Sonoma Water

May 25, 2022

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 2022 Temporary Urgency Change Petitions*
2) Environmental Information for Petition
3) Notice of Exemption
4) Proposed Draft Fisheries and Water Quality Terms
5) California Department of Fish and Wildlife Review Fee Payment
6) State Water Resources Control Board Petition Fee Payment

These petitions are being submitted due to severe drought conditions, historically low storage levels in Lake Mendocino and Lake Sonoma, and a flawed hydrologic index that establishes minimum instream flow requirements that do not align with the current watershed conditions. Sonoma Water is currently operating under permit conditions for Permits 12947A, 12949, 12950 and 16596 modified by a temporary urgency change order dated December 10, 2021 (Dec 2021 Order), that expires on June 8, 2022. The requested changes in the current submittal would continue river operations under *Critical* minimum instream flow requirements, which have been in place since March 1, 2022.

The hydrologic index in Sonoma Water's permits is based on Lake Pillsbury inflow in the Eel River. On June 1st, the water supply condition for the Russian River will be classified as *Normal*, Dry Spring II and that designation would continue through the end of the year in the absence of the Dec 2021 Order or the proposed changes in these temporary urgency change petitions.

The Russian River watershed is currently under a designation of Severe Drought (D2) as categorized by the U.S. Drought Monitor (https://www.drought.gov/current-conditions).

Without the proposed changes in effect, there is an undue risk that water supply conditions as determined by the permits' current hydrologic index will set minimum instream flows in the Russian River watershed that are not sustainable with the limited reservoir storage volumes in Lake Mendocino and Lake Sonoma that have been depleted after three years of drought conditions.

On May 19th, Sonoma Water staff met with staff from the North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife and National Marine Fisheries Service and developed the enclosed 'Proposed Draft Fisheries and Water Quality Terms'. These draft terms are preliminary and the participating resource agencies may be providing additional comments based on further review of this petition package.

I look forward to working with the Division of Water Rights staff on this important conservation effort.

Sincerely,

[redacted]

Grant Davis
General Manager

c: S. Boland-Brien, K. Emanuel – State Water Resources Control Board
R. Coey, J. Fuller – National Marine Fisheries Service
M. Kittel - 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, D. Manning, J. Jasperse – Sonoma Water
C. O'Donnell, A. Brand – Sonoma County Counsel
R. Bezerra – Bartkiewicz, Kronick & Shanahan

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Please indicate County where your project is located here:

Sonoma / Mendo.

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☐ **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

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Present:

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

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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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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

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

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I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
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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 5.25.22 at Santa Rosa, CA .

[redacted]

Right Holder or Authorized Agent Signature

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☐ **Waste Water** Wat. Code, § 1211

☐ **Split** Cal. Code Regs., tit. 23, § 836
☐ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e)
☐ **Other**

Application 15736 Permit 12949 License _____ Statement _____

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

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Present:

Proposed:

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Present:

Proposed:

Purpose of Use

Present:

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[redacted]

Right Holder or Authorized Agent Signature

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☐ **Split** Cal. Code Regs., tit. 23, § 836 ☐ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e) ☐ **Other**

Application 15737 Permit 12950 License Statement

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

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Proposed:

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Application 19351 Permit 16596 License Statement

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May 2022

Sonoma County Water Agency

Supplement to the May 2022 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 ensure that minimum instream flow requirements in the Russian River watershed are aligned with actual watershed hydrologic conditions. This is essential to maintain sustainable reservoir/river operations to protect municipal water supply and listed salmonid species in the Russian River.

Based on Sonoma Water's water right permits established under State Water Resources Control Board (State Water Board) Decision 1610, the water supply condition for the Russian River is determined using cumulative inflow into Lake Pillsbury as the index. Lake Pillsbury is a storage reservoir located in the Eel River watershed for Pacific Gas & Electric Company's (PG&E) Potter Valley Hydroelectric Project (PVP) which transfers water into the East Fork Russian River. Prior to 2006, transfers of Eel River water through PVP averaged approximately 150,000 acre-feet annually. As a result of an order issued by the Federal Energy Regulatory Commission (FERC) amending PG&E's operating license in the mid-2000s, there has been a 60 percent reduction of the annual transfer of Eel River water into the Russian River watershed. Between 2007 and 2020 the average annual transfer was approximately 60,000 acre-feet. As reported by Sonoma Water in its November 2021 Temporary Urgency Change Petitions (TUCP), the transformer bank at the PVP powerhouse has failed and will need to be replaced in order to convey water through the powerhouse for power generation. PG&E estimates it will take up to two years to replace the transformer bank at a cost of five to ten million dollars. This has resulted in the transfer of Eel River water being further reduced to 30,000 acre-feet or less (based on hydrologic conditions) until PG&E makes the necessary repairs. On May 13, 2022, PG&E submitted a variance request to FERC requesting water year classifications for their East Fork Russian River minimum flows be reduced from *Normal*.

Under these operating conditions of the PVP, the influence of the Eel River water imports on downstream hydrologic conditions in the Russian River is greatly

diminished. Therefore, there is little to no correlation between cumulative inflow into Lake Pillsbury and the hydrologic conditions in the Russian River watershed. Due to the continuation of dry conditions in the Russian River watershed, Lake Mendocino and Lake Sonoma are again at or near their lowest levels for this time of year since filling in 1959 and 1986, respectively. Consequently, Sonoma Water requests that the minimum instream flow requirements be reduced to *Critical* water supply condition requirements to preserve stored water in both Lake Mendocino and Lake Sonoma and prevent violating the incidental take statement in the 2008 Russian River Biological Opinion.

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 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 National Marine Fisheries Service (NMFS) on September 24, 2008, and the consistency determination issued by the California Department of Fish and Wildlife (CDFW) on November 9, 2009.

[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.

1.1 Minimum Flow Requirements

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork 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 the confluence with 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 gage 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 defined in Decision 1610 that 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.

2.0 PROJECTED WATER SUPPLY CONDITIONS

From October 1, 2021, to May 19, 2022, the cumulative inflow into Lake Pillsbury was

224,000 acre-feet. On May 31st, the combined storage in Lake Pillsbury and Lake Mendocino is projected to be less than 130,000 acre-feet. Consequently, the water supply condition will be categorized as *Normal-Dry Spring 2* for the remainder of the year. Sonoma Water is currently managing the Russian River based on a *Critical* water supply condition as authorized by the December 10, 2021, State Water Board order approving Sonoma Water's November 2021 TUCP (December 2021 Order), which requested that the water supply condition 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 and Lake Sonoma.

The State Water Board's December 2021 Order expires after June 8, 2022, resulting in the water supply condition changing back to that set by the criteria established in Decision 1610 (*Normal-Dry Spring 2*). This designation would apply through the remainder of the year increasing minimum instream flow requirements from 25 cfs to 75 cfs on the Upper Russian River and from 35 cfs to 125 cfs on the Lower Russian River. As discussed in sections 2.2 and 2.3 below, these conditions are projected to draw down both Lake Mendocino and Lake Sonoma to very low levels and require releases from Lake Sonoma that would violate the incidental take statement in the Russian River Biological Opinion.

2.1 Potter Valley Hydroelectric Project

Owned and operated by PG&E, the PVP 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, which makes releases that combined with the natural flows can be diverted downstream at Cape Horn Dam. Diversions are transferred to PG&E's generation facilities or are bypassed around those facilities. These diversions are then released into the East Fork Russian River to meet minimum instream flow requirements and satisfy Potter Valley Irrigation District (PVID) contract deliveries.

The PVP hydroelectric facility operates under a 2004 amended license from the FERC. The license requires releases for minimum flows in the Eel River and the East Fork Russian River based on water year classification criteria. For the East Fork Russian River, the cumulative inflow into Lake Pillsbury establishes the water year classification setting the seasonal minimum flows. As of May 19th, 2022, the cumulative inflow into Lake Pillsbury is 224,000 acre-feet. This exceeds the threshold of 160,000 acre-feet for June 1st setting the water year classification to *Normal*, which would continue through the end of the calendar year. Under *Normal* conditions, the

minimum flow for the East Fork Russian River is 75 cfs from May 15th until September 15th, then reduces to 35 cfs until at least December 31st, when the water year classification is reassessed.

On May 13, 2022, PG&E filed a variance request with FERC due to limited water availability. PG&E requested expedited review and approval to reduce minimum flow requirements on the East Fork Russian River from *Normal* to *Dry/Critical*. The specific request is that the minimum flow requirement be reduced from 75 cfs to the *Critical* level of 5 cfs and be redefined as a target flow, thereby eliminating the 5 cfs buffer. PG&E has proposed that the target flow be reassessed based on additional storage projections over the variance period to determine whether higher target flows are sustainable up to the *Dry* minimum flow requirement of 25 cfs. The proposed term of the drought variance would extend until Lake Pillsbury storage reached 36,000 acre-feet after October 1st.

Sonoma Water has assumed for its analysis that FERC will approve a temporary variance setting a target flow based on a *Critical* water year classification. Sonoma Water has also assumed that PG&E will provide water to the PVID under its contract at requested flowrates up to 50 cfs.

