



**Sonoma
Water**

May 13, 2021

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: Petitions for Temporary Urgency Change—Permits 12947A, 12949, 12950 and 16596 (Applications 12919A, 15736, 15737 and 19351)

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 May 2021 Temporary Urgency Change Petitions*
- 2) Environmental Information for Petition
- 3) Notice of Exemption
- 4) California Department of Fish and Wildlife Review Fee Payment
- 5) State Water Resources Control Board Petition Fee Payment

These petitions are being submitted due to extreme drought conditions, historically low storage levels in Lake Mendocino and Lake Sonoma, and a flawed hydrologic index that established minimum instream flow requirements that do not align with the current watershed conditions. Sonoma Water is currently operating under permit conditions modified by a temporary urgency change order dated February 4, 2021 (and amended February 11, 2021) for Permit 12947A. The requested changes in these submitted petitions would supersede the changes enacted in this previous order.

On February 1st, the water supply condition for the Russian River was reclassified from 'Normal' to 'Dry' based on the cumulative inflow into Lake Pillsbury for the water year. This designation of 'Dry' water supply conditions would continue through until the end of the year, but it does not accurately reflect the dismal conditions in Lake Mendocino and the Upper Russian River, which has experienced back-to-back water years (WY) of near record low rainfall as measured in Ukiah. Rainfall in WY 2020 was the fourth driest year and WY 2021 was the second driest year of record (1893-present). Without the proposed changes in effect, Sonoma Water projects that Lake Mendocino will completely drain in September in the absence of any interventions.

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Page 2 of 2

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 – 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

Please indicate County where
your project is located here:

Sonoma / Mendo.

MAIL FORM AND ATTACHMENTS TO:
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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** Wat. Code, § 1701 ☐ **Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e) ☐ **Place of Use** Wat. Code, § 1701 ☐ **Purpose of Use** Wat. Code, § 1701
- ☐ **Distribution of Storage** Cal. Code Regs., tit. 23, § 791(e) ☒ **Temporary Urgency** Wat. Code, § 1435 ☐ **Instream Flow Dedication** Wat. Code, § 1707 ☐ **Waste Water** Wat. Code, § 1211
- ☐ **Split** Cal. Code Regs., tit. 23, § 836 ☐ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e) ☐ **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 ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ 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.

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 1/4-1/4 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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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:

- (1) the form Environmental Information for Petitions, including required attachments, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
- (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

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- Application Permit License Statement

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Proposed:

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Present:

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Split

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

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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.

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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.

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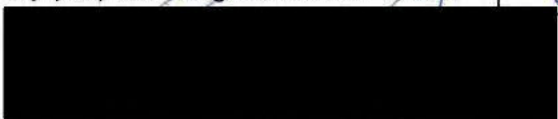
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State of California
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ENVIRONMENTAL INFORMATION FOR PETITIONS

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 May 2021 Temporary Urgency Change Petitions' 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. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

5/7/2021

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:

On May 7, 2021, the most recent weekly meeting was held with the fishery agencies and Bryan McFadin of the North Coast Regional Water Quality Control Board (NCRWQCB). These meetings are held per term 2.c of the February 4, 2021 Temporary Urgency Change Order. This meeting addressed the pending filing of these temporary urgency change petitions and the potential impacts to water quality.

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 redirection, 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 5.13.21 at Santa Rosa, CA.



Water Right Holder or Authorized Agent Signature

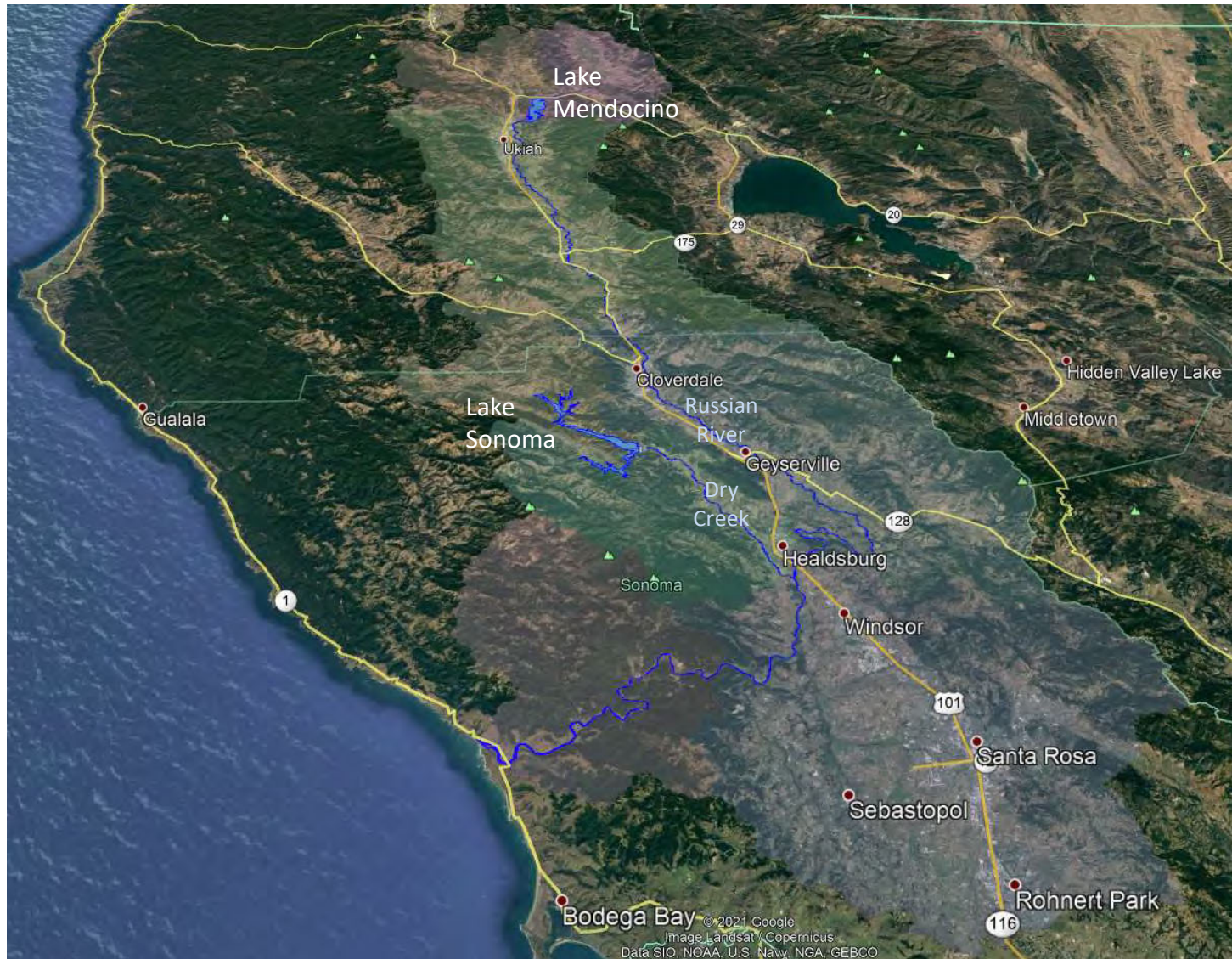
Water Right Holder or Authorized Agent Signature

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

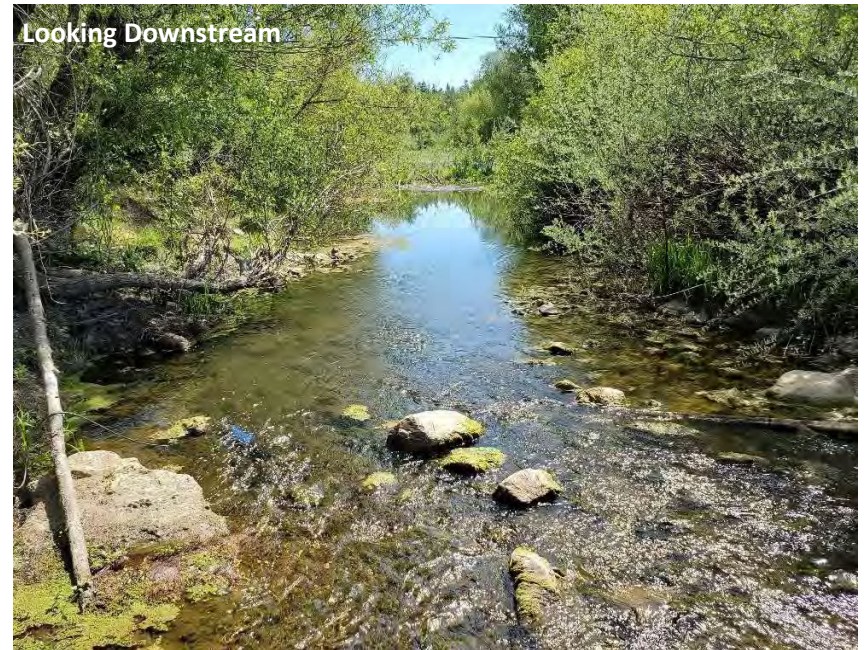
Russian River Watershed Place of Water Use



SONOMA WATER

Photographs of Russian River Downstream of River Diversion System at Mirabel Park on April 29, 2021

