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February 11, 2008

2008 FEB 14 PM 12:03

To State Water Resources Control Board

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From Sonoma County Winegrape Commission

**RE: Comments on Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams**

The Sonoma County Winegrape Commission represents over 1800 vineyard owners in Sonoma and Marin Counties who farm over 60,000 acres of grapes. We feel those vineyard owners will be seriously affected by your Draft Policy for Maintaining Instream Flows. We question the scientific basis for proposed bypass requirements and feel the policy does not consider all beneficial uses, including grape production. The policy focuses solely on fish spawning and includes no consideration of water availability throughout the season and provides no analyses of economic impacts. The Draft Policy has not considered recent modeling work done by Dr. Adina Merenlender, UC Berkeley, that addresses bypass flows high in the watershed. Finally the costs to landowners to comply with the Draft Policy are unbearable, thereby threatening agriculture.

We also have concerns about the document. Important terms are not defined, e.g. points of anadromy. It is ambiguous as to whom will be affected, e.g. all diversions even if above existing fish barriers or if the stream does not have anadromous species. Did you determine the biological benefits associated with the bypass criteria? How did you determine there will be increased flows, and when will those increases occur? How much water will be available to divert under the proposed policy and did you assess the availability of other water supplies for current water users? If this policy were adopted, what are the biological benefits anticipated and are those projections based upon sound science?

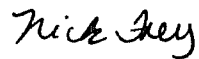
It appears the bypass flow recommendations are excessive in order to insure adequate water for spawning. By increasing bypass flows, less water will be available for winter diversion and subsequent use during the summer months. The results will include increasing downstream flooding in the winter and increasing pumping from streams or nearby groundwater in the summer. The policy does not consider the impacts of increasing winter bypass flows on summer flows and therefore fish survival.

The staff report indicated the policy allows flexibility for landowners seeking water rights. This flexibility comes at significant cost and with no assurance that a water right will be obtained. Landowners cannot afford costly studies that may not result in any water to support their agricultural production.

A Salmon Coalition has been working in Sonoma County for over 2 years. The group includes representatives from a landowner group, agricultural organizations, environmental representatives, and regulators, including a staff member from the Regional Water Quality Control Board. Streams have been assessed and 51 restoration projects have been prioritized. The work of Merenlender is suggesting diversions can be done during peak flows in the winter when water is often in excess; thereby reducing summer pumping that can be detrimental to fish. This watershed approach to managing water rights and diversions is an alternative to the policy recommended and we feel it can support fish recovery and agriculture. It will require a different approach to permitting diversions than exists today. Your support of our efforts is needed and this proposed policy actually threatens our work.

We ask that you not adopt this policy.

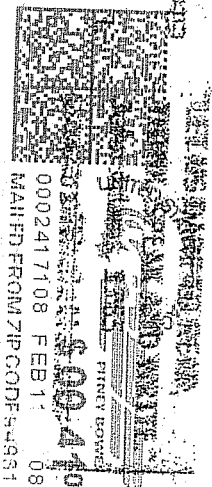
Sincerely,

A handwritten signature in black ink that reads "Nick Frey". The signature is written in a cursive, slightly slanted style.

Nick Frey  
President



31 FEB 2008 PM 1



State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

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