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4/24/26

## **Public comment for 5/6/6 LAFCO meeting concerning a petition for an Alexander Valley Water District**

Members of the LAFCO Board and staff,

In my comment I will make a case to reject the petition and /or for putting conditions that would fundamentally change the petition.

I visited Alexander Valley, did a thorough land use tour and have done a deep dive into the whole topic based on 15+ years of GSA and pre-GSA groundwater advisory work and 20 years of watching, studying, and visiting the Potter Valley project. You may not agree with my biases but I have an educated opinion and have done my homework.

My primary critiques of the Alexander Valley Water District (AVWD) petition are with unfair representation; the creation of a wealthiest-actor plutocratic water district; that an AVWD would be more of a right-wing anti-regulatory lobbying group than a provider of water services; that an AVWD is seeking business as usual water use when forecasts show diminishing supply; that the accounting for groundwater use is fuzzy and not logical, and that if a GSA were to form in the Cloverdale and AV sub-basins, an AVWD would pre-empt the fair representation of all groundwater stakeholders in the proposed boundary area.

In the comments below I flesh out my points and arguments.

I see that an Alexander valley (AV) ag water district makes sense, it just needs to be conditioned to meet LAFCO district formation criteria that takes into account the whole regional water picture and regional water budget, and basic principles of fairness. If LAFCO puts one player at the table that will acquire and lock in 15,000 AFY (acre feet per year), who's interests will that take away from?

### **AVWD purpose**

A group of the biggest landowners in Alexander Valley is seeking to establish a new water district to improve water management and sustainability amid unreliable water supplies due to droughts and reduced Eel River imports.

A California Water District is legally being petitioned for. Examples of a CA Water District: Metropolitan Water District in LA, Westlands Water District in the Central Valley.

**To approve with conditions, see list of potential conditions below\***

**The core issue here is beyond district formation**

*The district is intended to represent landowners but it cannot solve the root problem: decreasing water supply due to climate change and the reduction of flows from the Potter Valley Project.*

A broader crisis is at stake: diminishing water supplies across the Western US and, specifically, a dryer Lake Mendocino watershed plus Potter Valley supply cut-offs. Despite this, almost all state water actors are counter-intuitively doubling down on business-as-usual (BAU) strategies to augment supply, rather than reducing demand. In a time of acute scarcity, pursuing BAU is illogical, unreasonable, unsustainable, and inefficient.

Seeking BAU water use now amounts to a race to the bottom, it's a tragedy of the commons pattern. Every dog is trying to get as much for themselves as possible. The LAFCO Board need to put its understanding at the level of regional water management to see if an AVWD as petitioned would be logical and efficient. If other water districts and management for the AV area would be more logical and efficient, then don't create a district just because there's a petition.

If all regional water actors are looking to increase and lock-in supply, with an AVWD, LAFCO would create one more player to compete for limited water resources and this player, by virtue of the wealth and power it would have, would come in with an unfair advantage regionally, and would also advantage only the biggest, wealthiest Board members in an AVWD.

Municipal water users in the Sonoma Water service area have reduced demand by many 1000s of AFY (acre feet per year.) Rather than an AVWD seeking more supply, a more sustainable strategy is to reduce demand. This is a reasonable condition, but no water user will want to reduce demand if they see others not. This is why a GSA (Groundwater Sustainability Agency) for the Cloverdale and AV sub-basins makes more sense than an AVWD.

### **Form a GSA?**

Water scarcity in the Cloverdale and Alexander Valley sub-basins is a community-wide crisis affecting all Alexander Valley residents and landowners, not just major agricultural producers.

To ensure logical, efficient, and equitable water management, the area requires a GSA and Groundwater Sustainability Plan (GSP) that accounts for all Alexander Valley (AV) users, particularly the big two, municipal and ag. However, fiscal constraints and lack of at-risk-basin status from DWR make forming a new Sonoma County GSA unlikely.

Lack of basin status and funding for a GSA should not compel the LAFCO Board to settle for a less efficient and less logical water services plan just because there is a petition. Because a GSA/GSP framework is necessary for comprehensive groundwater management in AV among *all* the groundwater users, the Board should reject this petition and instruct the petitioners to return in one year with a revised proposal.

LAFCO does not want to create a 600 lb. gorilla to be an unbalanced player in a future AV GSA. In a future AV GSA, ag will have its proportional seat at that table anyway, and that ag would

then include all shades of ag land tenure, from big to small owners to renters, from corporate international and national interests to legit family farms.

