

## NOTICE OF EXEMPTION

To:   X   Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

From: Sonoma County Water Agency  
404 Aviation Boulevard  
Santa Rosa, CA 95403

       County Clerk  
County of Sonoma  
Santa Rosa, CA 95401

       County Clerk  
County of Mendocino  
Ukiah, CA 95482

  X   Sonoma Water website  
[www.sonomawater.org](http://www.sonomawater.org)

**Project Title:** Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties

**Project Location-Specific:** The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino, in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek, and in the Lower Russian River from its confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the streamflow requirements for the Russian River system. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

**Project Location – City:**   N/A   **Project Location – County:**   Mendocino and Sonoma  

**Description of Nature, Purpose and Beneficiaries of Project:** Sonoma County Water Agency (Sonoma Water) is filing a temporary urgency change petition (TUCP) requesting that the State Water Resources Control Board (SWRCB) make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in SWRCB Decision 1610 and Sonoma Water's water right permits: (a) for July 1 through December 27, 2020, the minimum instream flow requirements in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek be reduced to 50 cfs and in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean be reduced to 60 cfs; and (b) If storage in Lake Mendocino drops more than one percent below the target water supply storage level depicted in Figure 2 on any day between the date of the SWRCB's order granting the temporary urgency change and December 27, then, from that date through December 27, the minimum instream flow requirement on the Upper Russian River be reduced from 50 cfs to 40 cfs and on the Lower Russian River from 60 cfs to 50 cfs.

To improve its efforts in optimally managing flows in the Russian River, Sonoma Water is also requesting in this TUCP that the minimum instream flow requirement be implemented as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 40 cfs on the Upper Russian River and no less than 50 cfs on the Lower Russian River, unless storage drops more than one percent below the target water supply storage at Lake Mendocino, then the instantaneous minimum instream flow would be no less than 30 cfs on the Upper Russian River and no less than 40 cfs on the Lower Russian River. This implementation of minimum instream flow requirements would allow Sonoma Water to manage stream flows with smaller operational buffers, thereby conserving water supply in Lake Mendocino. This would result in higher storage levels in the fall, which would be used for releases of stored water for the benefit of upstream migrating Chinook salmon, and improved carry over storage for use in 2021.

On April 17, 2020, Pacific Gas & Electric Company (PG&E) filed a request with the Federal Energy Regulatory Commission (FERC) for a temporary variance to reduce its minimum instream flow requirements for the Potter Valley

Hydroelectric Project (PVP). The project is located on the East Fork Russian River and Eel River in Mendocino and Lake Counties. PG&E, in consultation with National Marine Fisheries Service, California Department of Fish and Wildlife, Round Valley Indian Tribes, Potter Valley Irrigation District and Sonoma Water, filed the variance due to critically low water storage in Lake Pillsbury.

On April 30, 2020, FERC issued an order approving PG&E's temporary variance request to reduce the minimum instream flow requirements in the Eel River below Scott Dam and Cape Horn Dam; and below the powerhouse in the East Fork Russian River. Based on the approved temporary variance, minimum flow transfers from the Eel River to the East Fork Russian River through PVP will be reduced by 50 to 60 acre-feet between May 1, 2020 and December 31, 2020.

Under Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

In this case, an urgent need exists for the proposed flow changes on the Upper Russian River because Sonoma Water predicts a critically low level of water supply storage in Lake Mendocino by October 1, 2020, unless the requested temporary urgency change is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, Sonoma Water would need to release additional stored water from Lake Mendocino, which would result in the significant depletion of storage during the summer and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the fall, which would cause serious impacts to human health and welfare, and reduce water supplies needed for fishery protection and stable flows in the upper Russian River during the fall when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Furthermore, if upcoming WY 2021 is a dry year, carryover storage in Lake Mendocino from 2020 will be crucial for the continued recovery of the Russian River salmonid fishery and water supply reliability during 2021.

Reducing Upper Russian River minimum instream flows creates an urgent need to reduce minimum instream flows in the Lower Russian River. If minimum instream flows in the Lower Russian River are not reduced, Sonoma Water would be compelled to release flows from Lake Sonoma into Dry Creek at levels prohibited by the Incidental Take Statement in the Russian River Biological Opinion issued by the NMFS on September 24, 2008.

**Name of Public Agency Approving Project:** State Water Resources Control Board - Division of Water Rights

**Name of Person or Agency Carrying Out Project:** Sonoma County Water Agency

**Exempt Status:** (check one)

	Ministerial (Sec. 21080(b)(1); 15268)	
	Declared Emergency (Sec. 21080(b)(3); 15269(a))	
<input checked="" type="checkbox"/>	Emergency Project (Sec.21080 (b)(4); 15269(b)(c)):	Section 21080(b)(4): Specific actions necessary to prevent or mitigate an emergency
<input checked="" type="checkbox"/>	Categorical Exemption. State type and section number:	State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources  State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment  State CEQA Guidelines 15301(j): Existing Facilities
	Statutory Exemptions. State code number:	



**Reasons why project is exempt:** The proposed action is statutorily exempt under CEQA Statute 21080(b)(4) and categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, and 15301(i).

*A. Actions to Prevent or Mitigate an Emergency*

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. Sonoma Water's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2020 unless the TUCP is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed change, Sonoma Water would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall migration when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Water supplies for domestic and municipal uses of Russian River water would be severely impaired. Furthermore, if the upcoming Water Year 2021 is a dry year, carryover storage in Lake Mendocino from 2020 will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2021.

