

State of California  
Department of Fish and Wildlife

## Memorandum

Date: February 19, 2016

To: Ms. Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

From: Sandra Morey, Deputy Director  
Ecosystem Conservation Division

Subject: **Request to Re-Adopt Emergency Regulations for an Informational Order to Better Support Listed Salmonids in Select Tributaries to the Russian River**

The California Department of Fish and Wildlife (CDFW) continues to support the current collaboration with local landowners, local resource conservation districts, the National Marine Fisheries Service (NMFS), and the State Water Resources Control Board (SWRCB) to address ongoing conditions resulting from the drought. The select tributaries to the Russian River contain Central California Coast (CCC) Coho salmon and CCC steelhead, which are listed under the Federal Endangered Species Act (ESA) as endangered and threatened, respectively. Coho salmon are also listed as Endangered under the California Endangered Species Act (CESA). Low flow conditions in tributaries of the Russian River resulted in significant declines in salmonid production and survival during the 2014 and 2015 season.

On May 28, 2015 CDFW recommended that the SWRCB implement Emergency Regulations: to (1) issue an informational order to determine the extent of current diversion operations in each watershed; and, (2) immediately implement conservation measures to limit the amount of water extracted from watersheds during the 2015 drought that track conservation measures the SWRCB has required elsewhere. On June 17, 2015, the SWRCB adopted an emergency regulation that included both enhanced conservation measures and required certain information regarding diversions in four priority Russian River tributary watersheds. The Office of Administrative Law approved the emergency regulation and the emergency regulation went into effect on July 6, 2015. The emergency regulation is effective for 270 days. On August 24, 2015, the SWRCB issued an Informational Order for the four Russian River tributaries pursuant to the emergency regulation.

Data collected to date pursuant to the Informational Order has been helpful toward obtaining a better understanding of water diversions at certain times of the year, which will help better inform potential future actions. And, the collection of that data is not complete, and would be assisted by the re-adoption of the emergency regulation as it applies to the Informational Order.

CDFW will continue to coordinate with multiple stakeholders and SWRCB on outreach meetings in the subject watersheds and will continue to work with landowners to facilitate voluntary actions that will benefit instream resources. At this time, CDFW recommends that the SWRCB re-adopt the informational order component of the emergency regulation, pursuant to Water Code section 1058.5, for areas within Green Valley, Mill, Dutch Bill and Mark West Creek watersheds, tributaries to the Russian River. Due to recent rain events, leading to favorable hydrologic conditions, CDFW does not recommend that the enhanced conservation measures be re-adopted at this time. CDFW will, however, continue to monitor surface flow conditions throughout the watersheds during the year to assure that instream flow conditions remain sufficient to support listed salmonids, and may reevaluate this request if hydrologic conditions change.

If you have questions regarding these recommendations, please contact Ms. Corinne Gray, Senior Environmental Scientist (Specialist), at (707) 944-5526; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577 or Mr. Scott Wilson, Regional Manager, at (707) 944-5517; or by writing to CDFW at Bay Delta Region, 7329 Silverado Trail, Napa, CA 94558.

cc: Mr. Gary Stern  
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ec: CDFW staff (Region 3, WB, FB, OGC)