Based on the changes anticipated by the temporary variance and PVID deliveries by request, Sonoma Water staff have projected that PVP transfers from the Eel River to the East Fork Russian River will be reduced by approximately 20,000 acre-feet between June 1, 2022, and October 1, 2022.

2.2 Lake Mendocino

As of May 19, 2022, the water supply storage level in Lake Mendocino was approximately 49,000 acre-feet (AF). This storage level is approximately 44 percent of the available water conservation pool for this time of year. This is the second lowest storage level for this time of year since Lake Mendocino filled in 1959 with the lowest level having occurred last year. Figure 2 shows observed storage in Lake Mendocino for 2014 through May 19, 2022.

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 Water Year (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 and forecasts provided by the Center for Western Weather and Water Extremes 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, due to the ongoing dry conditions and significantly reduced transfers of Eel River water through PVP, storage at Lake Mendocino remained well below the flood control pool and the FIRO DSM was not utilized this year.

While the December 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 approximately 15,000 acre-feet by October 1 of this year.

Figure 3 shows for Lake Mendocino: (1) the actual storage level that has occurred through May 15, 2022 (solid black line); (2) the projected storage level for the remainder of 2022 if Decision 1610 determined minimum instream flow requirements are in effect (solid orange line); and (3) the projected storage level for the remainder of 2022 with the requested temporary changes (solid green line). Without the requested temporary changes, projected storage levels in Lake Mendocino are expected to reach extremely low levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

The analysis used to project storage was completed using Sonoma Water's Russian River ResSim simulation model with the following assumptions: (1) *Critical* water supply condition minimum instream flow requirement from May 1st through June 8th (end of December 2021 Order) and *Normal-Dry Spring 2* water supply condition minimum instream flow requirement from June 9th until the end of the year); (2) WY

1976 hydrology; (3) Russian River system losses[2]; and (4) PVP operations based on PG&E's May 13, 2022, variance request to reduce minimum stream flows to a target flow of 5 cfs (*Critical* water year classification) are approved on June 1st and remain unchanged throughout the remainder of the water year.

WY 1976 hydrology was selected based on very similar distribution of West Fork Russian River projected 30-day flow volume (USGS Gage 11461000) from May 15 to June 14 compared to WY 2022.

2.3 Lake Sonoma

As of May 19, 2022, the water supply storage level in Lake Sonoma was 141,000 acre-feet. This storage level is approximately 58 percent of the available water conservation pool. This is the lowest storage level for this time of year since Lake Sonoma filled. Figure 4 shows observed storage in Lake Sonoma for 2014 through May 19, 2022.

Recent analysis prepared by Sonoma Water engineering staff indicates that unless mitigation measures are taken, such as those requested in this TUCP, water levels in Lake Sonoma are projected to decline to approximately 96,000 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 also 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 serve as crucial refugia

[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 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 *Normal Dry Spring 2* water supply condition (125 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. 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 5 shows for Lake Sonoma: (1) the actual storage level that has occurred through May 19, 2022 (solid black line); (2) the projected storage level for the remainder of 2022 if Decision 1610 determined minimum flows are in effect (solid orange line); and (3) the projected storage level for the remainder of 2022 with the requested temporary changes (solid blue line).

Without the requested temporary changes, the projected storage level in Lake Sonoma could decline to about 96,000 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 from 2020 levels between July 1 and October 31 described in Section 5, the storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until October 1 of this year (Figure 6).

The analysis used to project storage was completed using Sonoma Water's Russian River ResSim simulation model with the following assumptions: (1) *Critical* water supply condition minimum instream flow requirements from May 1 through the end of the year; (2) WY 1976 hydrology; (3) Russian River system losses[3]; and (4) PVP

[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

operations based on PG&E's May 13, 2022 variance request to reduce minimum stream flows to a target flow of 5 cfs (*Critical* water year classification) are approved on June 1st and remain unchanged throughout the remainder of the water year.

WY 1976 hydrology was selected based on very similar distribution of West Fork Russian River projected 30-day flow volume (USGS Gage 11461000) from May 15 to June 14 compared to WY 2022.

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 State Water Board must make the following findings before issuing a temporary change order:

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

3.1 Urgency of the Proposed Change

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

In this case, an urgent need exists for the proposed flow changes on the Upper Russian River because Sonoma Water predicts storage in Lake Mendocino will be critically low by October 1, 2022, unless the requested temporary urgency change is approved. Water supplies sufficient to support survival of listed Russian River salmonid

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

fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, Sonoma Water would need to release additional stored water from Lake Mendocino, which would result in the significant depletion of storage during the summer, and reduction of water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Furthermore, if upcoming WY 2023 is a dry year, carryover storage in Lake Mendocino from 2022 will be crucial for the continued recovery of the Russian River salmonid fishery and water supply reliability during 2023.

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 1st. 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 Russian River Biological Opinion.

3.2 No Injury to Any Other Lawful User of Water

If these petitions are granted, Sonoma Water still will be required to maintain specific minimum flows in the Russian River. Because Sonoma Water will maintain these minimum flows, all other legal users of water will be able to divert and use the amounts of water that they may legally divert and use to the extent allowed by the State Water Board's applicable curtailment regulations. Moreover, failure to implement the requested temporary changes could result in severe depletion of Lake Mendocino, which in turn could result in serious impacts to entitled users of water downstream of Lake Mendocino later in the year. Accordingly, granting 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 and Lower Russian River will be reduced upon approval of this TUCP, conservation of water in Lake Mendocino will allow enhanced management of flows in early fall for the benefit of salmon migration and spawning. It is possible that reduced flows in the Russian River may impair some instream beneficial uses, principally recreation uses. Although some recreation uses may be affected by these reduced flows, it is not unreasonable considering the potentially grave impacts to fisheries, water supply and recreation in Lake Mendocino and Lake Sonoma, and the loss of juvenile salmonid habitat in Dry Creek 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 natural flows in the forthcoming wet season. In addition, approval of these petitions will help preserve storage in Lake Mendocino and Lake Sonoma as a precaution in the event dry conditions persist into WY 2023. It is in the public interest to preserve water supplies for these beneficial uses when hydrologic circumstances cause severe reductions to water supplies. 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 Russian River 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 preserve the limited water supplies in Lake Mendocino and Lake Sonoma and to avoid excessively high releases from Lake Sonoma down Dry Creek that could result in violations of the Incidental Take Statement in the Russian River Biological Opinion, Sonoma Water is filing this TUCP requesting the State Water Board to make the following changes to Sonoma Water's permits for a period of 180 days: (1) reduce the required minimum instream flow in the Russian River from the confluence of the East and West Forks to the river's confluence with Dry Creek from 75 cfs to 25 cfs; and (2) reduce the required minimum instream flow in the Russian River from its

confluence with Dry Creek to the Pacific Ocean from 125 cfs to 35 cfs.

Additionally, Sonoma Water requests that compliance with the minimum instream flow requirements be made based on the 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 10 cfs below minimum[4].

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, Sonoma Water will prepare the following weekly reports to document reservoir and watershed conditions:

1) Hydrologic Status Report with the following information:

   - Current reservoir levels and reservoir storage hydrographs for Lake Pillsbury, Lake Mendocino and Lake Sonoma;
   - Average daily rate of change in storage, inflow and reservoir release for Lake Mendocino and Lake Sonoma;
   - Average daily transfer flows from the Potter Valley Project for the previous seven days;
   - Streamflow hydrographs for watershed stream gages and daily average flowrates for compliance stream gages;
   - Cumulative rainfall plot for current water year versus historical

[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.

precipitation range for Ukiah; Cumulative rainfall 16-day forecast; and

- A summary of the available water quality data, including bacteria indicators.

2) 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 Russian River
   - Upper Russian River Downstream of Lake Mendocino
   - Lower Dry Creek Downstream of Lake Sonoma
   - Lower Russian River Downstream of the Dry Creek Confluence

These reports will be published 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 or until the flow at the USGS gage at Hacienda Bridge (USGS Gage 11467000) exceeds 125 cfs. Extending the diversion reduction past October 31, when nearly all the demand is indoor use, would have severe water supply consequences for the retail customers who depend on Sonoma Water for all or a portion of their water supply. Extending the diversion reduction past October 31 would result in many retail customers dropping below the human health and safety need.

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 in 2020 and provide an updated projection of Lake Sonoma storage through the end of 2022.

Figure 6 shows for Lake Sonoma: (1) the actual storage level that has occurred through May 15, 2022 (solid black line); (2) the projected storage level for the remainder of 2022 with the requested temporary changes (solid blue line); and (3) the projected storage level for the remainder of 2022 with the requested temporary changes and the 20 percent reduction in Sonoma Water diversions between July 1 and October 31 (solid green line).

As shown in Figure 6, 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 thirteen 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, Cloverdale, 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.

Sonoma and Mendocino were the first counties placed under a region-specific drought state of emergency on April 21, 2021, by Gov. Gavin Newsom. The Sonoma County Board of Supervisors 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. As required by Government Code section 8630, the Board of Supervisors must review the proclamation of local emergency every 60 days and determine if there is a need for continuing the local emergency. The Sonoma County Board of Supervisors has approved the continuation of the drought emergency conditions every 60 days since April 2021, with the most recent extension occurring May 3, 2022. It is expected that drought emergency conditions will remain in effect through 2022.

