



**Sonoma
Water**

Via Email

April 1, 2021

Erik Ekdahl
Deputy Director
Division of Water Rights
California State Water Resources Control Board

SUBJECT: February 4, 2021, Order Approving Temporary Urgency Change to Sonoma County Water Agency Permit 12947A - Term 7 Report of Milestones for State Water Resources Control Board Consideration of, and Potential Action on, Sonoma Water's Petitions to Permanently Change Permit 12947A and Other Interrelated Water Rights

Dear Mr. Ekdahl,

As required by Term 7 of the Temporary Urgency Change Order dated February 4, 2021, Sonoma County Water Agency (Sonoma Water) submits the following report of milestones for activities necessary for the State Water Resources Control Board's (State Water Board) consideration of petitions to permanently change Permit 12947A and other interrelated water rights.

Sonoma Water filed petitions with the State Water Board to modify its water rights permits in August 2016 and subsequently issued the Fish Habitat Flows and Water Rights Project (Fish Flow Project) Draft Environmental Impact Report (EIR) for public review. Through the Fish Flow Project, Sonoma Water proposes to modify the Decision 1610 hydrologic index and revise associated minimum instream flow requirements, request an extension of time (out to 2040) to put its existing 75,000 acre-feet per year water rights to full beneficial use, and to add additional points of diversion for the Town of Windsor and Occidental Community Services District.

The State Water Board publicly noticed Sonoma Water's petitions on September 23, 2016. The petitions public notice process and the Draft EIR public review period generated numerous protests and comments on the Draft EIR. Sonoma Water staff have been diligently working to consider the protests and comments and is planning to recirculate a Draft EIR for the Fish Flow Project by mid-December 2021. After receiving and reviewing any comment, Sonoma Water staff plans to prepare a Final EIR for the Sonoma Water Board of Directors' review and consideration for certification and project approval and for the State Water Board's use in considering Sonoma Water's petitions to permanently change its water rights permits. The following table outlines milestones for activities necessary to complete the EIR and California Environmental Quality Act (CEQA) process. The milestones also include activities to address resolution of protests and the State Water Board's process for consideration of the petitions.

Table 1. Anticipated Milestones for Activities Necessary for the State Water Resources Control Board’s Consideration of Petitions to Permanently Change Permit 12947A and Other Interrelated Water Rights

Activity	Milestone (Subject to Revision)
Status meeting with State Water Resources Board staff	Monthly
Submittal of amended petitions to State Water Resources Control Board	Fall 2021
Notice of Availability of Recirculated Draft EIR for Fish Flow Project <i>Notices will be sent to every agency, person, or organization that commented on the Draft EIR. Notices will also be provided to all parties that filed a protest to Sonoma Water’s petitions.</i>	December 16, 2021
Public review period for Recirculated Draft EIR <i>Public workshops and/or hearings will be held during public review period.</i>	December 16, 2021, to March 16, 2022 CEQA requires minimum of 45 days, but likely at least 90 days (subject to change)
State Water Resources Control Board send request to non-legal injury protestants for additional information	To be determined by State Water Resources Control Board
Release of Final EIR	September 2022
Consideration of EIR certification by Sonoma Water Board of Directors	September 2022 <i>Date to be determined by Board calendar</i>
Project approval/findings by Sonoma Water Board of Directors	September 2022 <i>Date to be determined by Board calendar</i>
Filing of Notice of Determination (NOD)	September 2022 <i>CEQA requires NOD to be filed within 5 days of project approval. Filing NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.</i>
NOD statute of limitations ends	October 2022
State Water Resources Control Board hearing notice, if needed	To be determined by State Water Resources Control Board
State Water Resources Control Board consideration of petitions	To be determined by State Water Resources Control Board

Sonoma Water staff appreciate State Water Board staff making themselves available for regular status meetings on the project. Staff recognize the general interest in completing the CEQA process as soon as possible. Staff believe that given the current and anticipated workloads in response to continuing dry conditions into 2021, the milestones described provide a realistic timeframe for completion of a CEQA document and project that is technically rigorous and legally defensible.

Please contact me with any questions regarding the Fish Flow Project CEQA process at (707) 547-1903 or jessica.martinilamb@scwa.ca.gov. Questions regarding Sonoma Water’s filed petitions may be directed to Todd Schram at (707) 524-1173 or todd.schram@scwa.ca.gov

Sincerely,



Jessica Martini-Lamb
Environmental Resources Manager

c: Sonoma Water – Grant Davis, Pam Jeane, Jay Jasperse, Don Seymour, David Manning
County Counsel – Cory O’Donnell, Verne Ball
BKS – Ryan Bezerra