



# State Water Resources Control Board



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

## Division of Water Rights

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**Arnold Schwarzenegger**  
Governor

### NOTICE OF EXEMPTION Pursuant to Section 21108 Public Resources Code

<b>To:</b> Office of Planning & Research State Clearinghouse P.O. Box 3044 Sacramento, CA 95812-3044	<b>From:</b> State Water Resources Control Board Division of Water Rights P.O. Box 2000 Sacramento, CA 95812-2000
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<b>PROJECT TITLE:</b> Petition by Sonoma County Water Agency requesting approval of a Temporary Urgency Change in Water Right Permits in Mendocino and Sonoma Counties	<b>Water Right Permits:</b> 12947A, 12949, 12950 and 16596
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**APPLICANT:** Sonoma County Water Agency  
2150 West College Ave  
Santa Rosa, Ca 95401

**PROJECT DESCRIPTION:** On June 29, 2004, Sonoma County Water Agency (SCWA) filed a petition with the State Water Resources Control Board (SWRCB) requesting approval of a Temporary Urgency Change to the subject permits pursuant to California Water Code section 1435. The petition requests that from July 1 through December 31, 2004, minimum flows for Dry Creek and the Russian River be established based on dry-year criteria rather than normal-year criteria as defined in SWRCB Decision 1610. SCWA states that "unusual hydrologic conditions in the Russian River this year warrant immediate State Water Board approval of this Petition to avoid the significant risks, particularly to adult Chinook salmon, that otherwise will occur from lower water levels in Lake Mendocino during the fall of 2004."

SCWA's petition involves the following permits:

- Permit 12947A is for direct diversion of 92 cubic feet per second (cfs) from the East Fork Russian River and storage of 122,500 acre-feet per annum (afa) in Lake Mendocino from January 1 through December 31 of each year.
- Permit 12949 is for 20 cfs to be directly diverted year-round from the Russian River at the Wohler and Mirabel Park Intakes near Forestville.
- Permit 12950 is for 60 cfs to be directly diverted from the Russian River at the Wohler and Mirabel Park Intakes from April 1 through September 30 of each year.

- Permit 16596 is for year-round direct diversion of 180 cfs from the Russian River and storage of 245,000 afa in Lake Sonoma collected from October 1 of each year to May 1 of the succeeding year.

According to SCWA's petition, hydrologic conditions during Water Year 2002 caused Lake Mendocino storage levels to decline, thereby jeopardizing water supplies and listed Russian River salmonid fishery resources, particularly adult Chinook salmon, as well as severely impairing recreation at Lake Mendocino. Because of these problems, the Mendocino County Board of Supervisors declared a State of Emergency in 2002. SCWA asserts that Water Year 2004 presents similar risks.

All existing terms and conditions of the subject permits remain in effect, except as temporarily amended by the following provisions which are included in the SWRCB Order:

1. From the date of the Order until December 31, 2004, minimum flows in the Russian River, as specified in Term 18 of Permit 12947A, Term 15 of Permits 12949 and 12950, and Term 13 of Permit 16596, shall be modified as follows:

- a. Minimum instantaneous flow in the Russian River between the East Fork Russian River and Dry Creek shall be:

75 cfs, except that the flow shall be not less than 125 cfs at the United States Geological Survey (USGS) gage on the Russian River at Hopland within three days after a cumulative seasonal total of 200 adult Chinook salmon move upstream past the SCWA Mirabel inflatable dam.

- b. Minimum flow in the Russian River between its confluence with Dry Creek and the Pacific Ocean shall be as follows unless the water level in Lake Sonoma is below 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless prohibited by the United States Government:

100 cfs- five-day running average flow, as measured at the Hacienda Bridge near Guerneville, CA.

85 cfs- instantaneous flow, as measured at the Hacienda Bridge near Guerneville, CA.

125 cfs- instantaneous flow at the USGS gage on the Russian River at Healdsburg, within seven days after a cumulative seasonal total of 200 adult Chinook salmon move upstream past the SCWA Mirabel inflatable dam.

