much of it will have to be redone. Studying the pipeline at a programmatic level is misleading without putting it in the context of the other requirements of the BO.

This is admitted on page 2-12 and given as a reason for not including the Biological Opinion or modification of Decision 1610 because they will take too long to complete. We agree, but since ostensibly the pipeline cannot be built until these other things are accomplished and the new water rights permits attained, then your reason for releasing this DEIR at this time is not valid. You say, *"The purpose of the Dry Creek Bypass Pipeline is to allow the increased releases from Lake Sonoma that will be needed for the Water Project to be carried in the Bypass Pipeline and therefore avoid fishery impacts that could result if this water instead flowed down Dry Creek."* This would be fine, but the BO requires that the habitat enhancement be attempted first over the next 10-12 years. How do you respond?

What is clear is that the timeline for all these required elements is totally out of sequence and needs to be addressed. In the meantime, the Southern County needs a pipeline badly, and by linking this to components that can't possibly be implemented any time soon, the Agency has perhaps affected the health and safety of several communities who are at the mercy of a very difficult situation.

### **Chapter 3: Background**

We have already addressed many of the issues in this segment.

On page 3-6 it states in reference to D1610 that *"...reduced instream flow requirements for dry and critical dry water supply conditions were set in consideration of warmwater fish and wildlife needs, because the lower portion of the Russian River was*

*considered to be too warm to provide rearing habitat for salmon and steelhead.”* I had never heard this before. Weren't the flows set both for recreation and to retain water in the dam to have adequate supplies for contractor needs during dry years? We had never heard that standards were set to accommodate warm water fish. Are these low flows protective because they are warmer? Then why is river temperature considered an impairment under 303(d)?

### **Recycled Water Projects: (Page 3-33)**

I have commented on this extensively in my comments to the Regional Board on the Proposed Basin Plan Amendment for Low Threat Discharges. This includes segments on legalizing “incidental runoff”, about which RRWPC has had grave concerns for quite some time. We include those comments, along with our comments on the State Recycled Water Policy and the proposed Storm Water Permit, which has a section on non-storm water discharges, which is actually recycled water runoff.

Our major concern is with allowing supposed low threat and incidental runoff discharges in the summer when the flows are very low and the assimilation capacity of the creeks and streams is also very low. There are many unregulated chemicals in even tertiary wastewater and there has been more and more scientific evidence that this causes harm to aquatic and wild life. Also, this is the time of most recreational use and the risk of exposure to humans becomes much greater. By legalizing incidental runoff without really being able to predict cumulative impacts, there is a very serious situation that could result. We are also very concerned that this runoff will carry pesticide and soil amendment residues and be more toxic than the wastewater itself. We feel that you should address this issue since this project supports and encourages such practices and even includes them in your capacity analyses.

Furthermore, one reason supporting this practice states, *“Protects Russian River watershed by reducing treated wastewater discharge.”* This is not really true because the irrigation occurs mostly in the summer when discharges are not allowed.

On page 3-34 the document notes that the Agency OWNS certain wastewater discharge and treatment facilities. Which does the Agency own?

You note further down the page that the North Sonoma County Ag Reuse Project is due to release the EIR/EIS in June, 2008. Obviously that is impossible since it is March, 2009 and it hasn't been released yet. I suggest a correction here.

Pages 3-35 to 3-39 refers to the Jenner Estuary, the Section 7 Consultation and the BO, and the need for alteration of D1610. In other parts of these comments we express support for incorporating these into this document. This section was not updated as promised after the Biological Opinion was released. In regards to D1610, this document also fails to acknowledge that the BO requires the Agency to start the process for changing D1610 by next year I believe. This section also needs updating, especially since the effects of permanently lowering main stem flows could have major impacts on the environment.

## **Chapter 4: Project Description**

On page 4-5 it states that, *“The Water Project is needed so that the Agency may obtain legal rights to release and use additional water currently stored in Lake Sonoma and divert and re-divert the water from the Russian River.”* Do you mean that this project is a precursor to getting expanded rights? Can you please explain this? Perhaps you cannot USE the rights before you have the project, but do you actually need to have the project before getting the rights? That would be like building a project before getting a permit to do so.

This section, which talks about demands for more water is totally divorced from the current economic and housing situation. It states that the project is needed to accommodate anticipated growth, as if the failures of the banks, the housing market, the credit industry, huge deficits in government budgets, and huge losses in job markets and bailouts of huge banks and insurance companies, and the mortgage crisis doesn't exist.