*B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment*

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of a natural resource and the environment are categorically exempt. The proposed temporary urgency change to the Water Agency's water right Permits 12947A, 12949, 12950, and 16596 would conserve water in Lake Mendocino to support beneficial uses downstream of Lake Mendocino, including habitat for listed Russian River salmonid fisheries, agricultural and municipal use, and recreation. The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which Sonoma Water could make releases from Lake Sonoma from July through October. Approval of the proposed temporary urgency change in the Lower Russian River is requested in order to avoid violation of the Incidental Take Statement contained in the Russian River Biological Opinion due to higher releases that would be required for Dry Creek to meet Decision 1610 minimum flow requirements in the Lower Russian River, if the Upper Russian River flows are reduced and the Lower Russian River minimum flow requirements are not reduced.

*C. Existing Facilities*

CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. Sonoma Water's request to change minimum instream flows would not expand Sonoma Water's use or increase the water diversions available to Sonoma Water for consumptive purposes. The proposed changes in minimum instream flows would still be within the existing minimum instream flows established by Decision 1610.

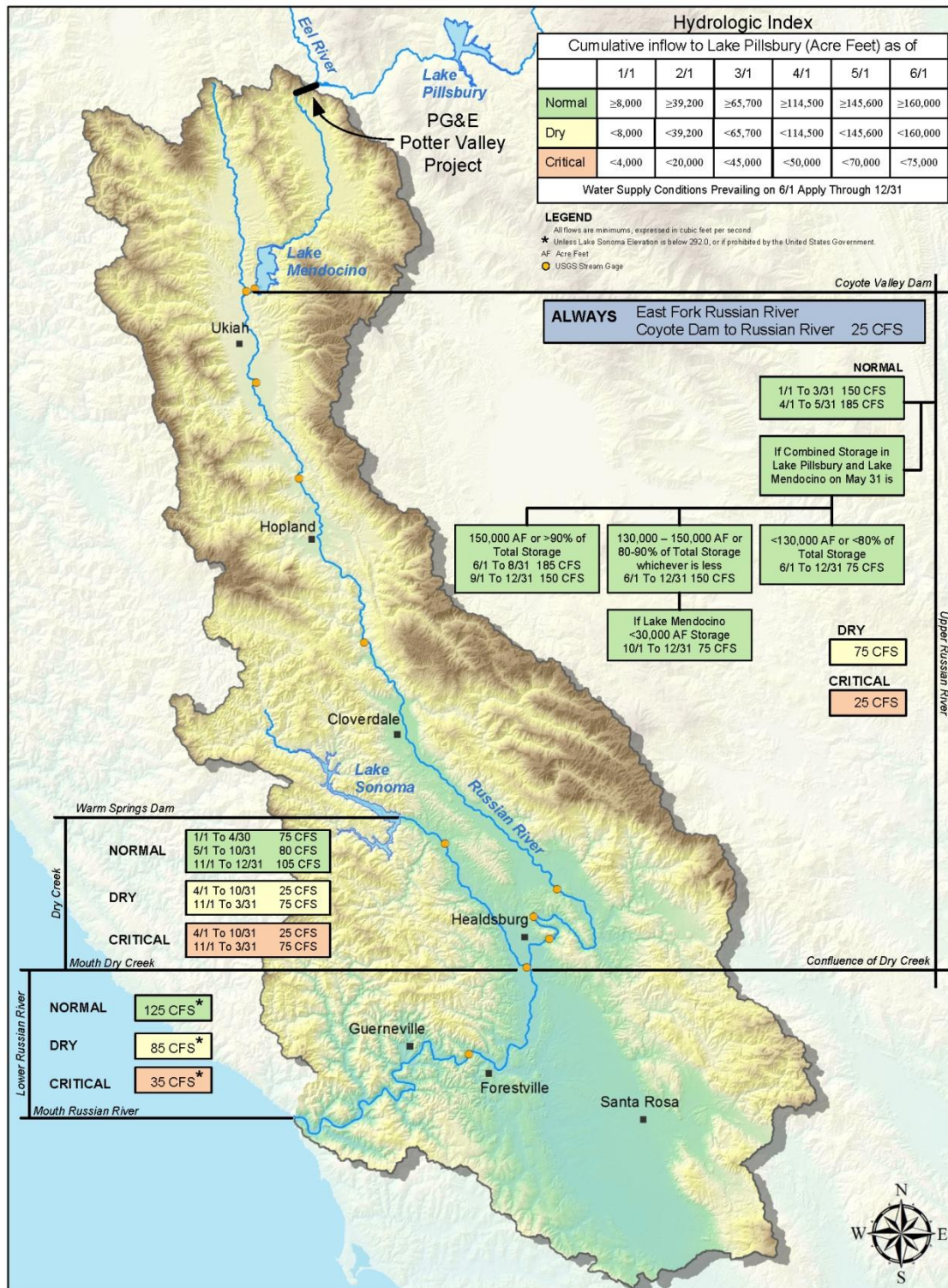
**Lead Agency Contact Person:** Connie Barton **Area Code/Telephone:** 707-547-1905

**Signature:**  **Date:** 6.8.20 **Title:** General Manager

☒ **Lead Agency** ☐ **Applicant** **Date Received for filing at OPR:** \_\_\_\_\_



# State Water Resources Control Board Decision 1610



## Russian River Basin Streamflow Requirements

**Figure 1.** Project location for Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties.