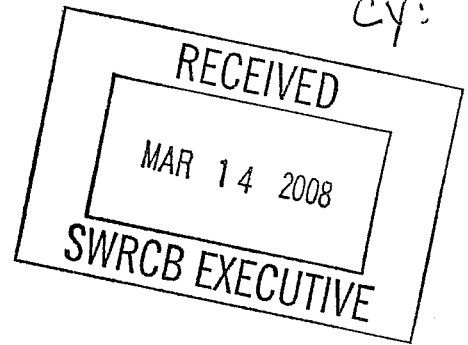


Flora Springs Wine Company  
1889 W. Zinfandel Lane  
St. Helena, CA 94574

KIW  
DWR  
CY: DR



February 27<sup>th</sup>, 2008

Dorothy R. Rice – Executive Director  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812

Re: AB 2121 Policy: In-stream Flow Policy For North Coast Streams

Dear Ms. Rice:

I write to inform you of a serious threat to the economy, environment and future well being of five counties in the northern coast of California. The State Water Resources Control Board's ("State Board") Draft Policy for Maintaining In-stream Flows in Northern California Coastal Streams, associated technical documents and Substitute California Environmental Quality Act ("CEQA") compliance document ("In-stream Flow Policy"), dated December 2007, will essentially lock up the water resources of Humboldt, Mendocino, Sonoma, Napa and Marin Counties, despite the fact that only a small fraction of the waters of their watersheds is diverted to use and that the Policy is not focused on the most critical factors affecting the fisheries.

I will be directly and severely impacted by the policy. This policy will be potentially devastating to my family's vineyards and winery. As more wells are drilled for farms and domestic use, ground water is becoming a scarce commodity. We are now more than ever relying solely on our surface water ponds for irrigation and frost control. The lack of availability of water alone could put our family out of business and our loyal employees out of work.

It is not only the individual impacts felt by my family and others that will be serious. The In-stream Flow Policy will reduce the available water supply so significantly that land use planning decisions in the north coast region will essentially be taken out of the hands of local governments and put in the hands of the State Board. If approved as written, the In-stream Flow Policy will take away the ability of the north coast to determine its own future. Not only will it dramatically reduce water supply in normal and below-normal water years, but also it will drastically reduce the ability to divert water at the times when flows are the greatest. It is not even clear that the fishery resources of the affected area will benefit significantly from the severe measures imposed by the policy.

The proposed policy does not even pretend to weigh the competing public values of water supply and fish habitat. Instead, without any economic analysis or public trust balancing or even an assessment of how the fisheries will benefit; it commits virtually all available flows to in-stream uses. Ironically, this in-stream flow dedication will do nothing to improve the most critical factors affecting fisheries, including low summer flows, high water temperatures, and lack of habitat and migration barriers.

The impacts of the In-stream Flow Policy will be far-reaching. The policy impacts 3.1 million acres, and 5,900 stream miles. It is expected that water will be in short supply on the north coast in the future, with essentially no new water rights being approved and no alternative sources of water being available. The In-stream Flow Policy will impact of the regional economy, largely foreclosing future development of vineyards and wineries and other agricultural enterprises that provide direct revenue to local economies, in addition to indirect revenue generated from related tourism and support industries. Even many existing vineyards and family farm businesses will be impacted, as existing farmland may also be forced out of production as a result of the In-stream Flow Policy. The economic impacts of the In-stream Flow Policy will also affect north coast communities, because it is expected there will be little water available for new homes, or even for existing homes that rely on existing water rights for small domestic uses.

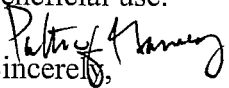
This policy will also impact many residents and businesses that are on or near any waterway in the county. In Napa County, we passed an initiative that taxed ourselves to control flooding on the Napa River and its tributaries. This flood control project was the first of its kind in the United States. The Army Corps of Engineers spent considerable time drafting plans for the project which includes building of new bridges, the re-establishing of wetlands, bringing back the natural flow of the river, unrestricting the flow of tributaries, are among the many operations in this project. This project is also instrumental for more fish in our watershed. If this policy were allowed to be enforced, then all our work and tax dollars to build this project would be in vain. With the increased amount of water that would have to be released, flooding would be the norm instead of the exception. The Napa River floods very easily when our municipal reservoirs are filled to capacity. The impact of hundreds of reservoirs, both large and small, spilling into the local tributaries and into the Napa River would be devastating. This alone would likely lead to yearly disasters in our valley. Businesses will leave and homeowners will be forced to leave their residents. This would lead to a collapse of our entire economy at a time when the housing market has been crippled with foreclosures.

Many residents of the affected communities have not received notice of the In-stream Flow Policy; and those that are aware of the policy, have not been able to fully understand its potential effect. The In-stream Flow Policy is more than 800 pages of highly technical analysis. The implications of the policy and the data offered in support of the proposed policy will require extensive effort by highly qualified and experienced engineering firms to fully understand. Because of this, the public's ability to fully participate in the public process is being foreclosed.

Given the extremely complex nature of the proposed In-stream Flow Policy and its potentially devastating social cost, I request that you call for a legislative hearing on the proposed policy. Because the legislature set this process in motion with its AB 2121, it is only right that the legislature understand and confirm or object to the Water Board's direction in proposing the Policy.

My family, and the other residents of the north coast, are relying on your assistance in facilitating an open and public dialog between your constituents and the State Board. The north coast desperately needs your assistance in working with the State Board, so a flow policy can be developed as a collaborative watershed approach that will actually provide the promised fishery

protection, while satisfying the California Constitution's mandate that our water supply be put to beneficial use.

  
Sincerely,

Patrick Garvey  
Owner/Operator  
Flora Springs Winery  
Komes Ranch