



Linda S. Adams
Acting Secretary for
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State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

NOTICE OF A TEMPORARY URGENCY CHANGE PETITION BY SONOMA COUNTY WATER AGENCY REGARDING PERMITS 12947A, 12949, 12950, AND 16596 (APPLICATIONS 12919A, 15736, 15737, 19351)

COUNTY: MENDOCINO, SONOMA

STREAM SYSTEM: RUSSIAN RIVER
PACIFIC OCEAN

The Sonoma County Water Agency (SCWA) filed a Temporary Urgency Change petition with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on April 18, 2011, requesting reductions to the minimum instream flow requirements for the Russian River as follows:

- (1) From May 1 through October 15, 2011, instream flow requirements for the upper Russian River (from its confluence with the East Fork of the Russian River to its confluence with Dry Creek) be reduced from 185 cubic feet per second (cfs) to 125 cfs.

The minimum instream flow requirement as it pertains to the upper Russian River will be measured as a 5-day running average of average daily streamflow measurements, with the stipulation that instantaneous flows will not be less than 110 cfs.

- (2) From May 1 through October 15, 2011, instream flow requirements for the lower Russian River (downstream of its confluence with Dry Creek) be reduced from 125 cfs to 70 cfs, with the understanding that the SCWA will typically maintain approximately 85 cfs at the Hacienda gage, as practicably feasible.

No changes to the instream flow requirements for Dry Creek are requested. The petition was filed to comply with mandates in the Biological Opinion issued by the National Marine Fisheries Service (NMFS) on September 24, 2008.

With the petition, SCWA submitted a document prepared by its staff and titled, "Sonoma County Water Agency, Instream Flow Analysis for 2011 Temporary Urgency Change Petition" (Analysis) dated April 2011. The Analysis provides: (1) a summary of minimum instream flows required under Decision 1610; (2) an assessment of current water supply conditions of the Russian River System; (3) a summary of the Biological Opinion issued by National Marine Fisheries Service (NMFS) mandating SCWA to petition the State Board for temporary changes in minimum instream flow requirements in the Russian River; and (4) a summary of the criteria for approving a temporary urgency change petition. The Analysis indicates that, unlike the Temporary Urgency Change Petitions filed by SCWA in 2004, 2007 and 2009, which requested reductions in minimum instream flow requirements in response to low storage levels in Lake Mendocino, the petition being filed in 2011, like the petition filed in 2010, is required by the Biological Opinion in order to benefit threatened and endangered fish species. Water supply storage in Lake Mendocino as of April 1, 2011 was approximately 87,104 acre-feet, significantly higher than in 2007 (71,406 acre-feet) and 2009 (56,666 acre-feet).

California Environmental Protection Agency

Under the federal Endangered Species Act (ESA), steelhead, coho salmon and Chinook salmon in the Russian River watershed are listed as threatened or endangered species. Coho salmon is also listed as endangered under the California Endangered Species Act (CESA). In September 2008, the National Marine Fisheries Service (NMFS) issued the Russian River Biological Opinion (Biological Opinion). The Biological Opinion is the culmination of more than a decade of consultation under Section 7 of the ESA among SCWA, U.S. Army Corps of Engineers (Corps), and NMFS regarding the impacts of SCWA's and the Corps' water supply and flood control operations in the Russian River watershed on the survival of these listed fish species.

Studies conducted during the consultation period, and that ultimately led to this Biological Opinion, indicate that summer flows in the upper Russian River and Dry Creek required by State Water Board Decision 1610 are too high for optimal juvenile salmonid habitat. According to the Biological Opinion, the historical practice of breaching the sandbar at the mouth of the Russian River during the summer and fall may adversely affect the listed species. NMFS concluded in the Biological Opinion that it might be better for juvenile steelhead and salmon to keep the sandbar closed during these times and allow for the formation of a seasonal freshwater lagoon in the estuary. Minimum instream flows required by State Water Board Decision 1610 result in flows into the estuary that make it difficult to maintain a freshwater lagoon while preventing flooding of adjacent properties.

Without approval of the requested modifications to the instream flow requirements, SCWA would continue to be required to operate under State Water Board Decision 1610. According to the NMFS Biological Opinion, the Decision 1610 flow requirements will jeopardize the recovery of coho salmon and steelhead in the Russian River and its tributaries.

This petition notice, SCWA's Temporary Urgency Change Petition, and related project information can be viewed at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/index.shtml

Pursuant to California Water Code section 1438(d), any interested person may file an objection to the Temporary Urgency Change. The procedure for addressing an objection is described in Water Code section 1438. Objections filed in response to this notice shall be submitted to the persons listed below and must be received by 4:30 p.m. on Friday, June 17, 2011.

PERMITS 12947A, 12949,
12950, AND 16596

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Send objections to both:

Emily Wallace
Permitting Section
Division of Water Rights
State Water Resources Control Board
P O Box 2000
Sacramento, CA 95812
Email: scwatucp@waterboards.ca.gov

Grant Davis
General Manager
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403-9019

For more information regarding this project, including procedures for filing objections, please leave a voicemail with the Division of Water Rights' comment line dedicated to the SCWA temporary urgency petition at (916) 341-5412.

DATE OF NOTICE: May 18, 2011