SONOMA COUNTY WATER AGENCY

April 4, 2010

Victoria Whitney, Deputy Director of Water Rights
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Petition for Temporary Urgency Change—Permits 12947A, 12949, 12950, and 16596

Dear Ms. Whitney:

Enclosed is a Petition for Temporary Urgency Change to modify the minimum in-stream flow requirements for the Russian River as established by Decision 1610 for Permits 12947A, 12949, 12950 and 16596. Accompanying the petition are the following:

1) A supporting analysis document: *In-Stream Flow Analysis for 2010 Temporary Urgency Change Petition*
2) Notice of Exemption
3) California Department of Fish and Game (DFG) Review Fee Payment
4) State Water Resources Control Board (SWRCB) Petition Fee Payment

The petition is being submitted as required by the Russian River Biological Opinion issued by NOAA National Marine Fisheries Services in September of 2008. The Sonoma County Water Agency requests that the Division of Water Rights act expeditiously to approve the requested changes to minimum in-stream flows as identified in the Russian River Biological Opinion.

I look forward to working with the State Water Resources Control Board and Division of Water Rights staff on this important conservation effort.

Sincerely,

Grant Davis
General Manager

C Dick Butler – NMFS
William Hearn – NMFS

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P.O. Box 11628 - Santa Rosa, CA 95406 - 404 Aviation Boulevard - Santa Rosa, CA 95403 - (707) 526-5370 - Fax (707) 544-6123

State of California
State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435)

__X___ Change in Instream Flow Requirements

Applications #_12919A, 15736, 15737, 19351_ Permits #_12947A, 12949, 12950, 16596_

I (we) _Sonoma County Water Agency_ hereby petition for a temporary urgency change(s) noted above
(Water Right Holders Name)
and described as follows:

The Sonoma County Water Agency requests that the State Water Resources Control Board make the following temporary changes to the Decision 1610 (D-1610) instream flow requirements for the period from May 1 through October 15: (a) reduce the D-1610 requirements in the Upper Russian River (from its confluence with the East Fork to its confluence with Dry Creek) to 125 cfs for Normal and Normal—Dry Spring 1 water supply conditions; (b) reduce the D-1610 requirements in the Lower Russian River (downstream of its confluence with Dry Creek) to 70 cfs for Normal and Dry water supply conditions.

These temporary changes are requested to comply with the National Marine Fisheries Service's *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (September 24, 2008).

Point of Diversion or Rediversion (Give coordinate distances from section corner or California Coordinates, and the 40-acre subdivision in which the present and proposed points lie.)
Present _____see permits_____Proposed _____no change_____

Place of Use (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)
Present _____see permits_____Proposed _____no change_____

Purpose of Use
Present _____see permits_____Proposed_____no change_____

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? __No___ (yes/no)
****This question was answered 'No' because this petition is not being filed under Water Code section 1707. However, the requested temporary changes will benefit fish resources, for the reasons stated in NMFS's Biological Opinion.*

The temporary urgency change(s) is to be effective from _May 1, 2010_ to _October 15, 2010_
(Cannot exceed 180 days)
Will this temporary urgency change be made without injury to any lawful user of water?_Yes__ (yes/no)

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? ___Yes___ (yes/no)

State the "Urgent Need" (Water Code 1435(c)) that is the basis of this temporary urgency change petition (attach additional information as necessary):
___see attachment *In-Stream Flow Analysis for 2010 Temporary Urgency Change Petition*__

If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point?
Not Applicable (yes/no)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Not Applicable (yes/no)
If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes (yes/no)
If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

The Agency has been coordinating activities related to the Biological Opinion and DFG's Consistency Determination with Richard Fitzgerald (707-944-5568) and Eric Larson (707-944-5528) from California Department of Fish and Game (DFG).

Contacts at NOAA National Marine Fisheries Service for the Biological Opinion are Dr. William Hearn (707-575-6062) and Dick Butler (707-575-6058).

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated April 4, 2010 at Santa Rosa, California

Signature(s)

(707) 521-6210
Telephone No.

