



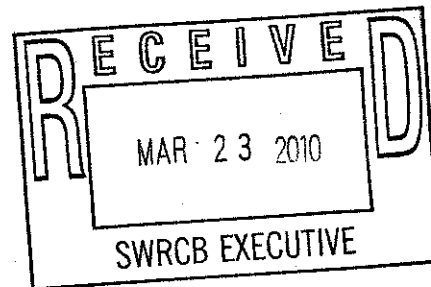
The Sea Ranch  
Water Company

707-785-2411 / Fax: 707-785-9756

March 23, 2010  
Via E-Mail and U.S. Mail

**URGENT**

Chairman Charles R. Hoppin  
And Members  
STATE WATER RESOURCES CONTROL BOARD  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Re: **Comment Letter - AB 2121 Policy  
And Request for Extension of Time**

Dear Chair Hoppin:

I write on behalf of The Sea Ranch community, and The Sea Ranch Water Company that serves that community. We request your assistance regarding the proposed Draft Policy For Maintaining Instream Flows In Northern California Coastal Streams. Our preliminary assessment<sup>1</sup> is that if applied to our existing water rights, even for a minor change or extension, the draft policy would have draconian impacts to our water supply. Existing residents and businesses could be deprived of all or a substantial portion of their water supply. Below I address some of the major problems with the draft Policy.

The Sea Ranch is a planned unit development. The number of lots and level of permitted development was established by law long ago. The Company is the municipal water supply provider to our community, regulated by the CPUC. Our only source is water diverted pursuant to permits issued by the SWRCB. Our diversions are from wells in the aquifer near the Gualala River, and it is likely that their impacts on surface flow, if any, are limited. We constructed an off-stream reservoir to increase fish protection, and have and adhere to the fish flow bypass requirements in our permits. The reservoir was sized and designed in light of the very limited sites available, and the terms of our state-approved permits. Thus, we do not take water when river flow is low; we then rely on withdrawals from the reservoir.

The new bypass flow requirements, cumulative diversion cap, and season of diversion set forth in the proposed regionally applicable criteria would leave us with NO water at all for lengthy periods during dry year sequences such as have already been experienced. In dry years, when water is available, it would be approximately 15-25% of demand. During an average year, water supply would be reduced to less than 50% of

<sup>1</sup> The Draft Policy is complex and difficult to understand. For example, it often refers to 'new applications' and 'new diversions'. If so limited, it would reduce concerns considerably. However, other language indicates that it may apply to the entirety of existing water rights when a change or extension petition is needed (as is common for many reasons, including very minor changes). If we misunderstand the policy, that would be another reason to re-structure this process. It needs to be comprehensible to the public and the regulated community.

demand. However, there would still be periods of time when NO water would be available; the reservoir would run dry. We have very limited opportunity to further conserve, given existing constraints on outdoor water use and a very efficient use rate.

The draft Policy's regional criteria do not take into account the type of diversion we have, the character of the river at and below our diversion, the real problems for fisheries at this location (such as siltation), the nature and magnitude of flows, and other factors. They are inconsistent with the existing water diversion, storage and delivery system designed to comply with the existing permits.

The Draft Policy contains a site-specific study approach that appears to allow exceptions to the regional criteria. Given the required studies, it would be extremely costly to pursue this alternative. However, because of the untenable impacts of the regional criteria, The Sea Ranch would have no choice. Even with such high cost, there is no certainty or reliability with respect to the outcome of the site-specific approach. The only applicable criteria prioritize fish flows over all other beneficial water uses. As with the regional criteria, there does not appear to be any provision in the draft Policy to take into account infeasibility or impacts, except in limited circumstances inapplicable to us.

The AB 2121 policy should provide for improved fishery habitat via flows where that has not been previously addressed, is truly needed, and then in a balanced manner. It should not entail such impacts to existing water users. Impacts, feasibility, and economics should be taken into account.

