



California Sportfishing Protection Alliance

“An Advocate for Fisheries, Habitat and Water Quality”

Chris Shutes

FERC Projects Director

Water Rights Advocate

1608 Francisco St., Berkeley, CA 94703

Tel: (510) 421-2405 E-mail: blancapaloma@msn.com

Web: www.calsport.org

January 12, 2010

Members of the Board:

CSPA applauds the recommendation of the Deputy Chief, Division of Water Rights to conduct a rulemaking regarding frost control diversions in the Russian River drainage. As we stated in our oral comments to the Board on December 16, a rulemaking does not conflict with the numerous commendable voluntary measures that have been undertaken by the wine grape industry along the Russian River. It rather supports these efforts, and assures that everyone does his or her fair share to protect seriously threatened Russian River salmon and steelhead resources.

CSPA has reviewed the draft proposed regulations regarding Russian River frost control that were circulated with the agenda for the Board's January 19, 2010 meeting. We find it particularly encouraging that the Board is requiring real-time monitoring and reporting of diversions during the frost control season. The consideration of groundwater that is hydraulically connected to the river avoids a significant potential loophole.

We have several suggestions for clarification and some recommendations.

Proposed “water demand management programs” need more definition. The criteria by which the Board might judge a diversion to be “negligible” also needs to be elaborated. The process for demonstrating non-connectivity to the river of subterranean flow should also be spelled out.

In our oral comments to the Board, we supported Chair Hoppin's well-taken point that the days are over when accounting for water use was optional. Board member Pettit also discussed this issue in his closing remarks. In this context, the proposed regulation is a positive start, but it simply begs the question of why monitoring and reporting of diversions is not required year-round. If the infrastructure is going to be required anyway, it ought to be put to use. The technology is available. The need is well established, and has been commented upon repeatedly by CSPA and countless others.

Finally, we recommend that the proposed internet site for the reporting of diversions be made available to the public. Such a step would assist in water management by the operator of Coyote Dam. It would also improve enforcement by orders of magnitude.

Thank you very much for the opportunity to comment on the proposed rulemaking and regulation for Russian River frost control.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Shutes", with a long horizontal line extending to the right.

Chris Shutes
FERC Projects Director
Water Rights Advocate
California Sportfishing Protection Alliance