

NOTICE OF EXEMPTION

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

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

X County Clerk
County of Sonoma
Santa Rosa, CA 95401

X County Clerk
County of Mendocino
Ukiah, CA 95482

Project Title: Petition Requesting Approval of a Temporary Urgency Change in Water Right Permit 12947A in Mendocino and Sonoma counties

Project Location-Specific: The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino and in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek. 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: The Sonoma County Water Agency (Sonoma Water) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of Decision 1610, which the State Water Resources Control Board (SWRCB) adopted on April 17, 1986. Decision 1610 specifies the minimum instream flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River, which vary based on water supply conditions. The requirements for the Upper Russian River have been incorporated into Term 20 of Sonoma Water's water right Permit 12947A (Application 12919A). These minimum flow requirements vary based on water supply conditions, which are also specified by Decision 1610 and Term 20. The water supply conditions defined in Decision 1610 and Term 20 are established 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. Specifically, cumulative inflow for Lake Pillsbury is defined as the algebraic sum of releases from Lake Pillsbury, change in storage and lake evaporation. Sonoma Water's operations are also subject to the Russian River Biological Opinion issued by the National Marine Fisheries Service on September 24, 2008.

Sonoma Water is requesting that the SWRCB make the following temporary urgency change to Term 20 of Sonoma Water's water right Permit 12947A. Starting January 28, 2021, the minimum instream flow requirements for the Upper Russian River would be established using an index based on water storage in Lake Mendocino, rather than the current index of cumulative inflow into Lake Pillsbury. This temporary change is requested to preserve the Lake Mendocino water supply in case below normal rainfall and hydrologic conditions continue. Specifically, Sonoma Water proposes that the following monthly storage criteria be used, in lieu of cumulative Lake Pillsbury inflow, to determine the water supply condition that sets the minimum instream flow requirements in Term 20 of Permit 12947A as applied to the Upper Russian River: (a) *Dry* water supply conditions will exist when storage in Lake Mendocino is less than 40,000 acre-feet (ac-ft) as of January 1, 59,000 ac-ft as of February 1, 68,000 ac-ft as of March 1, 69,500 ac-ft as of March 16, 71,000 ac-ft as of April 1, 70,000 ac-ft as of April 16, 69,000 ac-ft as of May

1, 67,500 ac-ft as of May 16, and 65,000 ac-ft as of June 1; (b) *Critical* water supply conditions exist when storage in Lake Mendocino is less than 31,000 ac-ft as of January 1, 36,000 ac-ft as of February 1, 52,000 ac-ft as of March 1, 53,000 ac-ft as of March 16, 54,000 ac-ft as of April 1, 53,000 ac-ft as of April 16, 52,000 ac-ft as of May 1, 51,000 ac-ft as of May 16, 50,000 ac-ft as of June 1; and (c) *Normal* water supply conditions will exist in the absence of defined *Dry* or *Critical* water supply conditions.

As of January 6, 2021, the water supply storage level in Lake Mendocino was 28,206 ac-ft. This storage level is approximately 41 percent of the available water conservation pool for this time of year. The current low storage level is the result of severely low rainfall in the region since January 1, 2020. Furthermore, Pacific Gas & Electric (PG&E) has indicated it intends to file a request with the Federal Energy Regulatory Commission (FERC) for a temporary variance to reduce its minimum instream flow requirements for the Potter Valley Project (PVP). The temporary variance would reduce minimum instream flows from the PVP into the East Fork of the Russian River from 45 cubic feet per second (cfs) to 15 cfs.

