



**Sonoma  
Water**

CF/42-0.19-9.1 Correspondence Related to SWRCB  
Order Approving Temporary Urgency Change in  
Permits 12947A, 12949, 12950 & 16596 for 2020  
(ID 7443)

June 8, 2020

Erik Ekdahl, Deputy Director of Water Rights  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**RE: Petition for Temporary Urgency Change—Permits 12947A, 12949,  
12950, and 16596**

Dear Mr. Ekdahl:

Enclosed are the Petitions for Temporary Urgency Change to modify the minimum instream flow requirements for the Russian River as established by Decision 1610 for Permits 12947A, 12949, 12950 and 16596. Accompanying the petitions are the following:

- 1) *Supplement to the June 2020 Temporary Urgency Change Petition*
- 2) Environmental Information for Petitions
- 3) Notice of Exemption
- 4) California Department of Fish and Wildlife Review Fee Payment
- 5) State Water Resources Control Board Petition Fee Payment
- 6) Informational Table *Sonoma Water, Temporary Urgency Change Petition Filings Since 2007 for Permits 12947A, 12949, 12950 and 16596*

The petition is being submitted due to extreme drought conditions and hydrologic impacts in the Russian River watershed due to reduced inter-basin transfers from the Eel River via Pacific Gas & Electric's Potter Valley Project. I look forward to working with the Division of Water Rights staff on this important conservation effort.

Sincerely,

Grant Davis  
General Manager

c: S. Boland-Brien, J. Ling, S. McFarland, A. Chi – State Water Resources Control Board  
R. Coey, J. Fuller – National Marine Fisheries Service  
E. Larson - California Department of Fish & Wildlife  
M. St. John, B. McFadin – North Coast Regional Water Quality Control Board  
P. Jeane, D. Seymour, T. Schram, J. Martini Lamb, J. Jasperse – Sonoma Water  
C. O'Donnell, A. Brand – Sonoma County Counsel  
R. Bezerra – Bartkiewicz, Kronick & Shanahan

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Please indicate County where your project is located here:

Sonoma / Mendocino

MAIL FORM AND ATTACHMENTS TO:
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DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application 12919A Permit 12947A License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for Split information]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No


I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

  
\_\_\_\_\_  
Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
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(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

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Application 15736 Permit 12949 License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for split details]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
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Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
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**Waste Water**

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Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

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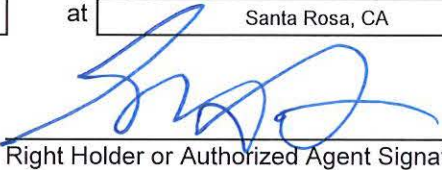
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Application 15737 Permit 12950 License Statement

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Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

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Application 19351 Permit 16596 License Statement

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Present:
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(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

## **June 2020**

### **Sonoma County Water Agency**

#### ***Supplement to the June 2020 Temporary Urgency Change Petition***

The Sonoma County Water Agency (Sonoma Water) seeks temporary urgency changes to its four water-right permits that it uses to provide wholesale water to cities and water districts in Sonoma and Marin Counties in order to maintain viable operations to support municipal use and protect listed salmon species in the Russian River in light of 2020's extremely dry hydrology. Due to the Federal Energy Regulatory Commission's (FERC) granting a variance request to Pacific Gas & Electric Company (PG&E) for their Potter Valley Hydroelectric Project (PVP) operations, the amount of water that PG&E will transfer from the Eel River to the Russian River through PVP will be greatly reduced. This will significantly impact the amount of available stored water in Lake Mendocino that can be released to meet minimum instream flow requirements and demands by downstream users on the Upper Russian River. In combination with 2020's hydrology, Sonoma Water requires urgency changes to the *Dry* year minimum streamflow requirements otherwise set by Decision 1610 in order to ensure that sufficient water will be available later in 2020 for listed salmon fisheries, municipal, and agricultural uses, and to maintain some carry over storage in case water year (WY) 2021 also is dry. The proposed urgency changes also are necessary to ensure that Sonoma Water is not required, in order to maintain Russian River minimum stream flows, to release water from Lake Sonoma to Dry Creek at rates that would violate the applicable incidental take statement issued by the National Marine Fisheries Service (NMFS).

#### **1.0 BACKGROUND**

Sonoma Water controls and coordinates water supply releases from Lake Mendocino and Lake Sonoma to implement the minimum instream flow requirements in water rights Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies minimum flow requirements for the Upper Russian River, Dry Creek

and the Lower Russian River.<sup>1</sup> These minimum flow requirements vary based on water supply conditions, which are also specified in Decision 1610. The Decision 1610 requirements for the Upper Russian River and Lower Russian River are contained in term 20 of Sonoma Water's water-right Permit 12947A (Application 12919A). The Decision 1610 requirements for the Lower Russian River are contained in term 17 of Sonoma Water's water-right Permit 12949 (Application 15736) and term 17 of Sonoma Water's water-right Permit 12950 (Application 15737). The Decision 1610 requirements for Dry Creek and the Lower Russian River are contained in term 13 of Sonoma Water's water-right Permit 16596 (Application 19351).

Sonoma Water's operations are also subject to the Russian River Biological Opinion issued by the NMFS on September 24, 2008.

### **1.1 Minimum Flow Requirements**

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork of the Russian River from Coyote Valley Dam to the confluence with the West Fork of the Russian River under all water supply conditions. From this point to Dry Creek, the Decision 1610 required minimum Russian River flows are: from April through August, 185 cfs; and from September through March, 150 cfs during *Normal* water supply conditions, 75 cfs during *Dry* conditions and 25 cfs during *Critical* conditions. Decision 1610 further specifies two variations of the *Normal* water supply condition, commonly known as *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the Upper Russian River during times when the combined storage in Lake Pillsbury (owned and operated by PG&E) and Lake Mendocino on May 31 is unusually low. *Dry Spring 1* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less than 150,000 acre-feet on May 31. Under *Dry Spring 1* conditions, the required minimum flow in the Upper Russian River between the confluence of the East Fork and West Fork and Healdsburg is 150 cfs from June through March, with a reduction to 75 cfs during October through December if Lake Mendocino storage is less than 30,000 acre-feet during those months. *Dry*

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<sup>1</sup> The Upper Russian River is the stream reach from the confluence of East Fork Russian River and the West Fork Russian River to the Russian River's confluence of Dry Creek. The Lower Russian River is the stream reach from the confluence of Dry Creek and the Russian River to the Pacific Ocean.

*Spring 2* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less than 130,000 acre-feet on May 31. Under *Dry Spring 2* conditions, the required minimum flows in the Upper Russian River are 75 cfs from June through December and 150 cfs from January through March.

From Dry Creek to the Pacific Ocean, the required minimum flows in the Lower Russian River are 125 cfs during *Normal* water supply conditions, 85 cfs during *Dry* conditions and 35 cfs during *Critical* conditions.

In Dry Creek below Warm Springs Dam, the required minimum flows are 75 cfs from January through April, 80 cfs from May through October and 105 cfs in November and December during *Normal* water supply conditions. During *Dry* and *Critical* conditions, these required minimum flows are 25 cfs from April through October and 75 cfs from November through March.

Figure 1 shows all of the required minimum instream flows specified in Decision 1610 by river reach, the gauging stations used to monitor compliance, and the definitions of the various water supply conditions.

## **1.2 Water Supply Conditions**

There are three main water supply conditions that are defined in Decision 1610, which set the minimum instream flow requirements based on the hydrologic conditions for the Russian River system. These water supply conditions are determined based on criteria for the calculated cumulative inflow into Lake Pillsbury from October 1 to the first day of each month from January to June. Decision 1610 defines cumulative inflow for Lake Pillsbury as the algebraic sum of releases from Lake Pillsbury, change in storage and lake evaporation.

*Dry* water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 8,000 acre-feet as of January 1;
- 39,200 acre-feet as of February 1;
- 65,700 acre-feet as of March 1;
- 114,500 acre-feet as of April 1;
- 145,600 acre-feet as of May 1; and

- 160,000 acre-feet as of June 1.

*Critical* water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 4,000 acre-feet as of January 1;
- 20,000 acre-feet as of February 1;
- 45,000 acre-feet as of March 1;
- 50,000 acre-feet as of April 1;
- 70,000 acre-feet as of May 1; and
- 75,000 acre-feet as of June 1.

*Normal* water supply conditions exist whenever a *Dry* or *Critical* water supply condition is not present. As indicated above, Decision 1610 further specifies three variations of the *Normal* water supply condition based on the combined storage in Lake Pillsbury and Lake Mendocino on May 31. These three variations of the *Normal* water supply condition determine the required minimum instream flows for the Upper Russian River. This provision of Decision 1610 does not provide for any changes in the required minimum instream flows in Dry Creek or the Lower Russian River. A summary of the required minimum flows in the Upper Russian River for *Normal*, *Normal — Dry Spring 1* and *Normal — Dry Spring 2* water supply conditions is provided here:

1. *Normal*: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year exceeds 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through August 31	185 cfs
From September 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

2. *Normal-Dry Spring 1*: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of

the reservoirs, whichever is less, and 130,000 acre-feet or 80 percent or the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through March 31	150 cfs
From April 1 through May 31	185 cfs
If from October 1 through December 31, storage in Lake Mendocino is less than 30,000 acre-feet	75 cfs

3. Normal-Dry Spring 2: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through December 31	75 cfs
From January 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

## **2.0 PROJECTED WATER SUPPLY CONDITIONS**

From October 1, 2019 to June 1, 2020, the cumulative inflow into Lake Pillsbury was 108,309 acre-feet. Consequently, the water supply condition will be categorized as *Dry* for the remainder of the year. Based on these criteria, without a temporary urgency change order, the Decision 1610 minimum instream flows between June 1 and December 31 would be 75 cfs in the Upper Russian River and 85 cfs in the Lower Russian River.

### **2.1 Potter Valley Hydroelectric Project**

PVP, owned and operated by PG&E, is located on the East Fork Russian River and Eel River in Mendocino and Lake Counties. PVP's Lake Pillsbury is impounded by Scott Dam. Releases from Scott Dam can be diverted

downstream at Cape Horn Dam into PG&E's generation facilities. Those generation facilities then release that water to the East Fork Russian River.