### **An AVWD would be like creating a mini Westlands Water District**

AVWD and Westlands players are of the same cohort. Westlands has a strong track record of influencing Congress and the federal government to favor agricultural interests over environmental regulation, often described as a "powerful" and "politically right-leaning" entity. This is the type of 600 lb. gorilla LAFCO would create.

### **An AVWD would also be like creating a new North Bay Water District (NBWD)**

No new supply beyond what they already have, no infrastructure, no storage, no feasible way to share water across the whole AV without a massive piping and/or ditching project.

Here is a verbatim statement from the NBWD website: "Our long-term goal is to expand the boundaries of NBWD to amplify agriculture's voice as we continue to collectively address existing and future regulatory challenges."

An AVWD would basically be the creation of an anti-regulatory, anti-science political lobbying group to make a grab for Eel River water and Russian River diversion rights and to in the process elbow out local municipal and environmental interests calling for that same water.

### **Potter Valley public policy scrum**

See this 4/22/26 P-D [piece](#) on selling Potter Valley.

Potter Valley flows for the next 10-20 years will be as low as 30,000 AFY. AV irrigators are using 13,500 AFY or more now. Who else has their eye on this 30,000 AFY Potter Valley water? Is LAFCO going to play kingmaker in regional water politics or focus on AV in-district water services?

What does the Russian River Property Owners Association in Alexander Valley and a potential Alexander Valley Water District angling for Eel River water have in common with USDA Secretary Rollins announcing a possible sale of Potter Valley Project to the Trump-proxy SoCal Elsinore Water District in Riverside?

Anyone connecting the dots with Rollin's previous Potter Valley statements re: farmers before fish, characterizing established regional CA water management as radical, and with the Trump administration's meddling in CA water supply issues can see that an AVWD would benefit from an end run around ERPA authority and be perfectly situated to take advantage of an insider, corrupt Potter Valley sale that would favor local AV ag interests. Is LAFCO going to tee that up?

Would that be the *orderly* creation of a new district?

In the case of an AVWD, the Board would be made up of eight of the largest land owners and be more like Plantation Masters/ corporate district than one serving the hard-working yeoman farmers invoked by Rollins.

The AVWD idea would be more palatable if it was actually small farmers trying to make a go of it and not a Plantation master's plan backed by an already inequitable luxury wine tourism economy. If creation of a plutocratic water district can be seen as orderly, logical, and efficient, a LAFCO decision in this regard will display a level of political bias against actual family and small farmers and that bias will be telegraphed to the SoCo public.

**LAFCO approval of an AVWD must meet certain core criteria**, the merits however have wiggle room and it's not exactly an objective decision. There are strong political and economic backdrops in play for an AVWD LAFCO decision and in practice, Board member's political biases do come into play and will be telegraphed.

Here's my twist on the criteria and an interpretation.

**The mission of a LAFCO is to:**

- 1-guide the orderly development of local governmental agencies
- 2-discourage urban sprawl
- 3-preserve agricultural lands
- 4-efficiently provide services

LAFCOs achieve this by regulating boundary changes, such as city annexations or special district formations, ensuring efficient, logical community growth based on local conditions.

**In the case of an AVWD and the LAFCO mission**

**1: Guide the orderly development of local governmental agencies.** Water managers of various flavors and interests see an AVWD as a good idea because it puts one organization over many users. The AVWD boundary area is mainly ag land use but the AV watershed boundary also includes municipal, rural residential, and casino-commercial land use. An AVWD would be more orderly if in-boundary, local river and groundwater users were not disenfranchised from Borad membership and from deciding their fate in the future. Is it "orderly" if those with the most money and power rule? No, the US was founded on rebellion against that.

Keep in mind that groundwater is at once a private property right *and* a common pool resource. To give primary control to the large-ag property rights side in AV is to create an imbalance where the common pool resource side's interests will be diminished and will not have a seat at the table. To give primary control to the property rights side is not logical or efficient, it's politically biased and will potentially result in unsustainable water practices because this cohort of people has stated and demonstrated anti-regulatory goals.

The AVWD seems not to be about orderly growth, it's more about establishing a lobbying position for a scarce resource. An AVWD would create more disorder in regional water politics by introducing a new 600 lb. gorilla in the scene.

As noted above, the AVWD petition is a reaction to a diminishing water supply issue. Water supply and water services apply to *all* residents of AV, including the 20,000 people in Cloverdale and Healdsburg.

**2: Discourage urban sprawl.** There is no specific sprawl at stake in the AVWD petition. Permit Sonoma has said the AVWD is consistent with the County General Plan and the GP accounts for County RHNA to go in the Geyserville USA area.

