

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300. FAX: (916) 341-5400. Web: http://www.waterrights.ca.gov

PROTEST – APPLICATION

Based on Environmental Considerations, Public Interest, Public Trust, and Other Issues.
(Protests based on INJURY TO PRIOR RIGHTS should be completed on other side of form)

APPLICATION License 3404 and Permit 20789

1. I. (We) Kristin Vogel
Name of Protestant(s)
of PO Box 453, Garberville, CA 95542, (707) 923-9284 have read carefully a copy
Mailing address and zip code of protestant(S) Telephone Number
of, or a notice relative to, Application License3404/Permit20789 of Garberville Sanitary District
Name of applicant
South Fork Eel River
to appropriate from Name of source
at a point Sections 13,23,24,25, and 35, T4S, R3E, HB&M, and Sections 18,19, and 20, T4S,R4E, HB&M

2. I. (We) protest the above application on:

ENVIRONMENTAL ISSUES, ETC.:

The appropriation will not best conserve the public interest, will have an adverse environmental impact and/or will adversely affect a public trust use of a navigable waterway. *

a. Public interest protests should clearly indicate how the appropriation will affect the public.

b. Environmental protest should identify specific impacts and provide supporting recitals on issues such as: plants, animals or fish affected, erosion, pollution, aesthetics, etc.

c. Public trust protests must identify the navigable waters to be affected and how the project will impact public trust values.

Protests of a general nature (not project specific) or opposed to constitutional or legislated state policy will not be accepted. A request for information or for studies to be conducted is not a protest.

OTHER ISSUES, ETC.:

The appropriation will be contrary to law, will require access rights, will not be in the State Water Resources Control Board's jurisdiction, or concerns other issues.

Facts and, if applicable, points of law which support the foregoing allegations are as follows: See attached comment

3. Under what conditions may this protest be disregarded and dismissed? See attached comment

(Conditions should be a nature that the applicant can address and either accept or submit mitigating measures.)

4. A true copy of this protest has been served upon the applicant by mail c/o Jennie Short, POBox 211, Garberville, CA 95542

* For the purpose of filing a protest, navigable waters include streams and lakes that may be seasonally navigable in small recreational watercraft.

Date: November 30, 2019

Notes: Attach supplemental sheets as necessary. Protests must be filed within the time specified in the notice of application

Personally or by mail
12-02-19
Protestant(s) or authorized representative sign here:
Kristin Vogel
Type or print name and title of representative, if applicable
Street address
2500 Old Briceland Rd. Garberville, CA 95542
City and State
(707) 923-9284
Telephone number

NOTICE OF PETITION FOR CHANGE FOR WATER RIGHT LICENSE 3404 (APPLICATION 9686) AND PERMIT 20789 (APPLICATION 29981) OF THE GARBERVILLE SANITARY DISTRICT

My Protest Comments To: State Water Resources Control Board, Division of Water Rights
Attn: Michael Meza, P.O. Box 2000, Sacramento, CA 95812-2000 Michael.Meza@waterboards.ca.gov.
Cc: Garberville Sanitary District, c/o Jennie Short, P.O. Box 211, Garberville, CA 95542
From: Kristin Vogel, P.O. Box 453, Garberville CA 95542

To: The State Water Resources Control Board, Division of Water Rights:

My concern about this request by GSD to serve water to the Southern Humboldt Community Park (SHCP) is that it is not about people discarding plastic water bottles on public property. (The SHCP is private property.) Most people do not mind bringing in their own water bottles to this private Park. This Petition for change in the GSD Place of Use requests a significantly larger "island of service" than the one described in 2012-13 GSD Annexation. It requests more water in more areas of the Park than ever before. It sets up water spigots in each of the commercially zoned areas of the Park. These are zoned Public Facilities, (PF) which allows for heavy impact uses. The PF zones mapped out in the Park's EIR are for concerts and festivals, public restrooms, campgrounds, a public meeting center, a sports center and ball fields. **My concern is that piping GSD water out to all these areas of the Park creates the opportunity to use it for PF purposes without any CEQA review or mitigations to possible significant impacts. Strict legal enforcement wording that will hold up in court is needed to support the limits placed on the proposed 2999 cubic ft. per month connection.**

The Application from GSD now before you contains Resolution 19-02. This is a Resolution that seems like the one that GSD offered to the Park in 2012. But it is significantly different. GSD has changed the wording in Resolution 19-02 and it does not match the original 2012 "island of service" offer which designated that the GSD water connection be for "residential use only". **The new wording blurs the boundary between residential use and commercial use of GSD water on the SHCP property. It opens the door to possibly significant impacts to the South Fork Eel river, its wildlife, its threatened aquatic species, and its stability and dependability as a drinking water source for the communities of Garberville and Redway. And yet, to date, these impacts have not been analyzed under CEQA. The (OAS) out-of-area service connection that GSD is specifically requesting does not address these concerns.**

The river is the source of drinking water for over a thousand ratepayers in the Garberville Sanitary District and downstream, in the Redway Community Services District. An "out of area service connection" with no true site specific CEQA, is not adequate to meet the responsibility GSD owes to ratepayers and threatened species who need a river that can last through droughts and very low flows in summer. The SHCP Park is already taking at least 7 million gallons out of the river for private lease crops, wine grapes and cattle-raising without a meter on their riparian intake line. They approximate this figure. The current applications by new businesses for even more high volumes of water are increasing in Garberville. One of the most important projects that must be addressed is the 2030 new hospital which will consume at minimum five million gallons a year according GSD's consultant, 4JS Consulting, Jennie Short. Other projects in GSD's pipeline include many more legal marijuana growers, the renovated Six Rivers Bank building on Redwood Drive, the bubble hash processing plant going in on Redwood Drive, and a lifestyle spa motel next to the Highway 101 at the north end of Garberville. These businesses are lining up for water service at a time that the Garberville Sanitary District is already using over 70 million of the 80 million gallons it is allocated yearly from the State. **A complete GSD capacity study and a proper, (not a "piecemealed" addendum) CEQA is needed that accounts for all of the upcoming projects and their impacts on the South Fork Eel river before a decision is made on this change in place of use.** Please do not rush into this decision. It needs time for your deliberation. Thank you for your work.

Kristin Vogel, Garberville, CA 95542