On April 17, 2020, PG&E filed a request with FERC for a temporary variance to reduce its minimum instream flow requirements for the PVP. PG&E, in consultation with NMFS, California Department of Fish and Wildlife, Round Valley Indian Tribes, Potter Valley Irrigation District and Sonoma Water, filed the variance due to critically low water storage in Lake Pillsbury.

On April 30, 2020, FERC issued an order approving PG&E's temporary variance request to reduce minimum instream flow requirement in the Eel River below Scott Dam and Cape Horn Dam; and below the powerhouse in the East Fork Russian River. Based on the approved temporary variance, Sonoma Water staff have forecasted that transfers from the Eel River to the East Fork Russian River through PVP will be reduced by 50 to 60 acre-feet per day between May 1, 2020 and December 31, 2020.

## **2.2 Lake Mendocino**

As of June 1, 2020 the water supply storage level in Lake Mendocino was 67,693 acre-feet (AF). This storage level is approximately 67 percent of the available water conservation pool for this time of year.

In November 2019, the U.S. Army Corps of Engineers (USACE) approved a Planned Major Deviation (Deviation) of the Coyote Valley Dam/Lake Mendocino Water Control Manual (WCM) for water year (WY) 2020 at the request of the Lake Mendocino Forecast Informed Reservoir Operations (FIRO) Steering Committee. The Deviation allowed USACE flood control managers to store an additional 11,050 acre-feet of water in the flood control pool at their discretion. Furthermore, it authorized USACE flood control managers to leverage a Decision Support Model (DSM) developed by Sonoma Water as part of the tools and protocols USACE uses to manage reservoir operations at Lake Mendocino. Based on an operational hydrologic ensemble of streamflow forecasts provided by the California-Nevada River Forecast Center, current reservoir storage, and current and anticipated downstream conditions, the DSM provides a recommended release to help inform operational decisions. Despite WY 2020 being the third driest year in the Russian River Watershed during the past 127 years of record, the Deviation resulted in approximately 11,000 acre-feet of additional water supply storage at Lake Mendocino. (Figure 2 shows the cumulative rainfall near the City of Ukiah as of May 31 for the past 127 years of

record.) Without the Deviation in place this year and the use of FIRO tools to manage the additional water supply stored in the flood control pool, storage at Lake Mendocino as of June 1, 2020 would be less than 58,000 AF.

While the WY 2020 Deviation significantly improved the water supply storage condition at Lake Mendocino, a recent analysis prepared by Sonoma Water engineering staff indicates that unless mitigation measures are taken, such as those requested in the Temporary Urgency Change Petitions (TUCP), water levels in Lake Mendocino are projected to decline below 27,000 acre-feet by October 1. The projection is based on anticipated reservoir releases made to meet downstream water demands, *Dry* water supply condition minimum instream flow requirements on the Russian River under Decision 1610 and reductions in PVP transfers of Eel River water to the Russian River Watershed.

The analysis used to project storage was completed using Sonoma Water's Russian River simulation model with the following assumptions: (1) Decision 1610 *Dry* water supply condition minimum instream flow requirements; (2) WY 2013 hydrology; (3) Russian River system losses<sup>2</sup>; and (4) PVP operations based on FERC's April 30, 2020 order approving PG&E's request for a temporary variance to minimum stream flows. WY 2013 hydrology was selected based on a very similar distribution and quantity of precipitation from January through May compared to WY 2020. Figure 3 shows the cumulative precipitation near the City of Ukiah from January through May for 2013 and 2020.

Figure 4 shows the Lake Mendocino storage level that has occurred through June 1, 2020 and the storage level that is projected to occur during the rest of 2020 if the Decision 1610 minimum instream flow requirements are not temporarily changed (solid orange line). The projected storage levels in Lake Mendocino by the fall are extremely low and could severely impact listed and threatened Russian River fish species, create serious water-supply impacts in Mendocino County and

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<sup>2</sup> Russian River System reach losses were developed through an analysis of water balance that incorporated observed flows, observed metered diversions, simulated diversions, simulated unimpaired reach gains, and simulated evapotranspiration for the period from 2000 through 2013, to estimate reach water depletion based on current water use practices.



the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

The analysis also projected the storage levels in Lake Mendocino if there had been no reductions in PVP transfers of Eel River water to the Russian River Watershed (Figure 4, solid blue line). Figure 5 shows the Lake Mendocino storage levels that Sonoma Water calculates would have occurred for July 1 through the remainder of the year without the variance that FERC granted to PG&E. Although not optimal, these storage levels would be adequate to meet *Dry* water supply condition minimum instream flow requirements, demands by downstream water users and preserve storage for summer rearing juvenile steelhead and the fall migration of Chinook salmon. Based on Sonoma Water's experience managing Russian River flows from releases of stored water at Lake Mendocino, Sonoma Water therefore proposes that the Board adopt, in granting this petition, the storage levels shown in Figure 5 as the minimum target storage levels in Lake Mendocino for the remainder of 2020.

### **2.3 Lake Sonoma**

As of June 1, 2020 the water supply storage level in Lake Sonoma was 211,399 AF. This storage level is approximately 86 percent of the available water conservation pool. Although this level is below normal for this time of year, the much larger water supply pool of Lake Sonoma provides multiple years of carry over storage. Consequently, no changes to the minimum instream flow requirements in Dry Creek are being requested in this petition. As discussed in Section 4.0 below, Sonoma Water is requesting changes to the minimum instream flow requirements on the Lower Russian River.

These changes are required because the reduced minimum instream flows being requested on the Upper Russian River, necessary to preserve storage in Lake Mendocino, will provide significantly less contribution to meet minimum instream flow requirements in the Lower Russian River. Consequently, increased releases from Lake Sonoma into Dry Creek would be necessary to maintain Decision 1610's minimum instream flow requirements for *Dry* years (85 cfs) in the lower river. However, such increased releases into Dry Creek would result in Sonoma Water violating the Incidental Take Statement contained in the Russian River Biological Opinion. The Incidental Take Statement restricts releases from Lake Sonoma into Dry Creek because they can result in flows that are too high for optimal habitat for rearing juvenile salmonids.

### **3.0 CRITERIA FOR APPROVING TEMPORARY URGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596**

As required by Water Code section 1435, subdivision (b), the Board must make the following findings before issuing a temporary change order:

1. The permittee or licensee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest.

#### **3.1 Urgency of the Proposed Change**

Under Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the State Water Board concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

In this case, an urgent need exists for the proposed flow changes on the Upper Russian River because Sonoma Water predicts a critically low level of water supply storage in Lake Mendocino by October 1, 2020 unless the requested temporary urgency change is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, Sonoma Water would need to release additional stored water from Lake Mendocino, which would result in the significant depletion of storage during the summer; potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the fall, which would cause serious impacts to human health and welfare; and reduction of water supplies needed for fishery protection and stable flows in the upper Russian River during the fall when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Furthermore, if upcoming WY 2021 is a dry

year, carryover storage in Lake Mendocino from 2020 will be crucial for the continued recovery of the Russian River salmonid fishery and water supply reliability during 2021.

An urgent need exists for the proposed changes on the Lower Russian River because Sonoma Water would violate the Incidental Take Statement contained in the Biological Opinion unless the requested temporary urgency change is approved. Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while preventing flooding of adjacent properties.

### **3.2 No Injury to Any Other Lawful User of Water**

If this petition is granted, Sonoma Water still will be required to maintain specific minimum flows in the Russian River. Because these minimum flows will be present, all other legal users of water still will be able to divert and use the amounts of water that they may legally divert and use. Moreover, failure to implement the reduced instream flow could result in severe depletion of Lake Mendocino, which in turn could result in serious impacts to entitled users of water downstream of Lake Mendocino later in the year. Accordingly, granting this petition will not result in any injury to any other lawful user of water.

### **3.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses**

Although flows in the Upper and Lower Russian River will be reduced upon approval of this petition, conservation of water in Lake Mendocino will allow enhanced management of flows in early fall for the benefit of salmon migration and spawning. It is possible that reduced flows in the Russian River may impair some instream beneficial uses, principally recreation uses. Although some recreation uses may be affected by these reduced flows, it is not unreasonable considering the potentially grave impacts to fisheries, water supply and recreation in Lake Mendocino and loss of juvenile salmonid habitat in Dry Creek that could occur if the petition were not approved.

### **3.4 The Proposed Change is in the Public Interest**

Approval of this petition will help conserve stored water in Lake Mendocino so that it can be released for listed Russian River salmonid fisheries present in the Russian River during the fall Chinook salmon migration season. In addition,

approval of this petition will help preserve storage in Lake Mendocino as a precaution in case 2021 also is a dry year. It is in the public interest to preserve water supplies for these beneficial uses when hydrologic circumstances cause severe reductions to water supplies.

#### **4.0 REQUESTED TEMPORARY URGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596**

To address the water supply condition at Lake Mendocino and avoid potential violations of the Incidental Take Statement contained in the Biological Opinion by making excessive releases into Dry Creek, Sonoma Water is filing this Temporary Urgency Change Petition (TUCP), which requests that the State Board make the following temporary changes to the Decision 1610 instream flow requirements:

- (a) for July 1 through December 27, the minimum instream flow requirements in the Upper Russian River be reduced to 50 cfs and in the Lower Russian River be reduced to 60 cfs;
- (b) If storage in Lake Mendocino drops more than one percent below the target water supply storage level depicted in Figure 5 on any day between the date of the Board's order granting the TUCP and December 27, then, from that date through December 27, the minimum instream flow requirement on the Upper Russian River be reduced from 50 cfs to 40 cfs and on the Lower Russian River from 60 cfs to 50 cfs. Table 1 summarizes the calculated daily values of target water supply storage levels.
- c) The minimum instream flow requirement be implemented as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 40 cfs on the Upper Russian River and no less than 50 cfs on the Lower Russian River, unless storage drops more than one percent below the target water supply storage at Lake Mendocino, then the instantaneous minimum instream flow would be no less than 30 cfs on the Upper

Russian River and no less than 40 cfs on the Lower Russian River<sup>3</sup>.

