



Fact Sheet

Proposed Russian River Watershed Frost Protection Regulations Available for Public Review and Comment

Why are frost protection regulations necessary on the Russian River?

Frost protection of crops is a beneficial use of water. But during a frost the high, simultaneous demand for water for frost protection by many growers can lower stream levels to the point fish become stranded, and die. Stranding mortality can be avoided by coordinating and managing frost diversion rates.

Who is covered by these proposed regulations?

These regulations, proposed by the State Water Resources Control Board (State Water Board), apply only to growers who divert water from the Russian River stream system for frost diversion unless the water is diverted upstream of Warm Springs Dam in Sonoma County or Coyote Dam in Mendocino County.

If approved, how soon will the regulations be in place?

After March 14, 2012, any diversion of water from the Russian River stream system, including the pumping of hydraulically connected groundwater, for purposes of frost protection from March 15 through May 15 shall be an unreasonable use of water and a violation of Water Code section 100, unless the water is diverted in accordance with a State Water Board approved Water Demand Management Program (WDMP).

How long will growers have to comply?

The requirements may be phased in based on the schedule approved by the State Water Board. The first WDMPs are due February 1, 2012. Three months after approval of a WDMP, the inventory of frost diversion systems (minus diversion records for that year) must be completed. The first annual report on the WDMP is due September 1, 2012. Stream monitoring efforts will be developed in accordance with the schedule approved by the State Water Board and modified as needed.

Is every diverter responsible for their own WDMP?

Frost diverters are responsible to participate in a State Water Board approved WDMP. The WDMP can be managed by an individual or governing body. To reduce individual cost and personal time, most frost diverters will choose to join together to identify a common individual or governing body to manage the program on their behalf. The governing body will then administer the program, assemble an overall WDMP for submission to the State Water Board and prepare annual reports. The governing body will also be able to spread the costs of stream monitoring and other requirements over its membership.



Who is the governing body?

The governing body may be an individual, consulting firm, local or governmental entity qualified to administer the WDMP. The governing body should have experience in water vineyard and orchard frost protection techniques, water flow measurement technology, and fishery science and modeling.

What if a diverter doesn't sign on with the governing body and does not submit an individual WDMP for approval by the Board?

The diverter cannot divert water during the frost season for frost protection.

What if a diverter fails to follow its plan?

Those identified by the governing body, or any others who fail to participate and comply with a State Water Board approved WDMP, as well as corrective actions recommended by the governing body, are subject to enforcement by the State Water Board.

What is the cost and who pays?

The cost of the regulation and required WDMP depends on the number of participants, risks identified in the risk assessment, and the types of corrective actions determined necessary to prevent stranding mortality. The governing body may divide costs of the inventory, risk assessment, and annual reporting among all participants and the cost of specific corrective actions may be paid individually. Diversifiers who don't join a governing body will be solely responsible for the entire cost of their compliance with the regulations.

How are "critical sites" for monitoring determined?

The governing body, in consultation with the National Marine Fishery Service and the Department of Fish and Game, may conduct stream surveys to evaluate the potential for stranding mortality of salmonids. Information gathered will include the presence of habitat for salmonids, the critical reaches or stream sections, the stream surface level or stage to protect salmonids in the critical reaches, and the location of frost diversions. On an ongoing basis, the risk assessments will evaluate the stream information and potential for frost diversion to cause stranding mortality. Corrective actions to address this potential can include changes to the number, type and location of stream monitoring sites, in addition to other actions.

What happens to anyone who simply doesn't follow these regulations?

The State Water Board can exercise its enforcement authority against any diverter who is not following these regulations.

Additional Resources:

For more information, please visit:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/