404 Aviation Boulevard, Santa Rosa, CA 95403-9019
(Address)

NOTE: All petitions must be accompanied by the **filing fee, (see fee schedule at www.waterrights.ca.gov)** made payable to the State Water Resources Control Board and an **$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

April 2010

Sonoma County Water Agency

In-Stream Flow Analysis for 2010 Temporary Urgency Change Petition

1.0 BACKGROUND

The Sonoma County Water Agency (Water Agency) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of Decision 1610, which the State Water Board adopted on April 17, 1986. Decision 1610 specifies the minimum flow requirements for the Russian River and Dry Creek. These minimum flow requirements vary based on water supply conditions, which are also specified by Decision 1610.

1.1 Minimum Flow Requirements

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork Russian River from Coyote Valley Dam to the confluence with the West Fork of the Russian River under all water supply conditions. From this point to Dry Creek, the required minimum Russian River flows are 185 cfs from April through August and 150 cfs from September through March during *Normal* water supply conditions, 75 cfs during *Dry* water supply conditions and 25 cfs during *Critical* water supply conditions. Decision 1610 further specifies two variations of the *Normal* water supply condition, commonly known as *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the Upper Russian River during times when the combined storage in Lake Pillsbury and Lake Mendocino on May 31 is unusually low. *Dry Spring 1* exists if the combined storage in Lake Pillsbury and Lake Mendocino is less than 150,000 acre-feet on May 31. Under *Dry Spring 1*, the required minimum flow in the Upper Russian River between the confluence of the East Fork and West Fork and Healdsburg is 150 cfs from June through March, with a reduction to 75 cfs during October through December if Lake Mendocino storage is less than 30,000 AF during those months. *Dry Spring 2* exists if the combined storage in Lake Pillsbury and Lake Mendocino is less than 130,000 acre-feet on May 31. Under *Dry Spring 2*, the Upper Russian River required

minimum flows are 75 cfs from June through December and 150 cfs from January through March.

From Dry Creek to the Pacific Ocean, the required minimum flows are 125 cfs during *Normal* conditions, 85 cfs during *Dry* water supply conditions and 35 cfs during *Critical* conditions.

In Dry Creek, the required minimum flows are 75 cfs from January through April, 80 cfs from May through October, and 105 cfs in November and December during *Normal* conditions. During *Dry* and *Critical* conditions, these required minimum flows are 25 cfs from April through October, and 75 cfs from November through March.

Figure 1 shows all of the required minimum in-stream flows specified in Decision 1610 by river reach, the gaging stations used to monitor compliance, and the definitions of the various water supply conditions.

Cumulative inflow to Lake Pillsbury (Acre Feet) as of	1/1	2/1	3/1	4/1	5/1	6/1	
NORMAL	≧8,000	≧39,200	≧65,700	≧114,500	≧145,600	≧160,000	Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
DRY	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
CRITICAL DRY	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000	