Recognizing the need to reduce diversions from the Russian River last year, 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. The WAC also approved temporary allocations of Sonoma Water deliveries for the period July through October necessary to achieve a 20 percent reduction from 2020 levels for the same period. Subsequent to the adoption of the WAC resolution, the contractors took action 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. Sonoma Water then filed a TUCP on May 13, 2021, including a proposed action for Sonoma Water and its contractors to reduce Russian River diversions by 20 percent from 2020 levels from July 1 through October 31, 2021.

The subsequent State Water Board Order WR 2021-0056-EXEC approving Sonoma Water's TUCP included Term 11 stating Sonoma Water and its contractors shall ensure a 20 percent reduction in Russian River diversions for the term of the Order (July 1 – December 10, 2021) as compared to the same period of 2020. Due to a significant October storm and increased natural flows in the Russian River, the State Water Board issued an Amended Order WR 2021-0056-EXEC dated October 22, 2021, that suspended imposed limits on diversions while water right curtailments were not in effect. At the time of the Amended Order, Sonoma Water's cumulative Russian River diversion reduction was 22.7 percent below the same period in 2020.

Since that time and in consideration of a third consecutive dry year and continued low reservoir levels at Lake Sonoma and Lake Mendocino, Sonoma Water and its contractors have continued to implement shortage levels consistent with achieving a 20 percent reduction in water use over 2020 levels. Although Marin Municipal Water District took recent action to rescind their shortage emergency due to their local supply reservoirs being above 90 percent full, they simultaneously implemented new permanent water rules that include two-day per week irrigation limits for sprinklers and three-day per week irrigation limits for drip systems.

On March 28, 2022, Governor Newsom issued Executive Order N-7-22, which included direction to the State Water Board to consider adoption of an emergency regulation that includes, but is not limited to, the following:

- A requirement for urban water providers to submit a preliminary water supply and demand assessment by June 1, 2022.
- A requirement that urban water suppliers that have submitted a water shortage contingency plan to the Department of Water Resources implement,

at a minimum, the shortage response actions adopted for a shortage level of up to twenty percent (Level 2).

Although the emergency regulation is not currently in effect, Sonoma Water, in collaboration with its contractors, is working to finalize its Annual Water Shortage Assessment Report to meet the June 1 preliminary submittal date. Sonoma Water and its contractors are also continuing to implement Level 2 shortage response actions consistent with the Governor's March 28 executive order.

Outreach Campaign

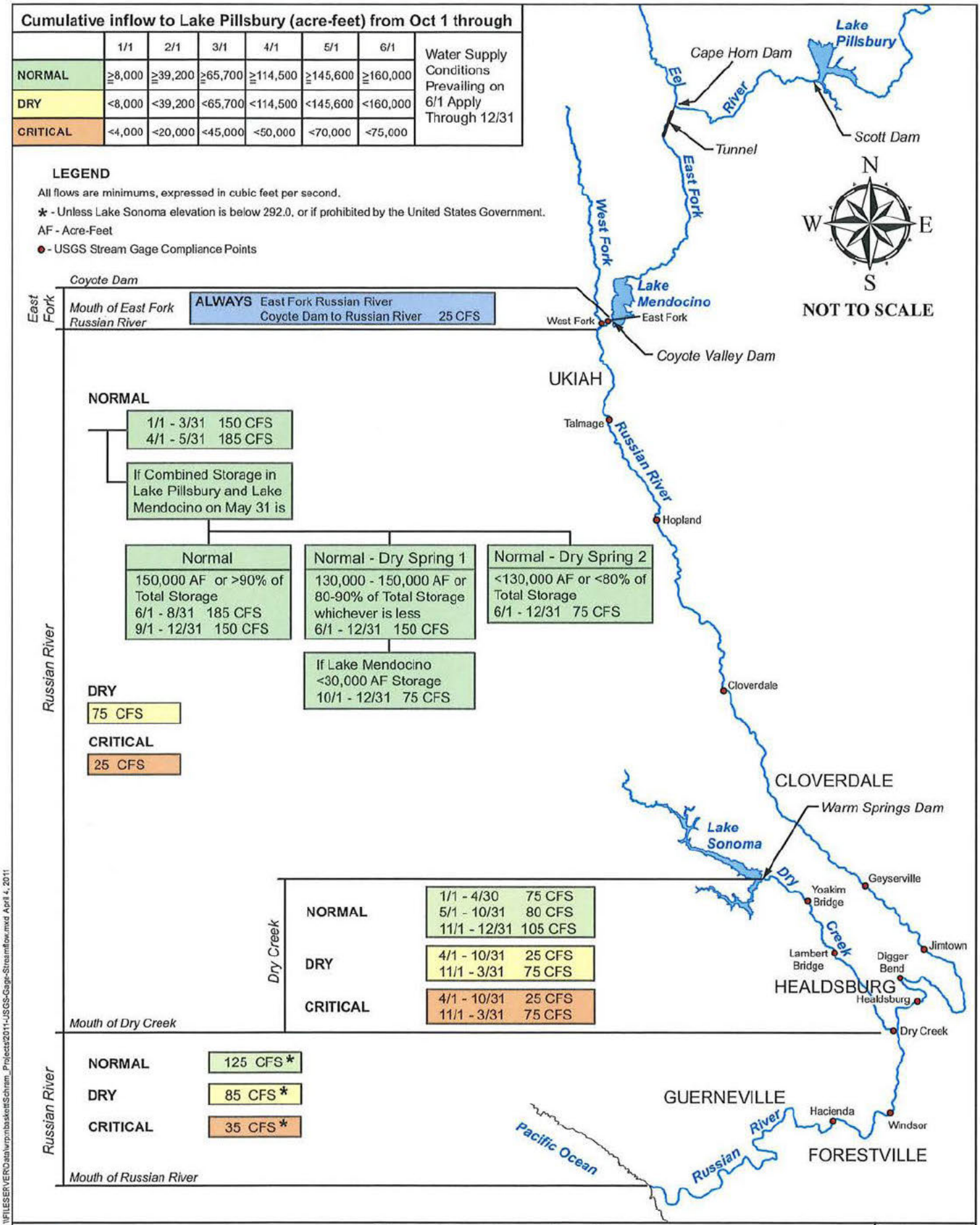
Sonoma Water, its contractors, and the other member agencies of the Partnership continue to run a multi-media drought outreach campaign to maintain customer awareness of low reservoir levels and the need for continued water savings due to a third consecutive dry year. The campaign emphasizes reducing water waste by adhering to statewide water waste prohibitions and local restrictions on irrigation and other non-essential uses of water. As previously mentioned, drought restrictions have been in effect since last summer.

The Partnership outreach campaign includes geo-targeted video ads placed on streaming television platforms (December 2021 and April 2022) showing flyovers of historically low lake levels and calling for conservation. In spring, the campaign focused on leak detection and repair, along with water saving tips for saving water indoors in ad placements on local digital news sites and through social media. A weekly graphic showing current reservoir storage levels is ongoing in The Santa Rosa Press Democrat print and online news publications and on Sonoma Water's and the Partnership's websites. In addition, online sponsored news content was placed in the Press Democrat to provide continuous information about the drought, water saving tips, programs available to help people save water, and reminders of restrictions.

A drought outreach subcommittee of the Partnership continues to meet monthly to coordinate development of new advertising and to finalize outreach plans through the summer and fall. The committee recently completed a refresh of the drought campaign. The campaigns' new taglines emphasize that "Drought is Still Here" and that customers should "Make a Change to Save Water". Similar to previous ads, paid placements on social media and a variety of ads for geo-targeted digital platforms, including local news websites and high traffic online aggregator websites will continue throughout summer into fall.

With a return to in-person events, summer outreach will once again include tabling at local community festivals such as Earth Day celebrations, farmers markets, summer outdoor music venues, fairs, and more. A summer webinar series covering a variety of drought topics is planned, such as a Do-it-Yourself irrigation leak repair event for the Sonoma County Zero Waste Week in late July 2022. Lastly, speakers bureau presentations to a wide range of community service organizations will occur throughout the summer to help build grass roots support for continued water savings. The ongoing drought outreach campaign continues to be effective in meeting the Governor's call for a 15% reduction as compared to 2020 use. For the July 2021 through March 2022 period, the Partnership is maintaining a 22% reduction in water production totals as compared to the same period in 2020.