Of note, AVWD consultant Walter Kieser presented a position paper titled *Town and Hamlet Policy and Program Prospectus*, at the SoCo Planning Commission's General Plan kick-off meeting at Permit Sonoma a few weeks ago. See attached fyi for the Prospectus' prioritization of protecting local character over production of adequate housing for local workers.

Satisfying County RHNA given by HCD and ABAG for County USAs should not be conflated with urban sprawl or with abandoning city-centered growth and an AVWD should have a condition to not contest putting County RHNA in Geyserville with concomitant housing water service needs there.

**3: Preserve agricultural lands.** AV ag lands are under no threat of not being preserved as ag land use.

**4: Efficiently provide services.** Efficient services for who?

If an AVWD gets, 10,000, 15,000, 20,000 AFY, who will that take away from farther downstream? Where will new supply come from when water rights on the river are already fully allocated and any new Eel River/ Lake Mendocino water may be 15 or 20 years down the road if at all?

Where is Sonoma Water's opinion here? A DWR SGMA opinion? Before pulling the trigger on an AVWD, the LAFCO Board should request a public briefing on how Sonoma Water sees an AVWD and what from Sonoma Water and DWR on the prognosis for a new GSA in the AV area. To adequately flesh out the merits of LAFCO's district formation criteria, expert water resources opinion is called for. The Board should not pit it's understanding against that of the AVWD lawyer and consultant, when that amounts to a field of biased opinions.

The LAFCO Board needs to keep in mind the whole water management context of Russian River/ Lake Mendocino/ Eel River system. Every user group (municipal, environment, ag etc.) sees themselves as the most critical. For municipal, key beneficiaries of Lake Mendocino water include the City of Ukiah, Healdsburg, Cloverdale, and Hopland, along with broader regional water supply systems supporting ~600,000+ people.

With an AVWD being run by the eight biggest landowners who own approximately one third of AV land, it may be seen as *logical* to apportion AV ag land water control to them. Western water and land use has been dominated by big money and powerful politicians as seen in the book Cadillac Desert. However, the exercise of raw power flies in the face of a strong threads in US history valuing liberty and justice for all, democracy, voter rights, and rejecting aristocracy. If a local ag plutocracy in AV that serves a luxury wine tourism economy can be seen as logical and efficient for a water district, what does that say for core values of representative government that the country was founded on?

An AVWD would be a fractal of government by billionaires; there is something fundamentally distasteful and unfair about it. Big money wants to buy big power and control; this is IMO what LAFCO is being asked to approve.

If and when and an AV GSA is formed, an AVWD will de facto disenfranchise all in-boundary well owners and groundwater stakeholders because the AVWD will be the primary water representative entity and only the largest landowners (Gallo, Foley, Jackson, Rodney Strong, Robert Young, Silver Oak Cellars) will run the AVWD Board, and these are big LLC corporations. An AVWD GSA voice would be a big ag voice.

It would be more *efficient* for water resources and avoid duplication of services for the whole AV to form a GSA and to include Cloverdale, Healdsburg, environmental interests, small farmers, rural residential homeowners, Sonoma Water, than to allocate control to eight, wealthy large corporate landowners just because they filed a petition. A GSA would ensure that water services are provided effectively and efficiently to meet present and future *full-community needs* in the Cloverdale and AV basins. (see similarity to the SMCSO/ Sonoma Mountain Community Services District drawing a boundary only around the most elite in further considerations below\*\*)

With an overall shrinking supply and AV municipal water actors trying to get more supply as well, it is not efficient to sanction one entity and not account for the others in AV. An AVWD would be more of a nod to ag powers than be, a takeover of AV water by the biggest ag fish.

For known anti-regulatory actors, efficiency will bleed into a propensity for lack of measurement and objective criteria, which is not a logical management approach.

#### **\*Possible conditions of approval for the LAFCO Board to consider putting on the AVWD petition**

-Before making any decisions, the LAFCO Board needs to request a public consultation with Sonoma Water and DWR about water resources points and GSA formation vis-à-vis any AVWD.

-Address the fair representation issue, an AVWD Board should have three formal seats for environmental, small farmer, and rural residential interests (appointed by the BOS), so that the

Board will have some squeaky wheels to ensure at least a fair discussion of all interests in the AVWD boundary. There are more voters than landowners in the proposed district.

