

BECKSTOFFER VINEYARDS
MENDOCINO

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September 15, 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,

As a member of the agricultural community that will be impacted by the proposed regulation, I encourage the Board to reject the proposed regulation and instead support a collaborative, cost effective and productive solution to allow for Russian River water to be used both for farming and the fishery without additional layers of needless regulation.

I have read with interest the comments previously submitted, and have read with equal interest the responses posed by the board. It is with some degree of disappointment that it seems as though the responses suggest that the board feels more that it has met the legal requirements for adoption than actually considering the regulations potential to positively impact the perceived issue.

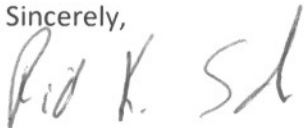
I have nothing new to add to the intelligent comments submitted by my colleagues, but respectfully ask you to openly consider these items one last time before making a decision on a regulation that will have known negative impacts on the agriculture and economies of Mendocino and Sonoma Counties, based on little more than speculation with regard to its potential to improve conditions for Salmonids in the Russian River:

The proposed Russian River Frost Regulation is concerning for a number of reasons. The proposed regulation would: regulate all water used for frost protection in the Russian River Watershed including pre-1914, riparian, licensed, permitted and groundwater; would declare all diversions for frost protection unreasonable unless and until the water is diverted pursuant to a Board approved water demand management program; is not based on sound science; includes water users that have no detrimental effect on salmonids; provides little consideration for the priority of individual water rights; ignores other water users in the watershed such as domestic or municipal; will require detailed data collection; and will result in significant costs on agricultural operations within the watershed. Even more concerning is the fact that the proposed regulation is based upon an unprecedented and justified assertion of the Board's authority under the reasonable use doctrine, ostensibly for purposes of regulatory convenience and in order to avoid the takings clause.

Please reconsider comments regarding the lack of data (reliable) behind the events that lead to the events of 2008. Pure unbiased scientists would have to agree that there was a reduction in river stage. The exact extent is questionable based on inconsistent data quality. There is also data that shows similar changes in river stage correlated with natural occurrences. We have to accept that there is a correlation ONLY. Please understand that anyone is entitled to disagree with what you think. It is more difficult to challenge what we know. Better science is essential in advance of poorly targeted regulation.

The basis for the regulation remains questionable. Agriculture has volunteered measures to reduce variability in river stage (with data to support their success) that are at best correlated with minor documented stranding. Growers have voluntarily committed to cooperatively implementing improved reporting through existing channels (increased frequency/electronic reporting to the state). The rationale to continue to pursue the proposed regulation based upon the stated defies logic

Sincerely,

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

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