

September 14, 2011



To State Water Resources Control Board, [rrfrostregulation@waterboards.ca](mailto:rrfrostregulation@waterboards.ca)

From Nick Frey, President, Sonoma County Winegrape Commission

**RE: Comments on proposed Russian River Frost Protection Regulation**

Sonoma County Grape growers in the Russian River watershed have voluntarily responded to National Marine Fisheries Services and your Board's call for regulation of water use for frost protection by working with Sonoma County to develop a local ordinance that is grower-funded and that will improve habitat for salmonids during the frost season. Given these facts, we urge you to alter critical language in your proposed regulation that does not address the needs of salmonids but instead creates worrisome precedents for agricultural landowners throughout the state. The precedents of concern are as follows:

1. Characterizing water use for frost protection as unreasonable
2. Delegating your Board's responsibility for water rights enforcement to Sonoma County
3. Declaring all groundwater is considered hydraulically connected to the stream system with no guidance on how a grower might prove a well is not connected and therefore not impacting stream flows

Each of these concerns can be easily addressed without compromising the protection of the salmonid habitat: 1) For growers who register their frost protection system with the county, use of water for frost protection is a reasonable use. 2) The county reporting of stream gage data that identifies stream reaches that may be impacted during frost events and the landowners along those reaches will allow your Board to efficiently deal with any water rights issues that a potential impairment may create. 3) Language has been proposed that draws upon other state regulatory precedent that would limit ground water regulation to wells that cause a significant interference or cumulative, instantaneous effect on stream flows.

On behalf of the grape growers in Sonoma County's Russian River watershed, I ask that you make these language modifications to avoid imposing new, unnecessary and broad reaching regulatory precedents that will one day have impacts on landowners beyond the Russian River watershed.