Figures

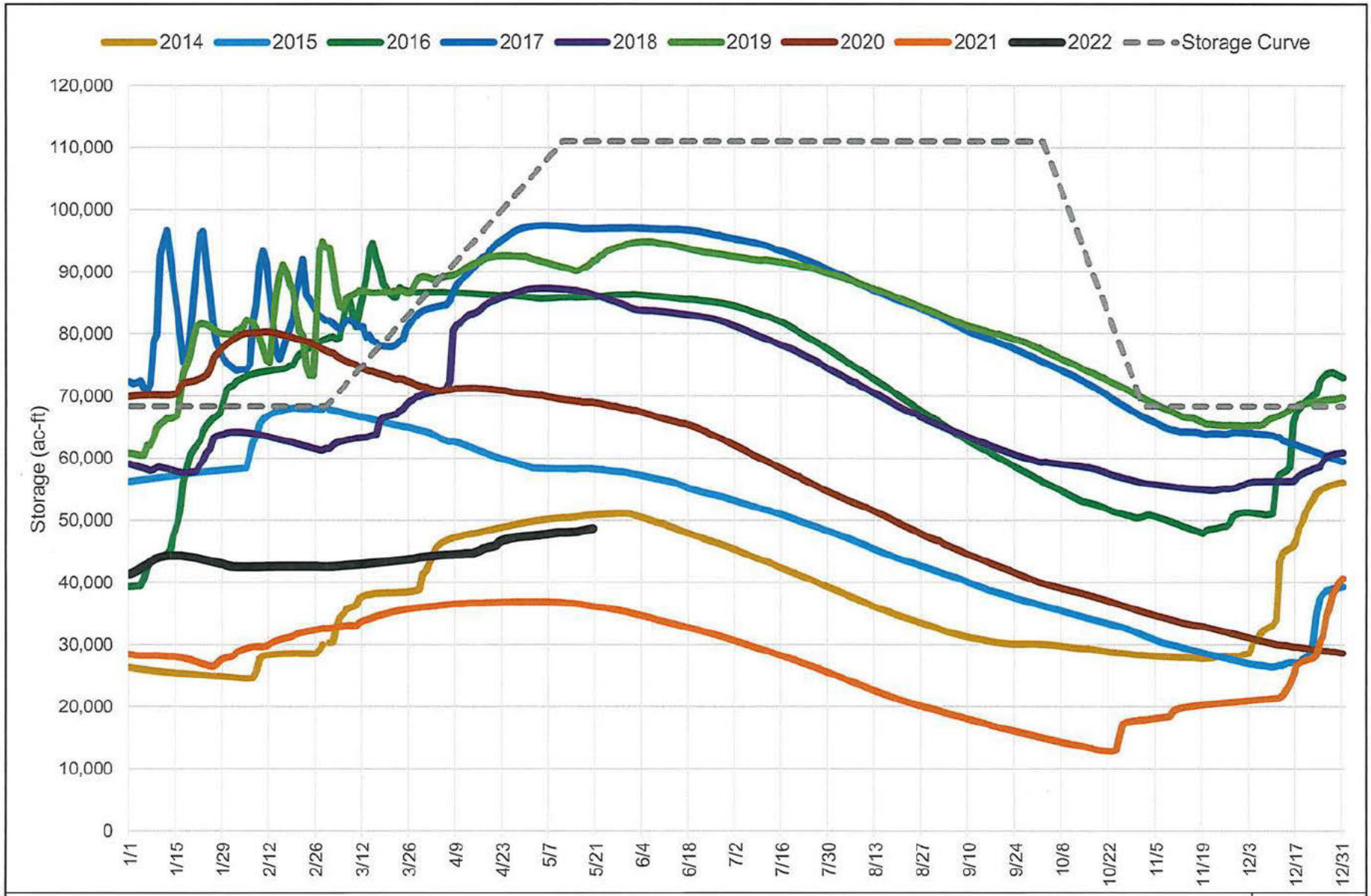


Sonoma Water

Russian River Basin Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

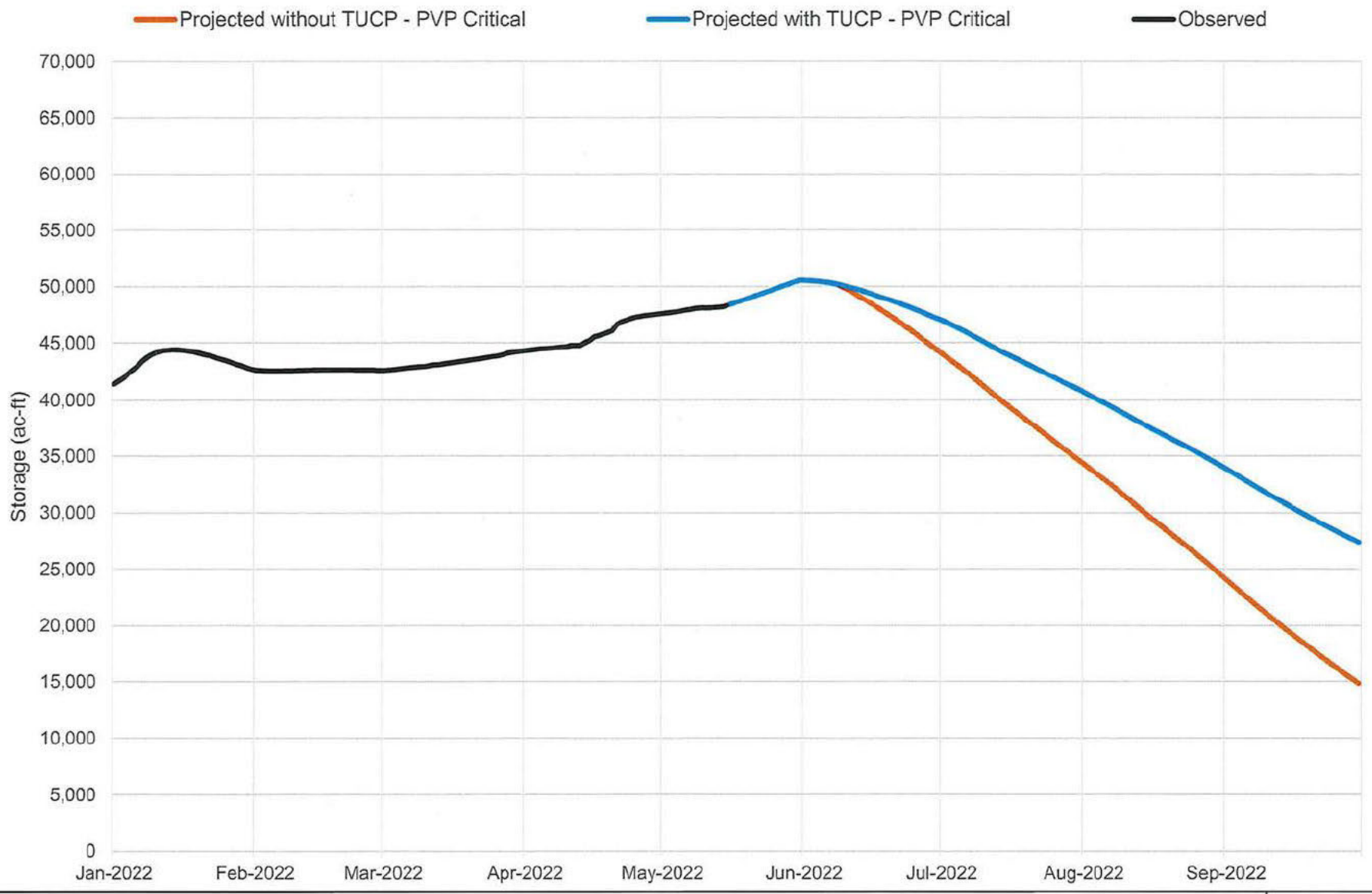
Figure 1



Sonoma Water

Lake Mendocino Storage Hydrograph (2014 - 2022)