I know it must be hard to cope with all the crises we've been having of late, but at least they should be mentioned. Government has little money now, except for possible bailout funds and stimulus funds, but none of the amounts I have heard mentioned would begin to pay for this approximately \$700 million dollar project. Just where in the world will the money come to pay for it?

In light of all this, it is probable that the population figures are enormously inflated and in fact, population decreases were noted in the Brown and Caldwell Report and attributed to vacancies in Santa Rosa. Also it has been stated numerous times that Rohnert Park will have to decrease its projections. They haven't done a General Plan since 2000 so it's all conjecture. They have already indicated that they want their sewer capacity decreased.

On page 4-9 you indicate why you don't think you have to examine the impacts from water recycling projects that serve to offset potable demand. I could see where you wouldn't feel responsible for analyzing current programs, but certainly the cumulative impact of these activities should be mentioned. The potential water quality impacts on salmon and steelhead are unknown, but more and more people, even some of those inside the NMFS organization are beginning to acknowledge the seriousness of the problem of unregulated toxins in the environment. We feel you should also. We describe these issues in depth in the attached commentaries to the Regional and State Boards.

From page 4-10 to 4-13 you describe the water use of each of the contractors. You give their water use in 2005-06 and the average peak month delivery was 33.6 mgd. I calculated 31.77 mgd for Santa Rosa using some numbers that had been distributed by SCWA to the contractors long ago. In 2006, Santa Rosa was generating about 16 mgd dry weather flow for wastewater. That means that about half of their summer water use was for irrigation. I know that they are beginning to focus on programs to bring that way down (apart from wastewater use) and that should be encouraged. Programs like rainwater harvesting, drought resistant planting, drip irrigation and low flow sprinkler heads, etc. should be heavily encouraged.

I'm not clear about the difference between Other Transmission System Customers and Russian River Customers. 2335 AFY are used by the former and

9620 AFY by the latter. Are these both deducted from the 75,000 allotment? Please explain.

At the top of page 4-14 it claims that the water conservation component would save 9,440 AFY. It implies that the goal is to have this savings by 2030. Is there any way to phase the goal so that it meets certain levels by certain times? There won't be much incentive to take action now, if contractors have over 20 years to implement. When does the 10% penalty kick in? Does it only kick in when they don't meet current levels?

#### **Russian River Component: Page 4-18**

This DEIR assumes that the Dry Creek pipeline project is the only alternative to conveying water from Lake Sonoma to the Wohler facility. Again, it ignores the directive of the BO to examine habitat improvements in Dry Creek before committing to an expensive and politically controversial alternative. Of course, the project description states that this pipeline is studied at a programmatic level of detail and that more detailed studies would follow in a project specific EIR. In a few places, we noted that a treatment plant is planned. What kind of treatment is planned? It is unclear whether it is the current chlorine and corrosion control treatment or if you are contemplating a full-blown water treatment facility? This needs to be clearly spelled out.

Also the DEIR states that only the pipeline is studied at the programmatic level, the other parts of the project are considered at the project level. This needs to be more clearly spelled out. Is this referring to the entire facility at Wohler/Mirabel and both dams and the schedule of releases are considered a programmatic DEIR? If so, how can you not include a detailed discussion of proposed changes to D1610?

The Agency uses the Russian River System Model as its hydrologic computer model to determine whether current and future water availability is adequate. Is this model considered part of the Russian River System in this DEIR? We wonder if the model had predicted reservoir shortages at Lake Mendocino in 2002, 2004, and 2007? What is the track record of its predictions?

The third paragraph on page 4-18 is extremely interesting. It states that the model knows about all diversions in the watershed. That means the model can probably figure out, using permit data from the State Board, exactly who is stealing water and perhaps even how much. And then the Agency makes sure that adequate water is flowing to supply those illegal uses. At least, that's what we have to deduce from the information given here. It also states that you have a pretty good idea of what the sediment rates are in Lake Pillsbury, Lake Mendocino, and Lake Sonoma. So how much water is used by ag and how much of it is under permit (totals would be fine)? To what extent are sediment depositions in the lakes surpassing expectations?

