



**Sonoma  
Water**

April 24, 2023

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**


Dear Mr. Ekdahl:

Enclosed are 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 April 2023 Temporary Urgency Change Petition*
- 2) *Environmental Information for Petitions*
- 3) Notice of Exemption
- 4) California Department of Fish and Wildlife Review Fee Payment
- 5) State Water Resources Control Board Petition Fee Payment

These petitions are being submitted as required by the Russian River Biological Opinion issued by NOAA National Marine Fisheries Service in September 2008. 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, K. Emanuel – State Water Resources Control Board  
R. Coey, J. Fuller – National Marine Fisheries Service  
M. Kilgour - 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, K. Gylfe – Sonoma Water  
C. O'Donnell, A. Brand, V. Ball – Sonoma County Counsel  
R. Bezerra – Bartkiewicz, Kronick & Shanahan

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Please indicate County where your project is located here:

Sonoma / Mendoc.

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

PETITION FOR CHANGE

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

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

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

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

Present: Proposed:

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

Present: Proposed:

Purpose of Use

Present: Proposed:

Split

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

[Empty box for Split information]

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

Distribution of Storage

Present: Proposed:

**Temporary Urgency**

This temporary urgency change will be effective from  to

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

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Downstream Location:

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

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

**Waste Water**

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

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

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

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

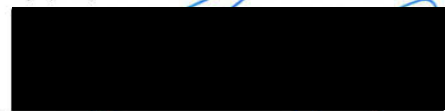
Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No

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

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

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

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

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

\_\_\_\_\_  
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Application 15736 Permit 12949 License Statement

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Present:
Proposed:

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

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

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 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

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Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
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Will any legal user of the treated waste water discharged be affected?  Yes  No

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Right Holder or Authorized Agent Signature Right Holder or Authorized Agent Signature

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Present: Proposed:

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Present: Proposed:

Purpose of Use

Present: Proposed:

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## Sonoma County Water Agency

### *Supplement to the April 2023 Temporary Urgency Change Petitions*

#### 1.0 BACKGROUND

The Sonoma County Water Agency (Sonoma Water) controls and coordinates water supply releases from Lake Mendocino and Lake Sonoma to implement the minimum instream flow requirements in water rights Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies minimum flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River. These minimum flow requirements vary based on water supply conditions, which are also specified in Decision 1610. The Decision 1610 requirements for the Upper Russian River and Lower Russian River are contained in term 20 of Sonoma Water's water-right Permit 12947A (Application 12919A). The Decision 1610 requirements for the Lower Russian River are contained in term 17 of Sonoma Water's water-right Permit 12949 (Application 15736) and term 17 of Sonoma Water's water-right Permit 12950 (Application 15737). The Decision 1610 requirements for Dry Creek and the Lower Russian River are contained in term 13 of Sonoma Water's water-right Permit 16596 (Application 19351).

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

#### 1.1 MINIMUM FLOW REQUIREMENTS

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork of the Russian River from Coyote Valley Dam to the confluence with the West Fork of the Russian River under all water supply conditions. From this point to Dry Creek, the Decision 1610 required minimum Russian River flows are 185 cfs from April through August and 150 cfs from September through March during *Normal* water supply conditions, 75 cfs during *Dry* conditions and 25 cfs during *Critical* conditions. Decision 1610 further specifies two variations of the *Normal* water supply condition, commonly known as *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the Upper Russian River during times when the combined storage in Lake Pillsbury (owned and operated by the Pacific Gas and Electric Company) 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 from the confluence of the East Fork and the West Fork to the Russian River's confluence with Dry Creek. 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 (the Russian River between its confluence with Dry Creek and the Pacific Ocean). A summary of the required minimum flows in the 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, 2022, to April 13, 2023, the cumulative inflow into Lake Pillsbury was 526,105 acre-feet. Consequently, the water supply condition will be categorized as *Normal* for the remainder of the year. Based on these criteria, the Decision 1610 required minimum instream flows in the Upper Russian River (from the East Fork Russian River to the Russian River's confluence with Dry Creek) will be 185 cfs between April 1 and May 31. The required minimum instream flows starting June 1 will be determined based on the combined storage of Lake Pillsbury and Lake Mendocino on May 31. At this time, the projected combined storage amount is projected to exceed 150,000 acre-feet. Based on the projected combined storage, Sonoma Water anticipates that the water supply condition starting June 1 will be *Normal*. Consequently, the Decision 1610 required minimum instream flows in the Upper Russian River will be 185 cfs until August 31 and then 150 cfs for the remainder of the year. In the Lower Russian River, the required minimum instream flow will be 125 cfs.

## **2.1 LAKE MENDOCINO**

As of April 13, 2023, the water supply storage level in Lake Mendocino was 99,396 acre-feet and still gaining. Current operations at Lake Mendocino are conducted under the Forecast Informed Reservoir Operations (FIRO) program, which allows discretionary encroachment into the reservoir's flood control pool. The current storage level is 105.5 percent of the water conservation supply pool for this date. During this period, the FIRO pool increases daily until a maximum pool is reached on May 10 at 111,000 acre-feet. Figure 2 shows the storage level in Lake Mendocino compared to the 30-year average between 1993 and 2022. As shown in the figure, the storage level is well above the 30-year average for this time of year.

## **2.2 LAKE SONOMA**

As of April 13, 2023, the water supply storage level in Lake Sonoma was 266,463 acre-feet. Current operations at Lake Sonoma are conducted under the protocols of a minor deviation to the reservoir's Water Control Manual that was approved by the U.S. Army Corps of Engineers (Corps) in December 2022. Under the minor deviation, a discretionary encroachment into the reservoir's flood control pool of 19,000 acre-feet may be utilized to increase stored water conserved for water supply. The current storage level is 108.8 percent of the water conservation supply pool. Figure 3 shows the storage level in Lake Sonoma compared to the 30-year average between 1993 and 2022. As shown in the figure, the storage level is well above the 30-year average for this time of year.

