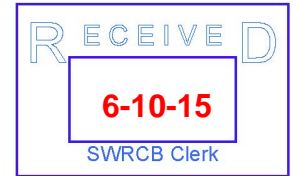


State Water Resources Control Board

Via Electronic Mail

June 10, 2015

Subject: Comment Letter-7/7/15 Board Meeting: Mann CDO & ACL
Hearing



My name is Robert Mann and I am commenting on this draft, order WR 2015-00XX, presented to the WRB for a decision in the near future. I am speaking directly to the members of the board with deep sincerity. I applied for this appeal with some confidence in how the balance of our state's governing/regulating system can help the citizens of our state work through regulations that don't always fit in the box. I have been portrayed as a belligerent property owner by the prosecution team. I'm not a criminal but a responsible citizen who has a concern for the land I live in. Different groups, both government and private spend a great deal of time and money to do what has been created here on my property about 60 years ago. It would be a crime to change it. Our family has been here since 1872 and I am proud to say that other than natural disaster it is much the same, which is; not a subdivision, not intensified crops, but a healthier environment for fish and wildlife as we practice good conservation methods.

Keeping up with regulations in our fast pace world is a challenge especially for a mom and pop operation. In this case, a lack of knowledge throughout the tenure of our family property ownership

doesn't make this reservoir or me wrong. I have learned through research since this all began that there was an amnesty period for these old reservoirs. Had the family known to proceed with this at that time we wouldn't be here. Had I known and understood the technicality of the code about how 'diversion' was interpreted we wouldn't be here. We may not be so deep into this if the research team had understood the real consumption of a few range cows (not 300 dairy cows or many acres of crops) and believed the truth that we only attempted hauling a few loads of water the summer of 2009 and don't use large pumps or irrigate anything and never will. The field inspection appears to be more of a prosecuting investigation looking back instead of a helpful means to educate us to understand and work toward resolution of the issue.

When the document came in June of 2012 it seemed quite rigid. I felt that water wasn't being diverted and the rigid solutions offered up were unreasonable. I am facing the same rigid format in this draft and my only hope is a mediation forum other than a court of law scene to practically resolve it for all parties. One simple possibility, excess winter runoff could be released during the summer months with caution not to destroy the habitat.

This truly is a unique location and honestly, in the summer, the water doesn't flow off the property and fish cannot navigate up in the

winter to this location. The cows consume a fraction of what was stated in the draft and the consumption by state game and wildlife could easily be more than cows. The water that evaporates would have been out in the ocean evaporating anyway. Many of our tributaries naturally dry up like this or go underground for the summer due to evaporation.

This is not the typical reservoir that may fill up during the course of the winter. This reservoir fills up in one good rain after the ground is saturated in the fall....no exceptions! A year's consumption by livestock is replenished in a matter of seconds at this time. To understand the volume of water that flows during our super saturated periods in the winter would convince you how important it is to check erosion with a structure at this location. Sediment control is a priority for the fish in the drainage. Speaking of fish as a priority, the steelhead trout population is much richer in the lower reaches of this watershed due to the thousands of native steelhead trout from this reservoir that have reproduced from stocking 60 years ago. This would not be possible since this upper portion of the tributary is unnavigable for fish and the water storage also gives them protection from predators.

Reference to page 13, 4.5.1.2 on the last paragraph per line item: 1) seems to be an emphasis on this body of water as a personal benefit

but that is based on misunderstanding of the truth as I explained previously. 2) I read this as a pure speculative comment about threatening any species and no truth to abusing undocumented downstream water users since water typically stops flowing in the summer. 3) I don't feel that waiting for an answer through the appeal process is a lack of due diligence but I apologize if it appears that way. Since any change will only disrupt this existing habitat for the last half century then I would only be violating the environment in doing so. 4) I took corrective action in the field immediately after the field team said I was violating the code by hauling water out and I submitted a statement as soon as I learned of the interpretation of the word diversion which is not consistent with what I learned in school.

It seems perfectly ok to store water in drainages for our public drinking water and recreation. Lake Sonoma certainly evaporates a lot during the summer and I don't hear a public outcry about that. I'm disillusioned with the distrust or perhaps a bit of envy that could possibly be part of a private vs public situation surrounding this case. Armed with the truth, the investigation team would have had to honestly tell a different story that this reservoir is not about benefiting the pocketbook of a private individual or taking from others and nature. A person can't grasp this understanding in a couple hours on site.

I thank you for carefully considering my request for opposing this draft order and allowing this reservoir to remain unchanged.

Should this order be approved then I will do my best to proceed in a timely fashion. I will be at the mercy of a lot of agencies' schedules and it is not clear to me if the time frame set forth is doable but we can only do our best. The approval of the draft will cause unnecessary stress and expenses on the family.

Sincerely,

Robert Mann