It appears there is no or little attempt to use the model for the purpose of meeting flow requirements at the Hacienda Bridge. (page 4-19 top) Why is that? How will flows be affected at Steelhead Beach and Burke's Canoe's? How will the model be used to project stream flows under critical dry conditions? Will such an analysis be brought to the State Board when you present your request for

an Urgency Petition to declare a critically dry year? It seems as though you are more considerate of illegal water users than recreationists in the lower river. What we have been saying here, in many different ways, is that we want equal treatment along with everyone else in the watershed. Since the usual flow at Hacienda during a normal year is around 240 cfs as per this document (rather than the minimum of 125 cfs), we fail to see how you can justify declaring a critically dry year, going down to 50 cfs and then saying we should be grateful that it's not down to 35 cfs. (I forget where I saw this data, but I did see it.)

## **Sub-Chapter 5.9: Hydrology and Water Quality**

Introductory paragraphs refer to water quality monitoring reports from the early 1990's to about 2001, and concluded that, " "

That's a misleading conclusion since the report then goes on to note that the river is listed under 303(d) list as impaired for temperature and sediments and part of the lower river between Guerneville and Monte Rio is listed for bacteria (as you then note on page 5.9-6 under the topic: tmdls). The Laguna de Santa Rosa is also listed for phosphorus, nitrogen, and dissolved oxygen, which you fail to mention on page 5.9-6.

The truth about water quality testing in the Russian River is that it has been uneven and sporadic, in many cases and this should be pointed out. Furthermore, there is little or no monitoring for toxic substances and nutrient pollution. The statement is made that, (page 5.9-6) *"...unsewered communities along the lower Russian River are known to have high concentrations of failing septic systems."* We challenge you to prove this assertion.

The Regional Board, in response to complaints about potential implementation of AB 885, admitted that they don't have specific data that would document specific failing septic systems. This is something that needs to be done before implementation takes place. In fact now, after public outrage was demonstrated, that implementation policy will be rewritten. When the Monte Rio EIR was completed around 1999, they indicated there was no excessive nitrogen in the Russian River in the locations where septic systems were presumably failing. This would have been expected if septic systems were indeed causing a major problem.

Furthermore, I would like to point out that there are excessive nutrient problems in the vicinity of the Russian River County Sanitation District outfall, which is operated by your Agency. We know that that system has a very poor record of compliance with NPDES discharge requirements. The adage, *"People who live in glass houses should not throw stones,"* seems to apply here. The truth is, we don't know where the bacteriological pollution is coming from, or even if it is coming from humans. A lot more study needs to be done.

Where you talk about wastewater discharges into the waterways on page 5.9-6, apparently you have made no attempt to look at Regional Board records on spills, violations, and penalties, even though your agency operates several of those systems and is very familiar with all the problems. We suggest that there is more information available about wastewater treatment plant failures that should be revealed in your discussion here.

On page 5.9-7 it states that SCWA water delivered to customers is of very high quality and no further treatment is needed other than chlorination and pH control. We wonder then why you include a treatment plant as part of the project description? (See page 4-25 in the project description.) You don't say much about it, even though it would be a major undertaking to install. Why is no further information given here? Please provide.

We wonder if you test for trihalomethanes in your water and whether you have ever had a positive test? Have you tested for the 126 priority pollutants since 2007? Don't you test annually for those? Have any ever been positive? Do you ever test for endocrine disruptors or test fish tissue samples for the same? There have numerous studies coming out recently (We will try to submit one or two.) that indicate that pharmaceuticals and personal care product chemicals are getting into the drinking water supply of a large number of supplies nation wide. Have you ever tested for these constituents? Would you be willing to do so? You are working with USGS on water quality sampling and they conducted such a study in 2002 I believe. Could we do that here?

On page 5.9-17 it states that the Russian River Model ESTIMATES the flows at Hacienda. Why are ESTIMATES necessary since there is a USGS gauge there?

Water Conservation Component (page 5.9-18) in the "Background" section there is discussion of recycled water being used to offset potable water and the savings get entered into the computer model. I haven't seen this discussed yet in the parts I've read, so I will make comments here and hope I didn't miss something you addressed in another section.)