Mirabel Inflatable Dam



Sonoma County Water Agency

Supplement to the May 2021 Temporary Urgency Change Petitions

The Sonoma County Water Agency (Sonoma Water) seeks temporary urgency changes to its four water-right permits used to provide wholesale water to cities and water districts in Sonoma and Marin counties. These changes are necessary to maintain viable operations to support municipal use, protect listed salmon species and prevent Lake Mendocino from declining to a storage level at which the reservoir may no longer be functional in light of the extremely dry hydrology the region has been experiencing since 2020. Sonoma Water has filed two consecutive temporary urgency change petitions (TUCP) over the past year to address low reservoir storage in Lake Mendocino. On July 28, 2020, the State Water Resources Control Board (State Water Board) issued an order approving Sonoma Water's TUCPs requesting temporary reductions to Russian River minimum instream flow requirements to address low storage conditions in Lake Mendocino projected to occur due to reduced transfers of Eel River water through Pacific Gas & Electric's (PG&E) Potter Valley Project (PVP). That order expired on December 27, 2020. Facing persistent dry conditions in the watershed, Sonoma Water filed a TUCP for Permit 12947A on January 7, 2021 to request an alternative hydrologic index for the Upper Russian River. On February 4, 2021, the State Water Board issued an order approving Sonoma Water's TUCP requesting that the water year classification for the Upper Russian River be determined based on storage thresholds developed by Sonoma Water engineering staff. The State Water Board issued an amended order on February 11, 2021. While the January 2021 TUCP did not request changes to Dry Creek or the Lower Russian River, the Supplemental document stated that Sonoma Water would re-evaluate water supply conditions in Lake Sonoma in the spring to determine whether it is necessary to file a subsequent TUCP to address a significant depletion of storage at Lake Sonoma.

Due to the continued dry conditions in the Russian River Watershed, Lake Mendocino and Lake Sonoma are at their lowest levels for this time of year since filling in 1959 and 1986, respectively. As a result of the extremely low rainfall that the region has received since the State Water Board issued its February 2021 order, Sonoma Water requires urgent changes to the *Dry* year minimum instream flow requirements for the Lower Russian River to extend limited supplies that may

allow sufficient water to be available later on in 2021 for listed salmon fisheries and municipal needs. 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).

The severe water supply shortage that the Russian River Watershed (particularly the Upper Russian River) is currently experiencing, as a result of two consecutive extremely dry years, has been recognized by both the state and local governments. On April 21, Governor Gavin Newsom signed an executive order proclaiming a regional drought emergency for the Russian River Watershed in Mendocino and Sonoma counties. On April 20, the Mendocino County Board of Supervisors adopted a resolution declaring a local emergency and imminent threat of disaster in Mendocino County due to drought conditions. On April 27, the Sonoma County Board of Supervisors adopted a resolution proclaiming a drought emergency due to drought conditions in Sonoma County.

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 Board adopted on April 17, 1986. Decision 1610 specifies minimum instream flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River.¹ These minimum flow requirements vary based on hydrologic 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

¹ The Upper Russian River is the stream reach from the confluence of the East Fork Russian River and 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.

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, and consistency determination issued by the California Department of Fish and Wildlife (CDFW) on November 9, 2009.

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 (located in the Eel River watershed) 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 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 of 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, 2020 to May 3, 2021, the cumulative inflow into Lake Pillsbury was 82,215 acre-feet. Consequently, the water year classification will be categorized as *Dry* for the remainder of the year. Sonoma Water is currently managing the Upper Russian River based on a *Critical* water year classification as authorized by the February 4, 2021 State Water Board order approving Sonoma Water's January 2021 TUCP, which requested that the water year classification temporarily be determined based on storage thresholds at Lake Mendocino. These changes were necessary because of the critically dry hydrology and very low storage at Lake Mendocino.

Based on the State Water Board's February 4, 2021 order, without an additional temporary urgency change order, the minimum instream flows on the Upper Russian River between June 1 and July 26 would be 25 cfs and from July 27 to December 31 would be 75 cfs. The minimum instream flows on the Lower Russian River between June 1 and December 31 would be 85 cfs. As discussed in sections 2.2 and 2.3 below, this would result in draining Lake Mendocino, drawing down Lake Sonoma to a very low level and making releases from Lake Sonoma that would violate the incidental take statement in the Russian River Biological Opinion.

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 23, 2021, 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, CDFW, Round Valley Indian Tribes, Potter Valley Irrigation District and Sonoma Water, filed the variance due to critically low water storage in Lake Pillsbury.

On May 5, 2021, FERC issued an order approving PG&E's temporary variance request to reduce the minimum instream flow requirement below the powerhouse in the East Fork Russian River and water supply deliveries to the Potter Valley Irrigation District. 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 90 acre feet per day between May 5, 2021 and December 31, 2021, with little or none of the transferred Eel River water being conveyed to Lake Mendocino.

2.2 Lake Mendocino

As of May 3, 2021 the water supply storage level in Lake Mendocino was 36,883 acre-feet (AF). This storage level is approximately 33 percent of the available water conservation pool for this time of year. This is the lowest storage level for this time of year since Lake Mendocino filled in 1959. Figure 2 shows observed storage in Lake Mendocino for 2014 through May 3, 2021.

In February 2021, the U.S. Army Corps of Engineers (USACE) approved a Planned Major Deviation (Deviation) of the Coyote Valley Dam/Lake Mendocino Water Control Manual for WY 2021 through WY 2026 at the request of the Lake Mendocino Forecast Informed Reservoir Operations (FIRO) Steering Committee. The Deviation allows USACE flood control managers to store up to an additional 11,050 acre-feet of water in the flood control pool at their discretion. Furthermore, it authorizes 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. Unfortunately, WY 2021 is the second driest year in the Ukiah Valley during the past 127 years of record, with WY 2020 being the fourth driest. Figure 3 shows total annual rainfall by water year (October 1 through September 30) ranked from lowest to highest from 1894 to 2021. As a result, storage at Lake Mendocino remained well below the flood control pool and the FIRO DSM was not utilized this year.

As discussed above, Sonoma Water filed a TUCP in January 2021 requesting that the water year classification for the Upper Russian River be temporarily determined based on storage thresholds at Lake Mendocino in order to be more reflective of actual water supply conditions. The State Water Board issued an

order on February 4, 2021 approving the TUCP. Based on an analysis by Sonoma Water engineering staff, this preserved approximately 4,000 acre-feet of storage in Lake Mendocino between February 4 and May 3 of this year.

While the February 2021 order has 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 TUCP, the water level in Lake Mendocino is projected to decline to the bottom of the reservoir prior to October 1. Even with the requested changes, the water level in Lake Mendocino is projected to decline to below 10,000 acre-feet by October 1. This could result in the inability to continue reservoir releases and the potential elimination of water supplies for water users in Mendocino County and the northern part of Sonoma County (above the confluence with Dry Creek) during the fall, which could cause serious impacts to human health and safety; and reduction of water supplies (including groundwater supplies from aquifers underlying and adjacent to the Russian River) needed for fishery protection and stable flows in the Upper Russian River during the fall.

The analysis used to project storage was completed using Sonoma Water's Russian River ResSim simulation model with the following assumptions: (1) *Critical* water year classification minimum instream flow requirements on the Upper Russian River from May 1 through July 26 (end of February 2021 order) and *Dry* water year classification minimum instream flow requirements from July 27 until the end of the year; (2) WY 2015 hydrology; (3) Russian River system losses²; and (4) PVP operations based on FERC's May 5, 2021 order approving PG&E's request for a temporary variance to minimum stream flows. WY 2015 hydrology was selected based on very similar distribution of West Fork Russian River cumulative flow volume (USGS Gage 11461000) from March through April compared to WY 2021.

Figure 4 shows: (1) the Lake Mendocino storage level that has occurred through April 25, 2021 (solid black line); (2) the storage level that is projected to occur

² 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. These losses were then scaled by 2020 estimated losses to capture the most current observed water losses on the Russian River.

during the remainder of 2021 if the Decision 1610 minimum instream flow requirements are not temporarily changed (solid orange line); and (3) the Lake Mendocino storage level projected to occur during the remainder of 2021 with the temporary requested changes to the minimum in-stream flows for the Upper Russian River (solid blue line). As shown in Figure 4, without the requested temporary changes, Lake Mendocino is projected to be depleted before October 1. With the requested changes described in Section 4, the projected storage level in Lake Mendocino is projected to decline to below 10,000 acre-feet by October 1. This would be the lowest level Lake Mendocino has declined to since filling in 1959.

In either projected scenario: (1) Lake Mendocino storage will be depleted or decline to an extremely low level; (2) listed and threatened Russian River fish species will be severely impacted; (3) there will be serious water supply impacts in Mendocino County and the Alexander Valley in Sonoma County; and (4) conditions will pose a risk to water supply availability for human health and safety needs. Sonoma Water is currently working with staff from the Division of Water Rights and municipal and agricultural stakeholders on the Upper Russian River to reduce diversions with a goal of preserving 20,000 acre-feet of storage in Lake Mendocino on October 1. Sonoma Water believes this is the minimum storage level to best ensure there is adequate water supply for human health and safety needs for communities on the Upper Russian River and to make reservoir releases to meet minimum instream flow requirements should dry conditions continue through the end of the year

2.3 Lake Sonoma

As of May 3, 2021 the water supply storage level in Lake Sonoma was 149,766 acre-feet. This storage level is approximately 61 percent of the available water conservation pool. This is the lowest storage level for this time of year since Lake Sonoma filled in 1986. Figure 5 shows observed storage in Lake Sonoma for 2014 through May 3, 2021.