## **3.0 RUSSIAN RIVER BIOLOGICAL OPINION**

Under the federal Endangered Species Act (ESA), coho salmon in the Russian River watershed are listed as an endangered species, and steelhead and Chinook salmon are listed as threatened species. Additionally, coho salmon are listed as an endangered species under the California Endangered Species Act (CESA). In September 2008, the National Marine Fisheries Service (NMFS) issued the Russian River Biological Opinion (Biological Opinion). This Biological Opinion was the culmination of more than a decade of consultation under Section 7 of the ESA by Sonoma Water and Corps with NMFS regarding the effects of Sonoma Water's and Corps' water supply and flood control operations in the Russian River watershed on the survival of these listed fish species.

Studies conducted during the consultation period led NMFS to conclude in the Biological Opinion that the summer flows in the Upper Russian River and Dry Creek required by Decision 1610 create velocities that are too high for optimal juvenile salmonid habitat. NMFS also concluded in the Biological Opinion that the historical practice of breaching the

sandbar that closes the mouth of the Russian River to minimize flood risk during the summer and fall may adversely affect the listed species. NMFS concluded in the Biological Opinion that it might be better for juvenile steelhead if the estuary was managed as seasonal freshwater lagoon in the summer months. Minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while minimizing risk of flooding low-lying properties.

To address these issues, NMFS's Biological Opinion requires Sonoma Water and Corps to implement a series of actions to modify existing water supply and flood control activities that, in concert with habitat enhancement measures, are intended to minimize impacts to listed salmon species and enhance their habitats in the Russian River and its tributaries. Sonoma Water is responsible for the following actions under the Biological Opinion:

- Petitioning the State Water Board to modify permanently the requirements for minimum instream flows in the Russian River and Dry Creek (original Petition filed on September 23, 2009; revised petition filed on August 17, 2016);
- Enhancing salmonid habitat in Dry Creek and its tributaries;
- Developing a bypass pipeline around Dry Creek, if habitat enhancement measures are unsuccessful;
- Changing Russian River estuary management;
- Improving water diversion infrastructure at Sonoma Water's Wohler and Mirabel facilities;
- Modifying flood control maintenance activities on the mainstem Russian River and its tributaries; and
- Continuing to participate in the Coho Brood stock program.

The Biological Opinion acknowledges that implementing permanent changes to the minimum instream flow requirements for the Russian River and Dry Creek will take several years, including the time needed for review under the California Environmental Quality Act (CEQA) and compliance with state and federal regulations. Consequently, the Biological Opinion requires that, beginning in 2010, Sonoma Water file annual petitions with the State Water Board for temporary changes to the Decision 1610 minimum instream flow requirements in the main stem Russian River until the State Water Board has issued an order on Sonoma Water's petition for permanent changes to the Decision 1610 minimum instream flow requirements. The Biological Opinion requires Sonoma Water to request that the mainstem minimum instream flow requirements be temporarily changed to the following values during *Normal* water supply conditions:

- 70 cfs between May 1 and October 15 at the U.S. Geological Survey (USGS) gage located at Hacienda Bridge (with the understanding that an operational buffer typically will result in flows of approximately 85 cfs)
- 125 cfs between May 1 and October 15 at the USGS gage located at Healdsburg

The temporary changes to Decision 1610 minimum instream flow requirements specified in the Biological Opinion are summarized in Figure 4. (The Biological Opinion does not require Sonoma Water to seek any temporary changes to the minimum instream flow requirements for Dry Creek.)

#### **4.0 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.

#### **4.1 URGENCY OF THE PROPOSED CHANGE**

Decision 1610 set the minimum instream flow requirements that the State Water Board concluded, in 1986, would benefit both fishery and recreation uses, and would “preserve the fishery and recreation in the river and in Lake Mendocino to the greatest extent possible while serving the needs of the agricultural, municipal, domestic, and industrial uses which are dependent upon the water” (D 1610, § 13.2, page 21). The State Water Board also concluded in Decision 1610 that additional fishery studies should be done (D 1610, § 14.3.1, pages 26-27).

Over thirty years later, it appears that the flows set by Decision 1610 no longer benefit fishery uses. To the contrary, the Biological Opinion concludes that summertime flows in the Russian River during *Normal* water supply conditions, at the levels required by Decision 1610, are higher than the optimal levels for the listed fish species. The Biological Opinion contains an extensive analysis of the impacts of these required minimum instream



flows on listed fish species. The Biological Opinion requires Sonoma Water to file a petition (original petition filed on September 23, 2009; revised petition filed on August 17, 2016) with the State Water Board to improve conditions for listed species by seeking permanent reductions in the minimum instream flow requirements contained in Sonoma Water's existing water rights permits. The Biological Opinion also contains the following requirement:

*"To help restore freshwater habitats for listed salmon and steelhead in the Russian River estuary, SCWA will pursue interim relief from D1610 minimum flow requirements by petitioning the SWRCB for changes to D1610 beginning in 2010 and for each year prior to the permanent change to D1610. These petitions will request that minimum bypass flows of 70 cfs be implemented at the USGS gage at the Hacienda Bridge between May 1 and October 15, with the understanding that for compliance purposes SCWA will typically maintain about 85 cfs at the Hacienda gage. For purposes of enhancing steelhead rearing habitats between the East Fork and Hopland, these petitions will request a minimum bypass flow of 125 cfs at the Healdsburg gage between May 1 and October 15. NMFS will support SCWA's petitions for these changes to D1610 in presentations before the SWRCB."*

*(Biological Opinion, page 247)*

One of the species listed under the federal ESA (coho salmon) is also listed under the California Endangered Species Act (CESA). The California Department of Fish and Wildlife (DFW) has issued a consistency determination in which it determined that the incidental take statement issued to Sonoma Water by NMFS in connection with the Biological Opinion is consistent with the provisions and requirements of CESA.

In light of this background, an urgent need exists for the proposed change. As discussed in the Biological Opinion, the temporary changes that are requested in this petition will improve habitat for the listed species by reducing instream flows and by increasing storage for later fishery use, without unreasonably impairing other beneficial uses, thus maximizing the use of Russian River water resources. Moreover, given the listings of Chinook salmon, coho salmon, and steelhead under the federal ESA, there is a need for prompt action. As demonstrated by the Biological Opinion, there has been an extensive analysis of the needs of the fishery, and fishery experts agree that the Decision 1610 minimum instream flows appear to be too high.