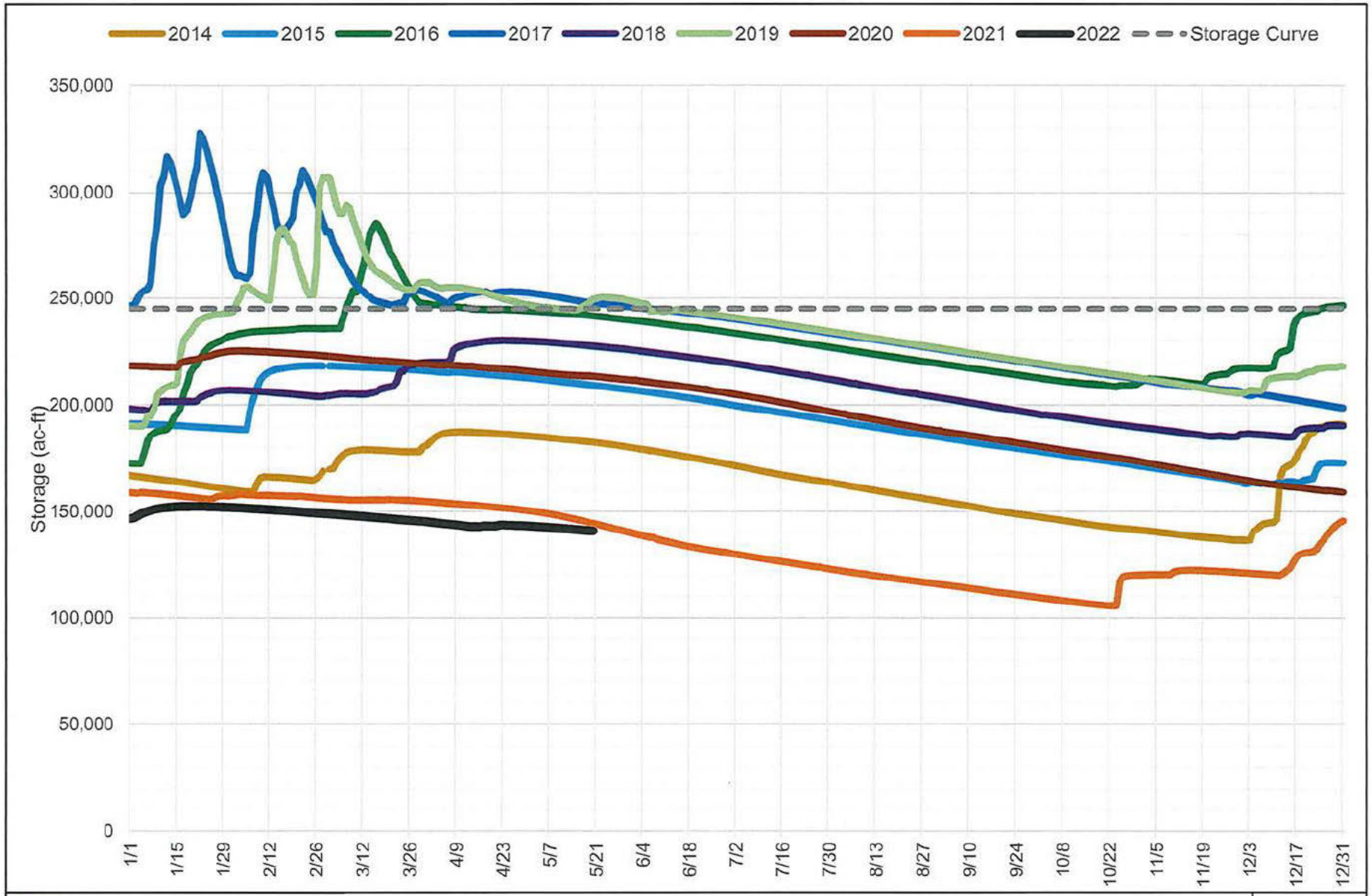
Figure 2



Sonoma Water

Lake Mendocino Storage Projections

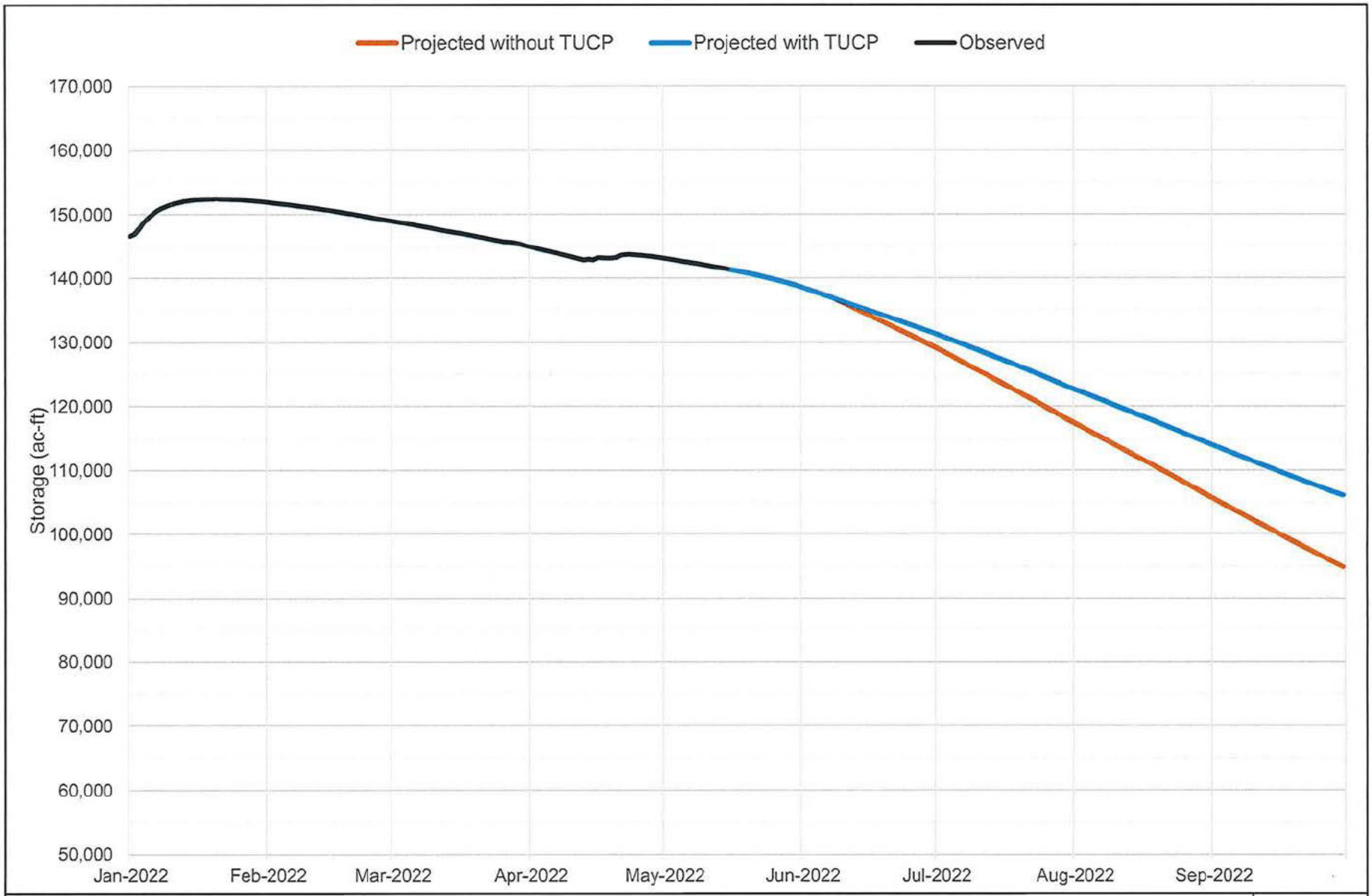
Figure 3



Sonoma Water

Lake Sonoma Storage Storage Hydrograph (2014 - 2022)

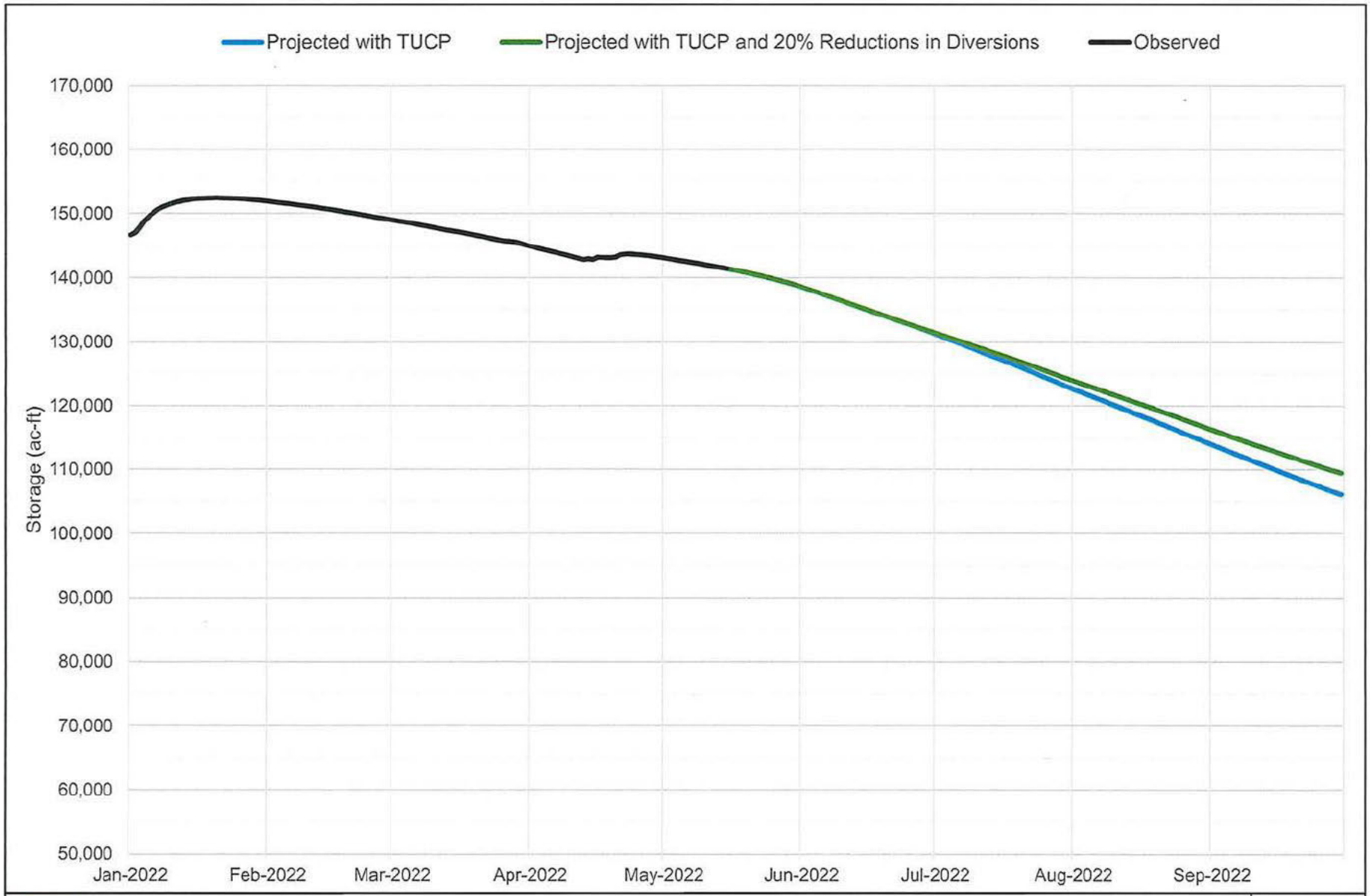
Figure 4



Sonoma Water

Lake Sonoma Storage Projections

Figure 5



Sonoma Water

Lake Sonoma Storage Projections with Proposed Sonoma Water Action

Figure 6

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

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

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

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

See 'Supplement to the May 2022 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: 5/19/2022