We respectfully request assistance such that AB 2121 will be implemented in a reasonable manner. We hope for a cooperative approach. Specifically, we ask:

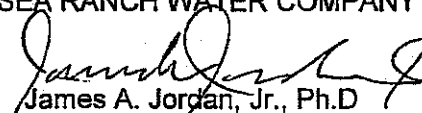
- That the March 26<sup>th</sup> comment period deadline be extended by at least 90 days,
- That the April 27<sup>th</sup> date be used for a workshop on the Policy, and
- For the opportunity to work collaboratively with you to devise a workable solution.

Our representative for this purpose is Martha Lennihan, who can be reached at (916) 321-4460, or [mlennihan@lennihan.net](mailto:mlennihan@lennihan.net). I can be reached at (707) 785-2786.

Thank you.

THE SEA RANCH WATER COMPANY

By:

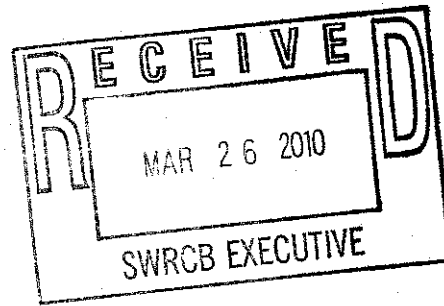
  
James A. Jordan, Jr., Ph.D  
Chair, Board of Directors  
The Sea Ranch Water Company

cc: Victoria Whitney  
Dan Pellissier  
Jeanine Townsend, Clerk to the Board  
Martha Lennihan

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March 26, 2010



Dr. James A. Jordan, Ph.D.  
The Sea Ranch Association  
975 Annapolis Road  
The Sea Ranch, California 95497-0016

Ms. Martha Lennihan  
Lennihan Law  
2311 Capitol Avenue  
Sacramento, California 95816

Mr. Randy Burke  
The Sea Ranch Water Company  
975 Annapolis Road  
The Sea Ranch, California 95497-0016

Subject: Preliminary Analysis of AB2121 Policy

Dear Dr. Jordan, Ms. Lennihan, and Mr. Burke:

In completion of your authorization dated March 15, 2010, Brown and Caldwell (BC) is pleased to present this letter report. The preliminary report updates scenarios to determine how The Sea Ranch Water Company (TSRWC) might operate its diversions and storage to meet AB2121 policy proposed by the State Water Resources Control Board in 2010. The proposed policy describes requirements to maintain instream flows in northern California coastal streams. Our analyses focus on how the policy would effect The Sea Ranch Water Company operation within existing permit limitations (Water Diversion Permits 15358, 20751 and 20801) while meeting monthly water demands. To accomplish this, we developed Excel™ spreadsheet models to simulate diversions for multiple dry years of 1976 to 1977 and 1989 to 1991, and an average rainfall year of 2004 to 2005. The following "rules" govern the diversion:

1. Minimum bypass flow to be maintained in Gualala River is 300 cubic feet per second (cfs) (calculated from the methodology described in AB2121 Policy)
2. Diversion season is from December 15 to March 31 (from AB2121 Policy)
3. Maximum diversion rate allowed under the three permits now held by TSRWC (from Water Diversion Permits 15358, 20751 and 20801) (about 3.9 million gallons per day).

Key findings from our preliminary impact summary are:

1. All three scenarios (1976 to 1977, 1989 to 1991, and 2004 to 2005) failed to meet TSRWC's water demand at 65 percent year-round occupancy level.
2. With the current year-round occupancy level (about 43 percent), the reservoir would be empty about 96 percent of the time (approximately 351 days) using a 1976 to 1977 dry year scenario and about 22 percent of the time (approximately 160 days) using a 1989 to 1991 dry year scenario. During periods when the modeling predicts that the reservoir would be dry, the policy also would not allow diversions by TSRWC. Hence, no water would be available.

3. With current year-round occupancy level (about 43 percent), the reservoir would be empty about seven percent of the time (approximately 26 days) using 2004 to 2005 average year scenario. During periods when the modeling predicts that the reservoir would be dry, the policy also would not allow diversions by TSRWC. Hence, no water would be available.

The Brown and Caldwell analysis described herein applies the regional criteria<sup>1</sup> contained in the SWRCB proposed North Coast Instream Flow Policy to Sea Ranch.