We have expressed extensive concern in the past about water quality impacts of irrigation runoff. Our 30 pages of comments to the Regional Board on the Basin Plan Amendment are attached to this document. In a nutshell, numerous conditions that possibly cause serious environmental impacts are coming together in a way that are not addressed in this DEIR. The elements include lowered stream flows, (perhaps greatly lowered if Decision 1610 is amended significantly), possibly legalized incidental runoff (waiting on a Basin Plan Amendment process to be completed), and increased irrigation with wastewater in the attempt to offset potable water use into creeks and streams that are severely impaired.

There is a massive Ludwigia problem in the Laguna along with Pepperweed and now the problem is moving its way down to the lower river to the Monte Rio area. A friend reported extensive Ludwigia blooms in the lower river. I also plan to attach a picture of the Ludwigia by Stony Point last August. After completion of the \$2 million dollar removal project, the Ludwigia filled the channel from bank to bank. The area of "successful" removal was more covered with the weed than ever.

At a recent Laguna Foundation meeting they discussed the new idea to dig a big channel (also in the Channel Maintenance EIR) and that the Ludwigia would not have much exposure to water and would dry up. Yet I recall that the other part of the project near Occidental and the Fish and Game preserve, the Ludwigia was covering a field and was not only located in a waterway. It turned out that

they couldn't remove most of it and that part of the project was not considered successful.

So when you say on page 5.9-18 that there would be no impacts from conservation, that would not necessarily be true for the component of irrigation with wastewater. Furthermore, there are many, many unregulated chemicals in wastewater, and we simply don't have much information about what damage is being done to aquatic and wild life in the Russian River Watershed from exposure to all these substances. We attach our comments to the Regional Board that addresses these issues. We didn't see anything about this issue in the Biological Section either. The DEIR claims to study conservation to a 'project' level of detail and the impacts from this conservation method needs to be studied in more detail in this DEIR.

From about page 5.9-19 to 24 there is discussion of water levels in Lake Sonoma. While sediment is mentioned, the DEIR doesn't really explain how much sediment is in the Lake and how much water is displaced because of it. Is the siltation greater than what had been predicted when the dam was built? Has the life expectancy of the dam been shortened since 1984?

Impact 5.9-5 asks if there would be an increase of sediment coming INTO Lake Sonoma and the Mitigation Measure talks about flows going OUT of Lake Sonoma. I assume that when flows go out, it causes sediment to come in, but it doesn't seem like analyzing only flows really answers the question. Will sediments fill up Lake Sonoma at a faster rate than expected and ultimately cause capacity to become impaired? I've heard that that's been happening due to the very fragile geology and erosive quality of the soils in the area. Will there be any mitigations upstream of the Lake in the areas where erosion and landslides are commonplace? Has there been an analysis of what sedimentation has occurred since 1984 and whether the capacity of the dam/lake has been shortened?

On page 5.9-27 the document projects flows in various reaches and in the various water availability scenarios, normal, dry, and critical dry. It claims that Decision 1610 minimum flows will be met under most scenarios. The analysis seems to fudge by talking about mean monthly flows. If the mean is close to the 1610 minimum, then it could be interpreted that it will fall below 1610 on numerous occasions. Please address this issue. How often is it likely to fall below the 1610 minimum?

While this document claims that flows will be MORE than current Decision 1610 minimums, nevertheless, as we mentioned before, SCWA has requested "dry" year designations from the State Board in three of the last seven years. Now SCWA is preparing to request "critical dry" status. Then within the next year, your agency will be asking for permanent stream flow and other operational changes. It makes absolutely no sense to certify this document now when current reality appears to be pushing things in a totally different direction.

Decision 1610 establishes minimum flows at the base of Dry Creek and at Hacienda. Are the assertions for meeting Decision 1610 at Mirabel merely assumptions based on estimated flows coming out of a model? We wonder if the actual flows at these two gauges are used to model projected flows?

Furthermore, these projections don't explain the reality that in three of the last seven years SCWA has gone to the State asking for an Urgency ruling to allow "dry" flow conditions (as mentioned above). This year you intend to request "critical dry". Then you say that you will deliver the same water under each scenario you would have prior to the project but the Agency has the "wild card" by applying to the State for altered flow regimes.

Circumstances are arranged for SCWA to call the shots in favor of the contractors by applying for dry or critical dry status, and the lower river gets shorted water with little account for the impacts to downstream, whether or not the flows and storage justify the designation, as is the case we believe, by requesting a "critical dry" year at this time. We could understand why the Agency may want to ask for a "dry year" designation but fail to understand the "critical dry year" designation request. Please explain. (At this point there are some meetings coming up to apparently explain this, but they occur AFTER the deadline for these comments.

