



Northern California River Watch 500 N. Main St. Ste. 110 Sebastopol CA 95472 [www.ncriverwatch.org](http://www.ncriverwatch.org)

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NOV 10 2009  
SWRCB EXECUTIVE

November 10, 2009

Dear Ms. Whitney and Board Members:

River Watch is heartened by the prospect of positive action regarding the activities of grape growers to freely utilize stream water for protecting grapes during frost events. We have come finally to the edge of water resources development after governmental agency after agency passed the buck of responsibility, or in some cases like Sonoma County's PRMD, pretending there is no problem at all. This problem was predicted to happen sooner or later. Of course, this could have been dealt with last year when fish kill events were documented. It is shameful that opportunity to act was not taken. But it reaffirms the lesson to act now, otherwise fish kills will continue and will likely worsen dramatically.

River Watch is aware and appreciates the board's dealing with the issues of water law, water rights, riparian rights, multi-agency jurisdiction, public water resources and trust issues, and public and other political pressures. However, the issue of water being diverted for private economic gain that harms the usage of the resource for all other entities has to be resolved. This needs to happen much sooner than yours and other agencies usually enact policies and implementation plans. The next ESA fish kill is within a few months from now.

This means that the use of water that comes from any stream for frost protection is to be banned and in effect immediately. This will only affect some growers that have planted their vines in low-lying areas. Those growers will need to have alternatives to stream diversions, whether it be fans, reservoir fed water, or taking a hit which would be covered by insurance. Mistakes have been made. It is a mistake to plant vineyards in areas of frost impacts unless a calculation of frost damage has been economically evaluated. It is a mistake for Sonoma County to be approving any vineyards in some areas. It is a mistake for the applicable State Water Board to NOT oversee the legality and the quantity of stream water diversions. These mistakes add up and then it is a matter of time—when, not if. This time is upon us and it is now time to act.

Thank you in advance for considering these comments and for taking appropriate action.

Larry Hanson

Manager, NCRW