From: "Annette Rhodes" <rhodesvineyards@pacific.net>
To: AB2121Policy@waterboards.ca.gov
Date: Tue, Apr 29, 2008 11:57 AM
Subject: Comment Letter - AB 2121 Policy

Annette Rhodes
Owner
Rhodes Vineyards
3555 Road J
Redwood Valley, CA 95470-6172

April 29, 2008

Karen Niiya Senior Engineer
Division of Water Rights
1001 I Street, 2nd Floor
Sacramento, CA 95814

Dear Ms. Niiya:

The Draft Policy is not a workable approach to protecting instream flows. Instead of providing water users guidance on appropriate instream flows, the Draft Policy establishes restrictive, regional criteria that severely limit the ability to divert water when it is most plentiful. This misguided attempt to preserve instream flows for the benefit of salmonids fails to follow California water law, fails to help fish, and actually impairs the ability of many farmers to make improvements to fish habitat.

The State Board failed to provide proper notice of the proposed policy to the hundreds of impacted farmers.

Water in California must be used to its full potential - to benefit habitat as well as agriculture. I have been farming wine grapes in Redwood Valley, CA for the past 17 years. It is most essential for my business to be able to store water in order to frost protect in early spring as well as drip irrigate during the summer. Without water I will not only loose the ability to farm and produce food, but my property which is my asset as well. This policy as drafted could cause an economic disaster in Mendocino County as the production of grapes is the most important income producing industry.

The Draft Policy not only fails to relieve the backlog of pending water rights applications, it further complicates an already cumbersome process. By attempting to apply specific criteria across a very diverse region, the Draft Policy will force the majority of pending applications to perform site-specific studies or to seek exceptions. I have filed applications for water rights eight years ago and have spent over $25,000.00 in fees. It is unbearable for a small farmer to carry such burdening expenses and at the same time not receive any results.

The Draft Policy is not based upon sound science. It sets standards for very small watersheds, less than a couple square miles, even though the science supporting the policy comes from large watersheds.

In addition, the State Board has not been able to determine the extent in which instream flows are necessary to maintain the fishery in north coast streams, nor have they accounted for the many factors impacting fish populations besides flow. I hired an engineering firm at my own expense to review one of my properties that border the West Fork of the Russian River in Redwood Valley. Observations made by this well-known Sacramento based engineer were that adding more water to that specific site would further erode the bank, adding hundreds or thousand of cubic yards of dirt into the river. Furthermore, the additional water flow would continually worsen the depth of the base of the channel as well as the incredible speed of high current during the spring flow. In conclusion, adding more water to the river would further damage the conditions for healthy fish habitat according to this engineer.

I urge the State Water Board to adopt an alternative policy that is based on sound scientific facts, provides the appropriate balance between economic development and protecting natural habitat and wildlife species, while using water to its full potential.

Sincerely,

Annette Rhodes
707/485-1480
Owner
Rhodes Vineyards