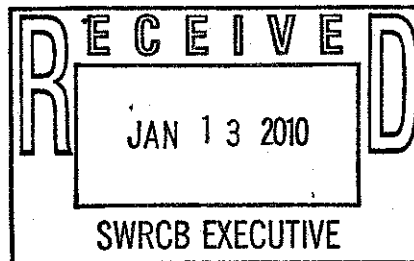


# MENDOCINO WINE CO.

SUSTAINING WHAT'S BEST — CREATING WHAT'S NEXT

January 12, 2010

Chairman Charles Hoppin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



**Re: Russian River Frost Protection Draft Regulation for the January 19<sup>th</sup> SWRCB Workshop**

Dear Chairman Hoppin and Board Members:

We are writing in response to the State Water Resources Control Board (SWRCB) draft regulation relating to the effects of water diversion practices for frost protection of crops on salmonids in the Russian River watershed in Mendocino and Sonoma Counties and the related workshop scheduled for January 19, 2010.

As Mendocino County grape growers and winery owners, we are concerned about the direction this draft regulation is headed. In the words of our vineyard manager, the proposed regulations appear to be unfeasible and destructive to the primary economic engine of the Russian River basin. In our opinion, it does not give enough consideration to the cooperative efforts put forth by local growers over the last year or to the comments that were brought before the SWRCB by members of the agricultural community at the November 18, 2009 Russian River Frost Protection Workshop. The issues facing our community are best solved by bringing all parties to the table to craft a collaborative solution rather than a top down, regulatory approach.

We also take issue with the draft regulation deeming the use of water from the Russian River watershed for frost protection purposes as an unreasonable use of water. We can say with confidence that our local family farmers are responsible stewards of their land and watersheds and have taken the initiative to protect them long before regulators told them to.

Mendocino County is dominated by family farmers, many of whom have lived for two or more generations on their land— some tracing their roots to the first settlers in the 1850's. Our farmers know from experience that sustainable farming practices result in healthier soil and water, balanced grapes and higher quality wines. Mendocino County has racked up some impressive achievements, some of which include:

- Home of the nation's first carbon neutral winery (Mendocino Wine Co./Parducci)
- Home of the nation's first organic winery, founded in 1980, and the first producer of US biodynamic wine, 1996 (Frey Vineyards)
- Home of the nation's first solar-powered winery (McDowell Valley Vineyards).
- Home to the largest certified organic grower in the state (Fetzer vineyards)
- Home to the largest organic wine producer in the United States (Bonterra)
- 28% of Mendocino County's winegrapes are certified organic or Biodynamic®.
- 157 Mendocino County wineries and vineyards have completed the sustainability self assessment program through the California Sustainable Winegrowing Alliance.

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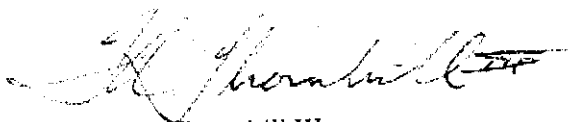
We would appreciate consideration of our farming community's demonstrated performance and responsible land management practices as you review this draft regulation.

The document also suggests that surface water diversions are not limited to in-stream diversions but also include "the pumping of closely connected groundwater." The SWRCB has defined closely connected groundwater to be any groundwater that "is pumped from areas described as subterranean flow or mapped active stream channels and associated alluvial deposits on maps prepared by Stetson Engineers, Inc." To force diverters to prove that their groundwater sources are "not hydrologically connected to any surface stream within the Russian River stream system," will be virtually impossible since nearly all groundwater is hydrologically connected to some surface body of water at some point in time.

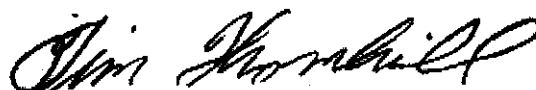
Approving a regulation that includes groundwater seems to go above and beyond the initial scope of work (a policy for frost water diversions in the Russian River). It also expands the regulatory authority of the SWRCB into all aspects of ground water within the state of California which is a larger debate in need of more discussion.

Mendocino County grape growers and wineries recognize that the continued prosperity of our fish and farms is intertwined. Unfortunately, this draft regulation does not represent the collaborative solution our county needs to the water issues we are facing. Your renewed consideration of the voluntary actions taken by farmers along the Russian River watershed would be appreciated and we encourage you to find a collaborative solution that meets the needs of all affected parties.

Sincerely,



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CC: Frances Spivy-Weber, Tam Doduc, Arthur Baggett, Walter Pettit, Dorothy Rice, Victoria Whitney, The Honorable Mike Thompson, Senator Barbara Boxer, Senator Dianne Feinstein