In addition, as we mentioned earlier, this DEIR does not examine the alteration of Decision 1610 to allow for lower flows on a permanent basis. There is a great deal of work in changing this designation and this document doesn't address the impacts from doing so. Since the change is critical to this project, and must precede it, according to the BO, why do you think this DEIR is adequate in light of that circumstance?

### **Sub-Chapter 5.13: Recreation**

First, please see general comments above about our assessment of the Agency's attitude towards lower river recreation as stated on p. 5.13-3. (page 2 of these comments)

In these comments we discuss the issue of water recycling as part of this plan under conservation and our strong concerns about irrigation runoff. Since much conservation will be achieved through recycled water applications and since it is a probable given that lower river flows will be permanently altered in the not too distant future (D1610), we believe it behooves you to address the issue as discussed in our attached comments to the State Board. We are especially concerned about the accumulation of unregulated toxins and nutrients and the specter of multiple incidental runoff incidents impacting the streams. This is particularly problematic in the summer, when stream flows are very low and cumulative runoff incidents can have significant impacts on human recreation.

If such flows are lower permanently under D1610, which is likely to happen as formerly stated, then the assumptions upon which this DEIR is based could be changed. The assertion that all D1610 flows would be met may still be true, but if flows are lowered permanently, the recreational and environmental impacts can be extreme.

For instance, if SCWA gets its proposed request this year with the State Board and a "critical dry year" is declared, then there would be serious environmental impacts. If minimum flows are altered on a permanent basis, it would behoove you to discuss the long range impacts. Since this project can't be implemented

until AFTER that occurs, then the analysis in this document is meaningless. With flow alterations, we are likely to have excess nutrients, invasive plants, concentrated toxins that in turn could have devastating consequences on aquatic life which can turn our river into a dead zone and totally unusable for recreational purposes. As it is, there are relatively few studies done on the lower river on all the water quality variables necessary for a vital aquatic habitat.

The section discussing impacts on recreation from flow reduction fails to assess the area from Mirabel to Hacienda, which is heavily used for recreation in the summer. There are several popular beaches in this reach. One thing that hasn't been discussed in this section is the sudden dropping of flows during emergencies, causing potentially dangerous conditions for recreationists. Would there be any extreme flow alterations during construction? In the event of such an occurrence, what might the impacts on both recreation and aquatic life be?

## **Project Alternatives**

We did not analyze the alternative presented in the document, but we have one to suggest that we know you did not consider.

RRWPC has conducted a study of wastewater discharge statistics of all wastewater dischargers to the Russian River from Ukiah on down. We examined records at the Regional Board between 1995 and 2007. We noted winter discharges (average monthly flow) between December and April and summer discharges between July and September. We theorized that if we subtract the average monthly summer dry weather flow from the average monthly wet weather flow, we will come up with a number that for the most part, represents infiltration and inflow (I & I) through leaky pipes into the wastewater system.

That surplus water costs a great deal to treat, not only in terms of dollars per gallon, but also represents expensive and wasted energy use. Furthermore, it takes up water that could stay in the ground or end up in our creeks and streams and provide potable water (as much as any of our water is potable). Instead it gets mixed with polluted water, which has to be cleaned under standards that are inadequate in many respects and expensive to boot. Therefore the water could have a negative impact on the environment. It could also save the City all or part of the \$150 million it was planning to spend on an irrigation program that offsets potable water use.

For numerous years, we have been nagging Santa Rosa to "fix their old and leaky pipes". They did a pilot program and early results indicate that there may be a significant decrease in the amount of water flowing to the treatment plant. Since clean water laws expect those pipes to be repaired anyway, and in some cases the private laterals (and possibly pipes) are causing raw sewage to enter into and pollute the groundwater, it may be worthwhile to give credit for fixing leaking wastewater pipes. We have been asking Santa Rosa to do a serious cost/benefit analysis on fixing their older pipes at a faster rate than the 1% they have been doing. They are starting to get the message.

We are aware that fixing pipes are very expensive, but there are many, many advantages to looking into this. We are hopeful that cities can get offset credit

for doing this, and at least make it part of the mix. We estimated that the water lost between 1995 and 2007 was 1.5 billion gallons of water, with Santa Rosa accounting for 2/3 of it. Obviously the smaller systems would have more trouble doing this, but we would like to see offset credits as part of the mix of incentives in this program.