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 19, 2022 a special meeting was held with the CA DFW, NMFS and Bryan McFadin of the North Coast Regional Water Quality Control Board. This meeting addressed the pending filing of these petitions and the potential impacts to water quality and fisheries. The parties developed preliminary draft terms for consideration in a pending petitions order. These draft terms are still under review and the resource agencies may modify these in forthcoming comment letters.

Insert the attachment number here, if applicable: ☐

Local Permits

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

Date of Contact: ☐

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

Person Contacted: ☐ Date of Contact: ☐

Department: ☐ Phone Number: ☐

County Zoning Designation: ☐

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

☐ Grading Permit ☐ Use Permit ☐ Watercourse ☐ Obstruction Permit

☐ Change of Zoning ☐ General Plan Change ☐ Other (explain below)

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Federal and State Permits

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

☐ Regional Water Quality Control Board ☐ Department of Fish and Game

☐ Dept of Water Resources, Division of Safety of Dams ☐ California Coastal Commission

☐ State Reclamation Board ☐ U.S. Army Corps of Engineers ☐ U.S. Forest Service

☐ Bureau of Land Management ☐ Federal Energy Regulatory Commission

☐ Natural Resources Conservation Service

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

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

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Construction or Grading Activity

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Archeology

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

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

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Photographs

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

☒ Along the stream channel immediately downstream from each point of diversion

☒ Along the stream channel immediately upstream from each point of diversion

☒ At the place where water subject to this water right will be used

Maps

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

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

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 5.25.22 at Santa Rosa, CA .

[redacted]

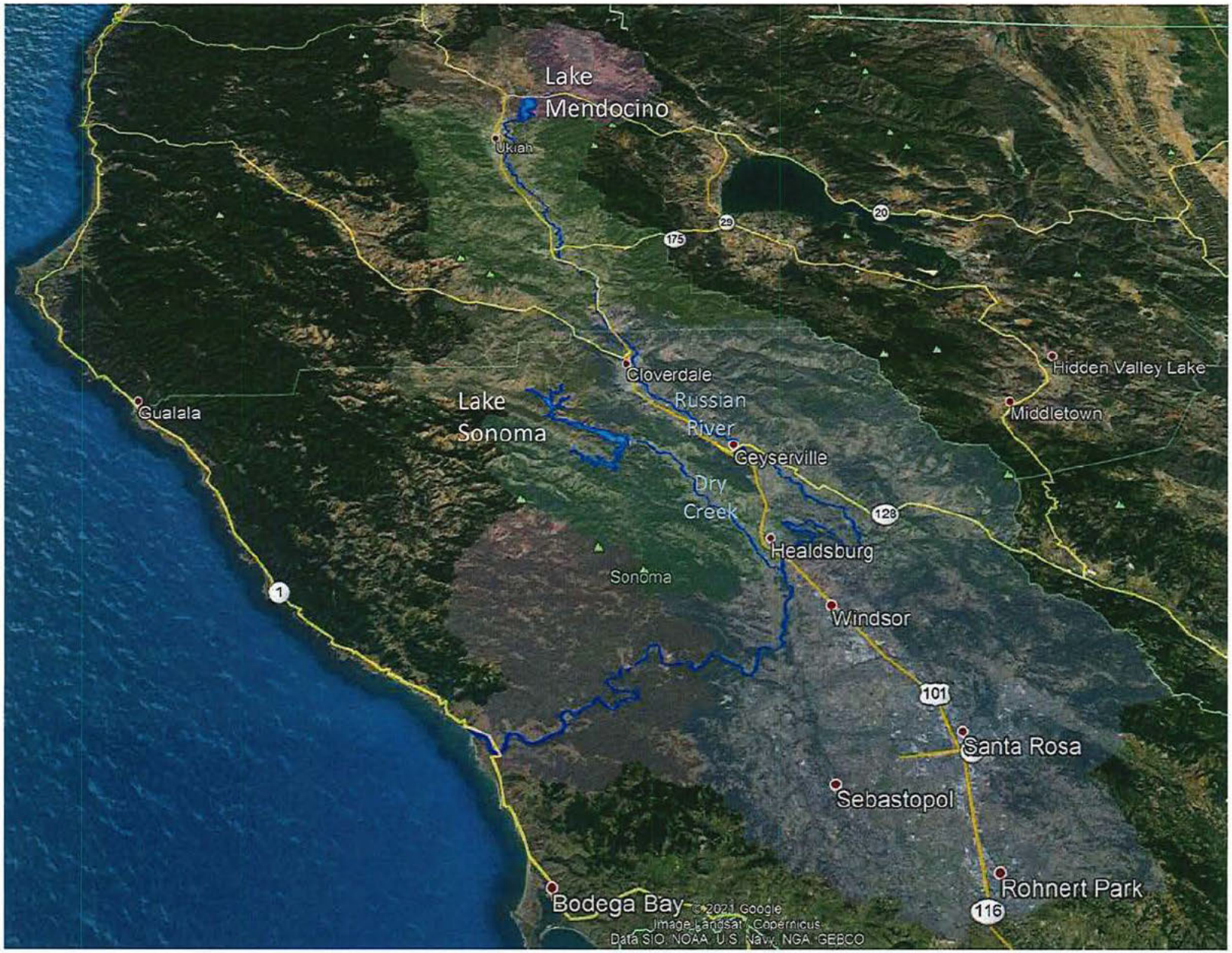
Water Right Holder or Authorized Agent Signature

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 May 16, 2022

Mirabel Inflatable Dam

NOTICE OF EXEMPTION

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

☒ 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

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

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 temporary urgency change petitions (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 salmonids, preserve stored water in Lake Mendocino and Lake Sonoma, and prevent violating the incidental take statement in the 2008 Russian River Biological Opinion issued under the federal Endangered Species Act.

To allow Sonoma Water to optimally manage instream flows in the Upper Russian River and Lower Russian River, and associated reservoir storage, 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 10 cfs below the minimum in the Upper and 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 Pillsbury and Potter Valley Project

Based on Sonoma Water's water right permits established under Decision 1610, the water supply condition for the Russian River is determined using cumulative inflow into Lake Pillsbury as the index. Lake Pillsbury is a storage reservoir located in the Eel River watershed for Pacific Gas & Electric Company's (PG&E) Potter Valley Hydroelectric Project (PVP), which transfers water into the East Fork Russian River. Prior to 2006, transfers of Eel River water through PVP averaged approximately 150,000 acre-feet annually. As a result of an order issued by the Federal Energy Regulatory Commission (FERC) amending PG&E's operating license in the mid-2000s, there has been a 60 percent reduction of the annual transfer of Eel River water into the Russian River watershed. Between 2007 and 2020, the average annual transfer was approximately 60,000 acre-feet. The transformer bank at the PVP powerhouse has failed and will need to be replaced in order to convey water through the powerhouse for power generation. PG&E estimates it will take up to two years to replace the transformer bank at a cost of five to ten million dollars. This has resulted in the transfer of Eel River water being further reduced to 30,000 acre-feet or less (based on hydrologic conditions) until PG&E makes the necessary repairs. Under these operating conditions of the PVP, the influence of the Eel River water imports on downstream hydrologic conditions in the Russian River is greatly diminished. Therefore, there is little to no correlation between cumulative inflow into Lake Pillsbury and the hydrologic conditions in the Russian River watershed. On May 13, 2022, PG&E filed a variance request with FERC due to limited water availability. PG&E requested expedited review and approval to reduce minimum flow requirements on the East Fork Russian River from *Normal* to *Dry/Critical*. The specific request is that the minimum flow requirement be reduced from 75 cfs to the *Critical* level of 5 cfs and be redefined as a target flow, thereby eliminating the 5 cfs buffer. PG&E has proposed that the target flow be reassessed based on additional storage projections over the variance period to determine whether higher target flows are sustainable up to the *Dry* minimum flow requirement of 25 cfs. The proposed term of the drought variance would extend until Lake Pillsbury storage reached 36,000 acre-feet after October 1st. Additionally, PG&E has stated contract deliveries to the Potter Valley Irrigation District (PVID) will be on a request basis up to the maximum of 50 cfs. Based on the changes anticipated by the temporary variance and PG&E's contract deliveries, Sonoma Water staff have projected that PVP transfers from the Eel River to the East Fork Russian River will be reduced by approximately 20,000 acre-feet between June 1, 2022, and October 1, 2022, compared to operating the PVP under normal water supply condition without the variance request.

