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September 15, 2011

***Via Electronic Mail (commentletters@waterboards.ca.gov)
and Facsimile (916-341-5620)***

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Russian River Frost Protection Regulation

Dear Ms. Townsend:

I submit these written comments on behalf of our client Golden Real Estate, LLC (“Golden Vineyards”), which has authorized us to submit this letter. These written comments are addressed to the State Water Resources Control Board (“State Board”) regarding the revised version of the proposed Russian River Frost Protection Regulation (“Draft Regulation”) and the accompanying revised Draft Environmental Impact Report (“Draft EIR”), both of which were issued for public comment on August 31, 2011.

In its Notice of Opportunity for Public Comment, the State Board specified that any comments presented by the public should be limited to “the modifications to the text” and not to text contained in the original documents that has not been changed.

The modifications to the text of the Draft Regulation and the Draft EIR do not improve or cure any of the legal and other deficiencies identified by Golden Vineyards in its July 5, 2011 comment letter. For the most part, the State Board’s responses to Golden Vineyard’s comments simply express the State Board’s disagreements with the comments without providing any specific factual or legal reasons for that disagreement. As such, the comment responses do not provide a reasoned, good faith analysis of the comments, nor do they directly address comments raising significant environmental issues, thereby failing to meet the requirements of law.

Moreover, the changes made to the Draft Regulation and the Draft EIR do not address or cure the deficiencies identified by Golden Vineyards in the earlier comment letter. Indeed, each of the new revisions reflects the same deficiencies identified in our earlier letter. Thus, the



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comments contained in our prior comment letter are fully applicable to the latest version of the Draft Regulation and Draft EIR and are specifically incorporated herein by reference.

For all of these reasons and for all of the reasons set forth in Golden Vineyards' July 5, 2011 comment letter, the State Board should refuse to adopt the revised version of the Draft Regulation. The Draft Regulation would have drastic adverse and unwarranted environmental, financial and business impacts on vineyard owners in Mendocino and Sonoma Counties, many of which have not been properly analyzed and some of which have not even been acknowledged. Instead, the State Board should develop reasonable and feasible alternatives to the Draft Regulation. The underlying Draft EIR continues to be patently deficient in many respects and must be redone and recirculated before it is even considered by the State Board as a basis for any decision.

Golden Vineyards appreciates this opportunity to provide comments to the State Board regarding this revised Draft Regulation. Please feel free to contact me if you have any questions.

Very truly yours,

Paul P. "Skip" Spaulding, III

cc: Julie and Joe Golden