



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC WORKSHOP

The State Water Resources Control Board will hold a Public Workshop to Consider Recommendations for Actions regarding Water Diversions for Purposes of Frost Protection in Mendocino and Sonoma Counties

The **Public Workshop**
will commence on
Wednesday, November 18, 2009
at **1:00 p.m.**

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

SUBJECT OF WORKSHOP

The purpose of this workshop is for the State Water Resources Control Board (State Water Board or Board) to consider recommendations for actions to address the effects of water diversion practices for frost protection of crops on salmonids in the Russian River watershed in Mendocino and Sonoma Counties. This workshop will be a follow-up to the Russian River Frost Protection Workshop held on April 7, 2009. After receiving any information on the status of Russian River salmonids, updates on voluntary actions by stakeholders to address impacts since the April 7 workshop, and staff recommendations, the State Water Board may provide direction to staff regarding future activities. Alternative actions may include support for continued voluntary actions, development of emergency regulations, development of non-emergency regulations or some other direction.

BACKGROUND

In a letter dated February 19, 2009, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) requested that the State Water Board take immediate action, such as implementing emergency regulations, to address concerns that water diversions will cause significant salmonid mortality. The letter documents two episodes of fish stranding mortality that occurred in April 2008, one on Felta Creek in Sonoma County and the second on the mainstem of the Russian River near Hopland in Mendocino County.

California Environmental Protection Agency

The State Water Board has permitting authority over certain diversions, as specified in Water Code sections 1200 and 1201. The Board also has a duty to protect, where feasible, the state's public trust resources, including fisheries. Lastly, the Board has the authority under article X, section 2 of the California Constitution and Water Code section 100 to prevent the waste or unreasonable use, unreasonable method of use, or the unreasonable method of diversion of all waters of the state.

In response to NOAA Fisheries' February 19, 2009 letter, the State Water Board held a workshop on April 7, 2009 to receive information regarding the need for and the effect of water diversions for purposes of frost protection of crops. In the notice for the April 7 workshop, the State Water Board requested information regarding: (1) the current hydrology of the Russian River watershed, (2) the status and life history of Russian River salmonids, (3) issues associated with frost control (particularly those related to water diversions), (4) the impact or potential impact of water diversions on Russian River salmonids, (5) ongoing cooperative voluntary actions that are being taken to address these issues, and (6) the need for regulatory action by the State Water Board. In addition, the State Water Board sought information on the effectiveness of section 735 of the State Water Board's regulations in addressing issues associated with diversions for frost protection on the Napa River. The notice for the April 7 workshop, as well as copies of the PowerPoint presentations presented at the workshop, are posted on the State Water Board's website at:

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

Following the April 7 workshop, the State Water Board Chairman directed the stakeholders to work together cooperatively to implement actions to prevent future impacts to fish from frost protection diversions and also directed Board staff to assist the stakeholders in these matters and to report their progress to the Board in the fall of 2009.

MATTERS FOR DISCUSSION IN THE WORKSHOP

The State Water Board is principally interested in receiving information regarding: (1) the current status of Russian River salmonids and whether there have been any documented or suspected fish kills thought to be associated with diversions of water during frost events since the April 7 workshop, (2) cooperative voluntary actions taken by stakeholders since the April 7 workshop to prevent future impacts to salmonids from frost protection diversions, and (3) the need for short-or long-term regulatory action by the State Water Board.

PROCEDURAL MATTERS

Written comments regarding this workshop must be **received by 12:00 noon on Tuesday, November 10, 2009, in order to be considered by the Board prior to the workshop.**

Submittals are to be sent via email to the **Clerk to the Board** at

commentletters@waterboards.ca.gov. Please indicate in the subject line, "11/18/09

Russian River Frost Protection Workshop." Submittal of electronic PowerPoint presentations should be submitted to the Clerk to the Board

commentletters@waterboards.ca.gov as well and must be received by 12:00 noon on **November 12, 2009.**

Documents related to this workshop will be available electronically at:

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

Live video broadcast of this workshop will be available at: <http://www.calepa.ca.gov/Broadcast/>.

To ensure a productive and efficient workshop in which all participants have an opportunity to participate, **time limits on comments and presentations may be imposed at the discretion of the Board Chairman.** Individual comments will generally be limited to three minutes. However, Board staff anticipates that groups such as the fishery agencies and grape growers will make more substantive presentations to the Board. If you intend to make a presentation to the Board and require more than three minutes, **please contact Jean McCue** at (916) 341-5351 or jmccue@waterboards.ca.gov **by November 2, 2009**, and indicate how much time you anticipate for your presentation. Group presentations should not exceed 15-20 minutes. The workshop will be informal. While a quorum of the State Water Board may be present, the Board will not take formal action at this workshop. There will be no sworn testimony or cross-examination of participants; however, the Board and its staff may ask clarifying questions.

INFORMATION REGARDING WORKSHOP

Questions concerning this notice may be directed to Jean McCue, Water Resource Control Engineer, at (916) 341-5351 or jmccue@waterboards.ca.gov, or Dana Heinrich, Senior Staff Counsel, at (916) 341-5188 or dheinrich@waterboards.ca.gov.

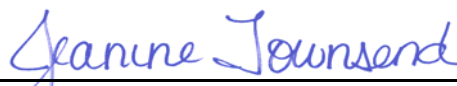
PARKING AND ACCESSIBILITY AND SECURITY

A map to the Joe Serna Jr./Cal-EPA Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Catherine Foreman, Office of Employee Assistance, at (916) 341-5881.

Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the workshop.

October 27, 2009

Date



Jeanine Townsend
Clerk to the Board