Due to the continuation of dry conditions in the Russian River watershed, Lake Mendocino and Lake Sonoma are again at or near their lowest levels for this time of year since filling in 1959 and 1986, respectively. Consequently, Sonoma Water proposes that the minimum instream flow requirements be reduced to *Critical* water supply condition requirements to preserve stored water in both Lake Mendocino and Lake Sonoma and prevent violating the incidental take statement in the 2008 Russian River Biological Opinion.

Lake Mendocino

As of May 19, 2022, the water supply storage level in Lake Mendocino was approximately 49,000 acre-feet. This storage level is approximately 44 percent of the available water conservation pool for this time of year. This is the second lowest storage level for this time of year since Lake Mendocino filled in 1959 with the lowest level having occurred last year. 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 *Normal-Dry Spring 2* condition minimum instream flow requirements, which would apply for the remainder of the year and result in the significant depletion and potential elimination of water supplies in Lake Mendocino. Without the requested temporary changes, projected storage levels in Lake Mendocino are expected to reach extremely low levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation. Furthermore, if the upcoming Water Year 2023 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 2023.

Sonoma Water staff estimate that the Decision 1610 *Normal-Dry Spring 2* condition 75 cfs minimum flow in the Upper Russian River would result in Lake Mendocino water storage declining to approximately 15,000 acre-feet by October 1, 2022.

Lake Sonoma

As of May 19, 2022, the water supply storage level in Lake Sonoma was 141,000 acre-feet. This storage level is approximately 58 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 approximately 96,000 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 *Normal-Dry Spring* water supply condition (125 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, 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 changes 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 or until the flow at the USGS gage at Hacienda Bridge (USGS Gage 11467000) exceeds 125 cfs.

Sonoma Water staff estimate that, without the requested temporary changes, the storage level in Lake Sonoma could decline to approximately 96,000 acre-feet by October 1. With the requested temporary changes and Sonoma Water's commitment to reduce diversions by 20 percent between July 1 and October 31, the storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until October 1 of this year.

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 19, 2022, the water supply storage level in Lake Mendocino was approximately 49,000 acre-feet. This storage level is 44 percent of the summer water supply pool. As of May 19, 2022, the water supply storage level in Lake Sonoma was approximately 141,000 acre-feet. This storage level is 58 percent of the 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, which was most recently continued on May 3, 2022, 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 water storage could decline to approximately 15,000 acre-feet by October 1. Reducing the Upper Russian River minimum instream flow requirement from *Normal-Dry Spring 2* condition 75 cfs to *Critical* 25 cfs would improve storage at Lake Mendocino. Without the requested temporary changes, projected storage levels in Lake Mendocino are expected to reach extremely low levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

Sonoma Water staff estimate water levels in Lake Sonoma are projected to decline to approximately 96,000 acre-feet by October 1 of this year if the *Normal-Dry Spring* water supply condition of 125 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 October 1 of this year. 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 changes 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 salmonids, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to extremely low storage levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which Sonoma Water could make releases from Lake Sonoma from June through October. Approval of the proposed temporary urgency changes 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 2023 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 2023.

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 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.

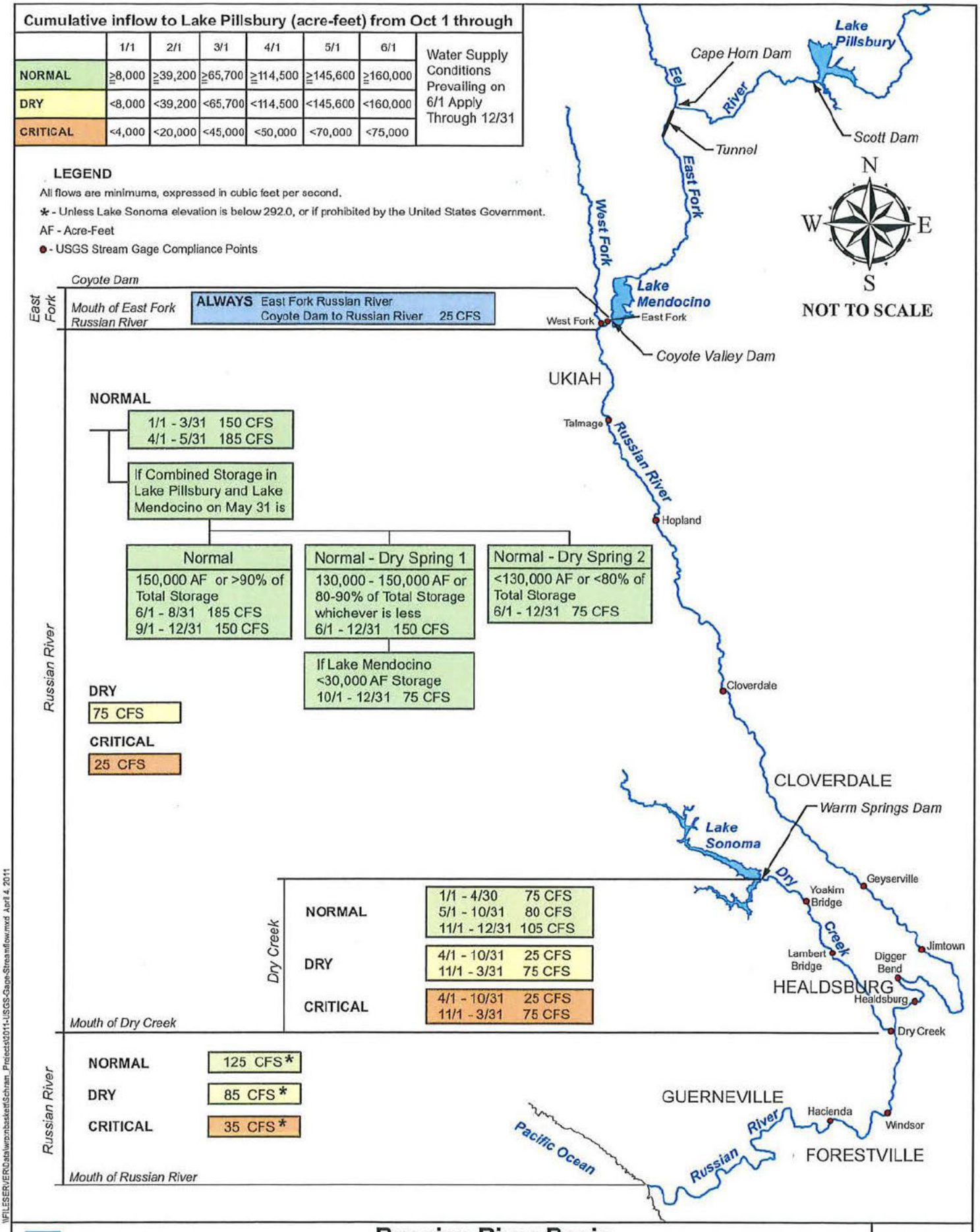
Lead Agency Contact Person: Jessica Martini-Lamb **Area Code/Telephone/Extension:** 707-547-1903

[redacted] General Manager May 25, 2022

Signature *Title* *Date*

☒ Signed by Lead Agency

☐ Signed by Applicant Date received for filing at OPR:_____


Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through
1/1 2/1 3/1 4/1 5/1 6/1
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
Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
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
Lake Pillsbury
Cape Horn Dam
Eel River
Scott Dam
Tunnel
East Fork
West Fork
N
W
E
S
NOT TO SCALE
Coyote Dam
East Fork
Mouth of East Fork Russian River
ALWAYS East Fork Russian River Coyote Dam to Russian River 25 CFS
West Fork
East Fork
Lake Mendocino
Coyote Valley Dam
UKIAH
NORMAL
1/1 - 3/31 150 CFS
4/1 - 5/31 185 CFS
If Combined Storage in Lake Pillsbury and Lake Mendocino on May 31 is
Normal
150,000 AF or >90% of Total Storage
6/1 - 8/31 185 CFS
9/1 - 12/31 150 CFS
Normal - Dry Spring 1
130,000 - 150,000 AF or 80-90% of Total Storage whichever is less
6/1 - 12/31 150 CFS
If Lake Mendocino <30,000 AF Storage
10/1 - 12/31 75 CFS
Normal - Dry Spring 2
<130,000 AF or <80% of Total Storage
6/1 - 12/31 75 CFS
DRY
75 CFS
CRITICAL
25 CFS
Russian River
Talmage
Russian River
Hopland
Cloverdale
CLOVERDALE
Warm Springs Dam
Lake Sonoma
Dry Creek
Geyserville
Yoakim Bridge
Jimtown
Lambert Bridge
Digger Bend
HEALDSBURG
Healdsburg
Dry Creek
Dry Creek
NORMAL
1/1 - 4/30 75 CFS
5/1 - 10/31 80 CFS
11/1 - 12/31 105 CFS
DRY
4/1 - 10/31 25 CFS
11/1 - 3/31 75 CFS
CRITICAL
4/1 - 10/31 25 CFS
11/1 - 3/31 75 CFS
Mouth of Dry Creek
Russian River
NORMAL 125 CFS*
DRY 85 CFS*
CRITICAL 35 CFS*
GUERNEVILLE
Hacienda
Windsor
Pacific Ocean
Russian River
FORESTVILLE
Mouth of Russian River
\\FILESERVER\Data\wr\nbasket\Schram_Projects\2011-USGS-Gage-Streamflow.mxd April 4, 2011
Sonoma Water
Russian River Basin
Streamflow Requirements
Per State Water Resources Control Board Decision 1610, April 1986
Figure 1