The proposed changes in the Decision 1610 Russian River minimum instream flows that are requested by this petition will not result in unusual circumstances. The proposed changes to minimum instream flows are within the range of those that already occur during *Critical* water supply conditions specified by Decision 1610. Due to low rainfall and reduced transfers of Eel River water from PVP, minimum instream flow requirements in the Russian River as requested here from July 1 through December 27 will be similar to those observed during the two-year period from 2013 through 2014

Because the requested changes are not driven by low storage levels in Lake Sonoma, reductions in summertime diversions by Sonoma Water at its Wohler/Mirabel facilities on the Lower Russian River are not necessary. Furthermore, in past years, reductions in diversions by Sonoma Water resulted in increased groundwater pumping by the cities and special districts that purchase wholesale water from Sonoma Water. This response has the unintended consequence of stressing local groundwater resources even though adequate surface water is available from Lake Sonoma.

## **5.0 WATER CONSERVATION ACTIVITIES**

Sonoma Water's water contractors are committed to eliminating non-beneficial uses of potable water. Sonoma Water and its water contractors continue to implement water use efficiency programs that align with the legacy programs of the California Urban Water Conservation Council's (CUWCC) Best Management Practices (BMPs) and comply with SB 7x-7. While these BMPs remain the

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<sup>3</sup> These changes will allow Sonoma Water to improve its efforts to optimally manage flows in the Russian River. Sonoma Water does not control, and is not able to predict the timing and magnitude of diversions by Russian River water users downstream of the reservoirs. Consequently, the implementation of a 5-day running average will allow for river operations with a reduced frequency of reservoir release changes intended to respond to transitory flow reductions due to large diversions that may occur simultaneously. This implementation of minimum instream flow requirements will allow Sonoma Water to manage stream flows with smaller operational buffers, thereby conserving water supply in Lake Mendocino. This will result in higher storage levels in the fall, which will be used for releases of stored water for the benefit of returning adult Chinook salmon, and improved carry over storage for use in 2021.

baseline for the region, the establishment of the Sonoma-Marín Water Saving Partnership (Partnership) in December 2010, and the subsequent ten year extension of the Partnership agreement in May 2018, memorialized the region's commitment to long-term, year-round water use efficiencies. The Partnership removes one of the most significant barriers to implementing conservation programs, namely funding. Each Partner has committed to a sustained level of funding that is allocated specifically to implementing conservation programs while continuously implementing water conservation programs to reduce overall regional water use.

The Partnership represents twelve North Bay water utilities in Sonoma and Marin counties that have joined together to provide regional solutions for water use efficiency. The utilities (Partners) are: the Cities of Santa Rosa, Rohnert Park, Petaluma, Sonoma, Cotati, Healdsburg; North Marin Water, Valley of the Moon and Marin Municipal Water Districts; Cal American Water Company-Larkfield; the Town of Windsor and Sonoma Water. The Partnership was formed to identify and recommend water use efficiency projects and to maximize the cost-effectiveness of water use efficiency programs in our region.

On May 9, 2016, Governor Edmund G. Brown Jr. issued Executive Order B-37-16 that set forth actions to be taken to use water more wisely, eliminate water waste, strengthen local drought resilience, and improve agricultural water use efficiency and drought planning. Subsequent passage of SB 606, AB 1668, and SB 555 provided the needed authority for state agencies to begin the development of a new statewide framework for making conservation a California way of life. The Partners are committed to maintaining a conservation ethic in the region and will continue to implement conservation programs that are minimizing water demand rebound following the 2012-2016 drought, while working collaboratively with state agencies to develop and implement the new water use objectives of the statewide framework. The Partners, working alongside the California Water Efficiency Partnership as the successor organization to CUWCC, will continue to collect regional data and develop new programs that ensure our customers remain engaged in making conservation a California way of life.

This summer the Partnership is implementing a campaign in both English and Spanish to reinforce water saving behavior and to encourage customers to implement water use efficiency upgrades. The campaign will utilize broadcast radio, print media, and digital media placements throughout the peak water use

months of June through September. Highlights of the 2020 campaign include digital video ads about sprinkler system tune-ups and efficient summer watering practices, radio spots featuring a regional branding program for low water use plant purchases at local nurseries, and print and digital still ads focused on the connection between saving water and the benefit it provides for the maintenance of healthy aquatic ecosystems and recreational activities on the Russian River.

Although shelter-in-place orders due to COVID-19 restrict some aspects of water conservation programs that rely on direct customer contact, many programs and outreach events have already been transitioned to allow for remote or virtual participation by our customers. Examples include:

- The Partnership's annual Eco-Friendly Garden Tour on May 2, 2020 featured online video tours of 16 host gardens, photo montage tours of an additional 12 sites, an online native plant sale with free home delivery, and a live online gardening workshop and advice session for homeowners. As of May 18, the webpage hosting the online garden tour had received over 6,400 unique views and continues to attract new visits as a result of continued promotion.
- The Partnership's Qualified Water Efficient Landscaper (QWEL) training program was rapidly transitioned to video and online exam proctoring. As a result, 13 students completed QWEL certification on May 22 as part of a Santa Rosa Junior College irrigation class. This online success has recently created an opportunity to expand the program to Mendocino College in Ukiah, CA

Additional programs have been and will be transitioned throughout the next few months in order to support the continued efforts of our customers to use water efficiently. In the interim, rebate incentive programs are still actively processing customer applications for lawn removal, clothes washer, and toilet rebates, among others.

Due to these and previous years' efforts, water use by the Partnership at the end of 2019 was still 15% below the 2013 benchmark year chosen by the state for water use reductions during the drought. Regionally, annual gallons per capita per day (GPCD) have also remained low, dropping from 130 GPCD in 2013 down to 107 GPCD at the end of 2019, significantly lower than the regional GPCD target of 129 stipulated by SB 7x-7. Regional water use in the first three

months of 2020 is 10% below the 2013 benchmark for the same time period in spite of low rainfall this spring. It is anticipated that the Partnership's summertime activities will continue the successful water use reductions of the past few years.



## Figures

**Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through**

	1/1	2/1	3/1	4/1	5/1	6/1	Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
<b>NORMAL</b>	≥8,000	≥39,200	≥65,700	≥114,500	≥145,600	≥160,000	
<b>DRY</b>	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
<b>CRITICAL</b>	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000	

**LEGEND**

All flows are minimums, expressed in cubic feet per second.

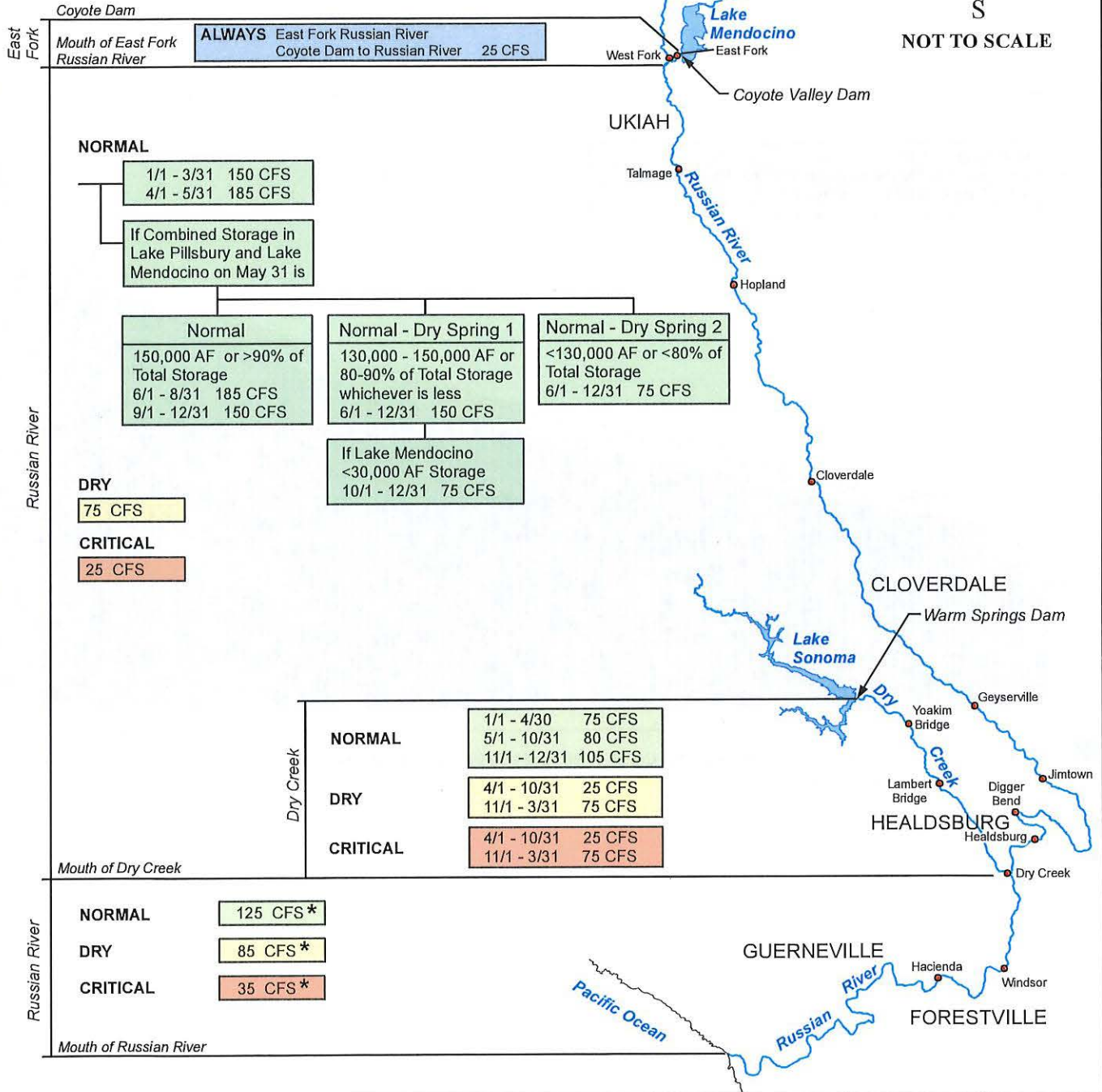
\* - Unless Lake Sonoma elevation is below 292.0, or if prohibited by the United States Government.

