

NOTICE OF EXEMPTION

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

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

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

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

Project Title: Petitions Requesting Approval of Temporary Urgency Changes in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma Counties

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

Project Location – City: N/A

Project Location – County: Mendocino and Sonoma

Description of Nature, Purpose and Beneficiaries of Project: The Sonoma County Water Agency (Sonoma Water) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of water rights Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies the minimum instream flow requirements for the Upper Russian River, Dry Creek, and the Lower Russian River, which vary based on water supply conditions (Figure 1).

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

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

Lake Mendocino

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

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

Lake Sonoma

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

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

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

Name of Public Agency Approving Project: State Water Resources Control Board – Division of Water Rights

Name of Person or Agency Carrying Out Project: Sonoma County Water Agency

Exempt Status (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec.21080 (b)(4); 15269(b)(c)): Section 21080(b)(4) and State CEQA Guidelines 15269(c): Specific actions necessary to prevent or mitigate an emergency
- Categorical Exemption. State type and section number: State CEQA Guidelines 15301(i): Existing Facilities; State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources; State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment
- Exemption under Governor's April 21, 2021 emergency proclamation (Sec. 7): Government Code section 8571
- Statutory Exemptions. State Code number:

Reasons why project is exempt: The proposed action is statutorily exempt under California Environmental Quality Act (CEQA) Statute 21080(b)(4) and categorically exempt from CEQA under the State CEQA Guidelines Sections 15301(i), 15307, and 15308, and under Section 7 of Governor's April 21, 2021, emergency proclamation for, among other areas, the Russian River watershed.

A. Actions to Prevent or Mitigate an Emergency

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The emergency conditions are demonstrated by current Lake Mendocino and Lake Sonoma storage levels. As of May 3, 2021, the water supply storage level in Lake Mendocino was approximately 36,883 acre-feet. This storage level is 33 percent of the summer water supply pool. As of May 3, 2021, the water supply storage level in Lake Sonoma was approximately 149,766 acre-feet. This storage level is 61 percent of the summer water supply pool.

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

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

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

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

B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt. The proposed temporary urgency change to Sonoma Water's water right Permits 12947A, 12949, 12950, and 16596 are necessary in order to maintain viable operations to support municipal use, protect listed salmon species, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to a storage level at which the reservoir may no longer be functional in light of the extremely dry hydrology the region has been experiencing since 2020.

The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which Sonoma Water could make releases from Lake Sonoma from June through October. Approval of the proposed temporary urgency change in the Lower Russian River is requested in order to avoid violation of the Incidental Take Statement contained in the Russian River Biological Opinion. Furthermore, if the upcoming Water Year 2022 is another dry year, carryover storage in Lake Sonoma and Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2022.

C. Existing Facilities

CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. Sonoma Water's request to change minimum instream flows would not expand Sonoma Water's use or increase the water diversions available to Sonoma Water for consumptive purposes. The proposed changes in minimum instream flows would still be within the existing minimum instream flows established by Decision 1610.

D. Governor's Drought Proclamation

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

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

[Redacted Signature]

General Manager
Title

May 13, 2021
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	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	

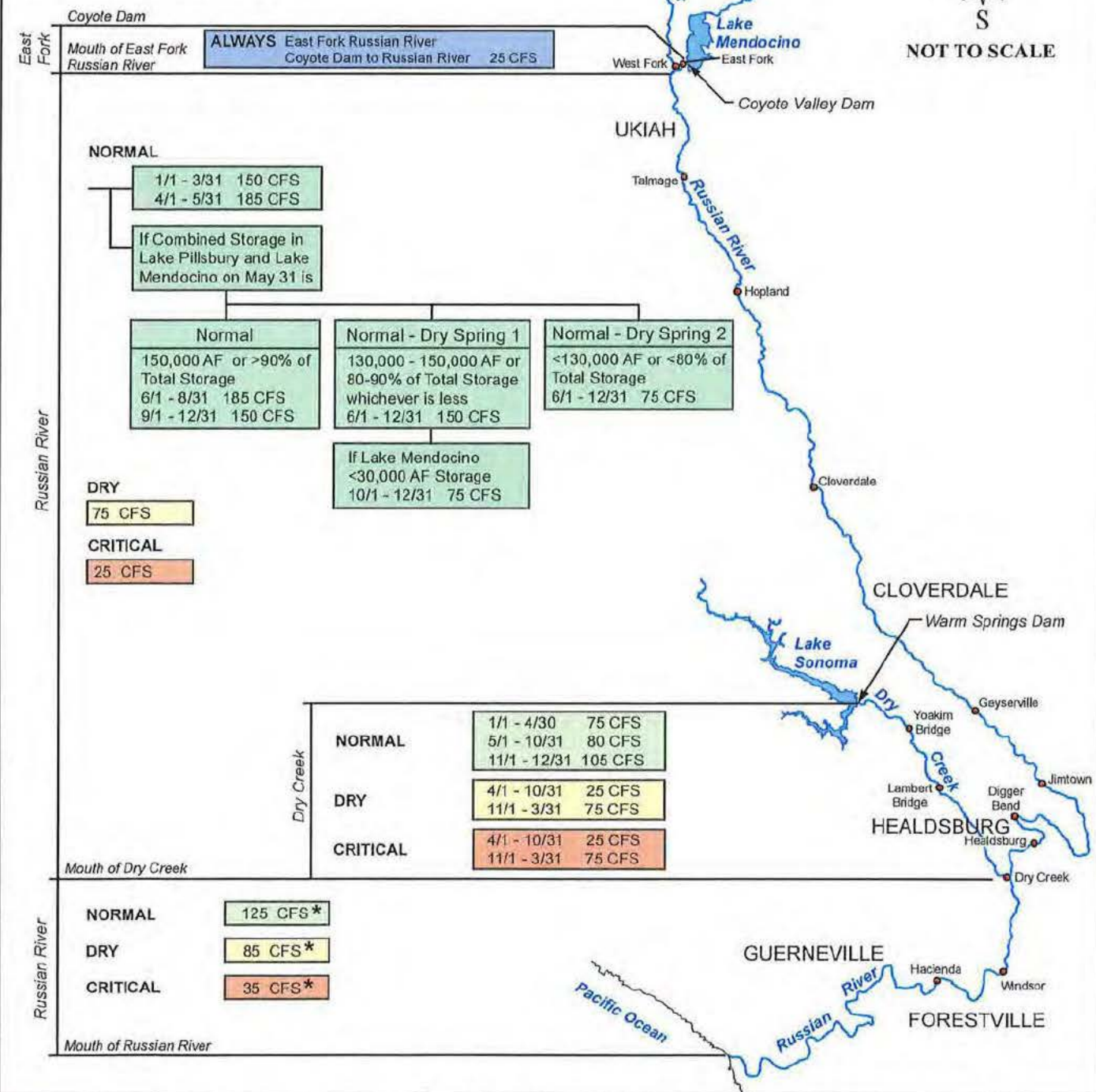
LEGEND

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



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Russian River Basin Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1