

Friends of Gualala River

P.O. Box 1543

Gualala, CA. 95445

Email info@gualalariver.org



To: Nathan Quarles

Deputy Director, Engineering and Construction

Permit and Resource Management Department

County of Sonoma

Email: Nathan.Quarles@sonoma-county.org

Well Ordinance Public Comments

Submitted via email: PermitSonoma-Wells-PublicInput@sonoma-county.org

From: Friends of Gualala River

Date: February 1, 2023

Subject: Friends of Gualala River comments on the proposed draft Well Ordinance

Friends of Gualala River (FoGR) is a grassroots nonprofit organization that has worked for over thirty years to protect the Gualala River Watershed (GRW) and the species living in it.

This memo highlights FoGR's questions and concerns regarding the County's proposed Well Ordinance update, primarily with the Public Trust Review Area (PTRA) as currently proposed.

The Gualala River and its perennial tributary streams are all federal "navigable waters" up to the Ordinary High Water Line (OHWL) in non-tidal stream reaches, and the High Tide Line (HTL) in tidal reaches (estuary to head of tide) under Section 404 the federal Clean Water Act. The County should presume that the bed and bank below OHWL of any perennial river or connected tributary stream reach of the Gualala River is a navigable water (in law) for purposes of establishing the PTRA. These waters connected to the Pacific Ocean are navigable in law, where intrastate or interstate commerce occurred historically or occurs today (or were susceptible to intrastate or interstate commerce), including boating, fishing, or log transport, just like the Russian River. The County's assessment of PTRA based on the "navigable water" standard should be essentially similar between the Russian and Gualala River systems, which both terminate in intermittently tidal estuaries that are navigable (in fact and in law).

As a matter of public trust resource protection, the wells of greatest significance are those with potential to dewater downslope streams by drawing down groundwater that supports dry season baseflows - something that happens regularly in droughts on the Gualala since 2008. The larger wells that support agriculture reservoirs should be subject to monitoring, synchronized with dry season stream channel pools below them, in fish-bearing PTRA streams. That includes the vineyard corridor of Annapolis, along the Wheatfield Fork to Haupt and Fuller Creeks and Patchett Creek.

The extent of “buffer areas” protecting salmonid streams of the Gualala River and its tributaries should apply to all existing occupied steelhead spawning and rearing reaches, and historic coho stream and river reaches. Both are federally and state listed anadromous salmonid species that are imperiled by critically reduced dry season stream flows during droughts, which are supported by groundwater that may be depleted by well extraction. The recovery of these species, not merely avoidance of adverse modification of their designated critical habitats, is the goal of both California and federal Endangered Species Acts (ESA), and it is also the overwhelming interest of the residents of Sonoma County.

The proposed ordinance criteria based solely on "critical habitat" designations for coho and steelhead is inappropriate, rather than their recovery goals, objectives, and planned actions, are unexplained, and are inappropriate. Critical habitat is defined as the geographic areas known at the time of listing that contain the physical or biological features that are essential to the conservation of endangered and threatened species, which is the absolute minimum habitat needed to merely avoid jeopardizing their continued existence, after economic considerations narrow the “critical habitat” designation even further. The appropriate standard for protection of coho and steelhead against indirect hydrologic impacts of wells is not rock-bottom brink-of-extinction "critical habitat", but priority areas for future-oriented, climate-resilient species recovery, following the best available scientific guidance in an approved or draft recovery plan (state or federal) or outline. The aim of recovery is not just minimal avoidance of extinction, but restoring the health of coho and steelhead populations and ecosystems sufficiently to the point where they no longer need to be listed under the state or federal ESA. Preventing further steelhead declines due to cumulative impact of well extraction and climate-driven drought in the the Gualala River watershed should be a high priority for the draft well ordinance. Otherwise, steelhead may slide toward extinction like coho.

The well ordinance should consult with NMFS (National Marine Fisheries Service) and CDFW (California Department of Fish and Wildlife) and adopt the best available scientific guidance from these agencies to establish meaningful groundwater protection to support recovery of these species during climate change that affects hydrology and habitat of salmonid streams – especially prolonged droughts and heatwaves, which are buffered by seep or spring-fed stream pools during the dry season. Historic coho stream reach distribution of the Gualala River watershed, which must include cool stream reaches even if they are not currently occupied by coho, are an important guide for recovery of both steelhead and coho.

The width of the "buffer areas," as presented on the current PTR map and the ArcGIS online tool, is not explained. Buffer widths appear greater for the lower South Fork and lower Wheatfield Fork, lower Pepperwood and lower Buckeye Creek, but are apparently limited to the stream banks only further upstream, despite the distribution of important steelhead summer rearing habitats upstream. Moreover, the upper reaches of the South Fork, which are known steelhead spawning and rearing habitat are not included at all; the same is true for most Gualala steelhead tributary reaches, and historic coho stream reaches that are now presumed to be unoccupied. This isn't explained, and appears to be inconsistent with the proposed steelhead and coho criteria for high and medium risk streams, relative to "streamflow depletion" (SFD) risk.

There is no information provided on how this proposal evaluates streamflow depletion (SFD) on the Gualala reaches and tributaries, which has experienced extreme drought dewatering impacts along some reaches. Generalized model predictions must be calibrated by local data on stream

pool dewatering during the last decade of droughts in order to be reliable, and meaningful for planning “high risk” dewatering of salmonid streams. We have repeatedly observed dewatering of normally stable, persistent summer stream pools over many reaches of the Gualala River and its tributaries during the recent historic drought. What evidence or proxy data will the County use to calibrate or verify estimates of the risk of stream pool dewatering around potential major well users – such as vineyards with large reservoirs, and ridges with vineyard potential? Will the County collect stream data from the worst impacted reaches?

The proposed exclusive classification of “high habitat value” as existing “coho summer rearing” – but not steelhead summer rearing – is problematic, and unjustified. The exclusion of historic Gualala coho stream reaches that may be essential for recovery of both salmonid species, but which are presumed to be extirpated without the benefit of recent surveys. That means that there would be no protection for historic coho habitat that may be suitable for recovery and reoccupation where there are suitable potential cool groundwater-supported baseflows, but only if they are protected against excessive groundwater withdrawal. Restricting “high value habitat” to currently surveyed, known occupied summer coho rearing habitats defeats the purpose of the proposal; it penalizes suitable unoccupied habitat to support the species recovery. The “high value” habitat should be based on suitability to support salmonid recovery within known historic range. It should not withhold groundwater protections where species extirpation has occurred or is presumed.

FoGR recommends that protections be aligned at least with (a) all occupied steelhead spawning reaches of tributaries and forks of the Gualala River; (b) all historic known (published) reaches of coho streams on the Gualala River and its tributaries. The ordinance should aim at protecting groundwater resources that sustain baseflows, pool depths, and temperatures important to rearing and spawning of steelhead and coho, including historic coho stream reaches, on the Gualala River.

Sincerely,
Nathan Ramser, President
Friends of Gualala River