AF - Acre-Feet

● - USGS Stream Gage Compliance Points



NOT TO SCALE



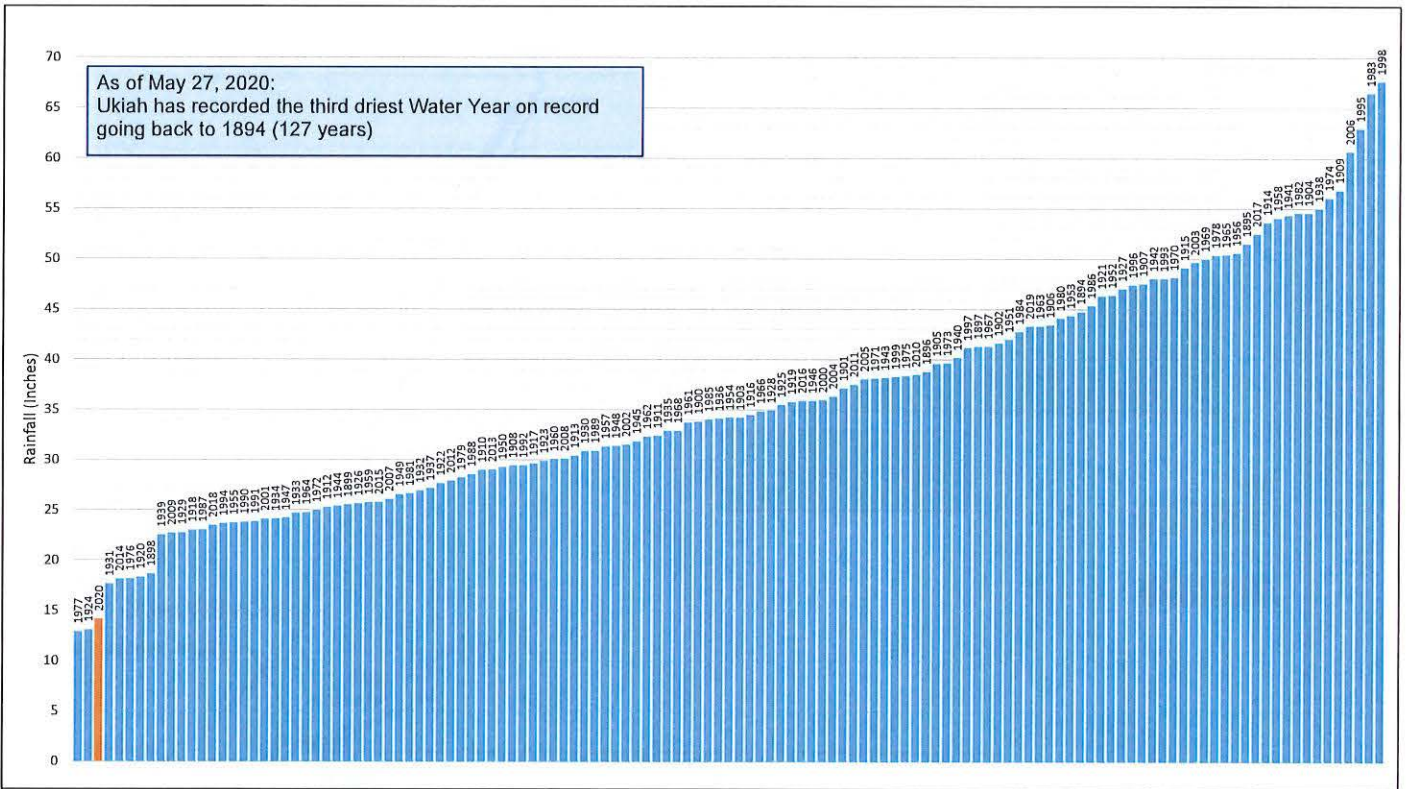
\\FILESERVER\DATA\wpr\mbaskett\Scham\_P\Projecta2011-USGS-Gage-Streamflow.mxd April 4, 2011



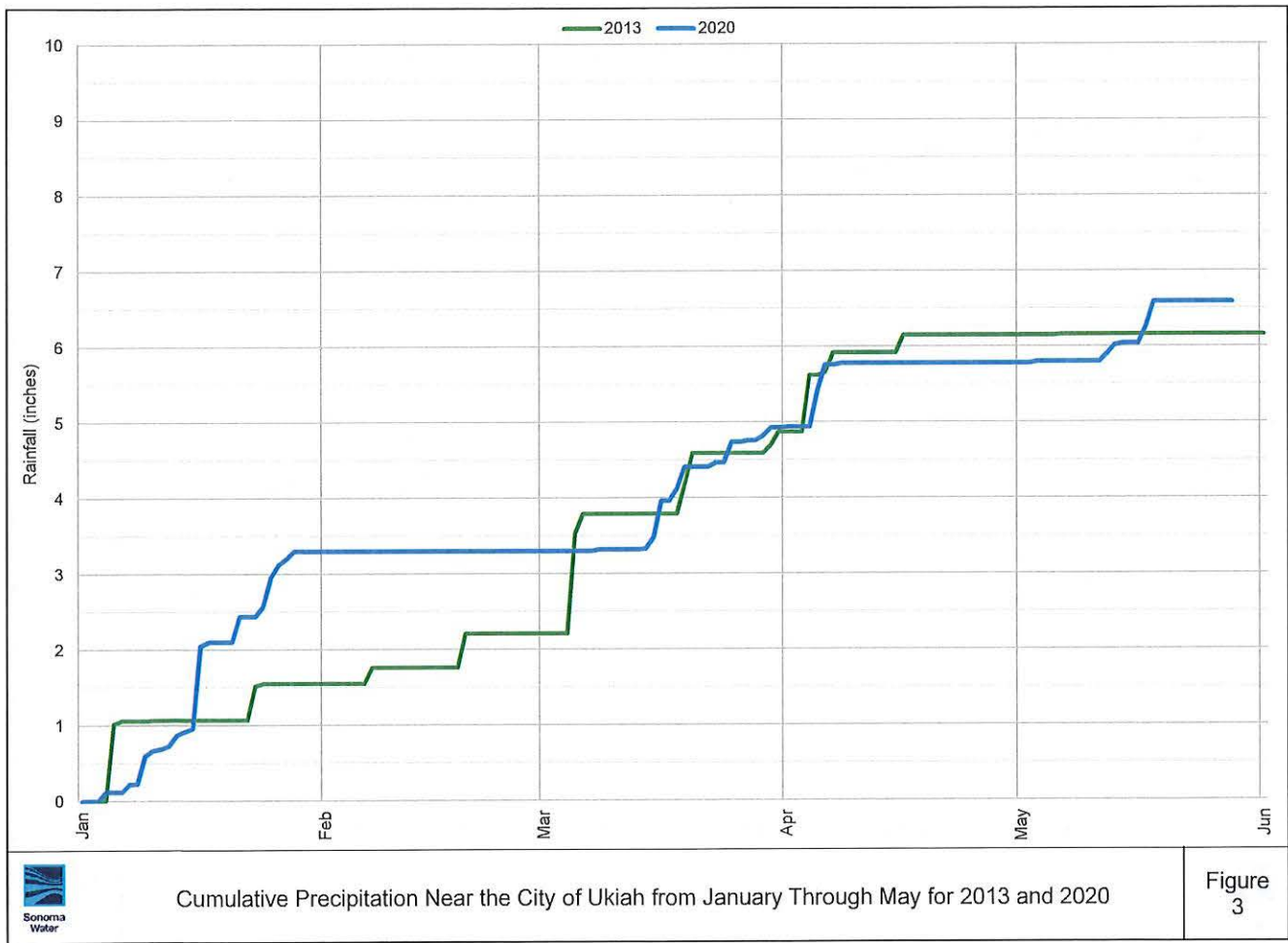
**Russian River Basin  
Streamflow Requirements**

