

State Water Resources Control Board

June 8, 2015

PROPOSED DROUGHT EMERGENCY REGULATION REQUIRING ENHANCED WATER CONSERVATION AND WATER USER INFORMATION FOR THE PROTECTION OF SPECIFIC FISHERIES IN RUSSIAN RIVER TRIBUTARIES

You are receiving this letter because you own one or more properties in an area of the Russian River watershed for which the State Water Resources Control Board (State Water Board) is considering the adoption of an emergency regulation to require: (1) enhanced water conservation; and (2) information on your water use. The State Water Board will consider adoption of the proposed drought emergency regulation on June 17, 2015, at its public meeting.

The ongoing drought emergency places juvenile Central California Coast (CCC) coho salmon (coho salmon) and CCC steelhead (steelhead) in Russian River tributaries in a perilous situation. Low flows, already a problem before the drought, have been made worse by the extremely dry conditions. Increased pumping of surface and groundwater results in disconnected stream systems with isolated pools containing low oxygen levels and elevated temperatures that kill fish and threaten coho salmon with extinction. The coho salmon has been highlighted by the National Marine Fisheries Service (NMFS) as the eighth most endangered species under its jurisdiction considered at risk of extinction. Swift action is necessary to protect their limited habitat and avoid extinction given the continuing dry conditions. Successful implementation of the proposed regulation will provide the small amount of water necessary to maintain acceptable temperature and oxygen conditions for summer rearing and migration of coho salmon and steelhead in four Russian River tributary watersheds: Dutch Bill Creek, Green Valley Creek, Mill Creek, and parts of Mark West Creek. Coho salmon and steelhead depend on these pools to grow during the summer months and then migrate to the ocean from the late fall through spring.

Historically, the Russian River coho salmon were sufficiently abundant to sustain a commercial harvest of more than 13,000 fish annually and were the anchor for the coho salmon population. Populations have declined substantially since the 1950s. By the 1990s, coho salmon returning to the Russian River watershed averaged less than 600 fish. Populations have continued to decline with the loss of water due to increased pumping of surface and groundwater in these tributaries that used to flow year-round. As few as 2-7 fish were observed returning annually between 2000 and 2008.

As you may know, the California Department of Fish and Wildlife (CDFW) has been working with NMFS, local landowners, and the State Water Board to address continuing drought conditions and promote voluntary efforts to provide water for fish. Unfortunately these efforts have not been as successful as hoped, with only 20 residential landowner agreements in place under CDFW's California Voluntary Drought Initiative Program as of June 5, 2015. The additional flow represented by these 20 agreements is not enough to make a difference towards the species' survival. In a letter dated May 28, 2015, CDFW and NMFS recommended that the State Water Board develop emergency regulations for

the affected watersheds to: (1) issue informational orders to determine the extent of current surface and subsurface diversion operations in each watershed; and (2) immediately implement conservation measures to limit the amount of water extracted from these watersheds.

The proposed emergency regulation would require: (1) all landowners within the four watersheds to provide information on their source(s) and use of water; and (2) enhanced conservation measures by users of water sourced from the four watersheds. Initially the enhanced conservation measures would apply only to those users of water in the upper watershed, which provides the most critical habitat for summer rearing. The enhanced conservation measures apply to non-economic uses of water and are in addition to the end-user restrictions required by the most recently-adopted statewide drought [emergency water conservation regulation](#) adopted by the State Water Board on May 5, 2015. Examples of enhanced conservation measures that would be required include:

- No application of water, except gray water, to ornamental turf;
- Application of water, except gray water, to all other landscapes is limited to two days per week between the hours of 8:00 pm and 8:00 am; and
- No washing of motor vehicles except with gray water or at car wash facilities where the water is part of a recirculating system.

The proposed emergency regulation would also prohibit new groundwater wells or surface water diversions¹ for the duration of the emergency regulation, which is 270 days, unless extended by the State Water Board. Enhanced conservation in combination with no increase in water extractions in these four watersheds should help to provide the minimal amount of water needed to maintain pools essential for rearing coho salmon and steelhead.

Please note that this letter is not the formal Notice of Proposed Emergency Rulemaking (Notice) required by the Government Code. If you wish to receive the Notice and updates on the proposed emergency regulation in the future, please subscribe to the "Russian River Tributaries Emergency Regulation" e-mail subscription list at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

The proposed emergency regulation and related information, including the State Water Board agenda, are available online at:

www.waterboards.ca.gov/waterrights/water_issues/programs/drought/water_action_russianriver.shtml.

If you have questions regarding this letter please call the Russian River Tributaries Hotline at (916) 322-8422 or e-mail the Russian River Email Inbox at rr_tribs_emergency_reg@waterboards.ca.gov.

Sincerely,



Barbara Evoy
Deputy Director
Division of Water Rights

¹ Except for winter diversions to offstream storage that first receive an approval from the Deputy Director for the Division of Water Rights.