

98.35

The Press Democrat
July 7, 1998

SR to pay \$55,000 in laguna upgrades

By MIKE McCOY
Staff Writer

July 7, 1998
98.35

Santa Rosa will pay \$55,000 to plant trees and erect fencing along the Laguna de Santa Rosa rather than risk spending many times more than that in legal fees to fight a federal lawsuit that claims wastewater is harming the waterway.

"This is a very positive way to terminate what would have been a very expensive lawsuit," City Attorney Rene Chouteau said Monday, outlining the terms of a settlement reached last week with the Russian River Watershed Protection Committee.

In addition to the fences and trees, the city will spend up to \$38,000 more for studies and to cover legal fees for the Russian River group.

Committee spokeswoman Brenda Adelman, whose group has taken Santa Rosa to court several times over wastewater-related issues, also was relieved to avoid litigation. "It feels good to come to a peaceful resolution," she said.

The committee filed its lawsuit in U.S. District Court in San Francisco after failing to convince state water quality regulators to fine Santa Rosa \$1.4 million. The group sought the fines for what it contends were 190 wastewater-discharge violations dating back to 1990.

The group claimed that discharges increased stream temperatures, decreased oxygen and caused other problems, wreaking havoc in the laguna, a 13-mile upstream highway critical for spawning fish.

Members of the North Coast Water Quality Control Board, however, said there was no hard proof that Santa Rosa's discharges caused the problems and cited staff findings that upstream and downstream dairies and other uses may have contributed to fouling the stream.

Adelman's group then turned to federal court.

Chouteau said the city opted to

See Laguna, Page B2

The Press Democrat

Santa Rosa, California,

Tuesday, July 7, 1998

Laguna

Continued from Page B1

settle "rather than quibble in federal court and spend hundreds of thousands of dollars to find out who is right or wrong."

Under the terms of the agreement, Chouteau said the city must pay up to \$55,000 toward the restoration of riparian habitat, either by planting trees or building fences to protect vegetation along the waterway from grazing cattle. Location for the improvements have yet to be selected.

In addition, the city will spend up to \$15,000 to study whether phosphorus levels in wastewater contribute to algae growth in the laguna, and \$5,000 to correct some problems with an ongoing experiment at Sonoma State University to test the ability of redwood trees to absorb vast amounts of wastewater.

Finally, the city agreed to pay the Russian River committee to offset its legal and research fees. However, Chouteau said the actual cost will be about \$3,900 because the group already owes the city money for legal and research fees from a previous lawsuit.

Adelman said that shade from trees planted along the laguna will keep water temperatures cooler, offsetting occasional increases blamed on Santa Rosa's wastewater discharges. Rising water temperatures are considered dangerous to migrating fish.

"We're hoping to counteract some of the impact of the discharge," she said.