-Petitioners need to be crystal clear on what the groundwater recharge plans are. Condition that funny math will not mix up accounting between deep and surface water recharge and withdrawal. Recharging the surface aquifer in a wet year will have little effect because that aquifer and the river will already be full. The only logical storage for AV groundwater banking is deep aquifer recharge but any ratepayer-funded AVWD ASR projects would only benefit a few anear that ASR well and not the many. Why would AVWD ratepayers pay to benefit just a few big landholders? That would be a Plantation-type district.

Without water storage, surplus water from wet years has no advantage. If storage is planned to be banked in the local aquifer(s), an AVWD needs to be clear on the plans because what is proposed does not look logical or efficient at a district level. How will all district groundwater users and ratepayers benefit from ASR and FloodMAR projects in only limited areas?

-Condition that potential FloodMAR and ASR projects have isotopic tracer studies to show how fast the proposed recharged water travels, to where in the basin, and for how long. The AV aquifer is 80' – 100' deep and interconnected with the river, surface recharge will only last short term before the recharged water leaks back to the river. It may be that surface recharge will not last a year or two. And in wet times when there is more water, there is no need to recharge an already full surface aquifer connected to an already full river.

-Require a statement of who ASR and FloodMAR are intended to benefit and how that will be paid for.

-Require demand management strategies, not just plans for supply increases; shooting to keep business as usual supply levels as an explicit goal of an AVWD is not realistic, logical, or efficient in today's constricted water supply environment; demand management should be a condition, a diet. The biggest users should go on more of a water diet so all users can get a share and survive.

-Condition objective criteria for water management so LAFCO can see what an AVWD would do: water budget, SGMA-like sustainable management criteria, figures for sustainable yield of groundwater, a well inventory with screen depth and quantity pumped. The LAFCO Board should be able to see what AV BAU water use looks like, how many AFY and how much more is planned to be gotten from Eel River sources. Ask to see a range of plans, from BAU to various levels of water diet and who will go on the diet.

-Require a yearly water management audit by a BOS-chosen water consultant to determine if sustainable management is happening or not.

-A LAFCO condition to stay focused on ensuring efficient, logical community growth based on *local* conditions. Forbid lobbying outside district boundaries and restrict services only to in-

boundary supply and demand issues; this is about orderly management of a resource, not to create an anti-regulatory, anti-fish, BAU water use 600 lb. gorilla lobbying group outside district boundaries.

-Condition that an AVWD will not fight County RHNA and concomitant water services needed in Geyserville.

### **Further considerations**

-It's worth it to note that local ag-irrigator landowners and Russian River diverters are already managing diversions in their own, among the players able to do that, so an AVWD is not necessary to do what they are already doing. They can continue with current Russian River rights sharing programs to the benefit of the players who are doing that.

- AV ag interests would not be subject to LAFCO if they went for a conservation district, a water conservation district, a water replenishment district, or a California water storage district.

-AVWD demand will help justify a pipeline from Lake Sonoma to Cloverdale. Then, the sale of future FIRO water put in the Russian River can offset or eliminate Eel River demand in AV. Maybe AVWD will drop the Eel River and focus on a Cloverdale pipeline? But, this FIRO water is wet year surplus again and the AV surface aquifer and river will already be full and we get back into the loop of only a few will benefit from deep aquifer ASR recharge and expensive ASR wells. FloodMAR will not do much in wet years anyway

-\*\*The AVWD is a similar play to that of the Sonoma Mountain Community Services District (SMCSD), a group of advantaged, powerful landowners seek more land use control at the expense of those with less power and different stakes by drawing a boundary that excludes different interests and by explicitly giving themselves the lion's share of control. However, to be logical and efficient for water services, *all* stakeholders in an affected area need a seat at the table. The LAFCO Board has to be able to see past false boundaries and false pretenses, i.e. is it logical from a services provision standpoint? The Board can say no.

If an AVWD is more an impulse to a lobbying and political power play than a legit services district, as the NBWD and the proposed SMCSD appear to be as well, shouldn't the LAFCO Board take a bigger view of logical and efficient service for the whole AV, one that includes Cloverdale, Healdsburg, environmental interests, local voters and residents as well?

The SMCSD shouldn't be allowed to draw a boundary around only the wealthiest and cut out the Springs and an AVWD should not be able to do essentially the same by cutting out AV municipal use and making a Board that concentrates power with only the most uber-wealthy ag interests.

The cure for the SMCSD and AVWD is to include the less-rich guys at the table, put in the Springs; make an AVWD Board that represents all ag and other stakeholder interests equally. If not than the SoCo LAFCO appears OK to sanction plutocratic/ elite interest districts.