#### **4.2 NO INJURY TO ANY OTHER LAWFUL USER OF WATER**

If this petition is granted, Sonoma Water still will be required to maintain specified minimum

flows in the Russian River. Because these minimum flows will be present, all other legal users of water still will be able to divert and use the amounts of water that they legally may divert and use. Accordingly, granting this petition will not result in any injury to any other lawful user of water.

#### **4.3 NO UNREASONABLE EFFECT UPON FISH, WILDLIFE, OR OTHER INSTREAM BENEFICIAL USES**

This petition is based upon the analysis contained in the 2008 Biological Opinion, which was issued primarily to improve conditions for fish resources in the Russian River system. Two types of improved conditions will result from an order approving this petition. First, the Biological Opinion concludes that stream flows that are required by Decision 1610 are too high for optimum fish habitat. If this petition is granted, then lower stream flows, which will result in better fish habitat, will occur. Second, lowering the required minimum instream flows will result in higher fall storage levels in Lake Mendocino. The resulting conservation of water in Lake Mendocino will allow enhanced management of Russian River flows in early fall for the benefit of fish migration.

It is possible that reduced flows in the Russian River may impair some instream beneficial uses, principally recreation uses. However, although some recreation uses may be affected by these reduced flows, any such impacts on recreation this summer will be reasonable in light of the impacts to fish that could occur if the petition were not approved.

#### **4.4 THE PROPOSED CHANGE IS IN THE PUBLIC INTEREST**

As discussed above, the sole purpose of this petition is to improve conditions for listed Russian River salmonid species, as determined by NMFS and DFW. Approval of Sonoma Water's petition to reduce instream flow requirements to benefit the fishery will also result in higher fall storage levels in Lake Mendocino, which will make more water available in the fall for fishery purposes. Under these circumstances, it is in the public interest to temporarily change the Decision 1610 minimum required instream flows.

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

To meet the terms and conditions of the Biological Opinion and to avoid excessively high flows that could result in violations to the Biological Opinion's Incidental Take Statement, Sonoma Water is filing this TUCP. It requests that the State Water Board make the following changes to Sonoma Water's permits for a period from May 1, 2023, until October 15, 2023:

- (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 185 cfs to 125 cfs; and
- (2) reduce required minimum instream flow in the Russian River from its confluence with Dry Creek to the Pacific Ocean from 125 cfs to 70 cfs.

The sole purpose of the requested changes is to meet the terms and conditions of the Biological Opinion, as there is adequate water supply available in Lake Mendocino and Lake Sonoma to meet this year's water supply demands by legal users and minimum instream flows required by Decision 1610.

To improve its efforts at achieving the optimal habitat conditions in the Lower Russian River and to optimally manage flows in the entire river, Sonoma Water has requested in this year's TUCP (as in previous ones) that the minimum instream flow requirements be implemented on a 5-day running average of average daily streamflow measurements with the condition that instantaneous flows on the Upper Russian River be no less than 110 cfs and on the Lower Russian River be no less than 60 cfs. This adjustment will allow Sonoma Water to manage stream flows with a smaller operational buffer, thereby facilitating the attainment of the low flow conditions that the Biological Opinion identifies as being conducive to the enhancement of salmonid habitat. Reducing the operational buffer will also conserve water supply in Lake Mendocino, resulting in higher storage levels in the fall for increased releases for migrating Chinook salmon and improving carry over storage for the following year.

## **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 13 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,

Valley of the Moon and Marin Municipal Water Districts; California 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 Water and the retail agencies of the Partnership have, or have planned to rescind the shortage declarations in place since summer 2021 as a result of ample surface water supplies and Governor Newsom's Executive Order N-5-23 that rescinded the statewide 15 percent drought reduction goal and the Level 2 shortage requirement for urban water providers. Nonetheless, the Partnership continues to implement all of the primary programs, water waste prohibitions, and outreach campaigns conducted prior to and during the drought, but with a change in emphasis from short term drought reductions back to long-term water savings and the permanent adoption of efficient water use habits. The State Board's planned 2023 rulemaking to adopt new Urban Water Use Objectives for retail water providers, and the additional water use reductions that will be required to achieve them, is also the current focus.

Currently, the Partnership is implementing a regional thank you campaign for the community's exceedance of water savings goals during the drought. The campaign highlights some of the permanent water saving measures that customers completed over the last two years. This includes replacing over 1,000,000 square feet of turf grass with low water use plants, installing 1,200 high-efficiency toilets, and adding 95,000 gallons of rainwater harvesting capacity. Print, digital, and social media ad placements are being utilized.

The Partnership's summer campaign, which runs from the end of May through September, will focus on proper maintenance and scheduling practices of irrigation systems using a series of animated videos in English and Spanish. Additional digital and social media ads are planned to bring greater awareness of the Partnership's tools and resources to help customers save water outdoors. Examples include the Water Smart Gardens Maintenance Manual, the online irrigation scheduling tool, and the Water Smart Plant Label program, which makes it easy to identify low water use plants at participating local nurseries.

Lastly, Sonoma Water has completed its annual water supply and demand assessment as required by Water Code §10632.1 and shared the results with its contractors. No shortage condition is indicated for the reporting period of July 1, 2023, through June 30, 2024. Sonoma Water will be submitting a copy of its Water Shortage Assessment Report to the Department of Water Resources prior to the July 1, 2023, filing deadline.

## **7.0 CONCLUSION**

The potential need to make changes after 1986 to the minimum instream flow requirements specified in Decision 1610 was contemplated by Decision 1610. Decision 1610 states: "Our decision will be subject to a reservation of jurisdiction to amend the minimum flow requirements if future studies show that amendments might benefit the fisheries or if operating the project under the terms and conditions herein causes unforeseen adverse impacts to the fisheries." As discussed in this petition, fisheries studies conducted during the last two decades, which ultimately led to NMFS' Biological Opinion, now indicate the need to amend the Decision 1610 minimum flow requirements. Sonoma Water therefore requests that the State Water Board approve this petition.

