

**REQUEST FOR EARLY EFFECTIVE DATE**

**RUSSIAN RIVER FROST PROTECTION REGULATION**

Pursuant to Government Code section 11343.4, subdivision (c), the State Water Resources Control Board (State Water Board) requests that the addition of new section 862 to California Code of Regulations, title 23, division 3, becomes effective upon filing with the Secretary of State. Good cause for this request exists.

Section 862, the Russian River Frost Protection Regulation (the regulation), requires diverters of water for frost protection to become members of State Water Board-approved Water Demand Management Programs (WDMPs). The regulation requires WDMPs to annually report inventories of frost diverters, stream stage monitoring data, risk assessments, and corrective actions to the State.

Diversions for frost protection typically occur during a season that lasts from March 15 through May 15. The deadline for the submittal of an initial WDMP under the regulation, consisting of a partial inventory, is February 1, 2011, with a requirement that the remainder of the inventory be provided within three months of approval of the initial program. Water demand management programs will submit reports annually thereafter.

Because of the impending submittal deadline, the State Water Board requests an early effective date to allow as much time as possible for the WDMPs to completely and accurately meet the submittal and reporting requirements. An early effective date would provide certainty and clarity to the WDMPs as soon as possible, as they begin preparing their initial program submittals. It would also help to ensure that the State Water Board receives the required reports in a timely manner.

Date

11/9/11

John O'Hagan

Supervising Water Resources Control Engineer

2011 NOV 15 PM 1:43  
OFFICE OF  
ADMINISTRATIVE LAW