

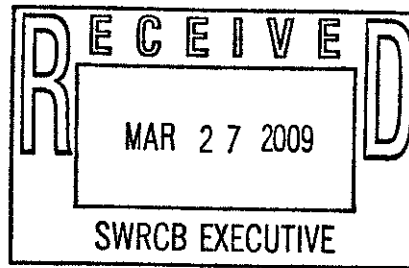
Mendocino County

**Russian River Flood Control &
Water Conservation Improvement District**

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March 25, 2009

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



RE: Opposition to State Water Resources Control Board Proposal to Prohibit Water Diversions for Frost Protection Purposes in the Russian River Drainage

Dear Mr. Hoppin:

The Mendocino Russian River Flood Control and Water Conservation Improvement District (District) provides 8,000 acre feet a year of agricultural and municipal water supply to interior Mendocino County via Lake Mendocino and the upper Russian River. Our water rights are used in part, to irrigate and frost protect 4,096 acres of high-value agricultural land. While the District understands the concerns of the National Marine Fisheries Service and the State Water Resources Control Board, we are adamantly opposed to a prohibition of diversions for frost protection as we believe that it does not address the cause of the problems observed in 2008.

The April 21, 2008 overdraft that resulted in the take of listed steelhead trout was caused by a number of natural and anthropogenic factors. The frost season of 2008 was by all accounts the worst frost season in the history of the upper Russian River. In addition to being exceptionally cold, the spring of 2008 was also extremely dry. The lack of rain in March and April resulted in Russian River base flows well below average for the month. For example April flows at the Hopland gage peaked in 2005, 2006, and 2007 (also a dry spring) at 6,490 cfs, 10,900 cfs, and 662 cfs respectively. Flows in April of 2008 were barely above the minimum instream flows mandated by D1610, peaking at 215 cfs and rarely exceeding 200 cfs. The combination of record cold and reduced flows set the stage for an operational worst case scenario.

Operating Lake Mendocino in compliance with D1610 is the responsibility of the Sonoma County Water Agency (Agency). The reservoir is operated from approximately 60 miles away using telemetry and remote sensing equipment. The Hopland station is the first downstream gage that the Agency can access for managing flows in the upper Russian River. At lower flows, such as those observed in 2008, releases made from Lake Mendocino take approximately 11 to 12 hours to reach the Hopland gage. Under these circumstances the Agency may not be able to make releases from the reservoir to meet minimum instream flow requirements until many hours after the releases are actually needed. The District believes that it is this combination of circumstances that led to the overdraft and the resulting take on April 21, 2008 can be avoided.

To assure that this situation is not repeated, the District has been actively participating in the Frost Protection Task Force since its formation. As a result, a *Draft Upper Russian River Frost Protection Pumping Coordination Protocol* was developed. This protocol was a simple notification process that would provide the Agency with vetted frost forecast information that would allow them to anticipate the onset of frost protection and mitigate the problems associated with gauging lag time. The Draft Protocol was proposed for pilot testing in the spring of 2009; however problems developed at the February 2009 Task Force meeting

when storage in Lake Mendocino was potentially too low to allow for any discretionary releases. Although the storage situation had improved dramatically by the March 2009 meeting of the Task Force, the regulatory members had communicated in isolation and concluded that a ban on the diversion of water for frost protection would be necessary in 2009.

While the District acknowledges that significant conservation will be necessary in 2009, we believe that the timing and use of the District's remaining resources should be solely at the discretion of the District and its contractors. The District feels that eliminating operational lag time, not frost protection, would be a much more productive way to balance the needs of agriculture and public trust resources in the upper Russian River as articulated in National Audubon Society v. Superior Court, 33 Cal.3d 419.

To that end, the District would propose the following measures to help the Agency anticipate demand in the upper Russian River improving their ability to comply with D1610 during periods of low flow and acute demand:

1. Adopt the *Draft Upper Russian River Frost Protection Pumping Coordination Protocol* as an interim program for anticipating frost protection demand
2. Install an additional remote sensing gage closer to Lake Mendocino. The Hopland station is approximately 14 miles downstream. Installing a gage at either Perkins Street (2.8 miles) or Talmage Road (4.7 miles) would alert the Agency to the onset of demand and allow ample time to protect fisheries resource before overdrafting occurs.
3. Install telemetry equipped meters on agricultural points of diversion within the District. Remote sensing meters will provide instantaneous information about the onset of demand eliminating the uncertainty of demand forecasting.

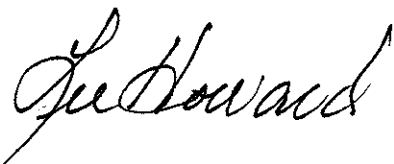
In addition there are a number of long-term measures that could be implemented to offset demand including:

1. Construction of off- stream storage ponds on agricultural properties.
2. Development of a recycled water distribution system within the District.

The District is looking forward to presenting our perspective and practical solutions to the State Water Resources Control Board during the *Workshop to Receive Information Regarding Potential Impacts of Water Diversions for the Purposes of Frost Protection on Russian River Salmonids in Mendocino and Sonoma Counties* currently scheduled for April 7th, 2009.

The Mendocino County Russian River Flood Control and Water Conservation Improvement District greatly appreciates all of the attention you and your staff have allocated to this issue. Please feel free to contact me if you have any questions or comments regarding this important matter.

Sincerely,



Lee Howard

President
Lee Howard

Vice President
Judy Hatch

Treasurer
Bill Townsend

Trustee
Richard Shoemaker

Trustee
Mike Lucchetti