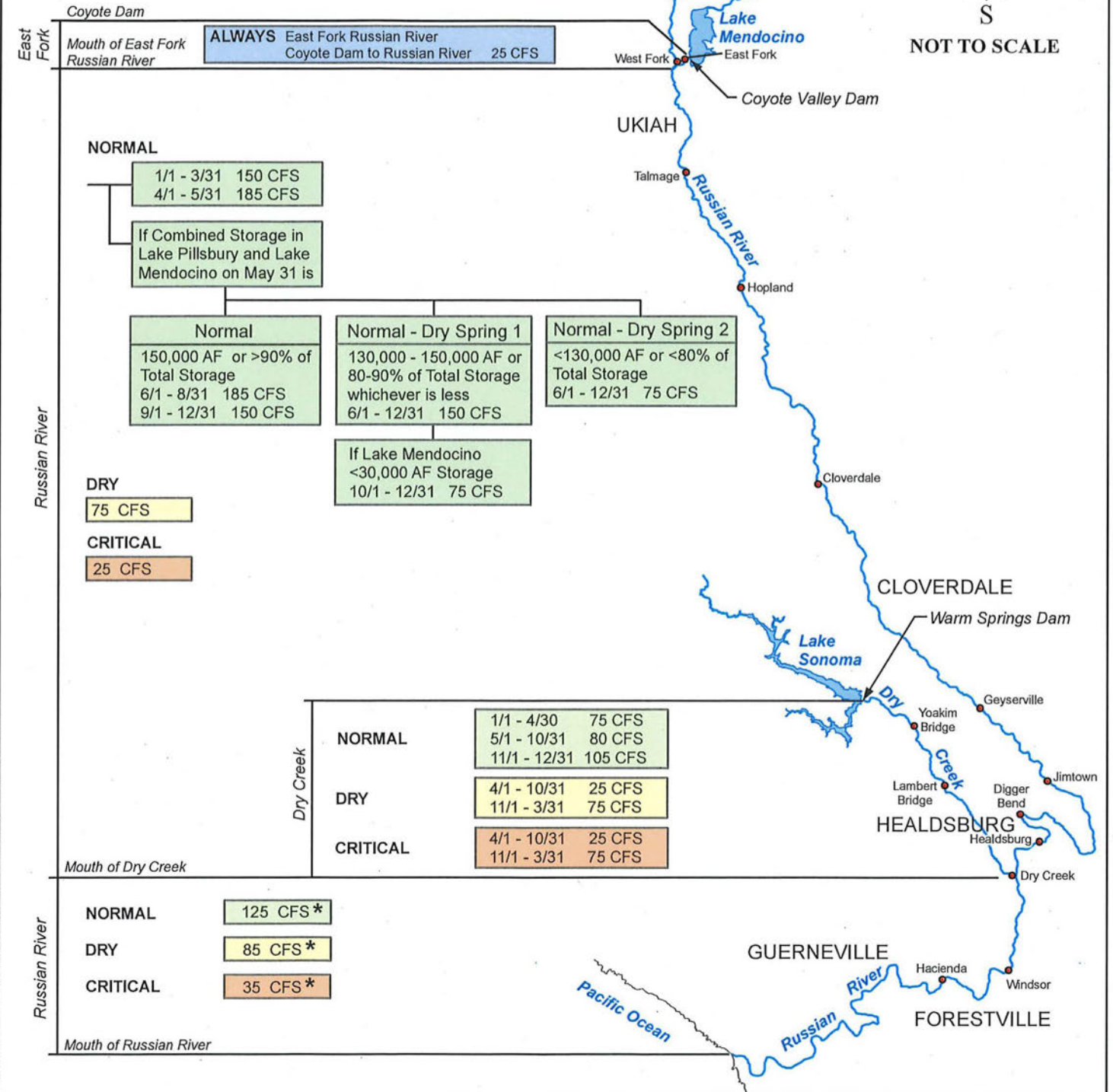
**FIGURES**

**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



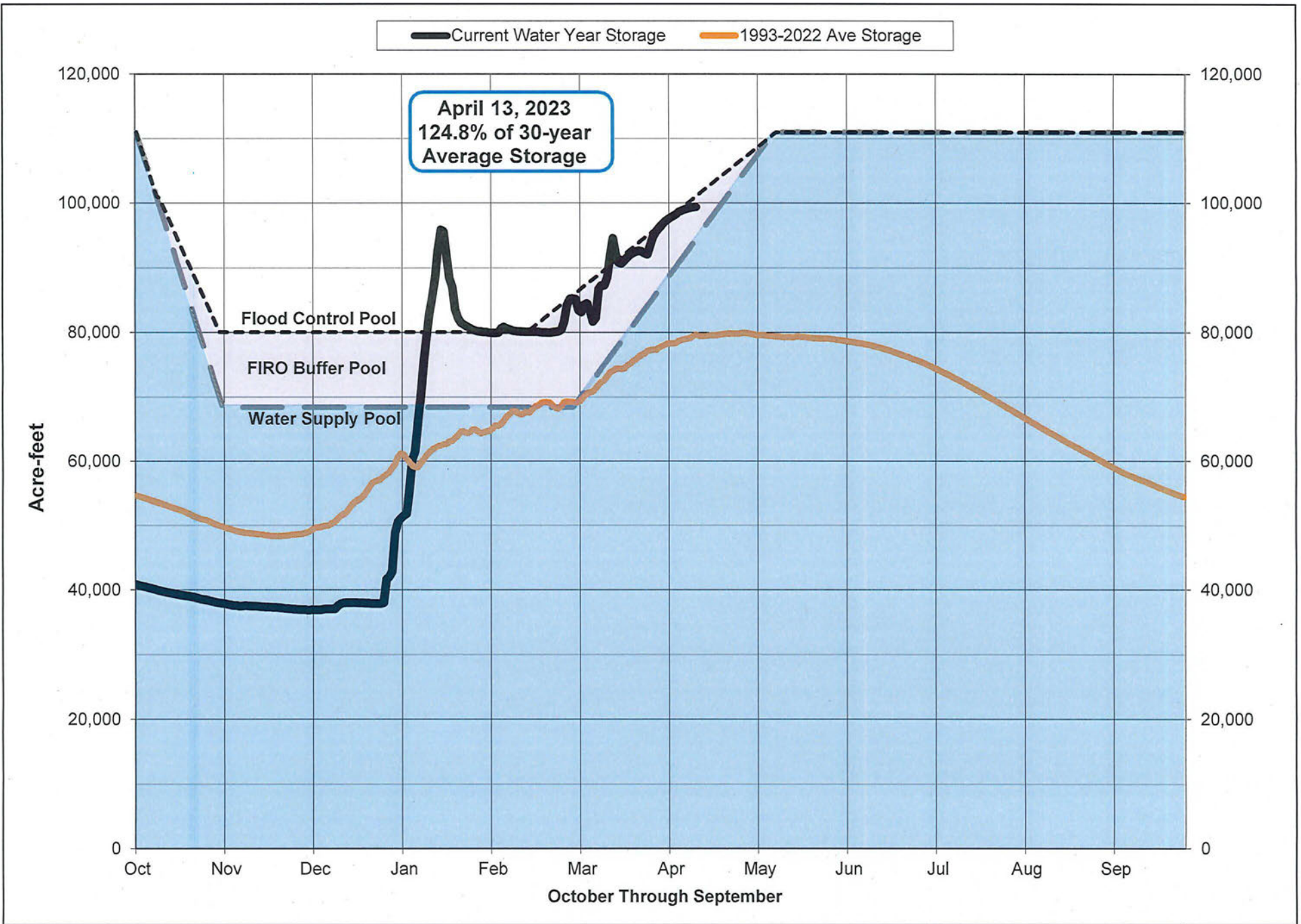
W:\FILES\SERVER\DATA\wpr\nbaskett\schram\_projects\2011-USGS-Gage-Streamflow.mxd April 4, 2011



