



Linda S. Adams
*Secretary for
Environmental Protection*

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterboards.ca.gov/waterrights



Arnold Schwarzenegger
Governor

NOTICE OF RUSSIAN RIVER FROST PROTECTION WORKING GROUP MEETINGS

The Russian River Frost Protection Group
will hold Working Group Meetings

on

Thursday, March 18, 2010
1 p.m. to 4 p.m.

and on

Tuesday, March 30, 2010
12:30 p.m. to 3:30 p.m.

in the

Coastal Hearing Room
Joe Serna, Jr./Cal-EPA Building,
Second Floor, 1001 I Street,
Sacramento, CA 95814

NOTICE IS HEREBY GIVEN that the Russian River Frost Protection Working Group (Working Group) will hold meetings on March 18, 2010, commencing at 1:00 p.m. and on March 30, 2010, commencing at 12:30 p.m. Members of the working group include Brian Johnson, Trout Unlimited; Matt Kondolf, U.C. Berkeley; Sean White, Russian River Flood Control and Water Conservation Improvement District; Dave Kobal, Fetzer Vineyards; Pete Opatz, Sonoma County Winegrape Commission; and Devon Jones, Mendocino County Farm Bureau. State Water Resources Control Board (State Water Board or Board) staff will participate in the meeting. In addition, a quorum of State Water Board Members may be present. This meeting is for informational purposes only. No regulatory action will be taken at the meeting.

BACKGROUND AND MEETING FORMAT

On January 18, 2010, the State Water Board held a Workshop to receive a recommendation from staff concerning Board action to address the effects on salmonids of water diversion practices for frost protection of crops in the Russian River watershed in Mendocino and Sonoma Counties. At the workshop, staff presented draft regulations and recommended that the Board adopt regulations through the formal rulemaking process, which will include a public hearing. The Board also received updates from groups that have implemented voluntary actions to

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prevent future impacts to salmonids from frost protection diversions and comments from the public. At the end of the workshop, the Board instructed staff to pursue regulations through the formal rulemaking process and to form a working group, consisting of a variety of stakeholder interests, to receive input on the text of the draft regulations. There will be an opportunity for public comment at the working group meetings. Otherwise, participation will be limited to members of the working group, State Water Board Members, and State Water Board staff.

Individuals who require special accommodations are requested to contact the Office of Employee Assistance at (916) 341-5881.

AGENDA

The purpose of these meetings is to receive input from the working group on the text of draft regulations that would limit diversions for purposes of frost protection of crops in the Russian River watershed in order to protect salmonids. A detailed meeting agenda for the March 18th meeting and a copy of the draft regulations are attached. A copy of this notice is posted on the State Water Board's web site at http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/. Details of the agenda are subject to change. For more information, please contact Jean McCue at (916) 341-5351 or jmccue@waterboards.ca.gov or Dana Heinrich at (916) 341-5188 or dheinrich@waterboards.ca.gov.

March 8, 2010
Date



Jeanine Townsend
Clerk to the Board

Attachments

Agenda

State Water Resources Control Board
Division of Water Rights

Russian River Frost Protection Working Group

Thursday – March 18, 2010
1 p.m. – 4 p.m.

Meeting Location:

Coastal Hearing Room
Joe Serna Jr./Cal EPA Building
1001 I Street, Second Floor
Sacramento, CA 95814

1. Welcome and introductions
2. Ground rules and goals
3. Comments from the public
4. Group discussion of draft Russian River Frost Regulations
 - Groundwater issues
 - i. Suggestions for changes to language for draft Regulations
 - Monitoring issues
 - Contents of Water Demand Management Program
 - Any other issues
5. Issues to be discussed at March 30, 2010 meeting
6. Closing remarks

**STATE WATER RESOURCES CONTROL BOARD
PROPOSED REGULATIONS**

Draft Text of Proposed Regulations

Amendment to Division 3 of Title 23 of the California Code of Regulations

Add the following section:

1 § 740 Russian River, Special.

2 _____ (a) After March 14, 2011, any diversion of water from the Russian River stream
3 system, including the pumping of closely connected groundwater, for purposes of frost
4 protection between March 15 and June 1 that the board has determined to be significant
5 shall be considered unreasonable and a violation of Water Code section 100, unless the
6 water is diverted pursuant to a board approved water demand management program. Any
7 such water demand management program shall ensure that the instantaneous cumulative
8 diversion rate does not result in a reduction in stream flow that is harmful to anadromous
9 fish. The program shall be administered by an individual or governing body capable of
10 resolving disputes and ensuring that the goals of the program are met. In addition, the
11 program shall include, for the March 15 through June 1 period, monitoring and reporting to
12 the individual or governing body responsible for administering the program, and to the
13 board of (1) instantaneous water diversion rates for each water diversion that the board
14 has determined to be significant and (2) flows in the Russian River mainstem and any
15 tributaries that support anadromous fish. The program shall provide for the transmission of
16 monitoring data, in an appropriate format, not less than hourly, to an internet site
17 accessible to the board.

18

1 (b) For purposes of this section, any diversion from the Russian River stream
2 system, including the pumping of closely connected groundwater, shall be considered
3 significant, unless the diverter can establish to the satisfaction of the board that the
4 diversion will have a negligible effect on flows in any portion of the Russian River stream
5 system that provides habitat for anadromous fish.

6
7 (c) For purposes of this section, groundwater shall be considered closely
8 connected groundwater if it is pumped from areas described as subterranean flow or
9 mapped active stream channels and associated alluvial deposits on maps prepared by
10 Stetson Engineers, Inc. dated February 22, March 8, or March 9, 2008, unless the person
11 pumping the groundwater can demonstrate to the satisfaction of the board that the
12 groundwater is not hydraulically connected to any surface stream within the Russian River
13 stream system.

14
15 (d) Any water demand management program developed pursuant to this section
16 shall be submitted to the board for review and approval at least thirty days before the date
17 when approval is requested. The board may require changes to the water demand
18 management program at any time.

19
20 (e) Compliance with this section shall constitute a condition of all water right
21 permits and licenses that authorize the diversion of water from the Russian River stream
22 system. The board will retain jurisdiction to revise terms and conditions of all frost
23 protection permits should future conditions warrant.

24
25 NOTE: Authority cited: Section 1058, Water Code.
26 Reference: Section 2, Article X, California Constitution; and Sections 100, 275 and
27 1051.5, Water Code.