

# Residents, environmentalists clash at Big Basin water rights hearing

By Jim Ames

Proposed water appropriations for the Big Basin Water Company received strong support from residents of the area in hearings held in Ben Lomond last week.

A number of environmentalists, on the other hand, as well as the county, expressed strong reservations about the applications.

## State Water Resources Control Board hearing

Two hearings were conducted Tuesday evening and Wednesday morning of last week at Park Hall in Ben Lomond by the State Water Resources Control Board on the water rights applications and on the draft environmental impact report on the projects.

A total of 10 persons spoke in favor of the applications Tuesday night during a hearing on the impact report, while six persons opposed them. About 60 persons attended the meeting. The comments will be incorporated into the final impact report.

Some 40 persons attended the Wednesday meeting at which testimony was taken on the water rights applications.

Big Basin Water Company presently serves 323 residential customers and 26 "special" connections, including two swimming pools, and a plant nursery. It also provides untreated irrigation water to the Boulder Creek Golf and Country Club golf course.

The proposed project consists of three water rights applications.

One seeks to expand the area serviced from Hare Reservoir Number 1 to include the entire Big Basin Water Company service area and to allow domestic use of this water.

The second application seeks an appropriation of 61.5 acre-feet per year of water from Hare Creek, to be diverted from October 1 of each year to May 1 of the following year and to be stored in Hare Reservoir Number 2 (located immediately upstream from Hare Reservoir Number 1).

The intent of this application is to provide water for domestic and irrigation use for the addition of 141 proposed units (Unit 7) at the Boulder Creek Golf and Country Club.

The third application would allow the appropriation of 335.25 acre-feet of water per year from four unnamed streams in the Jamison Creek Boulder Creek watershed.

The water company has used these four sources for domestic water since before 1941 but presently holds no riparian rights to the water.

Approval of the application would give Big Basin a valid right to its existing use of water from the four streams and would permit additional development to take place in the company service area.

Among those speaking in favor of the applications at the environmental impact report hearing was Ray Cooper, who said he represented the Redwood Residents Association, a homeowners group in the area.

Cooper said the three applications are unanimously supported by his group's board of directors.

"The homeowners should not be on a perpetual rationing program," said Cooper, in arguing for the additional domestic water that would be obtained.

He said the quality of life in the country club area "will be improved if these applications are approved."

Bonny Doon real estate broker Jac Idleman said the people in authority have the duty to provide water.

"Every proper effort should be made to see that these people do not become endangered species," she said.

She said there would be no "adverse impact" on the environment or wildlife from the projects.

## Bill Nugent voices opinion

Bill Nugent, developer of the Galleon Heights subdivision, which is located in the Big Basin Water Company service area, argued against any condition that would

require the company to have to release more water from the Hare Creek reservoirs than is flowing into them in the summer.

Hal Wells, pro at the golf and country club for the last 11 years, and was another to speak in favor of the applications.

He said they are "necessary for added water for the growth and expansion of our business."

## Water needed for 'growth of our business'

He noted that golf and country club owner Tom Culligan employs a number of people in the area. In addition, he said, the added taxes that would result from expansion would bring in more revenue for schools and local government.

Pat Liberty, who unsuccessfully ran for the Valley's seat on the Board of Supervisors against Ed Borovatz a year ago, said she was speaking on behalf of "Advocates for a Balanced Community," which she said is "committed to environmental excellence balanced with economic stability."

She told the board that if it approves the permits "you will do much to improve life in the Big Basin district."

She said the opposition to the applications expressed recently by the board of supervisors "is arbitrary and designed to keep these people out of water forever."

Labor union spokesman Fred Rule, speaking for the applications, said using the springs that supply the streams is good. "Clean these springs out. If you let the springs lay you'll have less water."

He also said, "We have a number of fishermen, people who watch birds...they also know they have to live...the environment is very important to us, but we must eat too."

Big Basin area resident Ray Valdez questioned the validity of concerns about the impact of the proposed projects on fish

life. "I'd like to know what fish there are along little local streams?"

Arguing for the applications, he said, "We need water now."

Boulder Creek Golf and Country Club Consulting Engineer Ben White assured the board, "There is no question in my mind that that facility (the two dams) is totally safe and sound," in response to concerns about possible hazards due to earthquake faults.

He said the amount of water that would be taken is "insignificant" in terms of the total San Lorenzo River watershed.

R. W. Johnson, a member of the SLV County Water District board, who received permission to speak on the environmental impact report during the water rights hearing, said the board of supervisors is "not representing me when they oppose these three permit requests."

"They seem to place the needs of fish, weeds and salamanders over people and their acts are consistently directed at destruction of property rights and arbitrary prohibitions against any form of building."

## A call for 'planned growth'

Johnson said he is "not arguing for unlimited development here. Our life is much too fragile in many ways allow that. But orderly, planned growth and trying to block it off completely are two very different things."

Among those arguing against approval of the applications was Boulder Creek resident Max Hartstein.

He said the draft environmental impact report is "self-contradictory and incomplete in many ways."

He said it is "premature" to grant the permits until the county's management plan for the San Lorenzo River watershed is completed.

He cited "mismanagement" of Big

Basin Water Company as evidenced by the water shortage emergency of this year.

Biologist John Stanley of Boulder Creek, an advisor to the county's Environmental Review Committee, recommended the state approve water rights to serve existing Big Basin Water Company customers but said not enough information is available to approve water for additional residents.

Reading from a lengthy prepared statement, Boulder Creek resident Fred Keeley made several points in argument against the applications.

## Effect on traffic, noise, air quality

He said the proposed domestic use of water requested "would cause traffic adjacent to my home (on Highway 9) to increase, noise adjacent to my home to increase, air quality upon my property to be affected, and, in general, the quality of life on and near my property to be affected."

Keeley noted that the draft environmental impact report states, "The most significant impact of the project will be the potential for increased residential growth within the Big Basin Water Company service area."

Saying that statement "does not go far enough," Keeley argued that the board should consider not just the contemplated 141 residential units which would be built if the applications are approved, but rather the total number of living units which could be served by the water behind the two dams.

He also expressed concern over the safety of the two Hare Creek dams.

"I was deeply distressed when I read that the existing dams are located 'in an area of known geological activity, including earthquake shaking, landsliding, and erosional activity, flooding,

liquefaction, and fault displacement,'" said Keeley.

Keeley also objected to the "ex post facto" granting of permission to use dams which were already built.

"It verges on sinister that these dams were built and then application for their use was made," he said.

He said the issue is, "Whether or not it is good public policy to allow (and in fact reward) corporate behavior which holds public procedure in such low regard and to ignore it for years."

David Bockman, representing the Santa Cruz Regional Group of the Sierra Club, said it would be premature to approve the applications until the San Lorenzo River's watershed management plan is completed.

He said comments in the impact report on the growth inducing effects of the projects "are inadequate."

## Will fish get the axe?

Al Haynes, speaking for the Save San Lorenzo River Association, said the impact report "is inadequate in dealing with dry year flows."

Haynes asked, "We wonder who will get the axe in a dry year. Will the Department of Fish and Game release be the first to go?"

He also said that the board should look at "the accumulative effect of appropriations and diversions (of water) on the watershed."

Now that the hearings have been held, the comments will be incorporated into the final environmental impact report.

The Water Resources Control Board will then consider the applications based on this final impact report. It was estimated that it would be "several months" before a decision on the applications is made by the board.