2. Flow in the East Fork Russian River immediately below Coyote Dam shall not be reduced by more than 25 cfs per hour.
3. SCWA shall monitor and record daily numbers of adult Chinook salmon moving upstream past the Mirabel inflatable dam beginning no later than August 15, 2004, and ending upon removal of the dam or December 31, 2004. SCWA will consult with NOAA Fisheries and the California Department of Fish and Game (DFG) on a weekly basis regarding the status and findings of the monitoring effort.
4. SCWA shall monitor numbers of adult Chinook salmon in representative deep pools in the lower Russian River downstream of the Mirabel inflatable dam on a weekly basis beginning September 8, 2004, and ending when sustained flows in the Russian River at Healdsburg are greater than 125 cfs. SCWA will consult with NOAA Fisheries and the DFG on a weekly basis regarding the status and findings of the monitoring effort.
5. If operations pursuant to the Order result in sustained closure of the lagoon at the terminus of the Russian River at the Pacific Ocean, or numbers of adult salmon in the Russian River are determined by NOAA Fisheries to be very low through September 30, 2004, then SCWA shall immediately consult with NOAA Fisheries and DFG regarding possible measures to facilitate upstream movement of salmon. SCWA shall immediately implement measures required by NOAA Fisheries and DFG to facilitate the movement of salmon.
6. SCWA shall monitor numbers of adult Chinook salmon in representative deep pools in the upper Russian River (Lake Mendocino to Healdsburg) on a weekly basis on the same schedule as salmon monitoring operations required under Term 3. SCWA will consult with NOAA Fisheries and DFG on a weekly basis regarding the status and findings of the monitoring effort.
7. SCWA shall submit a Temperature Monitoring Plan for Lake Mendocino and the Russian River within two weeks after the adoption of the Order. The Plan shall provide a detailed description of temperature-monitoring efforts necessary for determining the temperature impacts resulting from changes approved by this order. SCWA shall implement the Plan immediately upon approval of the Plan by the SWRCB, Division of Water Rights (Division).
8. SCWA shall prepare a Water Quality Monitoring Plan for the Russian River in consultation with the Regional Water Quality Control Board, North Coast Region and the Division. The purpose of the Plan shall be to determine the water quality effects of the temporary urgency change approved herein. The Plan shall be submitted to the Chief of the Division for

approval within two weeks of the date of the Order. SCWA shall implement the Plan immediately upon approval of the Plan by the Division.

9. The Order does not authorize any act that results in the taking of a threatened or endangered species, or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a “take” will result from any act authorized under this order, the permittee shall obtain authorization for an incidental take permit prior to construction or operation. SCWA shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency change authorized under the Order.
10. The SWRCB reserves jurisdiction to supervise the temporary urgency change under the Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.
11. The SCWA shall immediately notify the SWRCB if any significant change in storage conditions in Lake Mendocino occurs that warrants reconsideration of the Order.
12. SCWA shall prepare a Water Conservation Status Report for SCWA’s service area and other areas served by Lake Mendocino. The report shall specify the water conservation measures being implemented in the areas served by Lake Mendocino, and shall specify the water savings resulting from the measures during the term of this temporary urgency change. The report shall estimate water conservation savings during future years. The report shall be presented to the SWRCB during a workshop to be scheduled in either October or November 2004. SCWA shall consult with the Division to determine scope and content of the report within 30 days of the Order.


**EXEMPT STATUS:** California Environmental Quality Act Guidelines section 15307, Class 7 Categorical Exemption: Actions by Regulatory Agencies for Protection of Natural Resources; and section 15308, Class 8 Categorical Exemption: Actions by Regulatory Agencies for the Protection of the Environment.

**REASON WHY PROJECT IS EXEMPT:**


1. The proposed change in Russian River instream flows from those required under “Normal” hydrologic conditions to those required under “Dry” hydrologic conditions by SWRCB Decision 1610, and the resultant decrease in minimum flows in the upper Russian River, would conserve water storage in Lake Mendocino to benefit adult Chinook salmon migrating upstream in the fall.
2. NOAA Fisheries and DFG have provided written recommendations in support of the proposed temporary change in the instream flow requirements.

Contact Person: Michael Floyd	Telephone: (916) 341-5342 email: mfloyd@waterrights.swrcb.ca.gov
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**APPROVAL OF THE ABOVE IS RECOMMENDED BY:**

  
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Michael Floyd, Chief  
Watershed Unit #2

7/27/04

  
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Steven Herrera, Chief  
Water Rights Permitting Section

7/27/04  
Date

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**APPROVED:**

  
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Victoria A. Whitney, Chief  
Division Of Water Rights

7/27/04  
Date