Sonoma Water staff is concerned that cumulative inflow into Lake Pillsbury between October 1, 2020 and December 31, 2020, does not accurately reflect water supply conditions in the Russian River watershed. The cumulative inflow exceeded 8,000 ac-ft by January 1, 2021, which changed the water supply condition from *Dry* to *Normal*. Following Decision 1610 and Term 20 of Permit 12947A, this has increased the minimum instream flows required in the Upper Russian River to a rate that current storage in Lake Mendocino may not be able to reliably sustain. Specifically, there is an elevated risk this year to Lake Mendocino storage dropping to precarious levels if there are no significant storms before the end of the water year and minimum instream flow requirements remain based on a *Normal* water supply condition. The likelihood that FERC will allow PG&E to substantially reduce releases from the PVP into the East Fork of the Russian River combined with the near historical low rainfall since January 1, 2020 points to water supply conditions that cannot be characterized as normal. If storage in Lake Mendocino is depleted, then water to maintain the Upper Russian River flows through to the fall of 2021 will not be available to support the multitude of downstream beneficial uses, which includes habitat for threatened and endangered species, agriculture, and domestic/municipal water supplies.

An urgent need for the requested temporary changes exists because of the extremely low storage levels in Lake Mendocino and the fact that, with the changes in PVP operations since 2004, cumulative inflow into Lake Pillsbury is no longer a good metric to determine the water supply conditions in the Russian River. Without the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino at levels that would risk significant depletions of storage and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the spring, summer, and fall of 2021. Such depletions in storage and reductions or eliminations of water supplies 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.

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(i): Existing Facilities
	Statutory Exemptions. State code number:	

Reasons why project is exempt: The proposed action is statutorily exempt under California Environmental Quality Act (CEQA) Statute 21080(b)(4) and categorically exempt from 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. As of January 6, 2021, the water supply storage level in Lake Mendocino was 28,206 acre-feet. This storage level is approximately 41 percent of the available water conservation pool for this time of year. The current low storage level is the result of severely low rainfall in the region. As measured at Ukiah, recorded rainfall for 2020 was 11.32 inches, which amounts to 31% of the average rainfall (37.01 inches) and the second lowest recorded rainfall since 1893.

Without significant storm events in the near future, results of the modeling show storage levels in Lake Mendocino well below 20,000 ac-ft by the end of the water year due to releases required to meet downstream water demands and minimum instream flow requirements on the Russian River. Furthermore, it is anticipated that PG&E will file an application for a flow variance for the PVP with the FERC due to extremely low storage levels in Lake Pillsbury and concern that they can no longer meet minimum flow requirements while also ensuring the safe operation of PVP. This would reduce minimum instream flows from the PVP into the East Fork of the Russian River from 45 cfs to 15 cfs.

Current minimum instream flow requirements are based on cumulative inflow into Lake Pillsbury, which is not accurately reflecting water supply conditions in the Russian River. The cumulative inflow from October 31, 2020 to December 31, 2020 is above the criteria of 8,000 ac-ft, which changed the water supply condition from a *Dry* to *Normal* designation on January 1, 2021. This has increased the minimum instream flows required in the Upper Russian River to a rate that current storage in Lake Mendocino may not be able to reliably sustain if dry weather persists. If storage in Lake Mendocino is depleted, then water to maintain the Upper Russian River flows through to the fall of 2021 will not be available to support the multitude of downstream beneficial uses, which includes habitat for threatened and endangered species, agriculture, and domestic/municipal water supplies.

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 or enhancement of a natural resource and the environment are categorically exempt. The proposed temporary urgency change to Sonoma Water's water right Permit 12947A 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.

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 would not expand Sonoma Water's use or increase the water diversions available to Sonoma Water for consumptive purposes. The proposed change would still be within the existing minimum instream flows established by SWRCB Decision 1610.

