

Russian River Water Conservation Council

September 16, 2011

Via email to commentletters@waterboards.ca.gov



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter - Proposed Russian River Frost Regulation

To Chair Hoppin and Members of the Board:

The RRWCC is a water users group, a California nonprofit 501c5 founded for the sole purpose of collecting surface water data to inform growers, scientists, federal, state and local agencies and programs partners with the information needed to manage the Russian River resources.

To date the RRWCC has negotiated as a partner and collaborator a local registration ordinance with Sonoma County and numerous agencies and environmental interest.

The RRWCC has embarked on stream monitoring and has collaborated with local non-profit organizations and commissions to educate and inform frost water users as to the demands of water resources for all of the Russian River protected species.

The RRWCC stands with the current laws and regulations that have sufficient and real powers to govern and protect the fish and water resources. We do recognize and believe we have stepped up to fill the void of required data to inform and enforce current laws and regulations.

The RRWCC has carefully positioned itself to provide real protection of the salmonid resources by collecting and disseminating transparent reliable "on-the-ground" information to the current agencies so the due process of current regulations can be more effective.

The RRWCC is concerned that the State Water Board is preparing to vote on a regulation that has not met the standard of evidence for the level of regulatory force being applied in this case.

The RRWCC respectfully requests that the board consider language changes that are consistent with the objectives and needs of the Russian River community which we believe includes our precious fishery resources.

1. Delete “unreasonable use” in the preamble and subsection (e). The language is not necessary and there is not enough evidence to determine diversions of water for frost protection are unreasonable.
2. Narrow the “Groundwater” language to “direct diversion groundwater.” Groundwater is a real and proven solution to instantaneous demand and must not be further regulated beyond its current status.
3. The State Board cannot delegate its authority to recognize and preserve water right priorities.
4. The State Board has not included other water users in this scheme and has singled out one of many simultaneous water demands on the Russian River Stream System.
5. The current language is duplicitous in water reporting and the local solution achieves the demand management requirements without the heavy burden of unnecessary costs and the release of provisional data.

The RRWCC looks forward to a permanent active working relationship with this Board and future boards to manage the Russian River Stream System in a fashion that meets the concurrent demands of the resources while maintaining a sustainable science based future for all that rely on this, California’s most important resource, water.

Regards,

Pete Opatz, President
Russian River Water Conservation Council

Pete Opatz
Vice President and Senior Viticulturalist
Silverado Premium Properties
855 Bordeaux Way, Suite 100
Napa, California 94558
Office: 707-253-1776
Cell: 707-481-6180
email: Pete@swgnapa.com