Proposed terms were developed in a May 19, 2022 meeting with California Department of Fish and Wildlife, North Coast Regional Water Quality Control Board, and National Marine Fisheries Service based on revised term language from the Temporary Urgency Change Order issued on June 14, 2021

2. Sonoma Water shall conduct the following water quality monitoring tasks to monitor habitat conditions and hydrologic connectivity at the following locations:

Upper Russian River Habitat:

Sonoma Water shall supplement data collected at "permanent" water quality monitoring sites (described in Term 3 below) with temperature and dissolved oxygen measurements in up to a total of five reaches in the Upper Russian River between East Fork Russian River and West Fork Russian River confluence and Cloverdale. These sites will consist of pool/riffle complexes and are to be spaced longitudinally to help determine how water quality changes affect fish rearing in the Upper River. These sites will correspond with the Upper River snorkel surveys described in Term 4 below.

Lower Russian River Habitat:

From October 1 through the end of this Order, Sonoma Water shall visit at least one, and up to four critical riffle sites based on consultation with NMFS, in the Lower Russian River as conditions allow to assess adult salmonid passage opportunities. At each site, Sonoma Water staff shall measure riffle length, width, depth, and document the site with photographs.

3. Sonoma Water shall conduct monitoring to determine the effects on water quality and availability of aquatic habitat for salmonids. Monitoring in the Russian River shall include continuous monitoring of temperature, dissolved oxygen, pH, and specific conductivity at multiple stations from Calpella to Jenner as follows for the duration of this Order:

a. Monitoring on the East Fork Russian River shall occur at a seasonal water quality data sonde located approximately 1/3 mile (0.33 mi) downstream from Lake Mendocino and at the Russian River at the confluence with Pieta Creek; Sonoma Water shall record hourly measurements of water temperature, dissolved oxygen, specific conductivity, pH, and turbidity.

b. Monitoring on the Russian River shall occur at three, multi-parameter "permanent" water quality data sondes at USGS stream gages located at Hopland, Diggers Bend near Healdsburg, and Hacienda Bridge. These three data sondes are referred to as "permanent" as they are maintained as part of Sonoma Water's early warning detection system in coordination with USGS on its "Real-time Data for California" website.

c. Monitoring on the Russian River shall occur at four seasonal data sondes with real-time telemetry in cooperation with USGS at USGS gages at East Fork Russian River at Calpella station, Cloverdale station (north of Cloverdale at Commisky Station Road), Jimtown (at the Alexander Valley Road bridge), and Johnson's Beach (Guerneville). The data sonde at the Cloverdale gage will collect dissolved oxygen and temperature; the data sonde at the Jimtown gage will collect pH, temperature, dissolved oxygen, specific conductivity and turbidity; and the data sonde at Johnson's Beach will collect pH, temperature, dissolved oxygen, specific conductivity and turbidity.

d. Monitoring at Lake Mendocino: Sonoma Water shall work with USACE to monitor the vertical temperature profiles in Lake Mendocino near the outlet structure of the lake on a biweekly basis for the period of this Order. This will inform adjustments to the outlet release at Lake Mendocino to ensure adequate cold water for Coyote Valley Hatchery operations, as well as the need for potential salvage/rescue operations for native fishes in the East Fork Russian River, or other necessary adaptive management. Monitoring at Lake Mendocino will contribute to the assessment of water quality indicators and water column conditions, including vertical profiles for temperature, dissolved oxygen, turbidity, specific conductance, and pH on a biweekly basis. Water grab samples for nutrients, chlorophyll a, and turbidity shall also be collected on a biweekly basis in the hypolimnion, metalimnion, and epilimnion. Monitoring at Lake Mendocino will be dependent on access to adequate safe boat launching sites at low reservoir water surface elevations.

e. Monitoring on the mainstem Russian River shall include collecting water grab samples for nutrients, chlorophyll a, and turbidity at the East Fork Russian River at Calpella, East Fork Russian River approximately 1/3 mile (0.33 mi) downstream from Lake Mendocino, Hopland, Cloverdale, Jimtown, and near Syar Vineyards on a biweekly basis.

f. Monitoring in the Russian River and its estuary shall contribute to assessing water quality indicators and water column conditions. By July 15, 2022, Sonoma Water shall develop a "Water Quality Monitoring Plan for the Russian River Estuary Management Project" (2022 Water Quality Monitoring Plan) in consultation with the North Coast Water Board.

g. Sonoma Water shall conduct the monitoring of the Russian River and its estuary in accordance with the 2022 Water Quality Monitoring Plan to evaluate cyanoHAB conditions and the risk co-factors contributing to nuisance blooms (e.g., flow, temperature, nutrients, etc.). Sonoma Water shall submit a copy of the final plan and any subsequent amendments to the State Water Board's Deputy Director for Water Rights (Deputy Director) and the Executive Officer of the North Coast Water Board within two weeks of their completion.

h. If any water quality issues of concern are observed from the continuous monitoring or water sampling required by this Order, or if extremely low storage conditions in Lake Mendocino (less than 20,000 ac-ft) are forecasted, or if the

Sonoma County Department of Health Services posts health advisories related to cyanotoxins or indicator bacteria, Sonoma Water shall consult with the North Coast Water Board. Sonoma Water shall submit a summary report of consultation details and a description of proposed monitoring activities, if any, to the Deputy Director within one week of the consultation. Any necessary revisions to this Condition may be made following consultation with the North Coast Water Board and approval by the Deputy Director.

4. Sonoma Water shall conduct the following Fisheries Monitoring at the following locations:

Upper Russian River:

Between June and October 2022, Sonoma Water shall conduct two snorkel surveys in a pool/riffle complex at the five reaches between the Forks and Cloverdale described in Condition 2 to document fish presence and species composition. The surveys shall be conducted in the early (June/July) and late (September) portion of the monitoring season.

Lower Russian River:

a. From October 1 through the end of this Order, Sonoma Water shall conduct biweekly snorkel surveys in at least one, and up to six pools based on consultation with NMFS, between Mirabel Dam and the estuary to document the presence of adult salmonids. Snorkel surveys shall start after adult salmonids have access to the river (i.e., when the sandbar at the mouth of the river is open) and shall end after adult salmonids move past the counting station at the Mirabel fish ladder.

b. Beginning no later than September 1, 2022, and continuing through the duration of this Order, Sonoma Water shall monitor and record the daily numbers of adult salmon and steelhead moving upstream past the life cycle monitoring station at the Mirabel Dam fish ladder. Mirabel fish ladder numbers shall be included in the weekly reports required by Condition 6.

c. Beginning no later than October 1, 2022, and after a cumulative season total of 100 adult salmonids have moved past the Mirabel fish ladder, if adult salmon and steelhead can enter the Russian River estuary and suitable water clarity allows, Sonoma Water shall conduct spawning ground surveys in Dry Creek. Based on consultation with NMFS, up to three comprehensive Dry Creek surveys shall be conducted by boat along the 14-mile reach between Warm Springs Dam and the confluence of the Russian River and Dry Creek in Healdsburg.

d. Beginning no later than November 1, 2022, and after a cumulative season total of 100 adult salmonids have moved past the Mirabel fish ladder and flows at the USGS gauge in Healdsburg exceed 100 cfs, Sonoma Water shall monitor numbers of adult salmonids in representation reaches in Alexander Valley and the Upper Russian River. Monitoring shall occur on a monthly basis during the period of this Order.

e. By December 1, 2021, or after a cumulative seasonal total of 100 adult salmonids have moved upstream past the Mirabel fish ladder, whichever is earlier, Sonoma Water shall consult weekly with NMFS and CDFW regarding the possibility of increasing the instream flow at the gage at Hacienda to a level not to exceed 110 cfs.

5. Sonoma Water shall continue to consult with NMFS, CDFW, and the North Coast Water Board on a biweekly basis for fishery and water quality monitoring updates and any concerns relative to water quality and hydrologic condition of the Russian River. Sonoma Water shall submit a summary report of consultation details to the Deputy Director upon request.