The January 2021 TUCP did not request changes for how minimum instream flow requirements are determined for Dry Creek and the Lower Russian River, but did state that Sonoma Water would re-evaluate water supply conditions in the spring to determine whether it is necessary to file a subsequent TUCP to address low water supply storage levels at Lake Sonoma and minimum instream flow requirements for the Russian River if water supply conditions did not improve. A recent analysis prepared by Sonoma Water engineering staff indicates that unless mitigation measures are taken, such as those requested in these TUCPs, water levels in Lake Sonoma are projected to decline to 100,000 acre-feet by October 1

of this year. This could threaten the water supply to over 650,000 people in Sonoma and Marin counties who rely on stored water from Lake Sonoma for their water supply needs. Additionally, cold water stored in Lake Sonoma is critical to the operation of the Warm Springs Hatchery, which produces 500,000 steelhead and 200,000 endangered coho salmon annually. High quality water released from the lake provides valuable spawning and rearing habitat for threatened and endangered salmon and steelhead throughout the 14-mile length of Dry Creek. Sonoma Water and the USACE in concert with NMFS, CDFW, and dozens of private property owners have invested more than \$30 million in restoring Dry Creek habitat. With adequate flow, these habitat enhancements will serve as crucial refugia during times of drought and may prevent species extirpation in the Russian River watershed

Furthermore, the reduced minimum instream flows requested on the Upper Russian River, while necessary to preserve storage in Lake Mendocino, will significantly lower its contribution towards meeting 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 a *Dry* year water classification (85 cfs) in the Lower Russian 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. Additionally, due to extremely low flow conditions in the Lower Russian River tributaries, CDFW, NMFS, and USACE will stock 30,000 coho salmon into Dry Creek habitat restoration sites constructed by Sonoma Water this spring. Consistent cool water flow in Dry Creek at velocities that are optimal for rearing juvenile salmonids will provide a critical refuge for endangered salmon and threatened steelhead throughout the current drought.

Figure 6 shows: (1) the Lake Sonoma storage level that has occurred through April 25, 2021 (solid black line); (2) the storage level that is projected to occur during the remainder of 2021 if the Decision 1610 minimum instream flow requirements are not temporarily changed (solid orange line); and (3) the storage level that is projected to occur during the remainder of 2021 with the temporary requested changes (solid blue line).

As shown in Figure 6, the projected storage level in Lake Sonoma without the requested temporary changes could decline to 100,000 acre-feet by October 1.

With the requested temporary changes described in Section 4 and Sonoma Water's commitment to reduce diversions by 20 percent between July 1 and October 31 described in Section 5, the projected storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until November 1 (see Figure 7).

The analysis used to project storage was completed using Sonoma Water's Russian River ResSim simulation model with the following assumptions: (1) *Critical* water year classification minimum instream flow requirements on the Upper Russian River from May 1 through July 26 (end of February 2021 order) and *Dry* water year classification minimum instream flow requirements from July 27 until the end of the year; (2) *Dry* water year classification minimum instream flow requirements from May 1 until the end of the year on the Lower Russian River and Dry Creek (3) WY 2015 hydrology; (4) Russian River system losses³; and (5) PVP operations based on FERC's May 5, 2021 order approving PG&E's request for a temporary variance to minimum stream flows. WY 2015 hydrology was selected based on very similar distribution of West Fork Russian River cumulative flow volume (USGS Gage 11461000) from March through April compared to WY 2021.

3.0 CRITERIA FOR APPROVING TEMPORARY URGENCY CHANGE TO PERMITS 12947A, 12949, 12950, AND 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

³ 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. These losses were then scaled by 2020 estimated losses to capture the most current observed water losses on the Russian River.

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 to implement the proposed instream flow requirement changes on the Upper Russian River because Sonoma Water predicts Lake Mendocino would otherwise drain by October 1, 2021. Approval of the requested temporary urgency changes would improve storage at Lake Mendocino, but not prevent Lake Mendocino from reaching predicted critical storage levels in the absence of other interventions. Water supplies sufficient to provide continuous flow and health and human safety needs are at risk in the Upper Russian River. Because there are typically no diversions under Sonoma Water's water-right permits in the Upper Russian River and no additional releases of Lake Mendocino storage beyond maintaining the minimum instream flows in the Upper Russian River, there are no other direct actions available to Sonoma Water to improve the projected water supply condition at Lake Mendocino.

Without the proposed changes, Sonoma Water would need to release additional stored water from Lake Mendocino, which would result in severe depletion of storage during the summer. This would lead to the elimination of water supplies during the fall for water users in Mendocino County and the northern part of Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare and fishery protection. Under these conditions, any releases that could be made would not likely meet the minimum instream flow requirements in the Upper Russian River potentially resulting in disconnected flow.

An urgent need for the proposed changes on the Lower Russian River exists because Sonoma Water predicts Lake Sonoma could decline to below 100,000 acre-feet by October 1. Furthermore, in the absence of the requested temporary urgency changes, Sonoma Water would either have to choose between exacerbating the depletion of Lake Mendocino storage levels or increasing Lake Sonoma releases such that they would violate the Incidental Take Statement contained in the Biological Opinion.

3.2 No Injury to Any Other Lawful User of Water

If these petitions are granted, Sonoma Water will still be required to maintain specific minimum instream flows in the Russian River. Under the requested temporary changes, reservoir and river operations will fall within the general operational range of water supply conditions as laid out in Sonoma Water's water-right permits. Therefore, these changes would not impair any downstream rights to flows that may be authorized for their diversions. Failure to implement the reduced instream flow requirements would result in more severe depletion of the reservoirs. Lake Mendocino storage could reach levels at which releases would cease, which would present more serious impacts to entitled users of water downstream of Lake Mendocino. Accordingly, authorizing the changes in these petitions 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 Russian River would be reduced upon approval of these petitions, the conservation of water in Lake Mendocino will make additional storage available such that Sonoma Water may be able to continue releases of stored water from Lake Mendocino later into the fall. In the absence of other interventions, there is still a risk that Lake Mendocino storage will be depleted by the end of the year. Under the proposed reduced flows in the Upper Russian River, fish, wildlife and other beneficial uses will likely be impaired during the period before existing minimum flow requirements would result in Lake Mendocino being drained. However, the consequence of draining Lake Mendocino would result in catastrophic impacts to water supply availability for human health and safety needs and survival of fish and wildlife in the Upper Russian River and in the lake itself.

The proposed reduced flows in the Lower Russian River will likely impair some instream beneficial uses, principally recreation uses during the period before existing minimum flow requirements would result in Lake Mendocino being drained. Although recreation uses will be affected by these reduced flows, it is not unreasonable considering the potentially grave impacts to fisheries, water supply in Lake Mendocino and Lake Sonoma, and loss of juvenile salmonid habitat in Dry Creek (which will be of critical importance this year) that could occur if the petitions were not approved.

3.4 The Proposed Change is in the Public Interest

Approval of these petitions will help conserve stored water in Lake Mendocino so that it can be released later in the year to continue to provide human health and

safety needs and maintain continuous flow in the Upper Russian River until the return of wet season runoff. Furthermore, in the absence of the requested temporary urgency changes, Sonoma Water would need to make releases from Lake Sonoma that would violate the incidental take statement in the Biological Opinion resulting in loss of juvenile salmonid habitat in Dry Creek.

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

To address the water supply conditions at Lake Mendocino and Lake Sonoma, and avoid potential violations of the Incidental Take Statement contained in the Russian River Biological Opinion by making excessive releases into Dry Creek, Sonoma Water is filing these TUCPs, which request that the State Water Board make the following temporary changes to the Decision 1610 instream flow requirements:

- (a) From the date of approval through a term of 180 days, the minimum instream flow requirements will be set to the *Critical* water supply classification criteria of 25 cfs in the Upper Russian River and 35 cfs in the Lower Russian River;
- b) The minimum instream flow requirement will be implemented as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 15 cfs on the Upper Russian River and no less than 25 cfs on the Lower Russian River⁴.

Due to the tremendous uncertainty regarding the effectiveness of the proposed temporary requested changes and other Upper Russian River regional response measures to prevent Lake Mendocino from declining to unsafe levels that could impair the availability of water released from Lake Mendocino for human health

⁴ 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 and Lake Sonoma.

and safety needs, Sonoma Water may file for amendments to the TUCPs requesting changes that may be warranted as determined in consultation with staff from the State Water Board, North Coast Regional Water Quality Control Board, NMFS and CDFW.

