

West County  
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# Water Warriors WIN! Superior Court Overturns Sonoma County Water Management Plan

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From Law Offices of Stephen Volker

A broad coalition of community organizations representing conservationists, farmers, ranchers, fishermen and recreationists announced that Sonoma County Superior Court Judge Gary Nadler has ruled in their favor and struck down the Sonoma County Water Agency's (SCWA's) recently-adopted Urban Water Management Plan (UWMP). Judge Nadler agreed with the Water Coalition that the Water Agency's UWMP was deficient in five fundamental respects. California's Urban Water Management Planning Act (UWMPA) requires major urban water purveyors such as SCWA to prepare a UWMP every five years to assess available ground and surface water supplies and determine whether they are sufficient to meet projected water demands.

The Act declares that "[a] long term, reliable supply of water is essential to protect the productivity of California's business and economic climate" as well as its environmental quality. SCWA's most recent UWMP claims that Sonoma County has adequate ground and surface water supplies for substantial urban growth.

Judge Nadler rejected SCWA's claim, pointing out that SCWA's proposal to increase diversions from the Russian River potentially conflicts with protection of this river for fish and wildlife, recreation, and existing agricultural and domestic uses. The superior court therefore set aside SCWA's UWMP, and directed SCWA to acknowledge and address the potential water shortages facing Sonoma County before unsustainable urban growth deprives existing and future agricultural, urban, and recreational uses of essential water supplies.

Judge Nadler ruled that SCWA's UWMP ignores or understates many severe constraints on future water supply, and that SCWA violated the UWMPA in the following respects:

- (1) The SCWA failed to coordinate with relevant agencies as required by the Act;
- (2) The Plan fails to include the degree of specificity required by the Act;
- (3) The Plan fails to adequately consider environmental factors, specifically, the effect of changed water flows during period of water shortfalls on the salmonids, and

other potential implications of the Endangered Species Act;

- (4) The Plan fails to adequately address the effect of recycled groundwater on the availability of water supply in the future; and
- (5) The Plan fails to quantify with reasonable specificity the scope of water demand management measures which are relied upon to address the anticipated water shortfalls.

The lawsuit was brought by fourteen community organizations including the Sonoma County Water Coalition, the Russian River Watershed Protection Committee, the Community Alliance with Family Farmers, the Westside Association to Save Agriculture, the Coast Action Group, the O.W.L. Foundation, the Sebastopol Water Information Group, and the North Coast Rivers Alliance, among others.

Stephan Volker, attorney for the plaintiffs, praised them for persevering, through two years of challenging litigation, and lauded Judge Nadler for his extraordinary effort in reviewing hundreds of pages of briefs and a 71,000-page court record, preparatory to issuing his detailed and scholarly 46-page ruling. "We are pleased that the Court has vindicated our concerns by ruling in our favor on virtually every issue," stated Mr. Volker. "We look forward to working with Sonoma County Water Agency to develop a sensible and lawful water management plan that assures that water supplies are adequate to protect not only our cities and farmers, but also our fish and wildlife, for now and for future generations," added Mr. Volker.

The Sonoma County Water Coalition (SCWC), founded in 2004, is a forum for more than thirty local groups to share information and concerns about water, and to take action to improve management of this vital resource in Sonoma County. The combined membership of its member groups is more than 25,000 concerned citizens.

The Russian River Watershed Protection Committee (RRWPC), founded in 1980, has 1,400 supporters, and works to protect the health of the Russian River, representing mostly property owners along the lower Russian River and recreationists.

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The Community Alliance with Family Farmers (CAFF) is a statewide organization of family farmers that works to develop local community food systems, to create environmentally sustainable farming methods, and to enact state and local policies to support these efforts.

The Westside Association to Save Agriculture (WASA) is an organization of farmers and residents that engages in public education and advocacy to promote the protection and restoration of agricultural lands and uses on the west side of the Middle Reach of the Russian River near Healdsburg.

The O.W.L. Foundation comprises concerned citizens dependent on groundwater resources from the Santa Rosa plain that is dedicated to educating the public and elected officials about the severity of the current water crisis in Sonoma County, and the technical methods available to resolve the crisis.

The Sebastopol Water Information Group (SWiG) is a community organization whose members include experts in the water sciences who monitor groundwater contamination

and well water levels, and provide information to well owners.

The North Coast Rivers Alliance (NCRA) is an environmental organization that works to protect the Russian River and other rivers of California's north coast from the adverse effects of excessive water diversions, ill-planned urban development, and harmful resource extraction, pollution, and other forms of degradation.

Friends of the Eel River (FOER) is a regional organization of concerned citizens dedicated to the restoration of both the Eel and Russian Rivers, their watersheds and their fish and wildlife.

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