

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JUNE 17, 2015**

ITEM 12

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT A DROUGHT-RELATED EMERGENCY REGULATION REQUIRING ENHANCED WATER CONSERVATION AND ADDITIONAL WATER USER INFORMATION FOR THE PROTECTION OF SPECIFIC FISHERIES IN TRIBUTARIES TO THE RUSSIAN RIVER.

DISCUSSION

On January 17, 2014, Governor Brown declared a drought state of emergency ([January 2014 Proclamation](#)). On March 1, 2014, Governor Brown signed a drought relief package, Senate Bill 104 (Statutes 2014; Chapter 3; Committee on Budget and Fiscal Review) to, among other things: provide funding to improve conservation and emergency supplies; reduce fire risk and increase fire-fighting capabilities; and expand the State Water Resources Control Board's (State Water Board) authority under Water Code section 1058.5 and increase penalties for unauthorized diversion of water. On April 25, 2014, the Governor issued a Proclamation of a Continued State of Emergency ([April 2014 Proclamation](#)) to strengthen the state's ability to manage water and habitat effectively in drought conditions. The April 2014 Proclamation ordered that the provisions of the January 2014 Proclamation remain in full force and also added several new provisions. On December 22, 2014, Governor Brown issued [Executive Order B-28-14](#), which extended the California Environmental Quality Act suspension through May 31, 2016 for certain activities identified in the January 2014 and April 2014 Proclamations. On April 1, 2015, Governor Brown issued [Executive Order B-29-15](#) that, among other things, directs the State Water Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016, with a focus on irrigation of outdoor ornamental landscapes.¹

On January 23, 2015, the State Water Board issued a Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions. The notice advised that if dry weather conditions persist, the State Water Board will notify water right holders in certain critically dry watersheds of the requirement to limit or stop diversions of water under their water rights, based on their priority. Due to the dry hydrologic conditions, the State Water Board has issued Curtailment Orders² and Water Diversion Curtailment Notices³ in 2015 to water right holders within critically dry watersheds.

¹ On May 5, 2015, the State Water Board adopted an emergency regulation for Statewide Urban Water Conservation (California Code of Regulations, title 23, sections 863-866), which includes end-user conservation requirements and tiered conservation goals for urban water suppliers. This emergency regulation took effect on May 18, 2015.

² Curtailment Orders for 2015 have been issued in the Antelope Creek watershed on April 4, 2015 and the Deer Creek watershed on April 18, 2015 to ensure drought emergency minimum flows specified in California Code of Regulations, title 23, section 877, subdivision (c) are met. More information can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/milldeerantelope_curtailment_info.shtml

³ Water Diversion Curtailment Notices for 2015 have been issued in the following watersheds: San Joaquin River watershed for post-1914 water rights issued on April 23, 2015; Scott River watershed for junior class water rights issued on April 23, 2015; Sacramento-San Joaquin Delta watershed water rights with Term 91 as a condition issued on April 30, 2015; and Sacramento River watershed for post-1914 water rights issued on May 1, 2015. More information can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/water_availability.shtml

Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports."

The emergency regulation in part responds to a [recommendation](#) from the California Department of Fish and Wildlife to establish and implement emergency drought requirements for the protection of federal and state listed anadromous fish in four priority Russian River tributary watersheds (Dutch Bill Creek, Green Valley Creek, Mark West Creek, and Mill Creek). The regulation consists of two elements: (1) enhanced information order authority that will allow the State Water Board to obtain information on water sources and uses; and (2) enhanced conservation measures for all users of water diverted (surface and groundwater) within the four watersheds. These four watersheds are recognized by the California Department of Fish and Wildlife and National Marine Fisheries Service as high priority Central California Coast coho salmon (coho salmon) tributaries in the Russian River watershed. Due to heightened need for minimal flow in these four watersheds, the conservation requirements will help to provide drought emergency flows needed to maintain water quality conditions in rearing habitat for coho salmon and Central California Coast steelhead and are based on, but go further than, the most recently-adopted drought emergency water conservation regulation.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution?

FISCAL IMPACT

This activity is budgeted within existing resources, and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution adopting the emergency regulation.

<p>State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 6 of the Strategic Plan Update: 2008-2012. Goal 3 is to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat. In particular, approval of this item will assist in fulfilling Objective 3.3 to ensure that adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversions of water for other uses. Goal 6 is to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies and procedures.</p>
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