5.0 PROPOSED ACTIONS BY SONOMA WATER

5.1 Weekly Reports

To inform State Water Board staff and interested stakeholders in the Russian River Watershed regarding reservoir and watershed conditions, Sonoma Water will prepare a weekly report document that contains:

- 1) a hydrologic status report containing the following information:
 - Current reservoir levels and reservoir storage hydrographs for Lake Pillsbury, Lake Mendocino and Lake Sonoma;
 - The daily rate of change in storage, inflow and reservoir release for Lake Mendocino and Lake Sonoma;
 - Storage hydrograph plot for Lake Mendocino displaying observed storage versus a storage threshold curve developed to achieve at least 20,000 acre-feet of storage on October 1, 2021
 - Daily transfer flows from the Potter Valley Project for the previous seven days;
 - Streamflow hydrographs for watershed stream gages compared to minimum instream flow requirements for previous two weeks. Daily average and minimum instantaneous stream gage flowrates for compliance stream gages.
 - Observed daily reach losses for the Upper Russian River compared to the same time period in 2020;
 - Cumulative rainfall plot for current water year versus historical precipitation range for Ukiah. Cumulative rainfall forecasts for 3-day, 7-day and 16-day; and
 - A summary of the available water quality data, including bacteria indicators.

2) an Upper Russian River water accounting report that will provide daily recorded and estimated flow data for characterizing the types of waters available for the following regions:

- Upper East Fork of the Russian River
- Upper Russian River Downstream of Lake Mendocino
- Lower Dry Creek Downstream of Lake Sonoma

These reports will be made available on Sonoma Water's website during the term of the order approving Sonoma Water's requested temporary changes.

5.2 Diversion Reductions

Because the requested change to minimum instream flow requirements on the Lower Russian River to some extent is driven by low storage levels in Lake Sonoma, Sonoma Water and its retail water customers will commit to a 20 percent reduction in total diversions across all downstream points of diversion/re-diversion authorized under Sonoma Water's water rights from July 1 through October 31 compared to the same time period in 2020. Sonoma Water will submit a monthly report to the Deputy Director, Division of Water Rights documenting Sonoma Water's reduction in diversions compared to the same period the previous year and provide an updated projection of Lake Sonoma storage through the end of 2021.

Figure 7 shows: (1) the Lake Sonoma storage level that has occurred through April 25, 2021 (solid black line); (2) the storage level that is projected to occur during the remainder of 2021 with the temporary requested changes (solid blue line); and (3) the storage level that is projected to occur during the remainder of 2021 with the temporary requested changes and the 20 percent reduction in diversions between July 1 and October 31 (solid green line).

As shown in Figure 7, the 20 percent reduction in Sonoma Water's diversions is projected to preserve an additional 4,000 acre-feet of storage in Lake Sonoma by October 31.

6.0 WATER CONSERVATION ACTIVITIES

The following water conservation activities reflect the efforts of Sonoma Water and the Sonoma-Marin Saving Water Partnership (Partnership). 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 April 21, 2021, Governor Newsom issued a regional drought emergency proclamation for the Russian River watershed in Sonoma and Mendocino counties. Recognizing the need to reduce diversions from the Russian River, Sonoma Water's contractors adopted a resolution at the May 3, 2021 Water Advisory Committee (WAC) meeting supporting the water saving efforts of the Partnership and urging a 20 percent reduction in customer water use. Subsequent to the adoption of the WAC resolution, the contractors will be taking individual actions with their Boards and/or Councils for activation of the Water Shortage Contingency Plans for their respective agencies as needed to meet the reduction goal. Marin Municipal Water District's board of directors has already adopted mandatory water use reductions for its service area. The Sonoma County Board of Supervisors also took action on April 27, 2021, proclaiming a local emergency due to drought conditions in support of actions needed to mitigate the adverse environmental, economic, health, welfare and social impacts of the drought. The County of Mendocino has acted similarly to declare a local drought emergency.

Leading up to these actions, Sonoma Water, its water contractors, and the other member agencies of the Partnership began implementing an aggressive water saving outreach campaign in winter 2021 to raise awareness of the continued dry-year conditions and low water supply levels in the region, asking customers to eliminate water waste and adopt habits to use less. The campaign, which began as a paid social media blitz in the winter, expanded in spring to become a broader multi-media marketing effort. The campaign, called *It's a Dry Year. Save Water With Us*, now includes broadcast and streaming radio, weekly print ads in the Santa Rosa Press Democrat newspaper, online digital advertisements for both mobile and desktop devices, sponsored media content, and the development of a dedicated webpage that includes weekly water supply updates and current status of activities being undertaken to affect water use reductions. The Partnership spend for winter and spring ad buys is \$50,000, with an additional \$100,000 spend by Sonoma Water for advertising and \$150,000 for staff time. Sonoma Water's

contractors are also spending additional funds for outreach beyond what is being coordinated by the Partnership and through Sonoma Water.

An outreach subcommittee of the Partnership is continuing to meet twice monthly to assess the effectiveness of early efforts and to continue to grow the campaign in step with changing water supply conditions. The focus of the campaign is now shifting quickly to drought messaging and adoption of a new tag line, *Drought is Here. Save Water.* Ad placement for the new messaging will begin in May 2021. In addition to paid advertising, earned media has grown markedly in the last few months to bring greater public awareness of the drought conditions locally. A series of news articles in the Santa Rosa Press Democrat newspaper included interviews with Sonoma Water Board of Directors and staff in March and April that featured calls to action to save water. Local water supply conditions also received regional televised news coverage featuring Sonoma Water staff interviews that emphasized the urgent need for water savings. A more complete list of earned media is available on Sonoma Water's website at <https://www.sonomawater.org/dryyear>.

The drought outreach campaign will continue through the end of summer, or longer if drought conditions persist through fall. Outreach for early summer includes a region-wide event for direct distribution of water saving devices like showerheads, faucet aerators, shower timers, and hose nozzles, along with water saving tips-cards, incentive program brochures for lawn removal, irrigation equipment upgrades, and appliance upgrades, as well as buckets for capture and reuse of warm-up and rinse water in showers and sinks. The event, which will leverage donations from local businesses to increase effectiveness and numbers of customers served, is planned for multiple locations on June 12, 2021 in Sonoma, Marin, and Mendocino counties for areas with a water supply connection to the Russian River.

On May 15, the Partnership's annual Eco-Friendly Garden Tour will once again occur virtually to offer professionally developed videos of inspiring water saving gardens in Sonoma and Marin counties. The Tour will also feature a webinar on Resilient Summer-Dry Landscapes to reinforce the value of gardens that are fire-wise while using less water. Other activities planned for summer roll out are the development and use of a variety of marketing tools including the use of lawn signs, electronic signs, banners, highway billboard ads, direct to business materials like mirror and window clings, table tents for restaurants, room tents for hotels and motels, and the possible development of a regional challenge event. The Partnership spend for the device distribution event, summer advertising, and Tour are approximately \$255,000, not inclusive of staff time. Additional spend will

occur by Sonoma Water's water contractors on additional ad buys and particularly on device distribution for many water contractor hosted sites.

Outside of the Partnership, Sonoma Water staff has been active in meetings with the Upper Russian River Water Managers to share water saving materials and staff resources to help address needed water reductions in the upper Russian River. As was previously mentioned, Sonoma Water staff is extending the water saving device distribution event to a Mendocino County location, made possible through the collaboration of Sonoma Water and the Mendocino County Russian River Flood Control and Water Conservation Improvement District (RRFC). Sonoma Water will continue to coordinate with RRFC and other Upper Russian River agencies through the summer. As a positive example, previous presentations by Sonoma Water staff to the City of Cloverdale regarding the opportunity to join the Partnership resulted in an April 14, 2021 resolution by the Cloverdale City Council authorizing their city manager to negotiate and execute the Memorandum of Understanding needed to join. The Partnership's TAC Water Conservation Subcommittee passed a Memorandum of Approval for Cloverdale on May 5, 2021 and now moves to the TAC for consideration of approval scheduled on June 7, 2021. Pending approval, Cloverdale will become a member by July 1, 2021.

