

ITEM #12:

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.

On page 2 of the Draft Regulation, update section 876, subdivision (c)(2)(C), as follows:

- (C) On Green Valley Creek, the portion of the watershed upstream of the confluence with ~~Atescadero~~ Atascadero Creek as defined by the Latitude/Longitude of 38.44841°N and 122.88697°W.

On pages 2-3 of the Draft Regulation, change section 876, subdivision (d)(1) as follows:

- (d)(1) The use of potable and non-potable water sourced from areas identified in accordance with subdivision (d)~~(4)~~(3) is prohibited for any of the following actions, except where necessary to address an immediate health and safety need or where used exclusively for irrigation for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b):
- (A) The application of water, except gray water, to ornamental turf;
  - (B) The application of water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
  - (C) The application of water, except gray water, to landscapes more than two days per week;
  - (D) The application of water, except gray water, to landscapes between the hours of 8:00a.m. to 8:00p.m.;
  - (E) Washing motor vehicles, except with gray water or at car wash facilities where the water is part of a recirculating system;
  - (F) The application of water to driveways and sidewalks;
  - (G) The use of water, except gray water, to fill or refill decorative ponds, fountains and other decorative water features;
  - (H) The use of water, except gray water, in a fountain or other decorative water feature, except where the water is part of a recirculating system; and
  - (I) The application of water to landscapes during and within 48 hours after measurable rainfall.

On pages 3-4 of the Draft Regulation, delete section 876, subdivision (d)(2), renumber section 876, subdivisions (d)(3) through (d)(7), and amend references, as follows:

- ~~(2) — To ensure no increase in water use or diversions that may harm endangered or threatened fish populations, the development of new surface or sub-surface diversions, is prohibited within the watersheds designated in subdivision (c). New winter diversions to offstream storage may be excepted from this prohibition with the prior approval of the Deputy Director for the Division of Water Rights (Deputy Director) or the Deputy Director's designee.~~

- ~~(2)(3)~~—To prevent the waste and unreasonable use of water and to promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily, if daily laundering is offered. The hotel or motel shall prominently display and/or communicate notice of this option to each guest using clear and easily understood language.
- ~~(3)(4)~~ The conservation measures identified in subdivisions ~~(d)(1) and (d)(2)~~ shall take effect immediately throughout the watersheds designated in subdivision (c)(2). The **Deputy Director for the Division of Water Rights** (Deputy Director), after consultation with the California Department of Fish and Wildlife (CDFW) or the National Marine Fisheries Service (NMFS), may extend those requirements to some or all of the remainder of each tributary watershed identified in subdivision (c) to support CCC steelhead and CCC coho salmon passage this migratory season.
- ~~(4)(5)~~ Subdivision (d) shall not place additional restrictions on a party who participates in a voluntary drought initiative program (program) determined by CDFW or NMFS to be at least equivalent to the conservation measures in subdivisions ~~(d)(1) and (d)(2)~~, so long as the party fully complies with the terms and conditions of the program. CDFW or NMFS must provide the Division of Water Rights with a copy of the program and a list of all parties included in the program to confirm participation. Participation in such a program shall not affect any other obligations to implement conservation practices, comply with informational orders, curtail diversions, or comply with other requirements or prohibitions not based on subdivision (d).
- ~~(5)(6)~~ The conservation measures required by subdivision (d) do not supersede or affect other conservation requirements for water suppliers, or individual end users.
- ~~(6)(7)~~ The taking of any action prohibited in subdivisions (d)(1) ~~or (d)(2)~~ or failure to take the action required by subdivision (d)~~(2)(3)~~ is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal, including civil liability pursuant to Water Code section 1846.

On page 3 of the Draft Regulation, add new section 876, subdivision (f), as follows:

- (f) New Diversions. For purposes of this subdivision, a new diversion means a diversion initiated after issuance of a watershed-wide informational order to landowners in the watershed in which the new diversion is located. The owner of any new diversion must submit to the Deputy Director any information required by a watershed-wide informational order issued under subdivision (e) prior to commencement of the new diversion, unless the Deputy Director approves commencement of the diversion based on substantial compliance with this subdivision.**

On page 3 of the Draft Regulation, change former subdivision (f) to subdivision (g), as follows:

- (f)(g)** The State Board has established an email distribution list that landowners or others may join to receive notices and updates regarding informational orders and conservation measures required per this section. Notice provided by email or by posting on the State Board's webpage shall be sufficient for all purposes related to notices and updates regarding the provisions of this section.