

June 24, 2011

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board,  
P.O. Box 100, Sacramento, CA 95812-2000



RE: COMMENTS ON PROPOSED DRAFT RUSSIAN RIVER FROST REGULATION

Board Members:

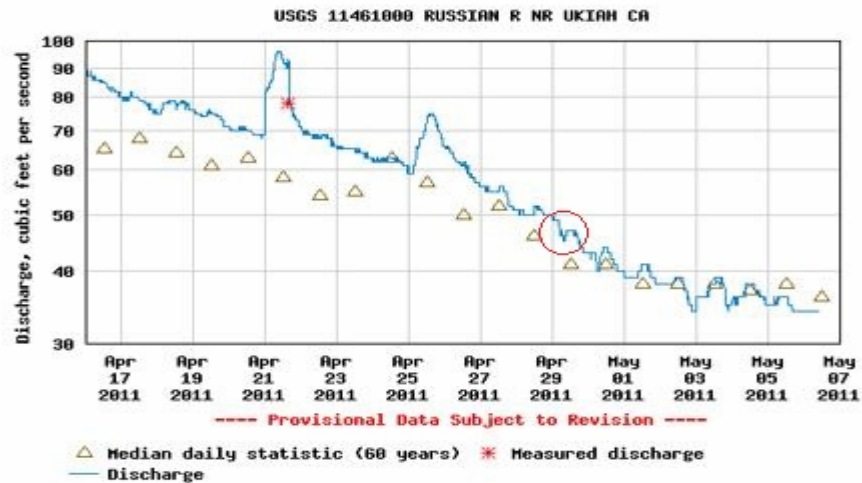
The proposed Russian River Frost Regulation is based on a claim of substantial and ongoing harm to salmonids. This claim is supported by the two events documented in 2008, a year of extremes of drought and extensive frosts. As I pointed out in a previous workshop, the population that was harmed is the same population that has returned in 2010-2011 as the best run in decades. This simple fact refutes the claim which is the basis for the supposed need for the regulation. Chair Hoppin commented, upon confronting this fact, that it is a very complex system and cannot be viewed in such black and white terms. If he is correct, then he has made an even stronger argument against the claim, since the claim has reduced the problem to the most simple, black and white view: that frost diversions are the reason for the salmonid population decline of the past decades. From either perspective, the foundational claim is unsupportable.

At the previous meeting, Board Member Doduc gave the specific instructions to the staff that they provide clear targets for the stages, that there be a clear mechanism to arrive at them, and that they be based on sound science. In the revised version, staff has *struck out* the phrase “based on sound science” that was in the original version, and it no longer appears anywhere in the regulations. Now these targets can simply be made up. Do Ms. Doduc’s instructions carry no weight whatsoever?

When the unsigned document Biological Context of the Spring 2008 De-Watering Event in the Upper Mainstem of the Russian River appeared in March of 2011, the documented 10 fish became 25,872 by a process of arbitrary factors multiplied together. Once the author of the report was identified and asked what was the supporting basis for the various assumptions strung together to make an impressive number, the reply was “Since there were no data on those variables of interest, we used our best professional judgment...” This is a euphemistic way of saying “We made them up.”

This spring, a new claim of a frost protection fish kill was made and highly publicized. Feds blame farmers for Russian River fish kill, Press Democrat, May 6, 2011. It reads, “The deaths of at least 21 juvenile steelhead trout and the stranding of 150 in puddles following a drop in water levels in the west fork of the Russian River near Redwood Valley has focused new attention on farm practices. The fish kill – discovered April 28 – coincided with farmers drawing water to spray for frost protection...”

The USGS gage directly below the “kill” shows no significant drop in flows from the frost diversion. The graph does, however, document flows receding from 90 cfs to 40 cfs in the preceding week from the cessation of rain and the onset of warm weather. It is plain to see that without the red circle, that day would be indistinguishable from any other day when no frost was occurring. By choosing to look only on that day, they hope to convince you that coincidence proves causality. I trust that you can see through that false logic. It only serves to demonstrate the agenda-driven nature of this dispute rather than a sincere concern for fact based analysis and fact based



solutions.

To quote H.L. Menken: “For every complex problem, there is a solution that is clear, simple and wrong.” This is a complex problem, and these regulations are not the solution. The work that has been done by the agricultural community, and is ongoing, is the solution to one small part of this complex problem. These regulations will only impede that progress.

Reversing course, when the course is wrong, is the right thing to do. It is the courageous thing to do.

Sincerely,

Alfred White  
Viticulturist  
La Ribera Vineyards