Sonoma Water has been very active with other speaking engagements throughout the watershed as well, including the below completed or planned talks:

- April 12: County of Mendocino Board of Supervisors – Water supply update
- April 14: Ag/Farm Bureau South County town hall – Water supply update
- April 14: Santa Rosa Water (SRW staff only) – Water supply update
- April 15: Sonoma County Supervisorial District 5 – Lower Russian River town hall – Water supply update
- April 19: City of Sonoma – Water supply update
- April 28: City of Cloverdale
- April 30: Sonoma Valley Chamber of Commerce
- May 4: Sonoma Valley Non-Profit Executives Roundtable
- May 5: Town of Windsor – Water supply update
- May 6: Sweet Water Springs Water District - Water supply update

- May 11: Sonoma County Board of Supervisors – Drought Update
- May 12: Oakmont Senior Community, Santa Rosa – Water supply update
- TBD: Santa Rosa Chamber – Water supply update

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
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	

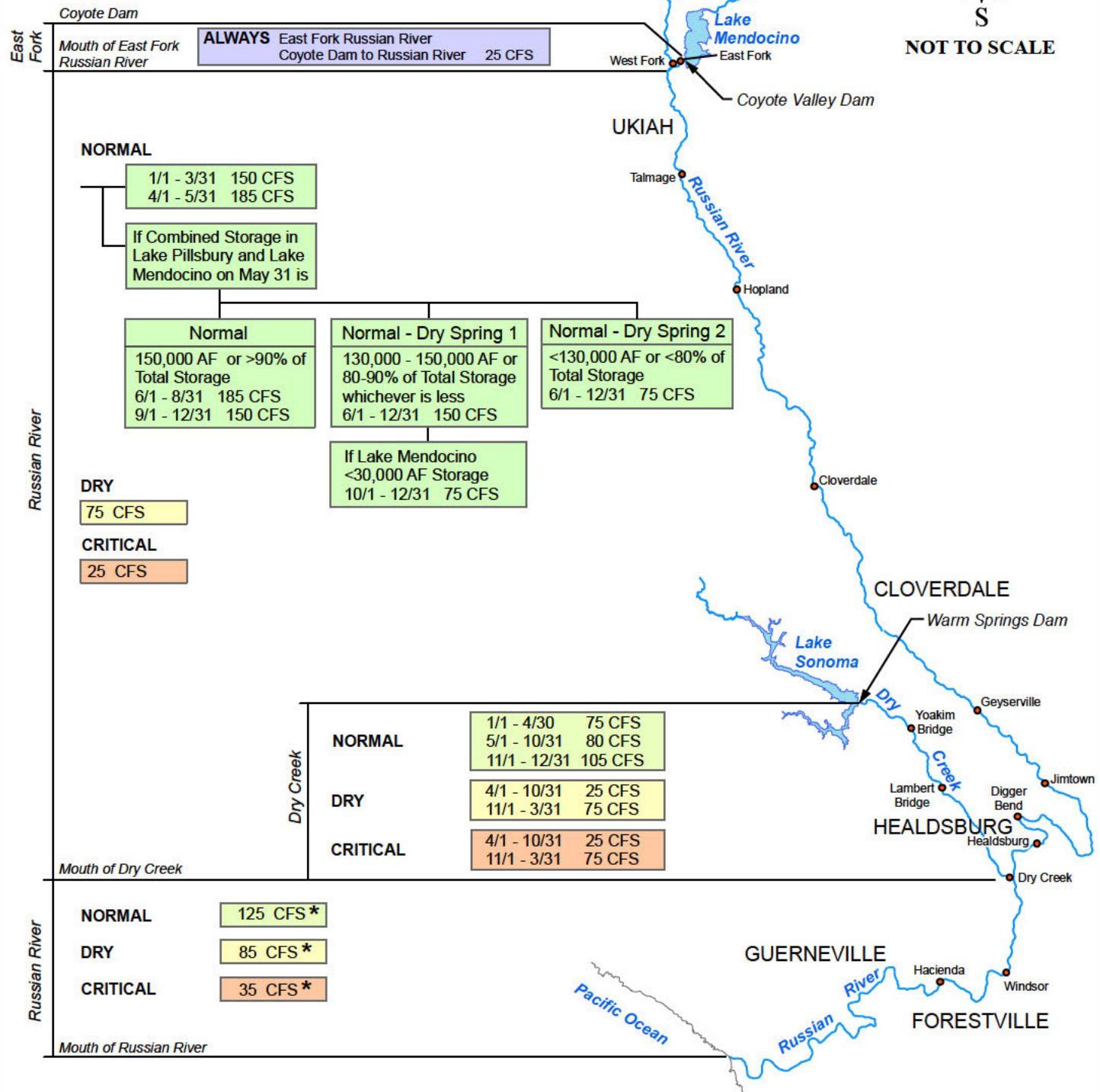
LEGEND

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

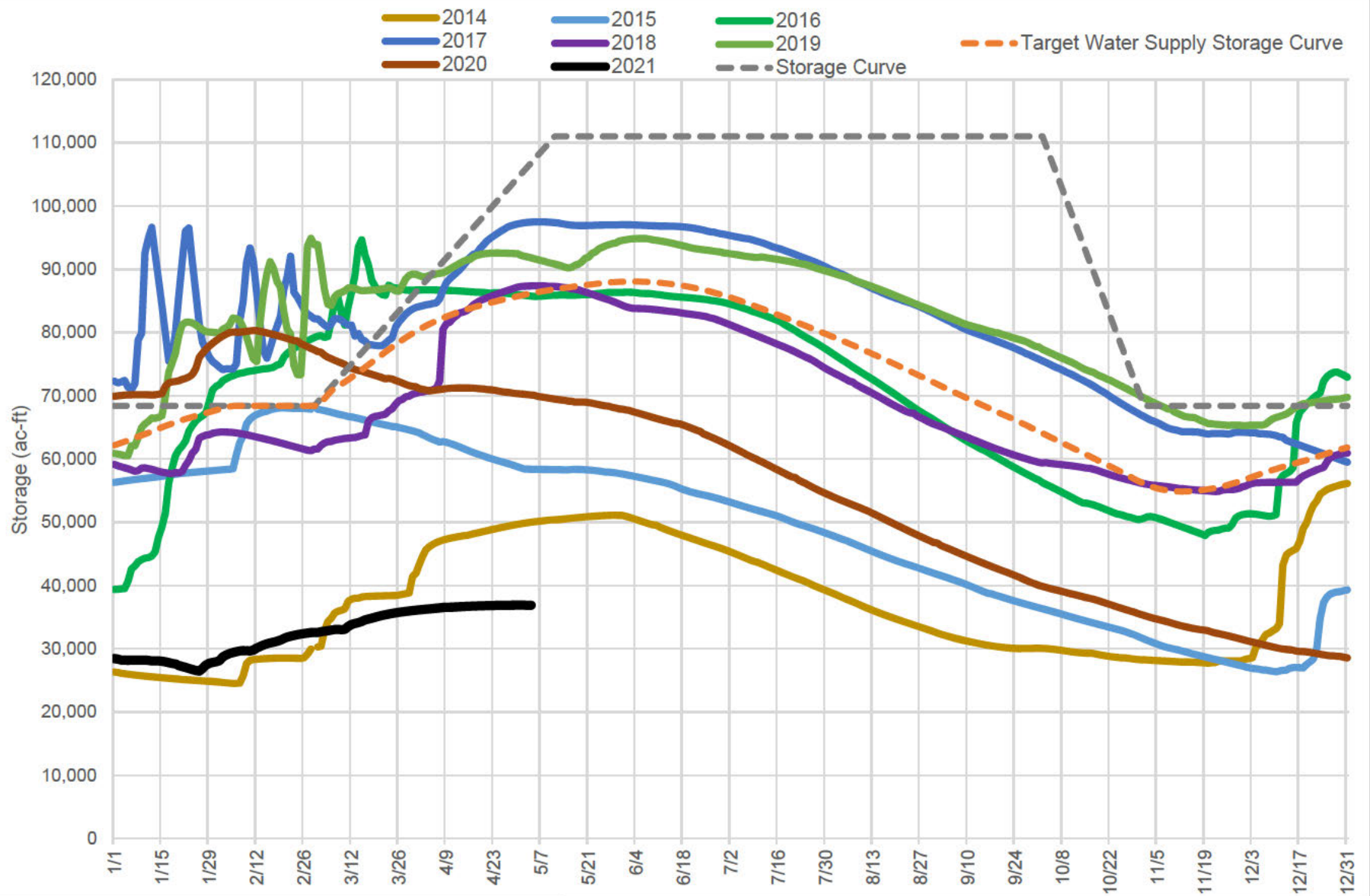
● - USGS Stream Gage Compliance Points



Russian River Basin Streamflow Requirements

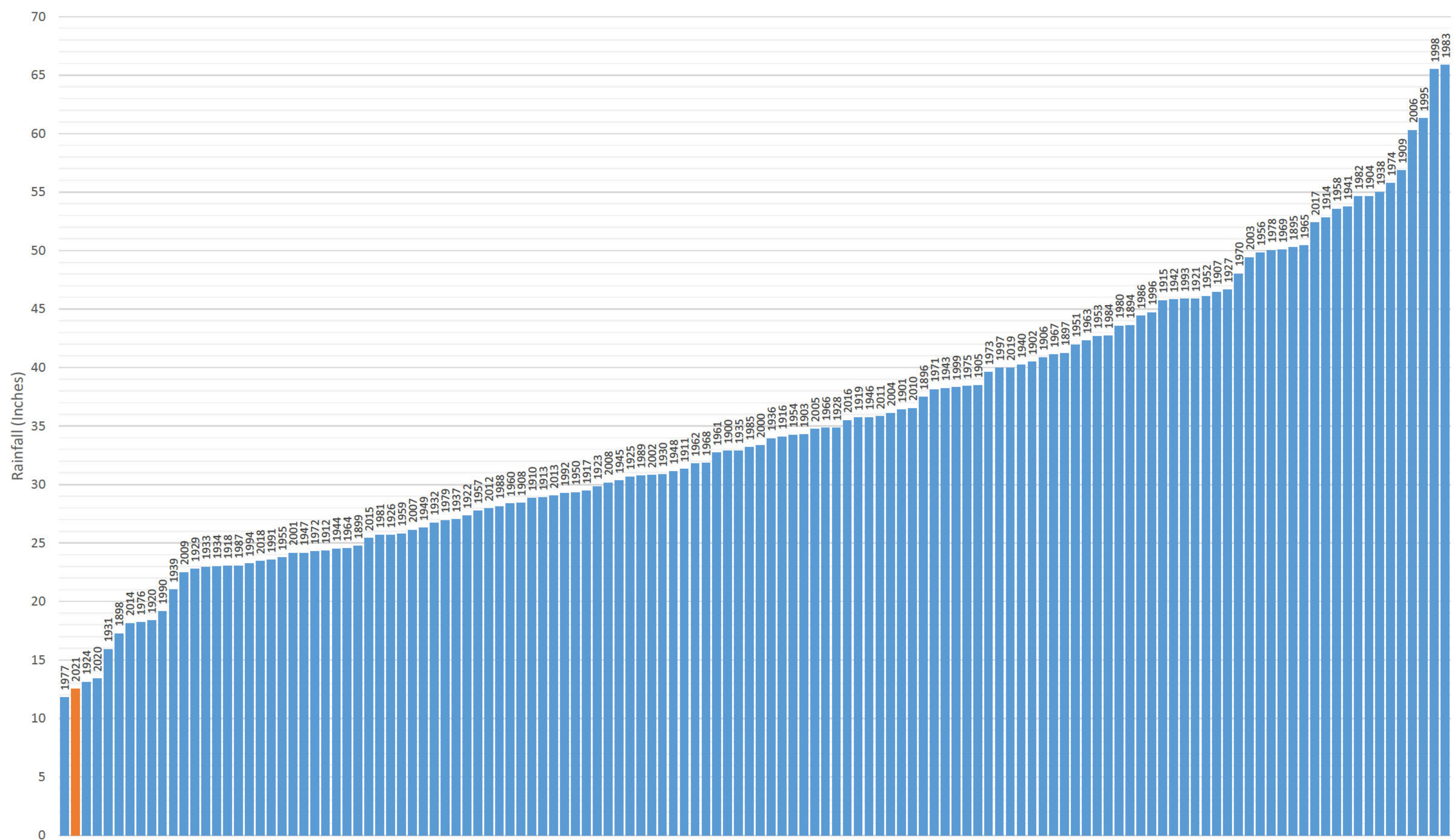
Per State Water Resources Control Board Decision 1610, April 1986

Figure
1

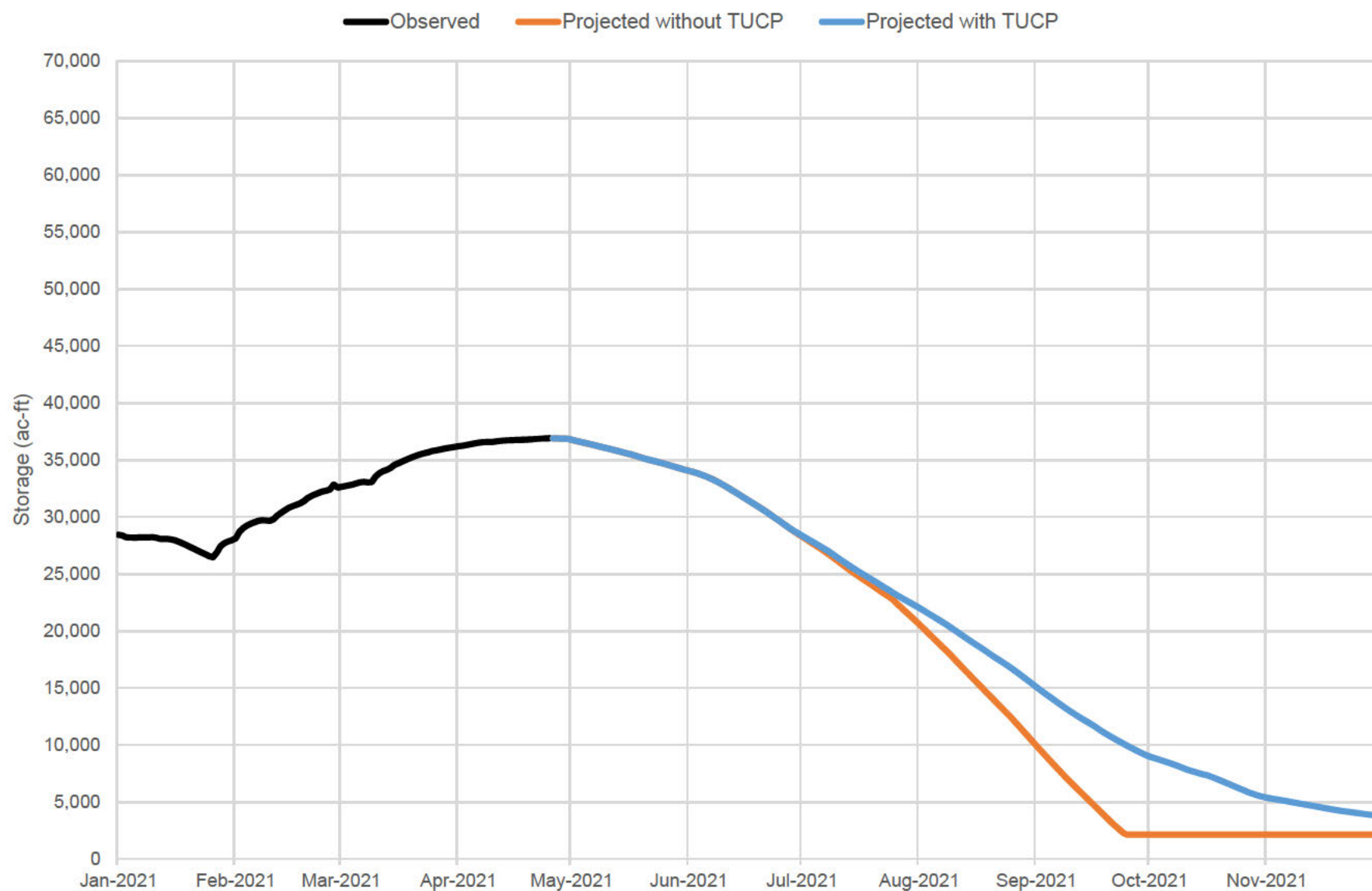


Lake Mendocino Storage Hydrograph (2014 - 2021)

Figure 2

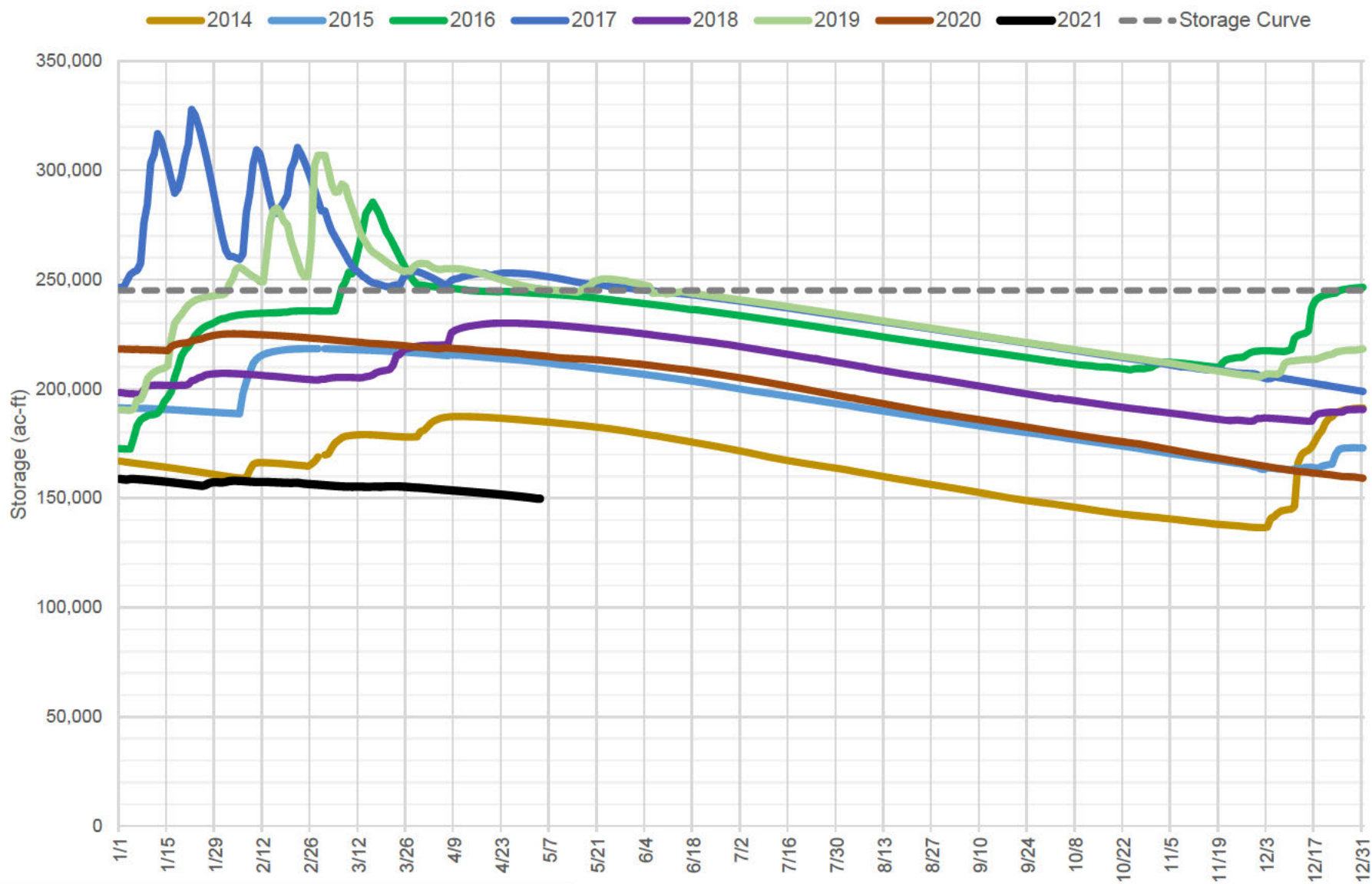


Cumulative Rainfall at Ukiah for Water Year through May 5th (WY 1894 - 2021)



