



Contact:

Sean Bothwell, California Coastkeeper Alliance 949.291.3401, sbothwell@cacoastkeeper.org

CALIFORNIA COASTKEEPER ALLIANCE LAWSUIT CHALLENGES THE COUNTY OF SONOMA TO PROTECT PUBLIC TRUST RESOURCES

July 1, 2021 (Sacramento, CA) – Today, California Coastkeeper Alliance filed a lawsuit in Superior Court to compel the County of Sonoma to consider and mitigate impacts to public trust resources caused by groundwater extraction in the Russian River watershed. As the Russian River watershed faces a drought emergency, California Coastkeeper Alliance is working to hold Sonoma County accountable to protect public trust resources and prevent over pumping of its waterways. Everyone will need to do their part to ensure the Russian River maintains sufficient flows through this drought, and that includes restricting groundwater pumping as surface water pumping rights are curtailed.

“Over-pumping groundwater has had and continues to cause significant, harmful effects on the flow of the Russian River and its tributaries,” says Sean Bothwell, Executive Director of California Coastkeeper Alliance. “The current drought only makes this problem worse and restricting surface diversions alone merely drives more groundwater pumping. Groundwater connected to surface waters must also be managed, so we can endure the current drought crisis and be more resilient for future drought extremes. Responsibly regulating groundwater use protects other water users, as well as fish and wildlife”

The Russian River, its tributaries, and the aquatic life that depends on their flows, such as endangered Coho salmon, are protected by the public trust doctrine under the California state constitution. Large, self-sustaining populations of Coho salmon once occupied rivers and streams within the Russian River watershed, but insufficient streamflow has negatively affected the recovery of local salmon populations.

A recent [Santa Rosa Press Democrat article](#) highlighted the seriousness of the water situation and the broad and serious impacts of inaction, particularly if the drought continues. The Press Democrat reported that:

- Nearly a third of the river’s flows vanish between Lake Mendocino and Healdsburg, raising questions about whether excessive groundwater pumping is partially responsible.
- Water managers lack critical information to track water use and improve management.
- If the drought continues, some communities may run dry, requiring water supplies to be trucked in.

Sean Bothwell with California Coastkeeper Alliance added, “we need to prepare to manage our water systems if the coming winter is also dry. The lack of data and inadequate analysis means that water agencies are flying blind during this drought. That puts everyone in danger - communities, senior water rights holders and the river environment. It’s time to modernize our water management system - including the management of our groundwater.”

On many California river systems, water agencies and state regulators maintain the fiction that groundwater and surface water are separate systems. They are not. During droughts, excessive

groundwater pumping can divert environmentally critical surface river flows from below. Excessive pumping can also reduce dry year base flows from groundwater that can help keep our rivers healthy during dry years. Similarly, excessive pumping can harm water users with rights to use surface water.

The State Water Resources Control Board has recognized the contribution of hydraulically connected groundwater pumping to streamflow, including rapid reductions in stream flows, and the resulting adverse effects to public trust resources and uses in the Russian River watershed specifically. In 2018, the California Court of Appeal ruled that groundwater pumping that diminishes the volume or flow of water in a navigable surface stream may violate the public trust (*Environmental Law Foundation v. State Water Resources Control Board*).

Documents obtained by California Coastkeeper Alliance through Public Records Act requests confirm that the County of Sonoma fails to consider impacts to the Russian River and its tributaries when issuing well permits, and that the County has been aware of these impacts and its duty to consider them since at least 2015.

California Coastkeeper Alliance's lawsuit aims to protect Russian River public trust resources by requiring the County of Sonoma to comply with its nondiscretionary duties as an administrator of the public trust when issuing new water well construction permits for groundwater extraction.

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ABOUT CALIFORNIA COASTKEEPER ALLIANCE - California Coastkeeper Alliance is a statewide voice for our waters. With the federal administration working against our environmental laws, CCKA defends and expands California's protective legislation and strengthens the function of our State Water Board. We represent local Waterkeepers, empower communities towards a #TrashFree2030, and advocate with companies through the Blue Business Council. Together, we fight for swimmable, fishable, and drinkable waters for all Californians. California Coastkeeper Alliance is a 501(c)(3) nonprofit organization. For more information, visit cacoastkeeper.org and follow us on Twitter @CA_Waterkeepers.