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Judge rejects county Water Agency plan

Environmentalists, community groups' suit alleged agency's water estimates were overly optimistic

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A judge's ruling this week against the Sonoma County Water Agency could profoundly affect future development on the North Coast, as well as the protection of endangered species and conservation efforts.

The case involves the Urban Water Management Plan, a crucial document that forms the basis for most Sonoma County cities to determine how much water they can expect to receive through 2030 and if it will be enough for future business and housing growth.

County Superior Court Judge Gary Nadler ruled in his 48-page decision that Water Agency officials failed to provide "substantial evidence" to support their findings, and he essentially ordered them to start anew.

The ruling is a victory for a coalition of 14 environmental and community groups that last year sued the Water Agency, charging the agency's water estimates were inflated and failed to adequately address environmental concerns.

"The court has issued a landmark ruling requiring the Water Agency to grapple with the harsh reality that water demand will soon outstrip water supply in Sonoma County," said Oakland attorney Stephan Volker, who represented the coalition.

Jay Jasperse, deputy chief engineer for the Water Agency, declined comment Friday, saying officials had yet to review the ruling and

discuss it with the board of directors.

Santa Rosa attorney Steve Mitchell, who assisted the county with its defense, did not return several messages seeking comment.

The Water Agency's management plan, required every five years by state law, projected that the county will have enough water for the next 20 years if it can secure state approval for a 35 percent increase in the amount of water that can be drawn from reservoirs.

State regulators would agree to these increases, county planners argued, as long as the county undertakes water conservation measures, devises formulas for water use by customers and makes an effort to replenish endangered fish.

But coalition members said the estimates are overly optimistic because they don't take into account other factors, such as climate changes indicating less rainfall and more drought in the future, as well as political and legal constraints on water use.

"The Water Agency has blithely assumed that it will obtain state water board approval for an additional 26,000 acre-feet of water annually, which represents a 33 percent increase in its existing diversions from the Russian River," Volker said.

He said the county's plan also assumes that the federal government will not cut diversions of water from the Eel River to the Russian River and that the National Marine Fisheries Service will not reduce diversions from the Russian River to protect three endangered salmon species.

Nadler took issue with the scope of the Water Agency's report.

Agency officials had argued they met a requirement in the water management plan to consult with agencies "in the area" before reaching any conclusions.

But Nadler stated that these consultations were limited to the Water Agency's contractors, two counties and several local wastewater agencies. He said the agency also should have sought input from the Fisheries Service, the Army Corps of Engineers and the Federal Energy Regulatory Commission.

The Water Agency never secured the input of "the very agencies whose review is essential to an informed assessment of potential restrictions on SCWA's future planned diversions of water," Nadler wrote.

The judge found the management plan lacking in four other key areas, saying it:

" Lacks specificity.

" Fails to adequately consider environmental factors, including the effect of changed water flows on salmon species.

" Fails to adequately address the effect of recycled ground water on the availability of water supply in the future.

" Fails to quantify the scope of conservation measures during water shortfalls.

Nadler sent the plan back to Water Agency officials with an order to "comply with statutory requirements."

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