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1

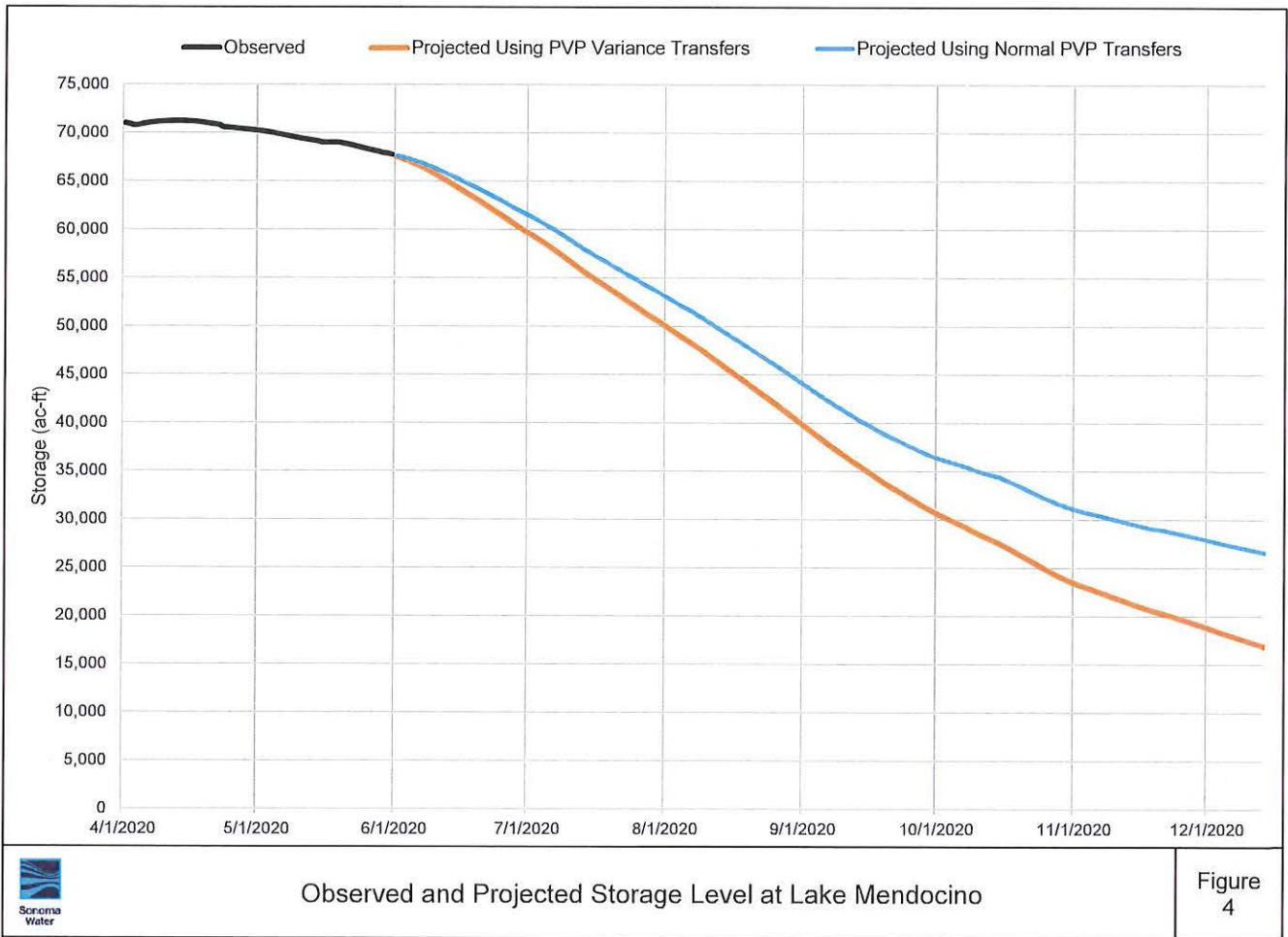


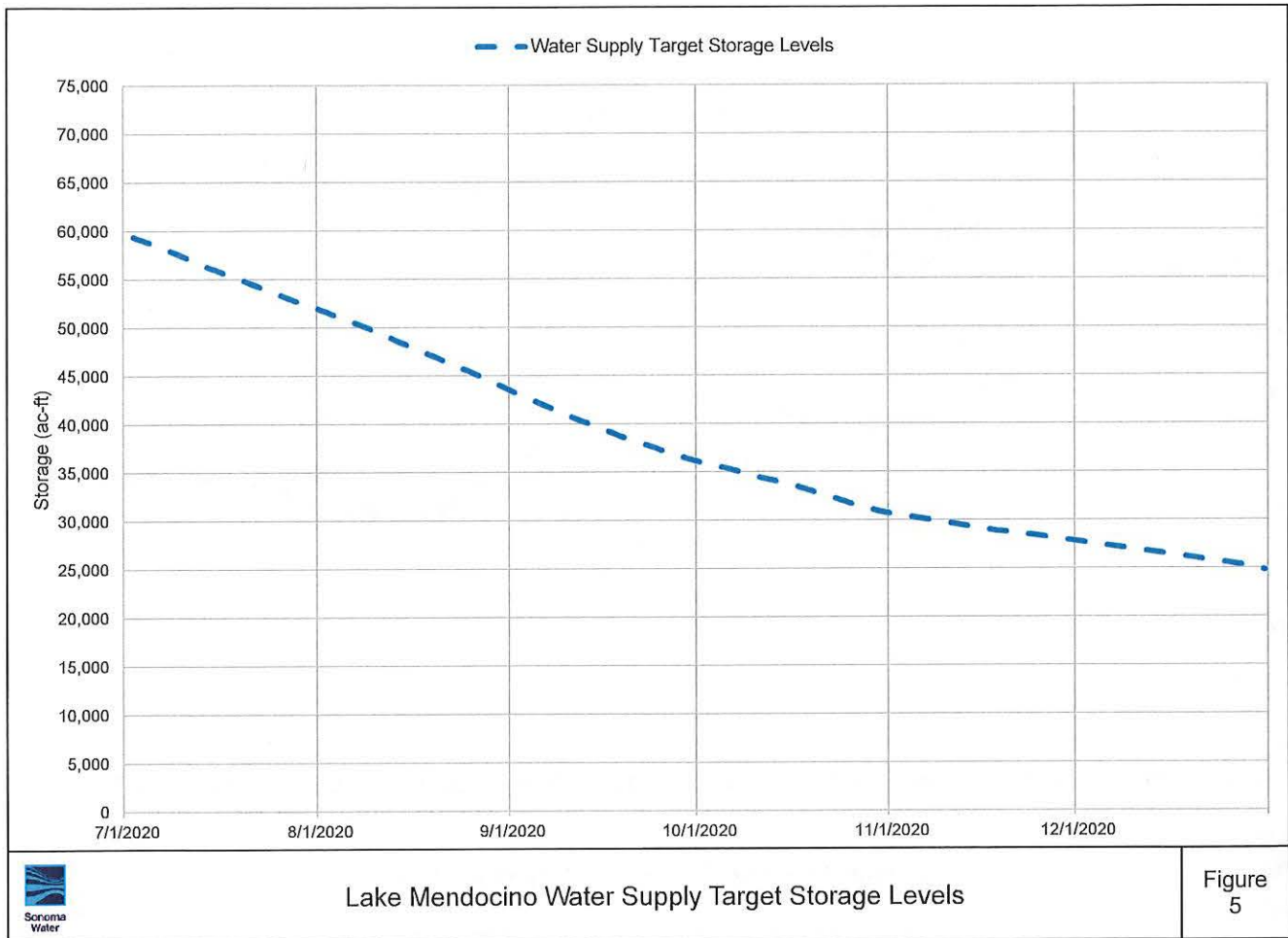
Cumulative Precipitation Near the City of Ukiah as of May 27, 2020 for the Past 127 Years of Record Figure 2

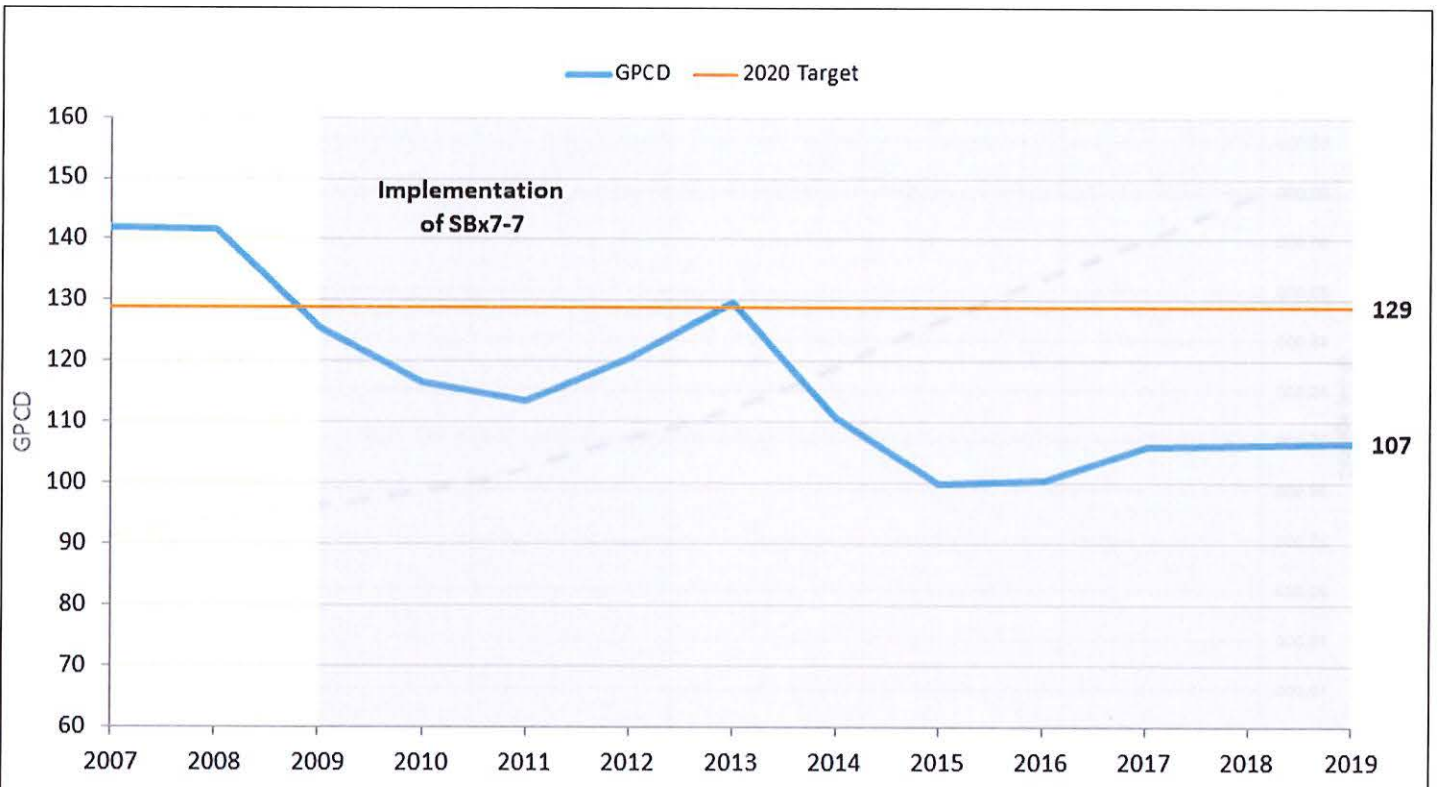


Cumulative Precipitation Near the City of Ukiah from January Through May for 2013 and 2020

Figure 3







Regional Average Gallons per Capita per Day

Figure 6

	July	August	Sept.	Oct.	Nov.	Dec.
1	59,688	51,903	43,461	36,103	30,702	27,820
2	59,464	51,644	43,151	35,939	30,596	27,727
3	59,221	51,393	42,858	35,783	30,490	27,634
4	58,986	51,153	42,582	35,641	30,385	27,540
5	58,761	50,909	42,304	35,489	30,279	27,446
6	58,506	50,667	42,018	35,325	30,173	27,358
7	58,245	50,418	41,734	35,163	30,067	27,272
8	57,976	50,170	41,447	34,973	29,961	27,181
9	57,697	49,912	41,173	34,784	29,856	27,090
10	57,402	49,635	40,901	34,601	29,750	27,004
11	57,119	49,350	40,639	34,435	29,645	26,915
12	56,842	49,067	40,390	34,293	29,539	26,823
13	56,557	48,793	40,155	34,147	29,434	26,730
14	56,278	48,517	39,911	34,006	29,329	26,638
15	56,042	48,248	39,658	33,862	29,223	26,544
16	55,797	47,969	39,404	33,684	29,118	26,450
17	55,540	47,700	39,137	33,480	29,013	26,355
18	55,307	47,430	38,874	33,268	28,908	26,260
19	55,066	47,160	38,622	33,077	28,860	26,164
20	54,821	46,885	38,388	32,884	28,799	26,069
21	54,568	46,605	38,182	32,677	28,726	25,973
22	54,310	46,351	37,976	32,477	28,643	25,878
23	54,067	46,089	37,762	32,283	28,556	25,782
24	53,825	45,820	37,541	32,065	28,469	25,686
25	53,569	45,541	37,308	31,850	28,378	25,589
26	53,314	45,260	37,084	31,664	28,287	25,493
27	53,051	44,970	36,864	31,464	28,193	25,397
28	52,820	44,658	36,658	31,282	28,102	25,300
29	52,597	44,353	36,469	31,112	28,008	25,143
30	52,382	44,058	36,278	30,950	27,913	24,987
31	52,158	43,758		30,808		24,830



Lake Mendocino Water Supply Target Storage Level  
Calculated Daily Values

Table  
1



State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See 'Supplement to the June 2020 Temporary Urgency Change Petition' for a summary of the requested changes.