Figures 1 and 2 below summarize Brown and Caldwell's findings for two dry year periods (1976 to 1977 and 1989 to 1991), respectively. Figure 3 below summarizes our findings for an average year (2004 to 2005). All graphs are based on 65 percent year-round occupancy level. Reservoir volume at the start of the year was assumed to be 15.6 million gallons (MG) (48 acre feet [AF]) - about 16 percent of total reservoir capacity of 97.8 MG (300 AF).

As shown in Figures 1 through 3, all three scenarios failed to meet Sea Ranch's water demand at the 65 percent year-round occupancy level, a reasonable estimate of build out occupancy. The following key points are noted with respect to the resulting impact on Sea Ranch operations:

**Dry year scenarios:**

- Using 1976 to 1977 dry year scenario, less than 15 percent year-round occupancy level could be served with water without letting the reservoir run dry. When 1989 to 1991 dry year scenario was used, about 25 percent year-round occupancy level could be served without letting the reservoir run empty.
- Assuming the current year-round occupancy level (about 43 percent), the reservoir would be empty about 96 percent of the time (approximately 351 days) using a 1976 to 1977 dry year scenario and about 22 percent of the time (approximately 160 days) using a 1989 to 1991 dry year scenario. During periods when the modeling predicts that the reservoir would be dry, the policy also would not allow diversions by TSR. Hence, no water would available

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<sup>1</sup> The "regional criteria" are set forth in the SWRCB February 2010 draft North Coast Instream Flow Policy ([http://www.swrcb.ca.gov/waterrights/water\\_issues/programs/instream\\_flows/docs/ab2121\\_0210/finaldraft\\_policy021610.pdf](http://www.swrcb.ca.gov/waterrights/water_issues/programs/instream_flows/docs/ab2121_0210/finaldraft_policy021610.pdf)).

**Average year scenario:**

- Using 2004 to 2005 average year scenario, 35 percent year-round occupancy level could be served with water without letting the reservoir run empty.
- With current year-round occupancy level (about 43 percent), the reservoir would be empty about 7 percent of the time (approximately 26 days) using 2004 to 2005 average year scenario. During periods when the modeling predicts that the reservoir would be dry, the policy also would not allow diversions by TSR. Hence, no water would be available.