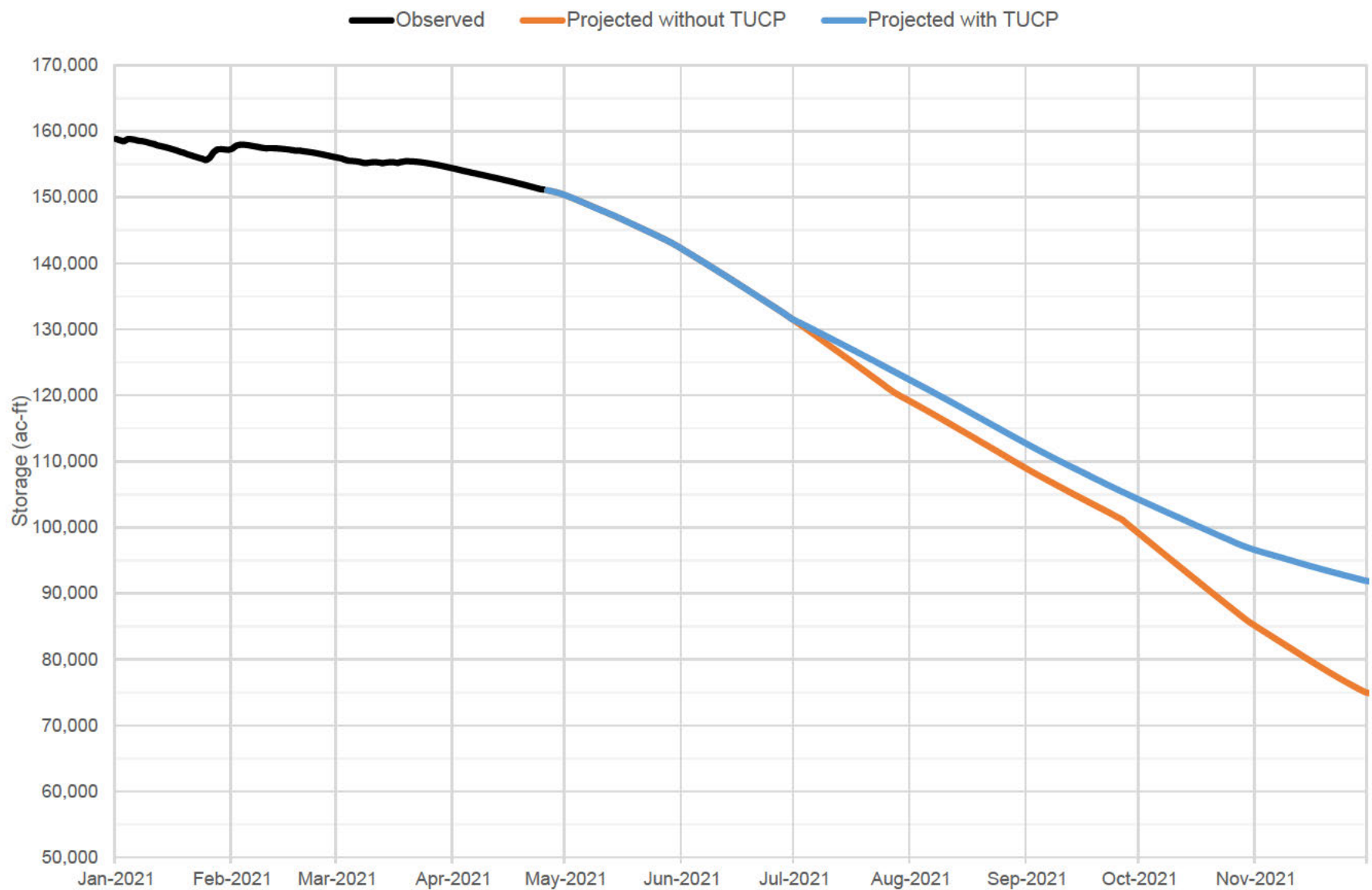
Lake Mendocino Storage Projections

Figure
4



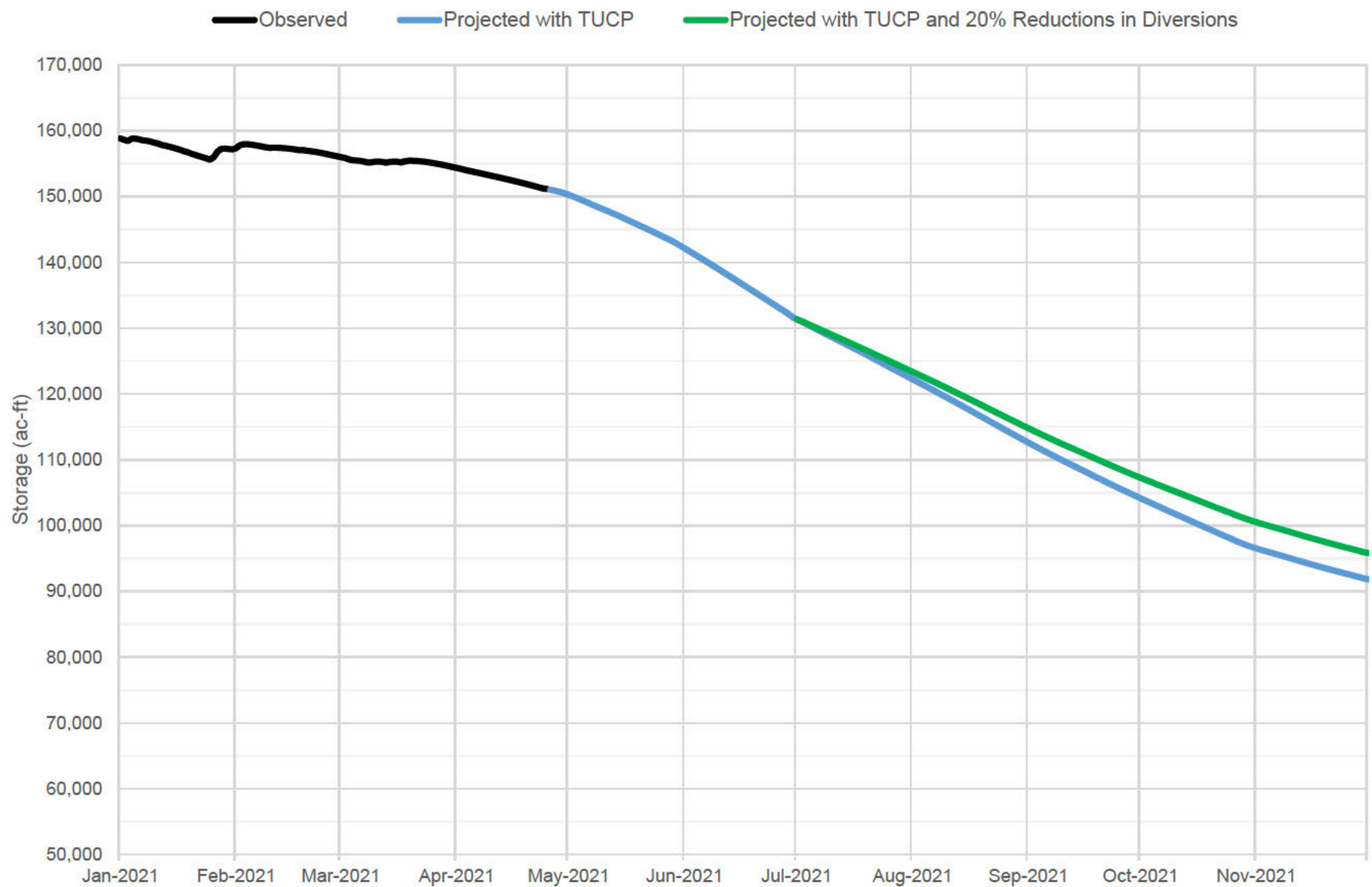
Lake Sonoma Storage Hydrograph (2014 - 2021)

Figure 5



Lake Sonoma Storage Projections

Figure
6



Lake Sonoma Storage Projections with Proposed Sonoma Water Action

Figure
7

NOTICE OF EXEMPTION

TO: ☒ Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

FROM: Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

☒ County Clerk
County of Sonoma
585 Fiscal Drive, Room 103
Santa Rosa, CA 95403

☒ County Clerk
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Project Title: Petitions Requesting Approval of Temporary Urgency Changes 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 the confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the minimum instream flow 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 water rights Decision 1610, which the State Water Resources Control Board (State Water Board) 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 (Figure 1).

