

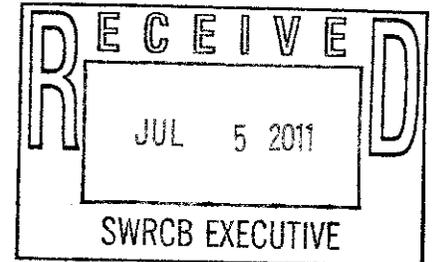
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June 30, 2011

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100 Sacramento, CA 95812-0100

RE: Comment Letter on the Proposed Russian River Frost Regulation

Dear Board Members,



I will try to keep this brief. Many good people have committed a great deal of time to this subject, and I understand the patience required to listen to many of the same comments made repeatedly. It is with this understanding that I wish to temper my comment here. I have done some homework, enough to have some opinions. But I haven't been in every meeting so I am prepared to hear, "we already thought of that".

1.) I agree that we may need a better understanding of how our water is used. But I think that the proposed Water Demand Management Plans (WDMP) is more complicated than it needs to be. Before we seek intensified reporting from compliant users, we need to engage non-compliant diverters. From what I have read and know about the issues in this specific subject, the challenge is to manage the use and supply of available water to minimize the impact on the environment and specifically on endangered species. I don't think there is anyone engaged in this process that cannot understand the importance of this and isn't interested in participating in the effort. I suspect that the problem may lie with those who are not engaged.

I will credit Kim Burr (Northern California River Watch) for her comments to the board with regard to the regulation, stating that "identification of the problem makes solving it so much more straightforward". In regard to the development of Water Demand Management Plans (WDMP). She goes on to say: "Water budgeting based only on known legal diverters is a tragically failed model..." The "calculation of cumulative diversion rate must utilize reliable estimates of riparian uses, known illegal diversions, and reasonably foreseeable, unauthorized diversions in the subject watershed. ...this will improve the accuracy with which the SWRCB and other resource agencies design protection levels"

The question is how significantly do the users in this "unknown" category contribute to the problem? Based on CURRENT use reporting to the SWRCB, how much of the recorded drawdown (problem) is attributable to known (reporting) diverters? Similarly, could known and compliant diverters alone cumulatively have this potentially undesirable impact? If not, then it seems to me that the current reporting system (with some technologically appropriate improvements) is a sufficient WDMP, and that

identification and enforcement within the unknown/un reported category is potentially a more effective (and equitable) solution.

2.) I respectfully suggest that a return to a more collaborative approach will be more effective in the end if progress on an environmental front is the true goal. I think that it is too bad that the Frost Protection Taskforce that was formed early on in this process may have been "derailed" by some individuals with alternative intentions. I would not care to judge the value of those alternative intentions, but I think that they distracted the group and diluted its focus. That group had the momentum and potential to foster an environment of cooperative progress. The rapid results generated by those individuals in a very short time cannot be disputed. That ship has sailed. BUT, with the curve of the Earth and some able captains, perhaps we will see its eventual return.

3.) Was the original problem blown out of proportion, and are we certain that that problem has not already been sufficiently addressed? It is within the realm of imagination (if not yet "scientifically" supported) that circumstances of weather and water supply may occur that could be detrimental to fish. There is record of such an unfortunate occurrence in 2008. (though there is some speculation as to the statistically enhanced significance of the incidence in question). For all those "engaged", the "realm of possibility" was sufficient to take action. Through the efforts of the previously mentioned group a procedure of scheduling releases to off set anticipated diversions was quickly developed which immediately contributed to the reduction of impacts. This coupled with rapid grower response in construction of hundreds of Acre Feet of increased water storage greatly reduced the "potential" for similar circumstances in the future.

4.) The use of water from the Russian River may be found to be a part of a series of factor affecting the decline of endangered species. There is however, credible evidence that this use is a bit player in very complex ecosystem. As an example, I will credit Al White (Upper Russian river Sustainability Alliance aka. URSA) with making the observation that the dept of Fish and game reported in March of 2011 (<http://cdfgnews.wordpress.com/2011/03/23/endangered-coho-salmon-return-to-russian-river/>) that counts of returning Coho salmon were the "best they had seen in more than a decade". Understanding that there is variability in the life cycles of the various species, the average cycle from river to return is three years. Mr. White adeptly pointed out that record returns coincided with the unfortunate circumstances of 2008. The DFG article goes on to say that while this return represent an improvement, it is far below historic returns. However, the fact that it improved suggests that there are likely other factors impacting efforts to restore this valuable resource.

5.) Finally, (and I'm not certain that I'm not about to make the same point twice), it's not clear that we are all working on the same problem. Out in the parking lot, after several meetings, I have heard it observed that this issue is not after all, about "the fish". If this *is* a matter of water law, or establishment of useful legal precedence, then legal help is advisable and we need to participate in pursuit of equitable solutions. It should be understood however, that if the issue is fish, the courtroom is not where the important work needs to be done

The grower community must continue to participate in the identification and implementation of practices that contribute to environmental enhancement and restoration. I also understand the importance of careful legal considerations in fairly defining and allocating our finite and valuable resources. Part of my effort in going forward will be to develop an improved understanding of where these two concerns meet. In the mean time, it is my opinion that it would represent an error in judgment to regulate engaged participants into a corner.

Thank you in advance for your kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. R. Schaefer". The signature is written in a cursive, somewhat stylized font.

Dr. Richard K. Schaefer
General Manager
Beckstoffer Vineyards - Mendocino