



State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

DRAFT RUSSIAN RIVER FROST PROTECTION REGULATION

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will receive written comments on changes made to the May 20, 2011 draft Russian River Frost Protection Regulation and supporting documents, and new rulemaking documents. Written comments on the changes must be received by **12:00 noon on Friday, September 16, 2011** and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery)

Comment letters may be submitted to the Clerk of the Board via email at: commentletters@waterboards.ca.gov (15 megabytes, or less, in size); or by fax at (916) 341-5620. Please indicate in the subject line "**Comment Letter – Russian River Frost Protection Regulation.**"

Comments may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the Cal/EPA Building at the above address. Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

BACKGROUND

On May 20, 2011, the State Water Board initiated the formal rulemaking process for the proposed Russian River Frost Protection Regulation (Proposed Regulation). On that date, the following documents were made available for public comment: the draft regulation, Notice of Proposed Rulemaking, Initial Statement of Reasons, and a Draft Environmental Impact Report (Draft EIR) that included Appendix D, titled STD 399 and Economic and Fiscal Impacts of the Proposed Russian River Frost Regulation. The written comment deadline was by 12 noon on July 5, 2011. After consideration of the comments that were received, the State Water Board has made changes to the draft documents and produced new documents for the rulemaking record.

Pursuant to the requirements of Government Code section 11346.8, subdivision (c), section 11347.1, and California Code of Regulations, title 1, section 44, the State Water Board is providing notice of changes to the Proposed Regulation and supporting documents, and the addition of new documents to the rulemaking record.

The Proposed Regulation and Draft EIR have been revised to clarify the State Water Board's regulatory framework, to clarify the groundwater exemption language, to clarify that actions taken in response to the proposed regulation may include ministerially approved projects, to correct language in the revised Draft EIR to be consistent with the proposed regulation, and to correct typographical errors. The new documents are the draft Resolution and responses to comments.

All written comments received by 12 noon on September 16, 2011, which pertain to the indicated changes will be reviewed and responded to as part of the compilation of the rulemaking file. Please limit your written comments to the modifications to the text.

FUTURE PUBLIC HEARING AND ADOPTION MEETING


A Notice of Proposed Rulemaking and a Notice of Adoption Hearing and Notice of Availability of Documents were distributed on May 20, 2011. The notices stated that the State Water Board will hold a public hearing on the proposed regulation at a Board Meeting starting at 9:00 a.m. on **September 20, 2011** in the Coastal Hearing Room on the second floor at 1001 "I" Street, Sacramento, CA. A map to the Joe Serna Jr./Cal-EPA Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Tanya Cole, Office of Employee Assistance, at (916) 341-5880. Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security staff prior to attending any meeting. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing.

DOCUMENT AVAILABILITY

Copies of the documents indicating the changes made are available electronically at http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/. You may also receive copies by contacting Karen Niiya at (916) 341-5365, or by sending an email to rfrostregulation@waterboards.ca.gov.

To subscribe to an email list for future notifications about the proposed regulation, go to the State Water Board's website at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml, and choose "**Russian River Frost Protection.**" Copies are also available for review in the Records Unit of the State Water Board's Division of Water Rights, which is located on the second floor of the Cal/EPA Headquarters Building, 1001 I Street, Sacramento, California.

August 31, 2011



Jeanine Townsend
Clerk to the Board