**Russian River Basin  
Streamflow Requirements**

Per State Water Resources Control Board Decision 1610, April 1986

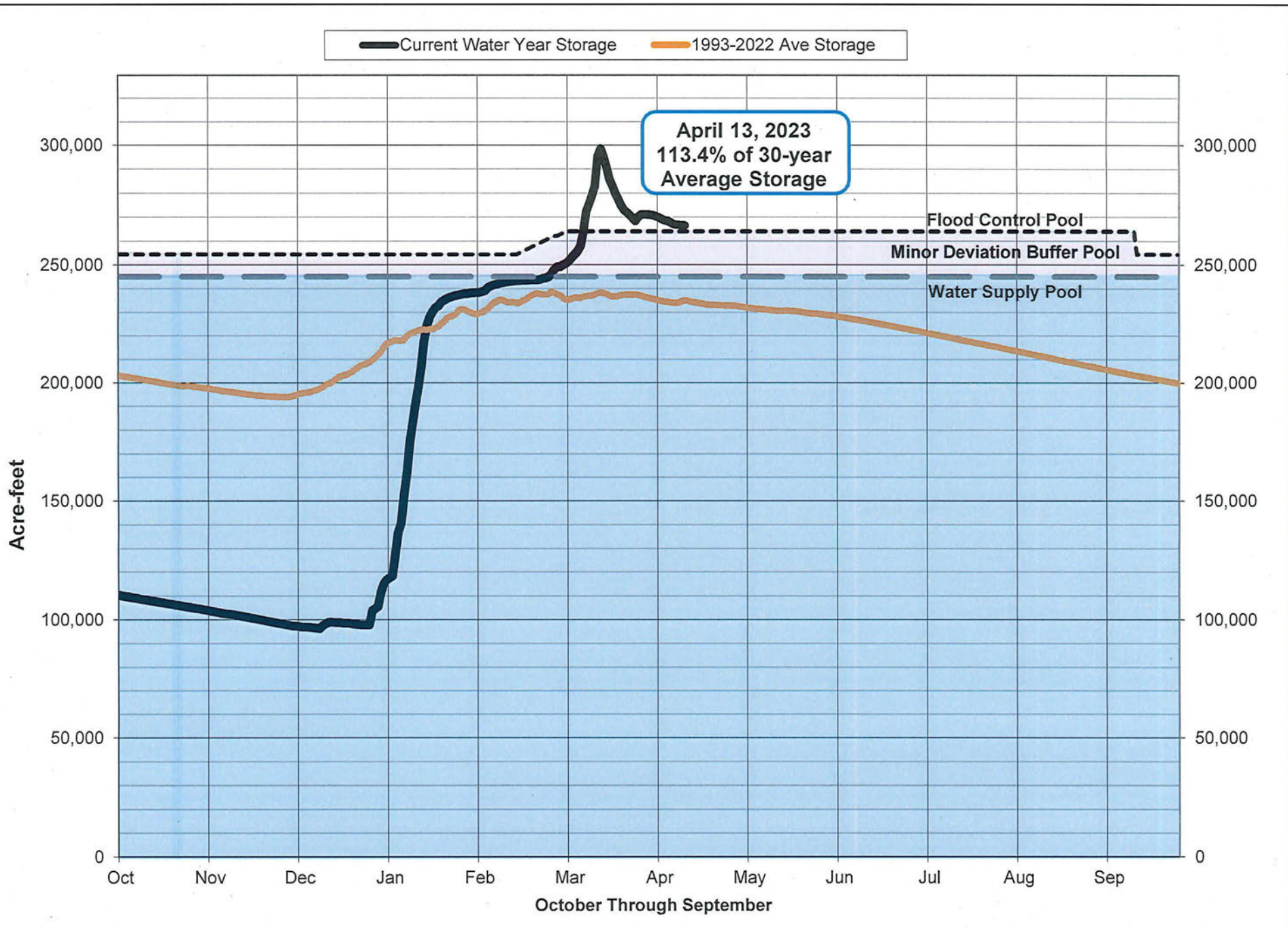
Figure 1



**Lake Mendocino Storage**

**Figure 2**





Lake Sonoma Storage

Figure 3

**LEGEND**

AF - Acre-Feet

● - USGS Stream Gage Compliance Points



NOT TO SCALE

Upper Russian River

Mouth of East Fork Russian River

Water Supply Conditions	Temporary Requested Changes		D1610 Requirements	
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	125	May 1 - Oct 15	185	Apr 1 - Aug 31
			150	Sep 1 - Oct 31
Normal - Dry Spring 1	125	May 1 - Oct 15	185	Apr 1 - May 31
			150	Jun 1 - Mar 31