Sonoma Water is filing a temporary urgency change petition (TUCP) requesting that the State Water Board make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in Decision 1610 and Sonoma Water's water right permits: (a) a *Critical* water supply condition minimum instream flow of 25 cubic feet per second (cfs) in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek, and (b) a *Critical* water supply condition minimum instream flow of 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean. The changes are necessary in order to maintain viable operations to support municipal use, protect listed salmon species, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to a storage level at which the reservoir may no longer be functional in light of the extremely dry hydrology the region has been experiencing since 2020.

To allow Sonoma Water to optimally manage flows in the Upper Russian River and Lower Russian River, Sonoma Water is requesting that the TUCP minimum instream flow requirements be specified as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 15 cfs in the Upper Russian River and no less than 25 cfs in the Lower Russian River. This implementation of minimum instream flow requirements will allow Sonoma Water to manage stream flows with a smaller operational buffer, thereby conserving water supply in Lake Mendocino and Lake Sonoma.

Lake Mendocino

As of May 3, 2021, the water supply storage level in Lake Mendocino was 36,883 acre-feet. This storage level is approximately 33 percent of the available water conservation pool. This is the lowest storage level for this time of year since Lake Mendocino filled in 1959. Water supplies sufficient to support continuous flow and health and human safety needs are at risk in the Upper Russian River. Without the proposed changes, Sonoma Water would be required to release additional stored water from Lake Mendocino through most of the summer to meet Decision 1610 Dry condition minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies in Lake Mendocino for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) and cause serious impacts to human health and welfare, and fishery protection and connected flows in the Upper Russian River. Furthermore, if the upcoming Water Year 2022 is another dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2022.

Sonoma Water staff estimate that the Decision 1610 Dry condition 75 cfs minimum flow in the Upper Russian River will result in Lake Mendocino being drained by October 1, 2021. Reducing Upper Russian River minimum flows from 75 cfs to 25 cfs would improve storage at Lake Mendocino, but will not prevent Lake Mendocino from reaching predicted critical storage levels in the absence of other interventions. With the requested changes, the storage level in Lake Mendocino is projected to decline to below 10,000 acre-feet by October 1.

Lake Sonoma

As of May 3, 2021, the water supply storage level in Lake Sonoma was 149,766 acre-feet. This storage level is approximately 61 percent of the available water conservation pool. This is the lowest storage level for this time of year since Lake Sonoma filled in 1986. A recent analysis prepared by Sonoma Water engineering staff indicates that unless mitigation measures are taken, such as those requested in the TUCP, water levels in Lake Sonoma are projected to decline to below 100,000 acre-feet by October 1 of this year. Furthermore, the reduced minimum instream flows requested on the Upper Russian River, while necessary to preserve storage in Lake Mendocino, will significantly lower its contribution towards meeting 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 a Dry year water classification (85 cfs) in the Lower Russian River. However, such increased releases into Dry Creek would result in Sonoma Water violating the Incidental Take Statement contained in the National Marine Fisheries Service's Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance Conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed (Russian River Biological Opinion), at pages 297-299 (September 24, 2008), unless a corresponding reduction is made in the minimum flow requirements for the Lower Russian River. This is because, if there are lower flows in the Upper Russian River and no corresponding reductions in the minimum flow requirements for the Lower Russian River, then higher flows on Dry Creek would be required to meet the Decision 1610 minimum instream flow requirements for the Lower Russian River. To minimize the need for these high Dry Creek flows, Sonoma Water is requesting, as a part of the TUCP, that the required minimum instream flows for the Lower Russian River also be reduced.

Because the requested change to minimum instream flow requirements on the Lower Russian River to some extent is driven by low storage levels in Lake Sonoma, Sonoma Water and its retail water customers will commit to a 20 percent reduction in diversions across all downstream points of diversion/re-diversion authorized under Sonoma Water's water rights from June 1 through October 31 compared to the same time period in 2020.

Sonoma Water staff estimate that without the requested temporary changes the storage level in Lake Sonoma could decline to below 100,000 acre-feet by October 1. With the requested temporary changes and Sonoma Water's commitment to reduce diversions by 20 percent between June 1 and October 31, the projected storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until November 1.

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));
- ☒ Emergency Project (Sec. 21080 (b)(4); 15269(b)(c)): Section 21080(b)(4) and State CEQA Guidelines 15269(c): Specific actions necessary to prevent or mitigate an emergency
- ☒ Categorical Exemption. State type and section number: State CEQA Guidelines 15301(i): Existing Facilities; 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
- ☒ Exemption under Governor's April 21, 2021 emergency proclamation (Sec. 7): Government Code section 8571
- ☐ 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 15301(i), 15307, and 15308, and under Section 7 of Governor's April 21, 2021, emergency proclamation for, among other areas, the Russian River watershed.

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. The emergency conditions are demonstrated by current Lake Mendocino and Lake Sonoma storage levels. As of May 3, 2021, the water supply storage level in Lake Mendocino was approximately 36,883 acre-feet. This storage level is 33 percent of the summer water supply pool. As of May 3, 2021, the water supply storage level in Lake Sonoma was approximately 149,766 acre-feet. This storage level is 61 percent of the summer water supply pool.

These emergency conditions also are demonstrated by Governor Newsom's April 21, 2021, Proclamation of a State of Emergency in Sonoma and Mendocino counties due to drought conditions in the Russian River Watershed (Governor's Drought Proclamation). Section 7 of the Governor's Drought Proclamation suspends the requirements of CEQA for purposes of the State Water Board's consideration of modifying reservoir releases, which would be a necessary element of an order granting the TUCP.

In addition, the Sonoma County Board of Supervisors on April 27, 2021, proclaimed a local emergency due to drought conditions in the Sonoma County Operational Area and the Mendocino County Board of Supervisors April 20, 2021, adopted a resolution declaring a local emergency and imminent threat of disaster in Mendocino County due to drought conditions.

Sonoma Water staff estimate that without the proposed reductions in the minimum instream flow requirement for the Upper Russian River, Lake Mendocino could be drained by October 1. Reducing the Upper Russian River minimum instream flow requirement from 75 cfs to 25 cfs would improve storage at Lake Mendocino, but will not prevent Lake Mendocino from reaching predicted critical storage levels in the absence of other interventions. Water supplies sufficient to provide continuous flow and health and human safety needs are at risk in the Upper Russian River.

Sonoma Water staff estimate water levels in Lake Sonoma are projected to decline to below 100,000 acre-feet by October 1 of this year if the existing minimum instream flow requirement of 85 cfs on the Lower Russian River is not reduced. With the requested temporary changes and Sonoma Water's commitment to reduce diversions by 20 percent between July 1 and October 31, the projected storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until November 1. Low water storage levels could affect drinking water supplies, agriculture, commercial and industrial business sectors, and recreation.

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 Permits 12947A, 12949, 12950, and 16596 are necessary in order to maintain viable operations to support municipal use, protect listed salmon species, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to a storage level at which the reservoir may no longer be functional in light of the extremely dry hydrology the region has been experiencing since 2020.

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 June 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. Furthermore, if the upcoming Water Year 2022 is another dry year, carryover storage in Lake Sonoma and Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2022.

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.

D. Governor's Drought Proclamation

Government Code section 8571 authorizes the Governor to suspend certain regulatory requirements, including CEQA, under emergency conditions. Section 7 of the Governor's April 21, 2021, Drought Proclamation suspended CEQA to address "the acutely dry conditions in the Russian River Watershed" through the State Water Board's consideration of modifications of reservoir releases "to ensure adequate, minimal water supplies for critical purposes." The TUCP's purpose is to modify the water-right terms that otherwise would require releases from Lake Mendocino and Lake Sonoma and is within the suspension of CEQA under section 7 of the Governor's Drought Proclamation.

Lead Agency Contact Person: Jessica Martini-Lamb

Area Code/Telephone/Extension: 707-547-1903

Signature

General Manager
Title

May 13, 2021
Date

☒ Signed by Lead Agency

☐ Signed by Applicant

Date received for filing at OPR: _____

[illegible]

● - USGS Stream Gage Compliance Points



Per State Water Resources Control Board Decision 1610, April 1986

Figure
1



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

CLAIMS CHECK

CHECK NO.
1873968

11-35
1210

BANK OF AMERICA

DATE 04/28/2021

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

STATE OF CALIFORNIA
SWRCB
PO BOX 1888
SACRAMENTO CA 95812-1888

ERICK ROESER
AUDITOR-CONTROLLER

⑈01873968⑈ ⑆121000358⑆ 00439⑈80050⑈



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

CLAIMS CHECK

CHECK NO.
1873937

11-35
1210

BANK OF AMERICA

DATE 04/28/2021

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

⑈01873937⑈ ⑆121000358⑆ 00439⑈80050⑈