And one more thing, in any case where more than 5% of the potable water is lost, cities should be given offset credit for fixing leaking water pipes as well. (You're welcome to lower the %, but I don't think it should be higher.)

## Appendix P

We are running short of time, so we will not be able to do justice to this very important model study and discussion of the basis for projections. I will try to describe some critical issues however.

### General Comments:

Some data used in this DEIR was generated by contractors based on projections developed for the Urban Water Management Plan (UWMP). The Plan was a year late in being released and was ultimately successfully challenged in court. The contractors were so concerned about the tardiness of the document, several of them wrote their own UWMPs. The lawsuit is now awaiting appeal. We question some of the projections on our own and apart from the lawsuit.

We are focusing on Santa Rosa and Rohnert Park numbers due to a lack of time to do more. The questions we raise should be generally applied where appropriate.

First, these projections were based on data that is now 5-7 years old. Also the data was taken from different years between 2000 and 2005. This seems like a fairly wide spread. How do you adjust for this when projecting from 2009 to 2030? Since there are many factors that can interfere with conservation and growth projections, such a collapse of the mortgage industry, is there any provision for adjusting expectations before 2030?

In looking at Santa Rosa's numbers, it appears that they don't need any new allocations by 2030 (or a very small amount to serve as a buffer) and new growth would be served by conservation, local supply, and recycled water offsets, in spite of large growth projections. This is not true for any of the other contractors. Why not? What can be done to get them to the same situation as Santa Rosa? (We realize this is much harder for the smaller entities such as Valley of the Moon, Forestville, and Cotati, but the others should do much more.)

Table 4-A states Rohnert Park's 2005 population as 41,640. Page 2-14 of Appendix P shows Dept. of Finance estimates for Rohnert Park as being at 41,350 in 1998 and 42,050 in 1999. In 2004 they show the population at 42,127. What accounts for this? When you have several sources with different estimates, how do you decide which to choose?

On page 2-14 it states that Rohnert Park was unable to provide daily production data, yet they have announced at WAC meetings that their water use averages

are 109 gallons per person per day. How do they calculate that number? Do you have indication that the number is accurate? On that page you indicate that the average water use is 146 gpcd. Is that the same as gallons per person per day? If correct, the 146 gpcd looks to be a little on the high side. Why were per person per day comparisons among contractors not provided?

On top of page 2-14 it states that RP has 12.3% unaccounted for water use. Isn't this quite high? What is being proposed in this document to bring that down? Was the issue of water loss addressed? (I didn't see it, but could have easily missed it.)

On page 2-20 in the section on Santa Rosa, it states that they do not have any conservation pricing. The data was carried through 2004 and I know that since that time they have instituted conservation pricing. Shouldn't that information be updated, since you are projecting use to 2030 and that should be considered?

At the top of page 21, there is a discussion about what caused Santa Rosa's decline in water use. Only minimal credit was given to conservation, yet in the late 1990's Santa Rosa instituted a major toilet retrofit program (not sure if we have the date right). It would seem as though that at least in the late 1990's, when vacancy was less and the program was in place, that decreases in water use should be credited to conservation instead of the claimed "shifting account mix".

On page 2-20 it states that average household usage was 288.3 gpd. On page 2-21 it states that new households use an average of 344 gpd. That is a significant difference. Since it is likely that new households have water saving appliances, they must be doing more washing of clothes and dishes and irrigating their gardens. That's almost a 20% increase, in spite of water saving toilets and appliances. What accounts for this disparity? The difference in North Marin is much smaller and Petaluma much greater. It would be interesting to have an analysis on this comparison.

We wonder if Santa Rosa sells water to households and businesses outside their boundaries and not considered in their population numbers? If so, that would skew the data unless accounted for.

### **Base Populations:**

There are some discrepancies between the Brown and Caldwell analysis that do not appear to be serious but we wonder about the lack of consistency. One example is that Table 4-A states the Rohnert Park's population in 2005 was 41,640. In the B/C Report on page 3-4 it states that the 2004 population was 41,228. Why weren't the same numbers used? I guess an increase of 412 population in a year is not unreasonable, but how were the different numbers arrived at? (B/C Report gives explanation, but I'm not sure about 4-A. I'm running out of time so I can't check.)

