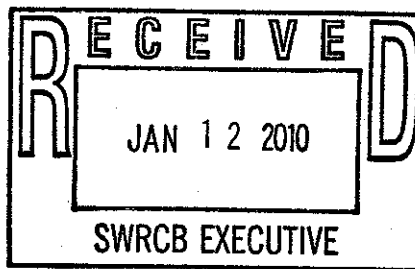


1/19/10 Bd Mtg/Wrkshp - Item 7
Russian River
Deadline: 1/13/10 by 12 noon



January 12, 2010

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

Re: Russian River Frost Protection Draft Regulation for the January 19th SWRCB Workshop

Dear Chairman Hoppin and Board Members,

This is in response to the State Water Resources Control Board (SWRCB) draft regulation relating to use of water for frost protection of crops in the Russian River watershed in Mendocino and Sonoma Counties.

Jackson Family Wines, Inc., as one of the larger growers in Sonoma County and a dedicated steward of the land that provides us the grapes to produce our world-class wines, recognizes the importance of water, not only for agriculture and domestic use but also for the aquatic resources that make up the ecosystem of the Russian River. To that end, we have, over the last few years, instituted a plan to reduce our use of water throughout our operations. In our vineyards, we have been actively exploring and investing in alternative methods of frost protection. Effective solutions require careful analysis, implementation and, unfortunately more often than not, substantial capital investment. Fortunately, we have the financial resources to make changes relatively quickly, even in these trying economic times. Many smaller growers, however, will need time and financial support to make the transition. Given the importance of agriculture to the identity and economic vitality of Mendocino and Sonoma counties, we believe you should take that into account as you discuss any changes to regulations that would have serious, long-lasting impacts on the agricultural community.

We are very concerned about the Draft Regulation for a number of reasons. First, it falls far short of the Board's policy to support cooperative efforts to address frost protection. Second, the Draft Regulation lacks standards or even guidance. Third, the Draft Regulation is overly broad. The two take situations that occurred have been remedied. The reservoir construction in Mendocino County and the removal of the pump in Felts creek have mitigated future take. The testimony of the regulatory agencies at the April 2009 hearing was that no other take has been observed in the entire Russian River watershed, and that was during the most severe frost season in 30 years. Fourth, the regulation of "closely connected groundwater" without showing that the Board has actual jurisdiction over that water, is not only bad policy but also not based in fact.

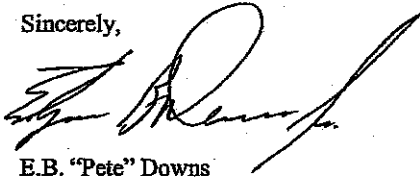
This draft regulation does not give any consideration to the Frost Protection Program that was presented to the SWRCB at the November 18, 2009 Russian River frost protection workshop. The Program represents a collaborative effort by local growers and other stakeholders in Mendocino and Sonoma Counties over the last year and offers real solutions to identifying problem areas within the watershed and how instantaneous demand issues can be lessened.

We believe your draft regulation is an impractical starting point from which to continue the collaborative efforts to resolve the water use needs for both the agricultural community and the fishery resources.

This draft regulation appears to be an attempt by the SWRCB to secure new jurisdiction over groundwater sources. This goes beyond the initial scope of developing a program to reduce instantaneous demand during frost events. We are concerned about the statewide implications to groundwater resources that could result from such a regulation.

We ask that you re-consider the Russian River Frost Program and the proposed policy that was submitted to you. Agriculture has demonstrated that it is able and willing to work with the SWRCB and other regulatory agencies to address problems in the watershed. Do not adopt a regulation that would thwart that effort.

Sincerely,



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