



Brian J. Johnson
Director, California Water Project
Staff Attorney

September 16, 2011



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: Proposed Russian River Frost Protection Regulation

Dear Mr. Hoppin and Members of the Board:

On behalf of Trout Unlimited (TU), I submit the following comments on the Proposed Russian River Frost Reasonable Use Regulation ("Frost Rule" or "Rule"). Trout Unlimited is a national salmon and trout conservation organization with 140,000 members, including more than 10,000 in California.

We support the most recent changes to the draft Frost Rule, and we urge the State Water Board to adopt the Frost Rule without further delay.

It is likely that the Rule will not fully satisfy any stakeholder, including Trout Unlimited. In particular, we still have questions about how the local water demand management programs will function and where the lines of responsibility will be drawn between individual water users, Water Demand Management Program governing bodies, and the Board in specific cases. Nevertheless, we believe the Rule provides a solid foundation on which to build and leaves sufficient room for leaders within the industry and organizations like my own to work out the details together with your staff.

It has been three years since fish kills attributed to frost diversions were first publicized and since the federal government requested action from the State Water Board to prevent future harm to salmon and steelhead. At that time, the Board declined to adopt emergency rules that would have been in place for the 2010 frost season, but Board members stated their intent to establish a long term management solution.

Since 2008, the State Water Board and many stakeholders have labored to put in place a reasonable use rule and local frost management programs to protect salmon and steelhead. Although the public debate has been dominated by some of the loudest voices urging the Board to do nothing or to move more decisively, many people are working behind the scenes to improve our scientific understanding and to improve conditions on the ground. We remain optimistic that this is a problem that can be solved and we look forward to working with the Board, the industry, and other stakeholders to implement the program.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'BJ Johnson', written over a horizontal line.

Brian J. Johnson