Dry Creek

Mouth of Dry Creek

Water Supply Conditions	Temporary Requested Changes		D1610 Requirements	
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	-	-	80	May 1 - Oct 31

Lower Russian River

Mouth of Russian River

Water Supply Conditions	Temporary Requested Changes		D1610 Requirements	
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	70	May 1 - Oct 15	125	Jan 1 - Dec 31

Pacific Ocean

\\FILESERVER\DATA\map\baiken\Schram - Project\2011-BIOLOGICAL OPINION.mxd April 4, 2011



# Russian River Biological Opinion

## Proposed Temporary Minimum Instream Flow Changes

Per National Marine Fisheries Service's Biological Opinion Issued September 24, 2008

Figure 4

## 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 April 2023 Temporary Urgency Change Petition' for a summary of the requested changes.

Insert the attachment number here, if applicable:

**Coordination with Regional Water Quality Control Board**

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

Date of Request

4/12/2023

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:

Project discussed in consultation meeting with North Coast Regional Water Quality Control Board on April 12, 2023 which was a requirement of the Dec 2022 TUCO. Regional Board staff included Rich Fadness, Bryan McFadin, and Mike Thomas.

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 4-29-23 at Santa Rosa, CA

Water Right Holder or Authorized Agent Signature

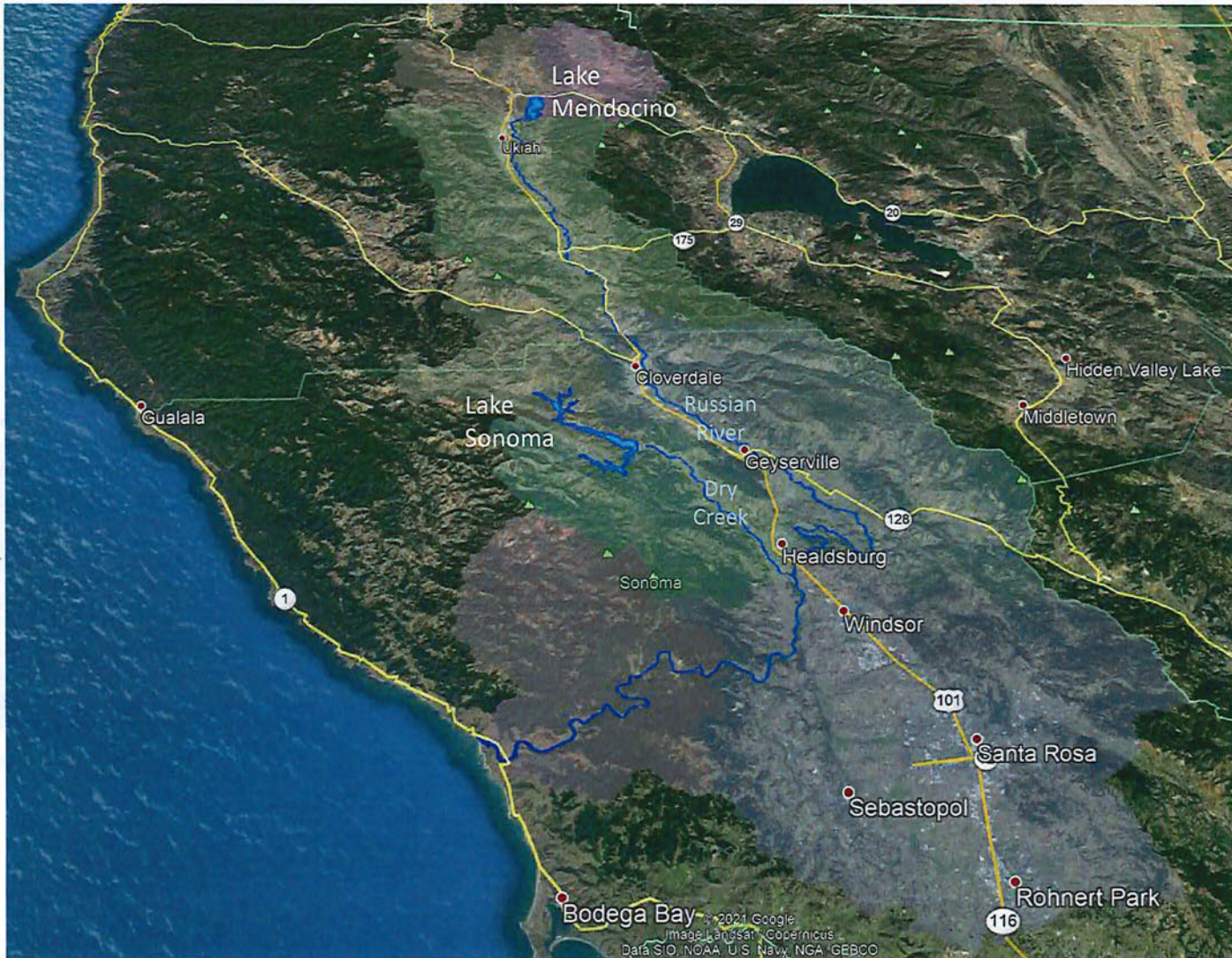
Water Right Holder or Authorized Agent Signature

