

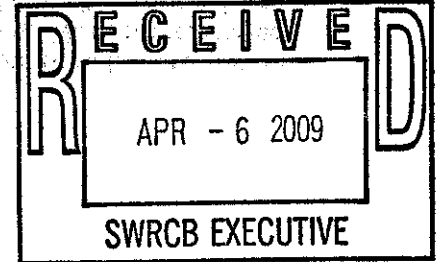
LATE COMMENT

Nelson and Sons Incorporated
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Nelson and Sons Incorporated

April 1, 2009

Chairman Charles Hoppin
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Dear Board Members:

I am desperate to convince you to continue to allow Mendocino farmers to save their crops, their livelihood, their life's work, their family's future, and their retirement from one night's frost. It is unconscionable to even consider restricting them from the one tool they have to save their entire years income. One size does not fit all grape growers. Some growers have the ability to build and pump from ponds or to pump from wells rather than direct diversion others do not. A blanket bureaucratic prohibition of direct frost diversion is not equitable.

This is not Napa. It is being suggested that you use the prototype frost water use restrictions used for the Napa River. We do not have as much arable land as Napa to build ponds. We do not receive the grape prices received in Napa. We do not have the economic flexibility of Napa. The grape industry in Mendocino County has been in a depression since 2001. You will cause additional bankruptcies in Mendocino County by prohibiting frost protection in the middle of the season. This will cost many people to loose their jobs and have serious consequences for the tax base of the County.

The Napa River does not have the regulatory ability to release water that Coyote Dam provides for in the Russian River. The grape growers are not responsible for the flows in the river but the Sonoma County Water Agency is clearly given that responsibility by 1610.

There are other alternatives. There is water available in the Eel River over and above that required by fish during the winter and spring seasons that could be diverted to Lake Mendocino if the yield curve was updated to reflect the currant realities. Also, the out flows from Coyote Dam can be reduced to retain more water in Lake Mendocino during drought conditions giving SCWA more flexibility. The currant formula is obsolete.

Last years frost season is the worst since the early 1970's. That's approximately forty years. Conditions and demand have obviously changed. Farmers have been pleading to have Coyote Dam raised to accommodate these changes. The Corp of Engineers has reportedly resisted raising the dam because it would inundate some of their camp grounds. In my view our governing agencies have clearly been negligent.

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This entire exercise is predicated on some phantom fish kill. Where is the proof? Was it three fish or three thousand? Were they squawfish or trout? Many grape growers have expressed an interest in making changes such as building off stream storage ponds rather than direct diversion now that they have been made aware of a problem. Actually, many of them were interested in building such ponds as long as twenty years ago but haven't been able to get through the permitting process to do so. I believe many more would be convinced to step up if they are told the truth. This may be petty but I have to wonder where the transparency is that President Obama promised us.

Mendocino Grapes growers are very adaptable. They have changed from Pears to Grapes, from smudge pots to overhead sprinklers to drip systems for irrigation for water conservation at a great expense. They have adopted environmentally sound practices encourage by California Certified Organic Farmers, Fish Friendly Farming, Biodynamic Systems, Range Land Management Plans and California Association of Grapes Growers Sustainability Program. They have cooperated with Fish and Game, Circuit Riders, NRCS, Trout Unlimited, the Coastal Conservancy, Sonoma County Water Agency and the Regional Water Quality Control Board on numerous stream restoration projects. If we could have our maze of regulatory agencies cooperate, coordinate and take some positive actions we can solve this problem in short order.

Sincerely,

Gregory T. Nelson
President of Nelson and Sons Incorporated
Former Region One Water Quality Control Board Member