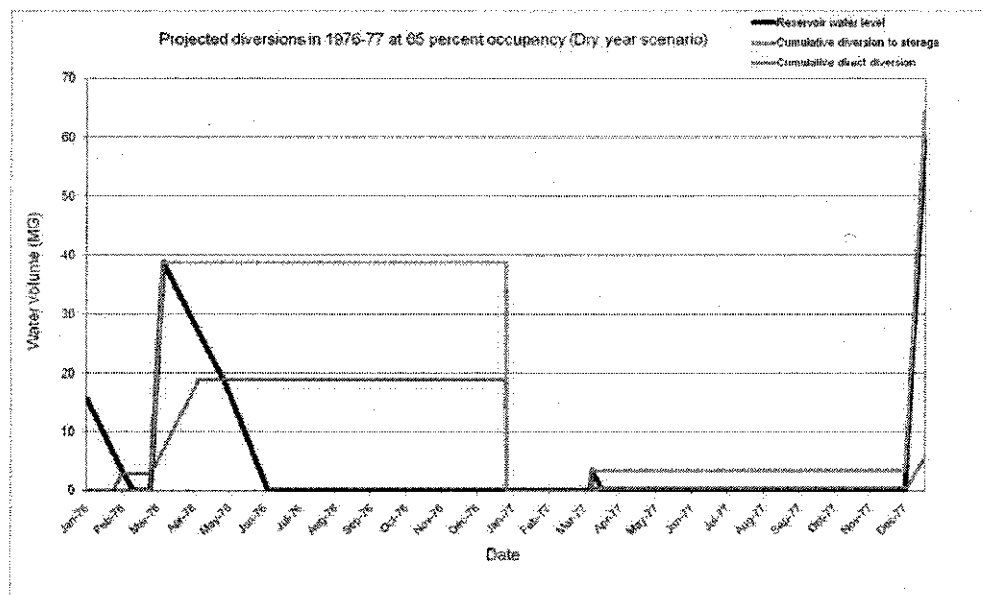


Figure 1

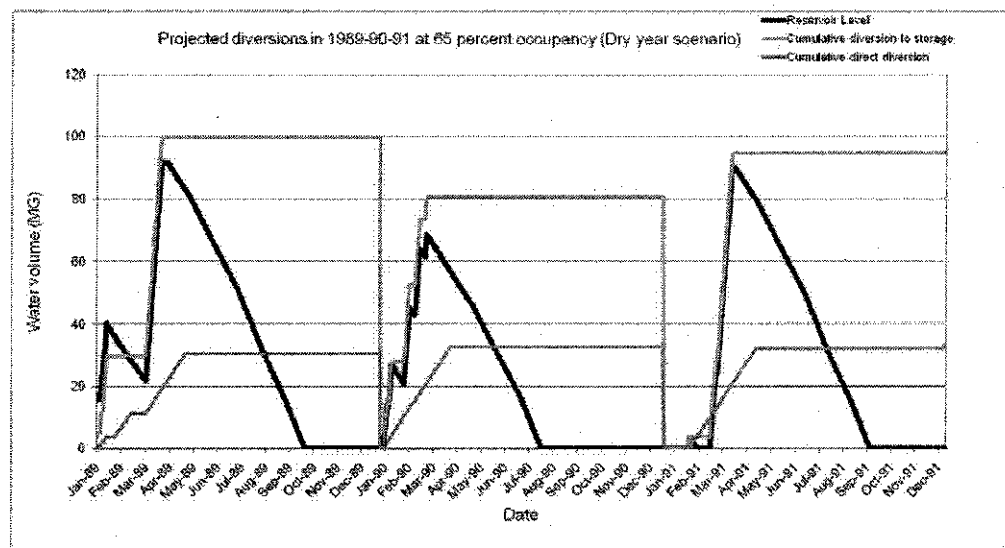


Figure 2

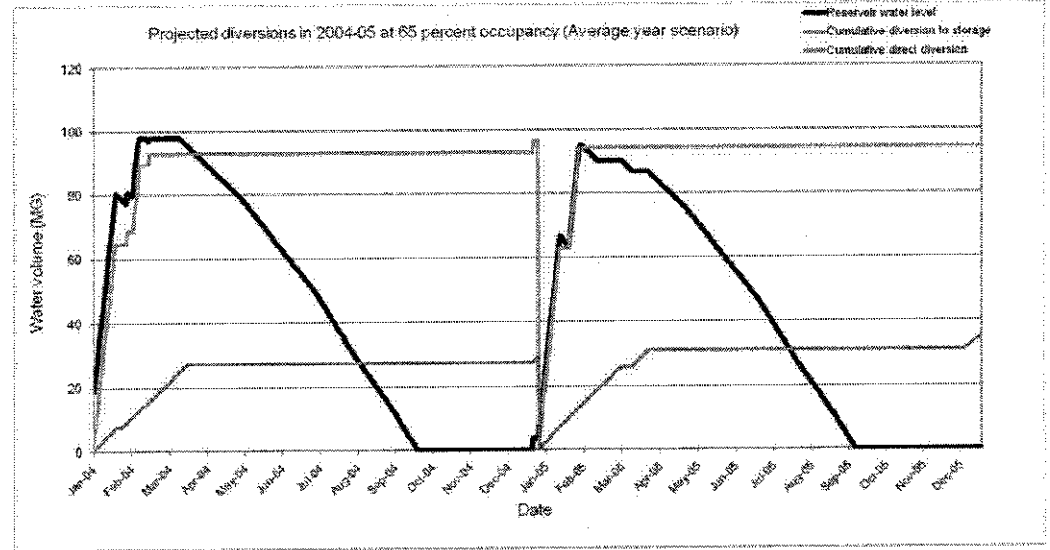



Figure 3

Please call us with any questions concerning this analysis and our conclusions.

Very truly yours,

BROWN AND CALDWELL

  
Thomas Birmingham, PE.  
Project Manager

cc: William Faisst, Brown and Caldwell  
Soumya Kini, Brown and Caldwell