**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

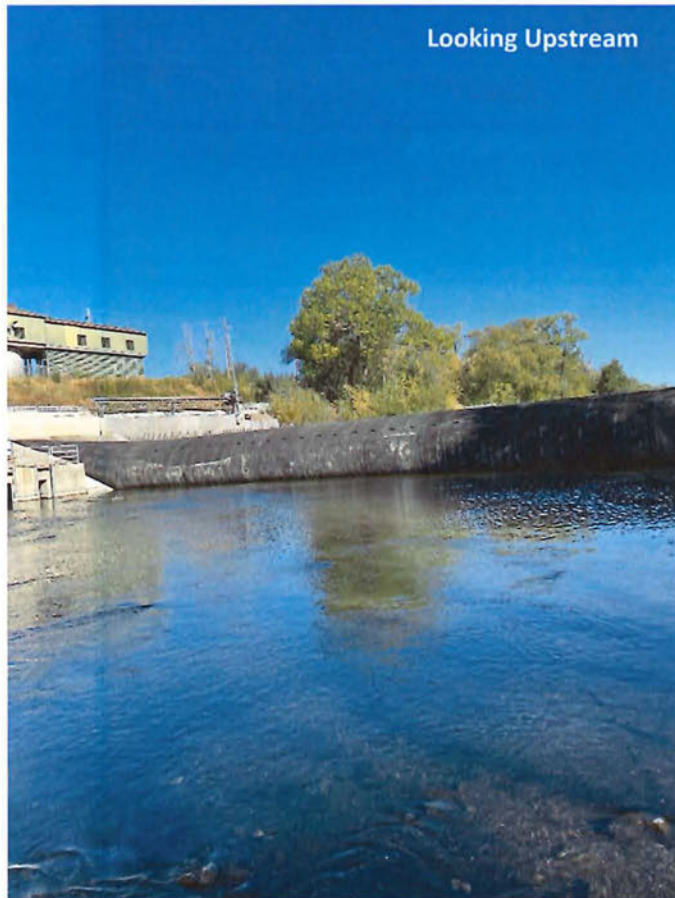
## Russian River Watershed Place of Water Use



SONOMA WATER

Photographs of Russian River Downstream of River  
Diversion System at Mirabel Park on Oct 14, 2021

Mirabel Inflatable Dam





## NOTICE OF EXEMPTION

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

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

X  County Clerk  
County of Sonoma  
Santa Rosa, CA 95401

X  County Clerk  
County of Mendocino  
Ukiah, CA 95482

**Project Title:** Petition by Sonoma County Water Agency Requesting Approval of a Temporary Urgency Change in Permits 12947A, 12949, 12950 and 16596 in Mendocino and Sonoma Counties (Applications 12919A, 15736, 15737, and 19351): 2023 Temporary Changes to Minimum Instream Flow Requirements of Decision 1610

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

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

**Project Background:** The National Marine Fisheries Service (NMFS) issued its *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion) on September 24, 2008.<sup>1</sup> NMFS concluded in the Russian River Biological Opinion that the continued operations of Coyote Valley Dam and Warm Springs Dam by the U.S. Army Corps of Engineers and Sonoma County Water Agency (Sonoma Water) in a manner similar to recent historic practices, together with Sonoma Water's stream channel maintenance activities and estuary management, are likely to jeopardize and adversely modify critical habitat for endangered Central California Coast coho salmon and threatened Central California Coast steelhead.

Sonoma Water controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the minimum instream flow requirements that Decision 1610, adopted by the State Water Resources Control Board (SWRCB) in 1986, added to Sonoma Water's water right permits. NMFS' Russian River Biological Opinion requires changes to the Decision 1610 minimum instream flow requirements to enable alternative flow management scenarios that will increase available rearing habitat in Dry Creek and the upper Russian River, and provide a lower, closer-to-natural inflow to the estuary between late spring and early fall, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that will likely support increased production of juvenile steelhead and salmon.<sup>2</sup>

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<sup>1</sup> NMFS' Russian River Biological Opinion may be accessed online at [www.sonomacountywater.org](http://www.sonomacountywater.org) and may be reviewed at the Sonoma Water's office at 404 Aviation Boulevard, Santa Rosa, CA.

<sup>2</sup> National Marine Fisheries Service. *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed*. p. 243. September 2008.

As required by the Russian River Biological Opinion, in September 2009 Sonoma Water filed a petition with the SWRCB to make permanent changes to the Decision 1610 minimum instream flow requirements. This petition presently is pending before the SWRCB. The SWRCB will not act on this petition until the necessary environmental impact report is prepared and the water-rights issues associated with this petition are resolved.

Until the SWRCB issues an order on this petition, Sonoma Water must maintain the minimum instream flows adopted in Decision 1610, with resulting impacts to listed salmonids identified in NMFS' Biological Opinion, unless temporary changes to these requirements are authorized by the SWRCB. To help restore freshwater habitats for listed salmon and steelhead, the Biological Opinion requires that Sonoma Water petition the SWRCB for temporary changes to minimum instream flow requirements beginning in 2010 and for each year thereafter until the SWRCB issues an order on Sonoma Water's petition for the permanent changes to the Decision 1610 minimum instream flow requirements. NMFS' Biological Opinion does not contain any alternative mechanism for complying with its terms while the SWRCB is considering permanent changes to Decision 1610. Filing for an annual temporary change is the only way Sonoma Water is able to remain in compliance with the Biological Opinion and be prevented from having take liability under the Endangered Species Act.

NMFS' Russian River Biological Opinion only requires petitions for temporary changes to minimum streamflows on the mainstem Russian River, and not on Dry Creek. This petition does not seek any changes in the Dry Creek minimum-flow requirements adopted in Decision 1610.

**Description of Nature, Purpose and Beneficiaries of Project:** To meet the terms and conditions of the Russian River Biological Opinion and to avoid excessively high flows that could result in violations to the Biological Opinion's Incidental Take Statement, Sonoma Water is filing temporary urgency change petitions with the SWRCB. The petitions request that the SWRCB make the following changes to Sonoma Water's water rights permits for the period from May 1, 2023, until October 15, 2023: (a) 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 185 cfs to 125 cfs; and (b) reduce required minimum instream flow in the Russian River from its confluence with Dry Creek to the Pacific Ocean from 125 cfs to 70 cfs.

Decision 1610 specifies the minimum instream flow requirements for Dry Creek and the Russian River (see Figure 1). These requirements vary based on defined hydrologic conditions. If approved, the requested reductions in Russian River instream flow requirements will be in effect May 1 through October 15, 2023. Under Normal water supply conditions, the Decision 1610 minimum flow requirements during this time period could be as high as 185 cfs in the upper Russian River, 125 cfs in the lower Russian River, and 80 cfs in Dry Creek. To improve its efforts at achieving the optimal habitat conditions in the Lower Russian River and to optimally manage flows in the entire river, Sonoma Water has requested in this year's TUCP (as in previous ones) that the minimum instream flow requirement be implemented on a 5-day running average of average daily streamflow measurements with the condition that instantaneous flows on the Upper Russian River be no less than 110 cfs and on the Lower Russian River be no less than 60 cfs. No temporary change in the Dry Creek minimum instream flow requirements is required by the Biological Opinion or proposed and the minimum instream flow requirement in Dry Creek will remain at 80 cfs during the temporary change period. The proposed temporary changes in Russian River minimum instream flow requirements will not result in any unusual circumstances, because the proposed minimum instream flow requirements are within the range of those that already occur during *Dry* and *Critical* water supply conditions under Decision 1610.