Insert the attachment number here, if applicable:

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

5/27/2012

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes  No

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

Request for consultation was sent via email to Bryan McFadin of the North Coast Regional Water Quality Control Board (NCRWQCB) on May 27, 2020. Additionally, Matt St. John, Executive Officer of the NCRWQCB, was contacted by phone on the same day.

Insert the attachment number here, if applicable:

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:  Date of Contact:

Department:  Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.  Yes  No

Grading Permit  Use Permit  Watercourse  Obstruction Permit

Change of Zoning  General Plan Change  Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.  Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Federal and State Permits**

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board     Department of Fish and Game  
 Dept of Water Resources, Division of Safety of Dams     California Coastal Commission  
 State Reclamation Board     U.S. Army Corps of Engineers     U.S. Forest Service  
 Bureau of Land Management     Federal Energy Regulatory Commission  
 Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.     Yes     No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?     Yes     No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

**Maps**


For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated  at .

\_\_\_\_\_  
Water Right Holder or Authorized Agent Signature

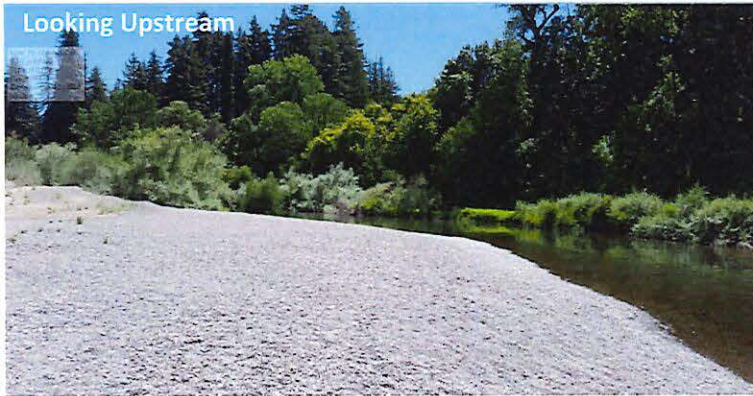
  
\_\_\_\_\_  
Water Right Holder or Authorized Agent Signature

**NOTE:**

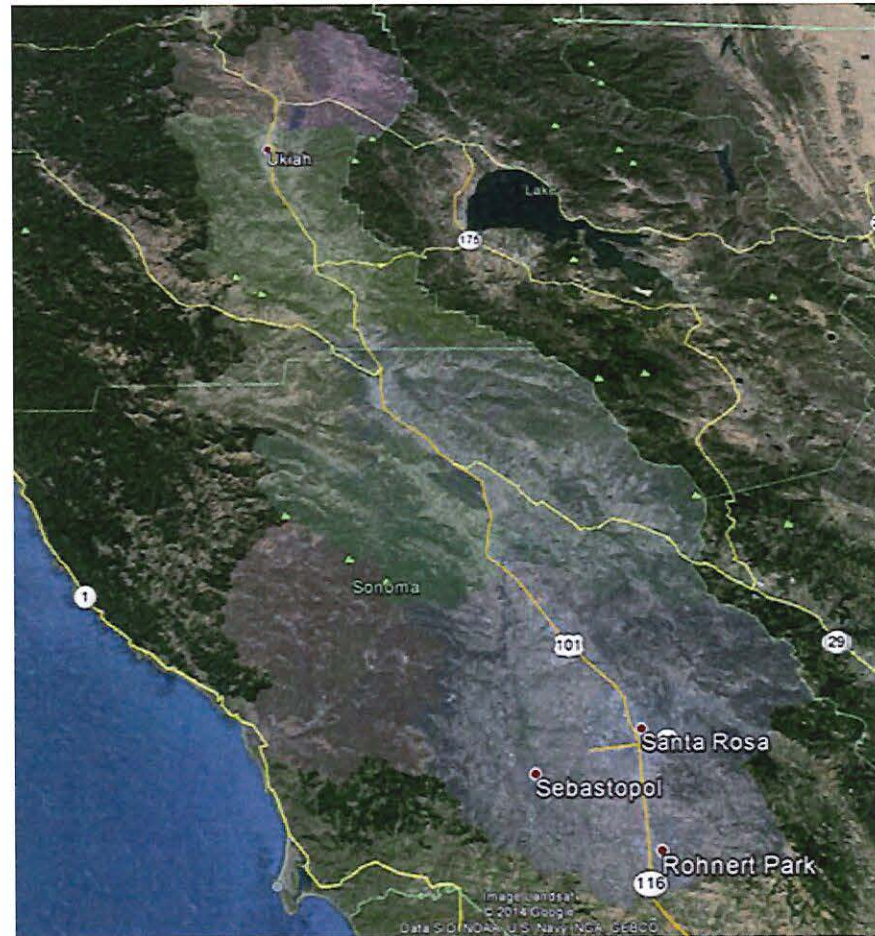
- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

# Sonoma Water Photographs in Vicinity of Main Diversion Facilities at Mirabel Park

Russian River Downstream of Mirabel Park Production  
Facilities on July 12, 2016

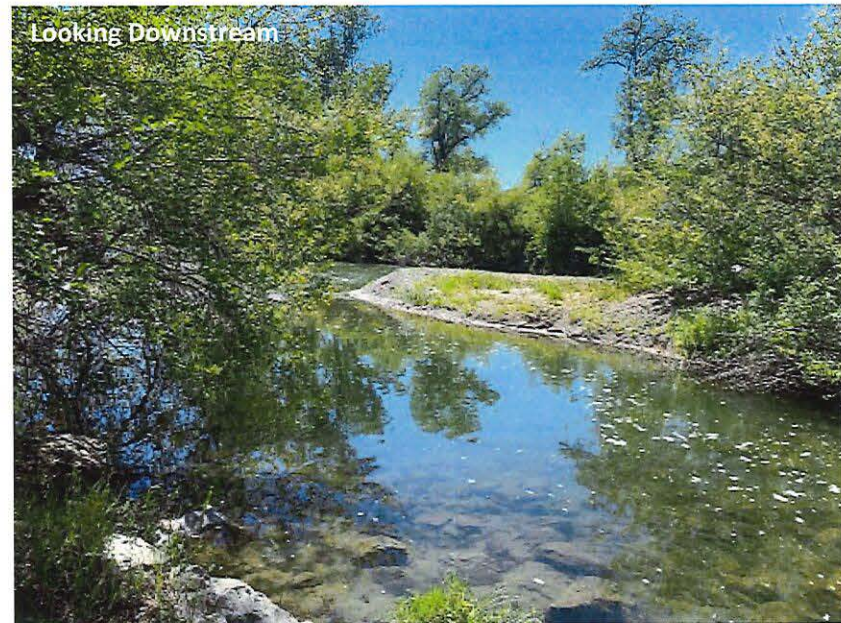


Russian River Watershed



Sonoma Water  
Photographs of Russian River Downstream of River  
Diversion System at Mirabel Park on May 14, 2020

Mirabel Inflatable Dam



**NOTICE OF EXEMPTION**

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To:  X  Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

From: Sonoma County Water Agency  
404 Aviation Boulevard  
Santa Rosa, CA 95403

     County Clerk  
County of Sonoma  
Santa Rosa, CA 95401

     County Clerk  
County of Mendocino  
Ukiah, CA 95482

X  Sonoma Water website  
[www.sonomawater.org](http://www.sonomawater.org)

**Project Title:**  Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties

**Project Location-Specific:** The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino, in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek, and in the Lower Russian River from its confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the streamflow requirements for the Russian River system. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

**Project Location – City:**  N/A  **Project Location – County:**  Mendocino and Sonoma

**Description of Nature, Purpose and Beneficiaries of Project:** Sonoma County Water Agency (Sonoma Water) is filing a temporary urgency change petition (TUCP) requesting that the State Water Resources Control Board (SWRCB) make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in SWRCB Decision 1610 and Sonoma Water’s water right permits: (a) for July 1 through December 27, 2020, the minimum instream flow requirements in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek be reduced to 50 cfs and in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean be reduced to 60 cfs; and (b) If storage in Lake Mendocino drops more than one percent below the target water supply storage level depicted in Figure 2 on any day between the date of the SWRCB’s order granting the temporary urgency change and December 27, then, from that date through December 27, the minimum instream flow requirement on the Upper Russian River be reduced from 50 cfs to 40 cfs and on the Lower Russian River from 60 cfs to 50 cfs.

To improve its efforts in optimally managing flows in the Russian River, Sonoma Water is also requesting in this TUCP that the minimum instream flow requirement be implemented as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 40 cfs on the Upper Russian River and no less than 50 cfs on the Lower Russian River, unless storage drops more than one percent below the target water supply storage at Lake Mendocino, then the instantaneous minimum instream flow would be no less than 30 cfs on the Upper Russian River and no less than 40 cfs on the Lower Russian River. This implementation of minimum instream flow requirements would allow Sonoma Water to manage stream flows with smaller operational buffers, thereby conserving water supply in Lake Mendocino. This would result in higher storage levels in the fall, which would be used for releases of stored water for the benefit of upstream migrating Chinook salmon, and improved carry over storage for use in 2021.

On April 17, 2020, Pacific Gas & Electric Company (PG&E) filed a request with the Federal Energy Regulatory Commission (FERC) for a temporary variance to reduce its minimum instream flow requirements for the Potter Valley

Hydroelectric Project (PVP). The project is located on the East Fork Russian River and Eel River in Mendocino and Lake Counties. PG&E, in consultation with National Marine Fisheries Service, California Department of Fish and Wildlife, Round Valley Indian Tribes, Potter Valley Irrigation District and Sonoma Water, filed the variance due to critically low water storage in Lake Pillsbury.