Lead Agency Contact Person: Jessica Martini-Lamb Area Code/Telephone: (707) 547-1903

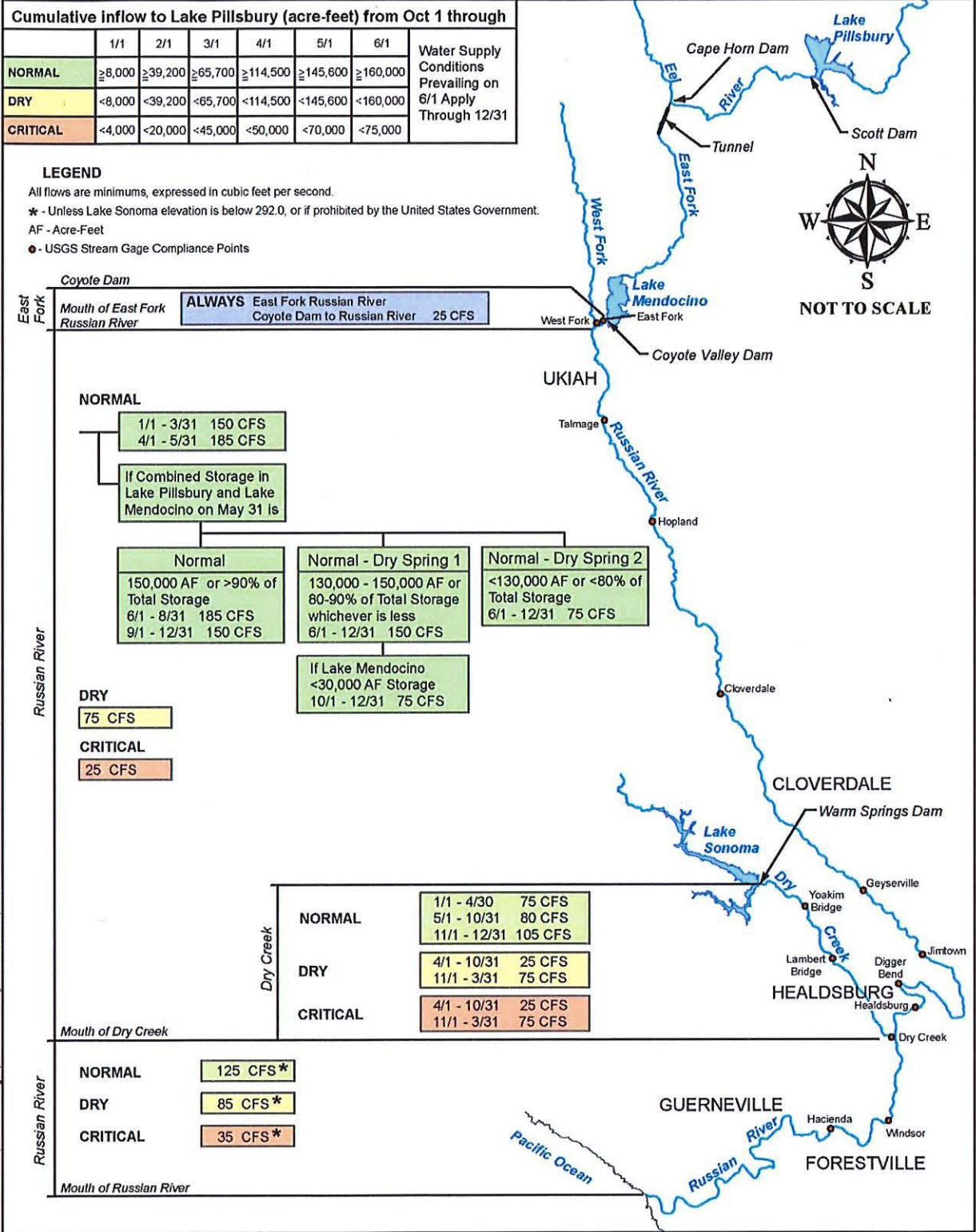
Signature:  Date: 01/07/2021 Title: General Manager

Lead Agency Applicant Date Received for filing at OPR: _____

Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through							Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
	1/1	2/1	3/1	4/1	5/1	6/1	
NORMAL	≥8,000	≥39,200	≥65,700	≥114,500	≥145,600	≥160,000	
DRY	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
CRITICAL	<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



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**Russian River Basin
Streamflow Requirements**
 Per State Water Resources Control Board Decision 1610, April 1986

Figure
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