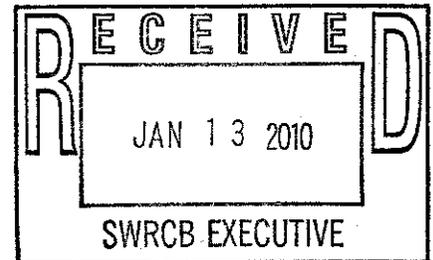


Mendocino County
***Russian River Flood Control &
Water Conservation Improvement District***

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Ukiah, CA 95482
Phone (707) 462-5278
FAX (707) 462-5279
Email: rrfc@saber.net

January 13, 2010

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100



RE: Proposed Regulations for Diversion of Water for Frost Protection

Dear Mr. Hoppin:

I am writing to express the unanimous concern of the Mendocino County Russian River Flood Control and Water Conservation Improvement District (District) Board of Trustees regarding the Proposed Regulations for Diversion of Water for Frost Protection in the Russian River Drainage.

The District is very disappointed that the draft regulation ignores the significant efforts of the Upper Russian Stewardship Alliance (URSA) to successfully address the temporal impacts associated with the diversion of water for frost protection. The District encourages the State Water Resources Control Board (SWRCB) and its staff to capitalize on the substantial effort already underway in the Upper Russian River.

The District strongly believes that the facilitation and development of offstream storage represents a simple and effective solution for this resource management problem, including the tributaries. It is important to recognize that URSA's first year of efforts focused on the mainstem not as a matter of convenience, but because it was the sole area in the upper Russian that the National Marine Fisheries Service brought to our attention at the onset of the Frost Taskforce. If there are other areas that need to be addressed, the template of success developed on the mainstem can be modified for use on tributaries. The District is prepared to assist in any necessary efforts to expand the scope of the of URSA's on-going program.

The approach developed in the draft regulations converts a "solvable" regional issue into a precedent setting issue of statewide concern. Including groundwater extractions in the proposed regulation will eliminate opportunities for buffering demand during frost protection while inviting a series of compounding debates involving unrelated municipalities and water rights advocates. The ambiguous and undefined terms of the proposed regulations invite litigation and do nothing to address the resource management issue we are all working to address.

President
Lee Howard

Vice President
Judy Hatch

Treasurer
Bill Townsend

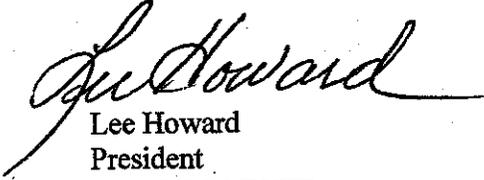
Trustee
Paul Zellman

Trustee
Richard Shoemaker

The District urges the SWRCB staff to recognize the unprecedented accomplishments of URSA, and to work in partnership to develop the "hybrid" regulation called for on November 18. We believe this approach is both environmentally protective and fiscally prudent. Ignoring URSA's work at this critical junction will curtail the community's enthusiasm for future collaborative efforts to address issues of water management issues of mutual concern.

The District suggests that SWRCB direct staff to re-draft the proposed regulations in a way that protects listed fish species, maximizes the efficient use of state resources, facilitates the on-going work of URSA and others, and adopts appropriate measures to achieve comprehensive compliance. The District believes it is imperative that these objectives be accomplished without provoking a statewide debate or discouraging the good faith efforts made by the citizens of Mendocino County.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Howard".

Lee Howard
President
MCRRFC&WCID