

Growers face new rules on Russian River water in 2011

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SACRAMENTO — It won't happen until next year, but state water officials said Tuesday they want to adopt new rules that would limit the use of Russian River water for frost protection.

The state Water Resources Control Board took no formal action, but its five members voiced support for further work on proposed regulations that seek to protect the river's endangered salmon and steelhead.

Board member Tam M. Doduc expressed support for a set of draft rules written by staff.

"We've heard today from the growers that it's too stringent and we've heard from the enviros that it's not stringent enough," Doduc said at the end of a board workshop. "So to me it seems kind of balanced."

It will take about a year for the water board to complete a formal hearing and get state attorneys to give their blessing to any new rules. The earliest the regulations could take effect would be 2011.

In the meantime, the board directed its staff to gather a "working group" of leaders from farm and environmental groups to further refine the regulations and, where possible, forge a consensus.

After the meeting at least some growers and environmentalists expressed cautious optimism the coming discussions would produce acceptable rules.

Growers "have a steep hill to climb," but at least the board members voiced support for some flexibility in the regulatory process, said Pete Opatz, a leader for Sonoma County grape growers.

Kimberly Burr, who spoke at the meeting on behalf of two environmental groups, the Center for Biological Diversity and Northern California River Watch, said she was encouraged the board was moving forward to adopt new rules. She earlier had urged the board to strengthen the staff proposal in order to better protect fish.

The two environmental groups have formally notified the water board of their intent to sue the state for failing to protect the river's salmon and steelhead. A third group, Coast Action Group, has also notified the water board of a similar lawsuit under the federal Endangered Species Act.

Both federal officials and environmental groups have urged the board to approve new rules to ensure adequate water for salmon and steelhead during frosty spring nights.

On such nights many growers spray water over their vines to freeze the green buds in ice, which keeps the plant tissue safe at a constant 32-degree temperature.

But officials with the National Marine Fisheries Service said frost protection by growers in 2008 and 2009 stranded and killed both coho salmon and steelhead. The strandings, prohibited under the Endangered Species Act, occurred on the Russian River and a tributary.

Tuesday was the water board's third meeting on the issue since last spring. About 50 people attended the workshop, including a number of grape growers from both Sonoma and Mendocino counties.

A key ingredient to the board's approach is to have growers join organizations that would manage water diversions for frost protection on both the river and its tributaries.

Such groups "would have to have the authority to kick bad actors out of the program, which could mean for that grower that they could not frost protect at all," staff member Victoria Whitney told the board.

Both farmers and environmentalists said more storage ponds must be built in order to provide a source of water on cold nights when streams lack enough flow for diversions.

In a related matter, growers and the Mendocino County Russian River Flood Control & Water Conservation District are seeking board support for placing stream flow gauges at the base of various tributaries and conducting field studies as to the minimum flows needed for fish. Below that minimum flow no water could be diverted.

On Tuesday some grower representatives referred to the staff's draft rules as burdensome while others called for a chance to find workable alternatives.

"We will cooperate to save fish, but we want to save our industry," said David Fanucchi, an Alexander Valley grape grower.

But Alan Levine, executive director of Coast Action Group, said growers can afford to build more storage ponds as part of the state's efforts to better manage a finite amount of water.

"Things aren't looking good for fish," Levine said.

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