



Redway Community Services District
P.O. Box 40
Redway, CA 95560
(707) 923-3101

State Water Resources Control Board
Division of Water Rights
Attn: Michael Meza
P.O. Box 2000
Sacramento, CA 95812-2000

April 15, 2020

RE: PROTEST OF PETITIONS FOR CHANGE FOR WATER RIGHT LICENSE 3404 AND PERMIT 20789 (APPLICATIONS 9686 and 29981) OF GARBERVILLE SANITARY DISTRICT, SOUTH FORK EEL RIVER IN HUMBOLDT COUNTY (MAM: A009686 and A029981)

Dear Mr. Meza:

This letter is to follow up to the response letter from the Garberville Sanitary District (GSD) for a Protest filed by Redway Community Services District (Redway CSD) for out of district service to the Southern Humboldt Community Park (Park). In the response letter, the GSD quotes each paragraph in the protest letter and then makes remarks regarding those paragraphs without addressing the main point of the letter. The letter indicates that this out of district connection is not in the public interest.

Black's Legal Dictionary defines public interest as:

"The welfare of the public as compared to the welfare of a private individual or company. All of society has a stake in this interest and the government recognizes the promotion of and protection of the general public."

The protest letter indicates that the Park is a private corporation and that the Park serves private interests. To that end, the Park holds private meetings and has made private business deals that benefit these special interests that are not in the public interest. This connection to the Park by GSD will enable the Park to develop property and expand uses in an area that is currently undeveloped. As discussed in Section 4.17, Utilities and Service Systems, of the Environmental Impact Report, the project would have adequate supplies of potable water; thus, annexation to GSD is not necessary. This statement indicates that the Park does not require potable water from GSD. The Park has since determined that a connection to GSD will be beneficial and is requesting potable water from GSD.

There are volumetric restrictions placed on this connection. Enforcement of these restrictions is left to GSD. The opinion of the Redway CSD Board of Directors is that GSD will not enforce these restrictions and will allow the Park to use more water than allocated. This water will be used for development within the Park and, eventually, the Park will subdivide the property and sell off residential and commercial developments with connections to GSD. At that point demand will be established and this will be used to motivate an application for additional water allocation for these properties.

From an outside perspective this appears to be a foot in the door tactic that will be used to enable unchecked development of water resources to the expansive Park property holdings. Once this property is developed and demand is established, it will be difficult to reverse. This is especially true if the property changes hands away from the Park.

According to the State Water Resources Control Board, the South Fork of the Eel River has the following existing and potential beneficial uses:

MUN Municipal and Domestic Supply
AGR Agricultural Supply
IND Industrial Service Supply
PRO Industrial Process Supply
GWR Groundwater Recharge
FRSH Freshwater Replenishment
NAV Navigation
POW Hydropower Generation
REC-1 Water Contact Recreation
REC-2 Non-Contact Water Recreation
COMM Commercial and Sport Fishing
WARM Warm Freshwater Habitat
COLD Cold Freshwater Habitat
WILD Wildlife Habitat
RARE Rare, Threatened, or Endangered Species
MIGR Migration of Aquatic Organisms
SPWN Spawning, Reproduction, and/or Early Development
AQUA Aquaculture

These beneficial uses are only available if there is high quality flow in the river. From experience, the South Fork of the Eel River experiences subterranean flow over certain reaches during drought years. Logic indicates that the more water that is allocated to be drawn from the upstream reaches, the less flow is available to downstream users to enjoy these beneficial uses.

The South Fork of the Eel River has been protected as a National Wild and Scenic River System since January 19, 1981 with outstandingly remarkable fisheries values for steelhead, chinook, coho and sea-run cutthroat trout. Additionally, according to the North Coast Regional Water Board's website, the South Fork Eel River Watershed is listed on the 303(d) List due to impairment and/or threat of impairment to water quality by sediment and temperature. Reduced flows obviously exacerbate this condition.

The Redway CSD Board of Directors is requesting the following Dismissal Conditions:

- 1) The Southern Humboldt Community Park shall hold public meetings regulated by the Brown Act and all future development on Park property will be referred by the County, to all downstream users of the South Fork of the Eel River before permitting.
- 2) The Garberville Sanitary District will be required to publish the monthly meter reads of the Park Connection to the Board Meeting Agenda so that members of the general public can see that usage is within the allocated volumes. If usage exceeds allocated volumes, the discontinuation of service will be enforced by GSD. If the discontinuation of service is not enforced by GSD, GSD will receive enforcement action by the State Water Resources Control Board.
- 3) If any portion of the Park property that is served by GSD is sold or changes hands, the connection to the GSD will be terminated.

Thank you for taking time to review this situation and consider our request.

Sincerely,

Terrence Williams
General Manager

On Behalf of the Redway CSD Board of Directors

CC: Jenni Short, Garberville Sanitary District
Ralph Emerson, Garberville Sanitary District