During the period that the proposed temporary flow changes are in effect, Sonoma Water will also monitor water quality and fish, and collect and report information and data related to monitoring activities, as required by NMFS' Russian River Biological Opinion.

**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)):	
X	Categorical Exemption. State type and section number:	State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources  State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment  State CEQA Guidelines 15301(i): Existing Facilities
	Statutory Exemptions. State code number:	

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

*A. 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 from CEQA. If approved, the proposed changes in Russian River minimum instream flow requirements will increase available rearing habitat in the Upper Russian River and provide a lower, closer to natural inflow to the estuary between late spring and early fall, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that could support increased production of juvenile steelhead. NMFS' Russian River Biological Opinion states that these changes are necessary to avoid jeopardizing the continued existence of the listed species.<sup>3</sup>

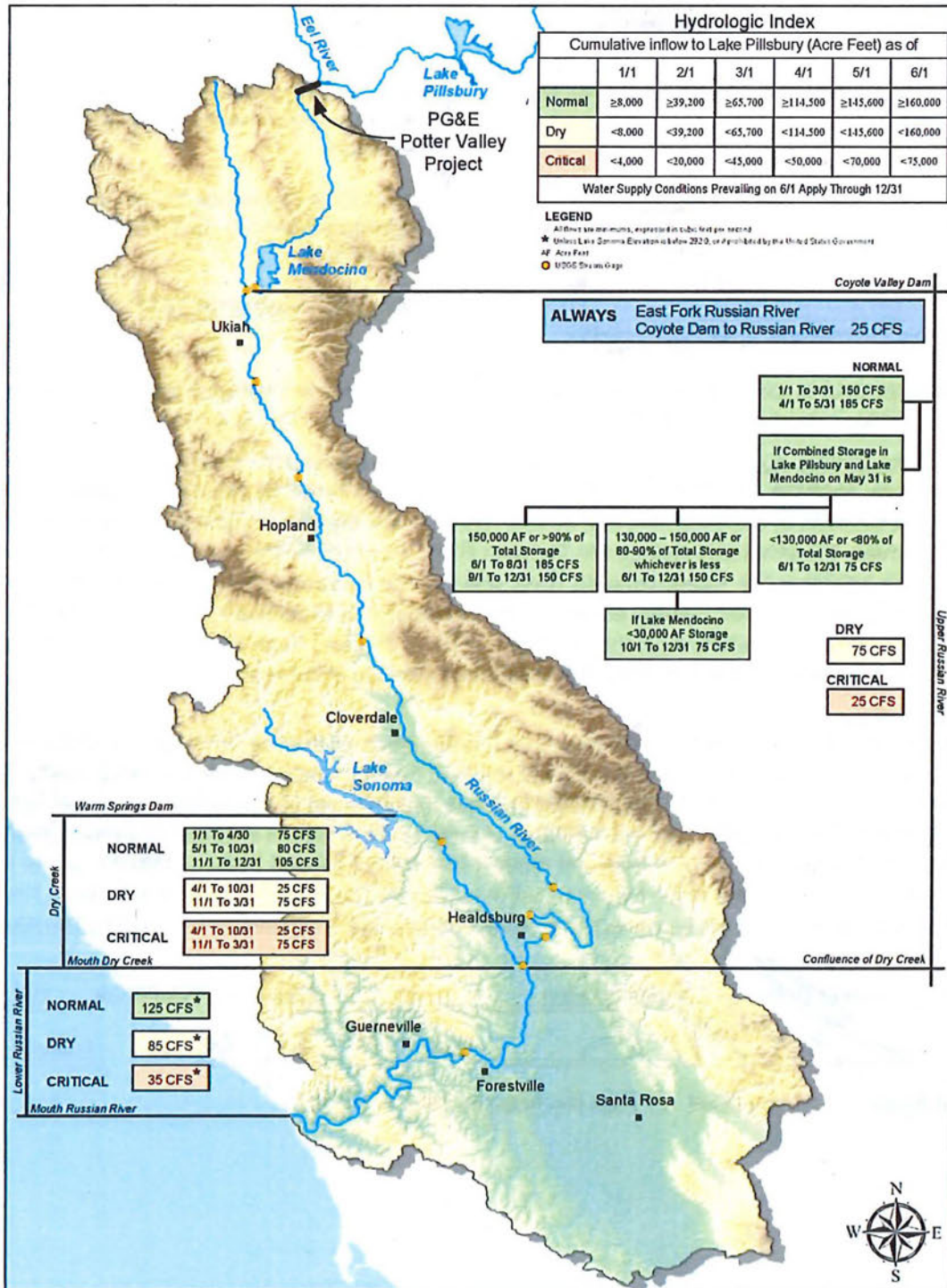
*B. Existing Facilities*

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. Subdivision (i) of Section 15301 specifically includes maintenance of streamflows to protect fish and wildlife resources. Sonoma Water's petition to the SWRCB to change to the minimum instream flow requirements specified in the Russian River Biological Opinion does not request and will not expand Sonoma Water's use or increase the water supply available to Sonoma Water for consumptive purposes. The proposed change in Russian River minimum instream flow requirements still will be within the existing operational parameters established by Decision 1610.

Lead Agency Contact Person: Connie Barton Area Code/Telephone: 707-547-1905  
 Signature: [Redacted] Date: 4.24.23 Title: General Manager  
 Lead Agency  Applicant Date Received for filing at OPR: \_\_\_\_\_

<sup>3</sup> National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p. 247. September 2008.

# State Water Resources Control Board Decision 1610



## Russian River Basin Streamflow Requirements

Figure 1. Project location for Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties.