



July 5, 2011

Comments on the SWRCB frost protection regulation policy



In reviewing the SWRCB Proposed Regulations for frost protection water use and Rationale for the Proposed Regulatory Action, SWRCB staff cite studies and observations that connect instream diversions for frost protection with rapid declines in streamflow and fish mortality in the Russian River watershed. These observations are important for understanding the potential effects that instream diversions can have on streamflow during spring, when flows are already receding naturally.

Empirical data suggest that that these effects may not happen everywhere water is used for frost protection, and may not happen every time water is used for frost protection. Therefore, regulations that apply a broad brush to prohibit use of water for frost protection are misguided. Rather, regulatory actions can seek to maintain beneficial uses for agriculture as well as ensure the preservation of streamflow through data collection where streamflow recession could occur as a result of frost protection water use, and addressing the sudden changes in streamflow that can cause juvenile salmonid mortality where they occur. Continuous data collection and monitoring are necessary to establish whether changes in streamflow occur because of frost protection water use or because of natural streamflow recession with the onset of the dry season. Though advocating for particular mechanisms to resolve documented recessions in streamflow from frost protection diversion between grape growers and regulatory agencies is beyond the objective of this letter, it is important that a framework is established to ensure that those changes in streamflow that do occur are addressed so that they do not occur in the future.

Matthew Deitch, Ph.D.

Senior Environmental Scientist

Center for Ecosystem Management and Restoration