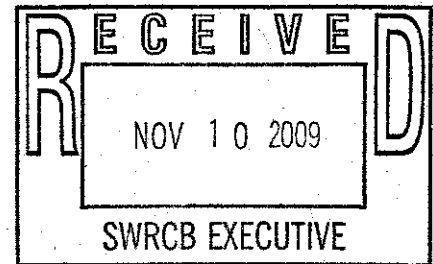


LATE COMMENT

November 10, 2009

Mr. Charlie Hoppin, Chair
and Members of the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Via email to commentletters@waterboards.ca.gov



Re: 11/18/09 Russian River Frost Protection Workshop - Support Reasonable Use Regulations recommended by NOAA Fisheries

Dear Chair Hoppin and Members of the Board,

I am submitting these comments on behalf of Russian Riverkeeper and our over 1450 members in the Russian River watershed for the Workshop to Consider Recommendations for Actions regarding Water Diversions for Purposes of Frost Protection in Mendocino and Sonoma Counties. We support comments submitted by Trout Unlimited and Coast Action Group for this workshop.

The Russian River is home to three federally listed fish that have been a major part of the watershed economy, culture and environment. One species Coho Salmon has essentially become extinct in the wild and only survives through a captive broodstock program that we have pinned our hopes of species survival on. Forty years ago when I was younger Coho Salmon were plentiful and now my children can't even see them in the wild let alone fish for them as I did. It should be noted that NOAA Fisheries Recovery staff state that the Russian River is the largest and most important of the Central California Coast Coho Evolutionary significant unit (ESU) so it's loss would likely doom the entire Central Coast Coho ESU to an "extinction vortex". Steelhead Trout are still surviving in the wild but just barely with most spawning and rearing tributaries being dewatered during every summer for rural residences and agriculture shrinking their critical habitat to a few refuge areas.

Some grape growers have stepped up and responded to your calls last spring to get working on solutions but many have not. Many growers will show up at the Workshop but have not taken steps to ensure their frost protection does not harm or kill federally protected Salmon or Steelhead. We appreciate those growers who have taken positive action to eliminate potential impacts to fish and the efforts of active Task Force members and water purveyors. The growers who have not taken concrete steps on the ground are competing unfairly with

growers who have and frankly are wrecking any opportunity for a pro-active effort – either everyone participates or collaborative efforts will fail.

It should be noted that the issue of fish kills by direct diversion or large volumes of water is within the context of reduced diversions from the Eel River, chronic water shortages in normal rain years and constant demands urban residents to conserve water. Last April, releases from Lake Mendocino occurred that reduced storage in Lake Mendocino and affected available water for streamflow requirements, fall salmon migration and summer water demands. In short the water consumed for direct diversion for frost control has water supply implications throughout the year and affects more than just listed salmonids so effective action by the Water Board is critical.

Due to all the uncertainty, lack of participation from many growers Russian Riverkeeper supports NOAA's renewed request for the State Water Board to adopt reasonable use regulations that avoid take of listed species from frost protection activities. NOAA has stated that failure to adopt reasonable use regulations will continue to result in take and the continued use of large volumes of water diversions for frost protection that will continue to pose a risk for listed salmonids in the Russian River watershed.

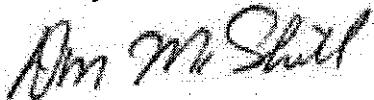
The adoption of reasonable use regulations will:

- Ensure adequate participation by growers to avoid further fish kills
- Determine how many growers engage in stream diversion for frost protection
- Shift from direct diversions to alternative technologies or timed off-stream storage
- Hopefully ensure higher compliance rates with existing laws, such as having a valid water rights permit

I reiterate our appreciation of the work that growers have been doing through the Frost Protection Task Force. It is the growers who are not participating that we have an issues with and we need the Water Board to take action to ensure our Coho Salmon, wobbling on the brink of extinction and Steelhead who are not far behind are fully protected under the law for future generations.

I appreciate your consideration of our comments in this important matter before you.

Sincerely,



Don McEnhill
Riverkeeper