On April 30, 2020, FERC issued an order approving PG&E's temporary variance request to reduce the minimum instream flow requirements in the Eel River below Scott Dam and Cape Horn Dam; and below the powerhouse in the East Fork Russian River. Based on the approved temporary variance, minimum flow transfers from the Eel River to the East Fork Russian River through PVP will be reduced by 50 to 60 acre-feet between May 1, 2020 and December 31, 2020.

Under Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

In this case, an urgent need exists for the proposed flow changes on the Upper Russian River because Sonoma Water predicts a critically low level of water supply storage in Lake Mendocino by October 1, 2020, unless the requested temporary urgency change is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, Sonoma Water would need to release additional stored water from Lake Mendocino, which would result in the significant depletion of storage during the summer and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the fall, which would cause serious impacts to human health and welfare, and reduce water supplies needed for fishery protection and stable flows in the upper Russian River during the fall when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Furthermore, if upcoming WY 2021 is a dry year, carryover storage in Lake Mendocino from 2020 will be crucial for the continued recovery of the Russian River salmonid fishery and water supply reliability during 2021.

Reducing Upper Russian River minimum instream flows creates an urgent need to reduce minimum instream flows in the Lower Russian River. If minimum instream flows in the Lower Russian River are not reduced, Sonoma Water would be compelled to release flows from Lake Sonoma into Dry Creek at levels prohibited by the Incidental Take Statement in the Russian River Biological Opinion issued by the NMFS on September 24, 2008.

**Name of Public Agency Approving Project:** State Water Resources Control Board - Division of Water Rights

**Name of Person or Agency Carrying Out Project:** Sonoma County Water Agency

**Exempt Status:** (check one)

	Ministerial (Sec. 21080(b)(1); 15268)	
	Declared Emergency (Sec. 21080(b)(3); 15269(a))	
X	Emergency Project (Sec.21080 (b)(4); 15269(b)(c)):	Section 21080(b)(4): Specific actions necessary to prevent or mitigate an emergency
X	Categorical Exemption. State type and section number:	State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources  State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment  State CEQA Guidelines 15301(j): Existing Facilities
	Statutory Exemptions. State code number:	



**Reasons why project is exempt:** The proposed action is statutorily exempt under CEQA Statute 21080(b)(4) and categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, and 15301(i).

*A. Actions to Prevent or Mitigate an Emergency*

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. Sonoma Water's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2020 unless the TUCP is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed change, Sonoma Water would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall migration when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Water supplies for domestic and municipal uses of Russian River water would be severely impaired. Furthermore, if the upcoming Water Year 2021 is a dry year, carryover storage in Lake Mendocino from 2020 will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2021.


*B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment*

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of a natural resource and the environment are categorically exempt. The proposed temporary urgency change to the Water Agency's water right Permits 12947A, 12949, 12950, and 16596 would conserve water in Lake Mendocino to support beneficial uses downstream of Lake Mendocino, including habitat for listed Russian River salmonid fisheries, agricultural and municipal use, and recreation. The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which Sonoma Water could make releases from Lake Sonoma from July through October. Approval of the proposed temporary urgency change in the Lower Russian River is requested in order to avoid violation of the Incidental Take Statement contained in the Russian River Biological Opinion due to higher releases that would be required for Dry Creek to meet Decision 1610 minimum flow requirements in the Lower Russian River, if the Upper Russian River flows are reduced and the Lower Russian River minimum flow requirements are not reduced.

*C. Existing Facilities*

CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. Sonoma Water's request to change minimum instream flows would not expand Sonoma Water's use or increase the water diversions available to Sonoma Water for consumptive purposes. The proposed changes in minimum instream flows would still be within the existing minimum instream flows established by Decision 1610.

**Lead Agency Contact Person:** Connie Barton Area Code/Telephone: 707-547-1905

Signature:  Date: 6.8.20 Title: General Manager

Lead Agency  Applicant Date Received for filing at OPR: \_\_\_\_\_

**Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through**

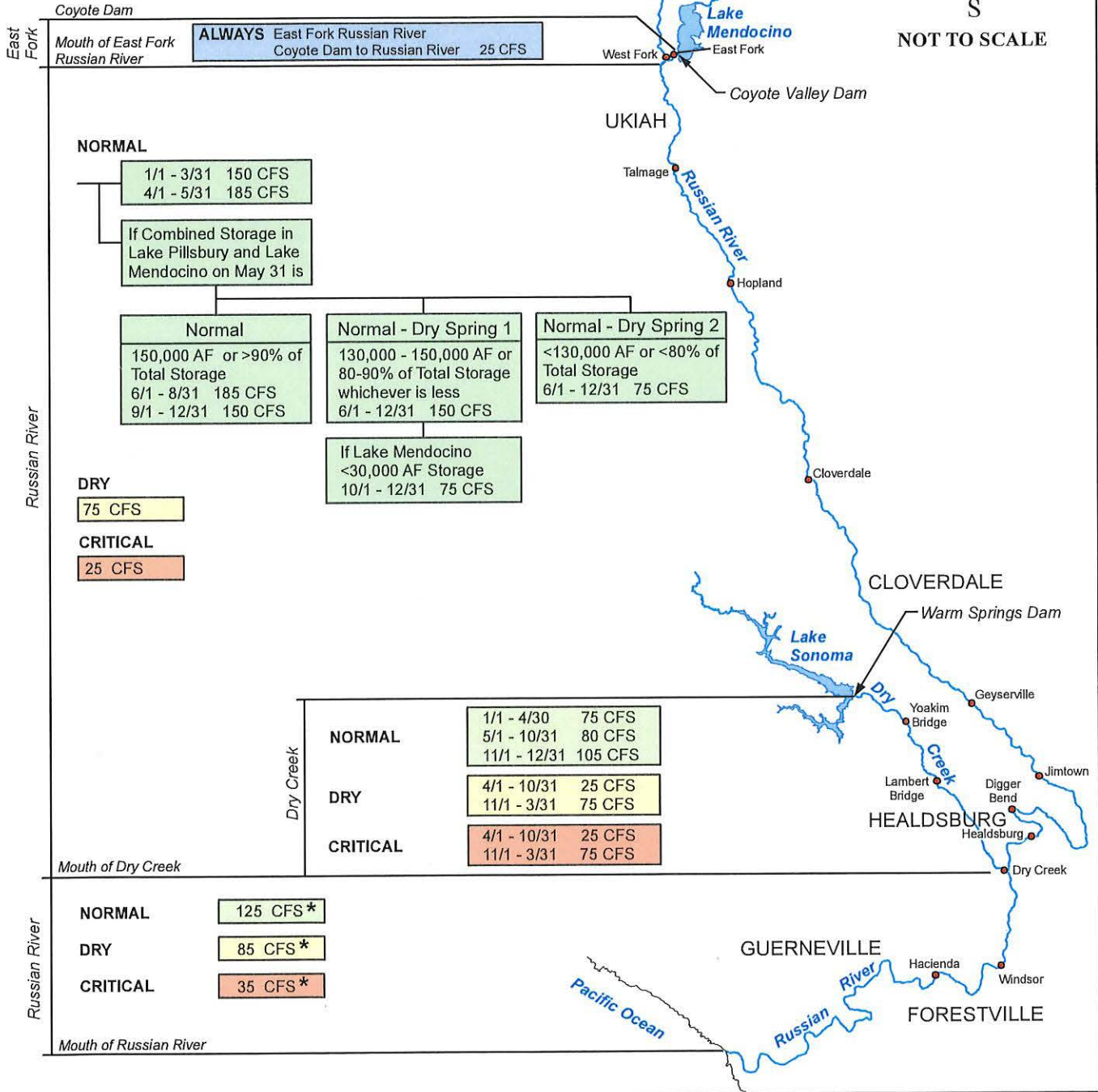
	1/1	2/1	3/1	4/1	5/1	6/1	Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
<b>NORMAL</b>	≥8,000	≥39,200	≥65,700	≥114,500	≥145,600	≥160,000	
<b>DRY</b>	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
<b>CRITICAL</b>	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000	

**LEGEND**

- All flows are minimums, expressed in cubic feet per second.
- \* - Unless Lake Sonoma elevation is below 292.0, or if prohibited by the United States Government.
- AF - Acre-Feet
- - USGS Stream Gage Compliance Points



NOT TO SCALE



East Fork Russian River	<b>ALWAYS</b> East Fork Russian River Coyote Dam to Russian River	25 CFS
-------------------------	--	--------

NORMAL	
1/1 - 3/31	150 CFS
4/1 - 5/31	185 CFS
If Combined Storage in Lake Pillsbury and Lake Mendocino on May 31 is	
Normal	150,000 AF or >90% of Total Storage
6/1 - 8/31	185 CFS
9/1 - 12/31	150 CFS
Normal - Dry Spring 1	130,000 - 150,000 AF or 80-90% of Total Storage whichever is less
6/1 - 12/31	150 CFS
Normal - Dry Spring 2	<130,000 AF or <80% of Total Storage
6/1 - 12/31	75 CFS
If Lake Mendocino <30,000 AF Storage	
10/1 - 12/31	75 CFS

<b>DRY</b>	75 CFS
<b>CRITICAL</b>	25 CFS

Dry Creek	<b>NORMAL</b>	1/1 - 4/30 75 CFS 5/1 - 10/31 80 CFS 11/1 - 12/31 105 CFS
	<b>DRY</b>	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS
	<b>CRITICAL</b>	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS

Russian River	<b>NORMAL</b>	125 CFS *
	<b>DRY</b>	85 CFS *
	<b>CRITICAL</b>	35 CFS *

