



Fact Sheet

Russian River Tributaries Emergency Regulation Informational Order Frequently Asked Questions

Background

The ongoing drought emergency has placed juvenile Central California Coast (CCC) coho salmon (coho salmon) and CCC steelhead (steelhead) in Russian River tributaries in a perilous situation. Low flows, already a problem before the drought, have been made worse by the extremely dry conditions. Use of surface and groundwater during these dry conditions reduces instream flows and results in disconnected stream systems. Isolated pools resulting from this disconnected stream system contain low oxygen levels and elevated temperatures that stress and kill fish and threaten coho salmon with extinction. The coho salmon is identified by the National Marine Fisheries Service (NMFS) as one of eight endangered species under its jurisdiction that is most at risk of extinction.

On June 17, 2015, the State Water Resources Control Board (State Water Board) adopted an [emergency regulation](#) to help protect federal- and state-listed anadromous fish in four priority Russian River tributary watersheds (Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek). The Office of Administrative Law approved the emergency regulation and the emergency regulation went into effect on July 6, 2015. The emergency regulation is in effect for 270 days. The emergency regulation requires: (1) enhanced water conservation in critical areas of the four watersheds; and (2) information on water use if requested by the State Water Board.

The enhanced conservation called for in the emergency regulation is intended to help maintain the small amount of water necessary to support acceptable temperature and oxygen conditions for summer rearing and migration of coho salmon and steelhead in the four Russian River tributary watersheds. The requirement to provide information, if requested by the State Water Board, will be used to inform additional actions that may be needed if the enhanced conservation measures are not sufficient.

What is an Informational Order?

In this case, an Informational Order is a document that is issued by the State Water Board that requires individuals to provide information related to their diversion and use of water. Informational Orders provide the State Water Board with a mechanism to obtain information to investigate drought-related water right matters and to inform potential future actions, such as notices of water unavailability and curtailments. The State Water Board [has issued multiple Informational Orders](#). In 2014, the State Water Board issued Informational Orders to 24 San Joaquin River diverters. In 2015, the State Water Board issued Informational Orders to one Tuolumne River diverter, 1,061 Sacramento-San Joaquin Delta diverters, and one Old River (tributary to the San Joaquin River) diverter.



Who is required to respond to the Informational Order?

Any landowner or supplier of water from one of the priority tributary watersheds who receives the Informational Order is required to respond to the Informational Order. The landowner or water supplier must complete, or authorize another party to complete, an [Online Informational Order Form](#). If a renter occupies a property located in one of the priority tributary watersheds, the property owner (not the renter) is required to complete the Online Informational Order Form.

Why is the State Water Board issuing this Informational Order?

The State Water Board is issuing this Informational Order to collect information on water diversion and use in the four priority tributary watersheds. The State Water Board lacks this information, and cannot accurately estimate total water demand and the uses of the water in the four priority tributary watersheds. This information is needed to estimate total water demand and the uses of water in each watershed and to inform additional actions that may be taken in the future, if needed. Possible future actions include curtailments, additional conservation measures, or other actions that would help protect coho salmon and steelhead in the four Russian River tributary watersheds.

When will the Informational Orders be issued?

The Informational Orders will be issued in phases by tributary watershed, alphabetically, as follows: Dutch Bill Creek; Green Valley Creek; Mark West Creek; and Mill Creek. The first Informational Orders were mailed to landowners and water suppliers in the Dutch Bill Creek watershed on August 26, 2015. Informational Orders were then mailed to landowners and water suppliers in Green Valley Creek (September 1, 2015), Mark West Creek (September 15, 2015), and Mill Creek (September 18, 2015).

How much time are landowners and water suppliers provided to complete the Informational Order?

Landowners and water suppliers are required to provide the requested information within 30 days of receipt of the Informational Order. The due dates for each watershed are as follows:

Tributary Watershed	Informational Order Due Date
Dutch Bill Creek	October 9, 2015 *
Green Valley Creek	October 14, 2015*
Mark West Creek	October 20, 2015
Mill Creek	October 23, 2015

** This date includes a nine-day extension due to the unavailability of the Online Informational Order Form from the afternoon of September 2 through the afternoon of September 11, 2015.*

What will happen if a landowner or water supplier does not respond to the Informational Order?

Under California Code of Regulation, section 876(e)(2) failure to comply with the Informational Order within 30 days of receipt could result in enforcement with penalties of up to \$500 for each day the information is not submitted after it is due.

What is the State Water Board's authority for this action?

[Senate Bill 104](#) (Statutes 2014, Chapter 3, Committee on Budget and Fiscal Review), signed by Governor Brown on March 1, 2014, authorized the State Water Board 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." (Wat. Code section 1058.5). Additionally,

Governor Brown's [April 25, 2014 Proclamation of a Continued State of Emergency](#) suspends environmental review under the California Environmental Quality Act (CEQA) for the adoption of emergency regulations pursuant to Water Code section 1058.5.

The State Water Board has additional authorities related to emergency regulations. On December 22, 2014, Governor Brown issued [Executive Order B-28-14](#), which extended the CEQA suspension for certain activities, including adoption of emergency regulations, through May 31, 2016. Additionally, on April 1, 2015, Governor Brown signed [Executive Order B-29-15](#), which, among other things, directs the State Water Board to increase enforcement of waste and unreasonable use violations and to collect increased information from water users.

Where can I find more information about this Informational Order?

For more information, visit the Russian River Tributaries Emergency Regulation Informational Order webpage at: <http://www.waterboards.ca.gov/rtribs.shtml>

If you have questions, please call the Russian River Tributaries Hotline at (916) 322-8422 or e-mail the Russian River Email Inbox at rr_tribs_emergency_reg@waterboards.ca.gov.

Media inquiries should be made to Tim Moran at (916) 327-8239, or email at timothy.moran@waterboards.ca.gov

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