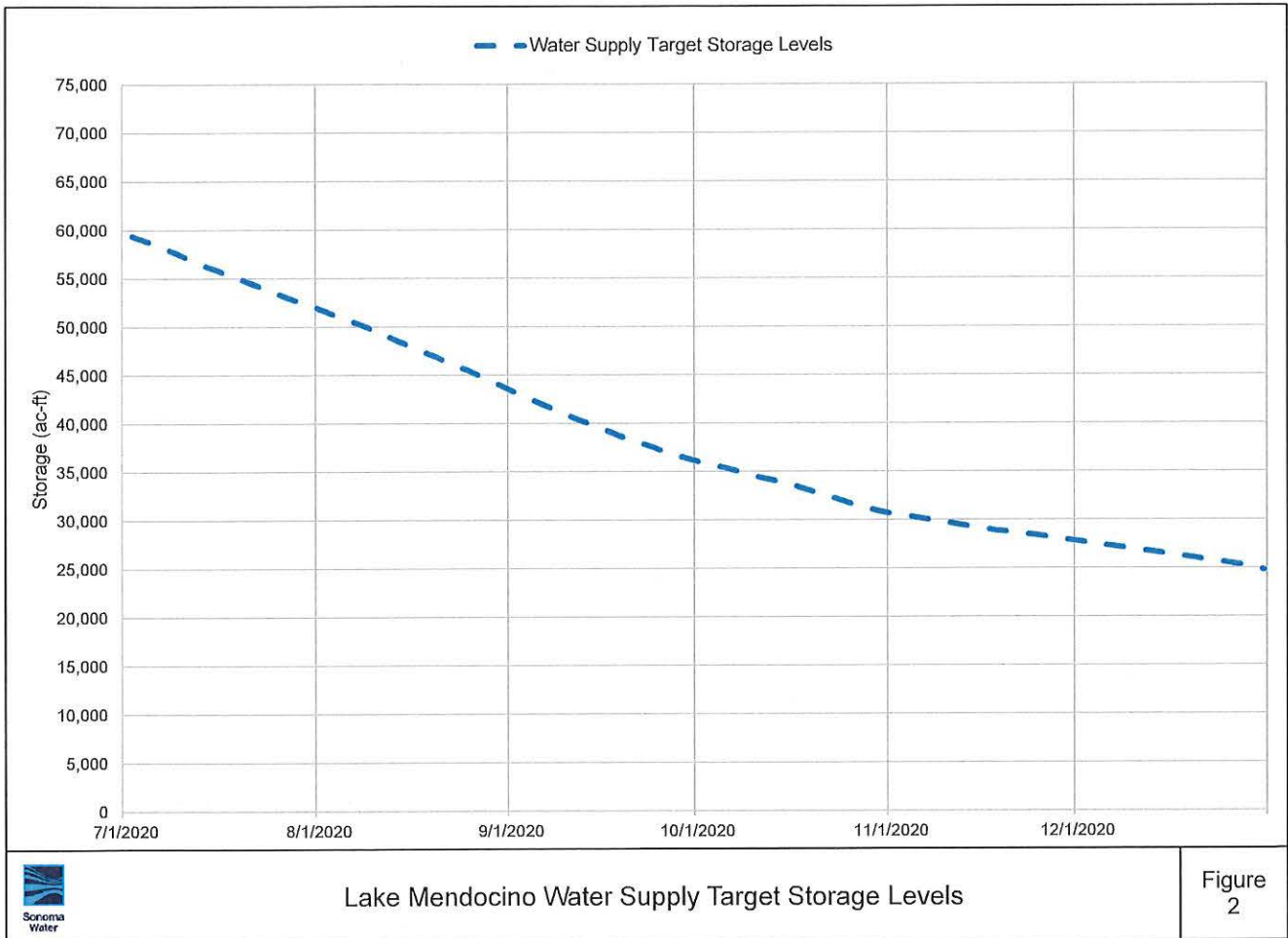


**Russian River Basin Streamflow Requirements**

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1

N:\FILESERVER\Data\wpr\nbaskett\Schram\_Projects\2011-USGS-Gage-Streamflow.mxd April 4, 2011



Lake Mendocino Water Supply Target Storage Levels

Figure 2

**Sonoma Water**  
**Temporary Urgency Change Petition Filings Since 2007 for Permits 12947A, 12949, 12950 and 16596**

Year	Reason			Permits	Applicable Period		Changes to Russian River Minimum Instream Flow Requirements							CEQA	Order
	Watershed Conditions Not Reflected by Hydrologic Index	Potter Valley Project Operations	Biological Opinion (2008) Compliance		Start Date	End Date	Requested Minimum (cfs)		Additional Criteria	Instantaneous & 5-Day Average Minimum Flows	Expected Minimum (cfs)		Lake Mendocino Storage Level Trigger		
							Upper River	Lower River			Upper River	Lower River			
2007	X			All	5/1/2007	5/31/2007	125	85	Upper River -- Forks flow had separate minimum of 100 cfs; Lower River -- Increase minimum to 125 cfs if >200 adult Chinooks pass Mirabel Dam		185/150	125		SW filed NOE on 4/26/07 under Sec. 15307 & 15308; SWRCB filed NOE on 5/15/07	WRO 2007-0022 (mislabelled as WRO 2007-0021; amends WRO 2007-0015-DWR)
					6/1/2007	10/28/2007	75	85	Upper River & Lower River -- Increase minimum to 125 cfs if >200 adult Chinooks pass Mirabel Dam						
2009	X			All	4/6/2009	7/5/2009	75	85			185	125	X	SW filed NOE on 4/7/09 under Sec. 15307 & 15308; SWRCB declared statutory exemption due to Governor declared drought state of emergency on 2/27/09	WRO 2009-0034-EXEC (supersedes WRO2009-0027-DWR)
					7/6/2009	10/2/2009	75/25	85/35	If Lake Mendocino Storage < 65,630 ac-ft on Jul 1, then set to 'Critical' minimums, otherwise 'Dry' minimum flows						
2010			X	All	5/25/2010	10/15/2010	125	70			185/150	125		SW filed NOE on 4/5/10 under Sec. 15301(i), 15306, 15307 & 15308	WRO 2010-0018-DWR
2011			X	All	6/1/2011	10/15/2011	125	70		X (Upper River)	185/150	125		SW filed NOE on 4/18/11 under Sec. 15301(i), 15306, 15307 & 15308	Jun 1, 2011
2012			X	All	5/2/2012	10/15/2012	125	70		X	185/150	125		SW filed NOE on 4/4/12 under Sec. 15301(i), 15306, 15307 & 15308	May 2, 2012
2013	X			All	5/1/2013	6/30/2013	75	85		X	185/75	125	X	SW filed NOE on 4/23/13 under Sec. 15301(i), 15307 & 15308	May 1, 2013
					7/1/2013	10/28/2013	75/25	85/35	Minimum flows reduced to lower minimums if storage drops below Lake Mendocino Storage Curve developed for period for three consecutive days						
2014 (Jan)	X			12947A	1/1/2014	6/29/2014	-	-	New hydrologic index implemented based on Lake Mendocino Storage, which was evaluated monthly (Jan 1 - Mar 1), then biweekly throughout frost protection season (Mar 16 - Jun 1)		75	125	X	SW filed NOE on 12/18/13 under Sec. 15301(i), 15307 & 15308	Dec 31, 2013; Amended Order issued Mar 7, 2014
2014 (Aug)	X			All	8/25/2014	2/20/2015	50	60	If Lake Mendocino Storage > 68,400 ac-ft, then Temporary Urgency Change Order expires	X	75	85	X	SW filed NOE on 8/13/14 under Sec. 15301(i), 15307 & 15308 categorical exemptions and emergency exemption Sec. 21080(b)(4); SWRCB cited Governor declared drought state of emergency on 1/17/14	Aug 25, 2014
2015	X	X		All	5/1/2015	6/15/2015	75	85		X	185/75	125		SW filed NOE on 4/21/15 under Sec. 15301(i), 15307 & 15308 categorical exemptions and emergency exemption Sec. 21080(b)(4); SWRCB cited Governor's 1/17/14 proclamation suspending CEQA and 1/1/15 executive order continuing drought state of emergency	May 1, 2015; Amended Order issued Jun 17, 2015
					6/16/2015	10/27/2015	25	50	Minimums based on 24-hr mean flow						
2016			X	All	5/1/2016	10/27/2016	125	70		X	185/150	125		SW filed NOE on 4/13/16 under Sec. 15301(i), 15307 & 15308	May 4, 2016
2017			X	All	5/19/2017	10/15/2017	125	70			185/150	125		SW filed NOE on 4/19/17 under Sec. 15301(i), 15307 & 15309 categorical exemptions and ministerial exemption Sec. 15268(a)	May 19, 2017
2019			X	All	6/20/2019	10/15/2019	125	70		X (Upper River)	185/150	125		SW filed NOE on 4/22/19 under Sec. 15301(i), 15307 & 15309	Jun 20, 2019
2020	X	X		All	7/1/2020	12/27/2020	50	60	If storage remains above Lake Mendocino Storage Curve developed for period	X (Upper River)	75	85	X	SW filed NOE on 6/8/20 under Sec. 15301(i), 15307 & 15308 categorical exemptions and emergency exemption Sec. 21080(b)(4)	
							40	50	If storage drops below Lake Mendocino Storage Curve developed for period						



TO THE TREASURER OF THE  
COUNTY OF SONOMA  
SANTA ROSA, CALIFORNIA

CLAIMS CHECK

CHECK NO.  
1823131

11-35  
1210

BANK OF AMERICA

DATE 05/18/2020

VOID AFTER SIX MONTHS

PAY THIS AMOUNT

\*\*\*\*\*\$850.00

PAY *Eight hundred fifty and 00/100 Dollars*

To The  
Order  
Of

ST OF CA DEPT OF FISH & WILDLIFE  
DEPT FISH & WILDLIFE  
PO BOX 944209  
SACRAMENTO CA 94244-2090

ERICK ROESER  
AUDITOR-CONTROLLER

⑈01823131⑈ ⑆121000358⑆ 00439⑈80050⑈



TO THE TREASURER OF THE  
COUNTY OF SONOMA  
SANTA ROSA, CALIFORNIA

CLAIMS CHECK

CHECK NO.  
1823144

11-35  
1210

BANK OF AMERICA

DATE 05/18/2020

VOID AFTER SIX MONTHS

PAY THIS AMOUNT

\*\*\*\*\*\$56,495.14

PAY *Fifty six thousand four hundred ninety five and 14/100 Dollars*

To The  
Order  
Of

CA WATER RESOURCES CONTROL BOARD  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
PO BOX 2000  
SACRAMENTO CA 95812-2000

ERICK ROESER  
AUDITOR-CONTROLLER

⑈01823144⑈ ⑆121000358⑆ 00439⑈80050⑈