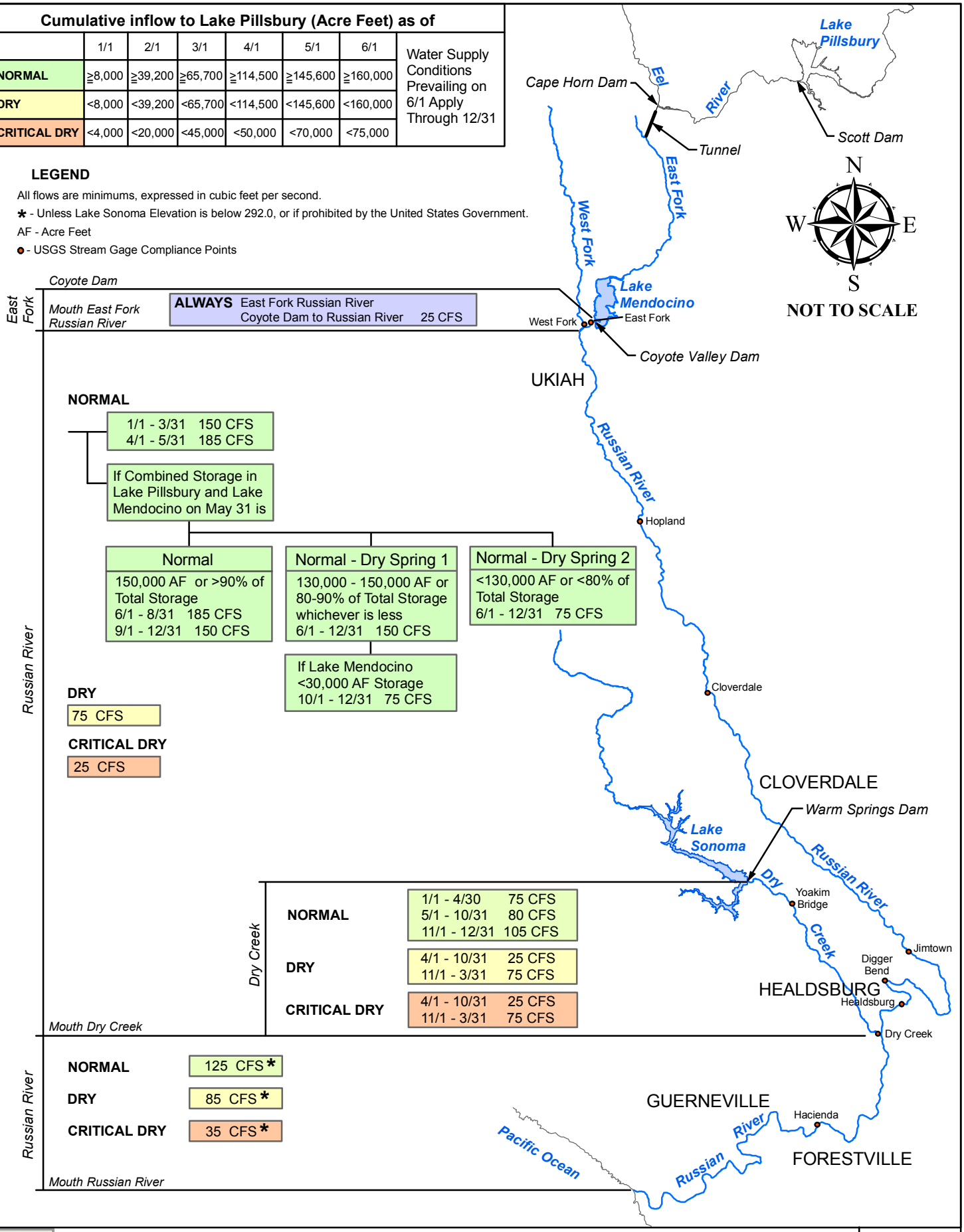
LEGEND

All flows are minimums, expressed in cubic feet per second.

* - Unless Lake Sonoma Elevation is below 292.0, or if prohibited by the United States Government.

AF - Acre Feet

- USGS Stream Gage Compliance Points



SPECIAL PROJECTS/ 7323-RRIFR-D1610/2010-USGS-GAGE-STREAMFLOW.mxd APRIL 5, 2010

SONOMA COUNTY WATER AGENCY

Russian River Basin
Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1

1.2 Water Supply Conditions

There are three main water supply conditions that are defined in Decision 1610 to provide for adjustments in minimum instream flow requirements based on the hydrologic conditions in the Russian River system. These water supply conditions are determined based on criteria for the calculated cumulative inflow into Lake Pillsbury from October 1 to the first day of each month from January to June. Decision 1610 defines cumulative inflow as the algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury and evaporation from Lake Pillsbury.

Dry water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 8,000 acre-feet as of January 1;
- 39,200 acre-feet as of February 1;
- 65,700 acre-feet as of March 1;
- 114,500 acre-feet as of April 1;
- 145,600 acre-feet as of May 1; and
- 160,000 acre-feet as of June 1.

Critical water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 4,000 acre-feet as of January 1:
- 20,000 acre-feet as of February 1;
- 45,000 acre-feet as of March 1;
- 50,000 acre-feet as of April 1;
- 70,000 acre-feet as of May 1; and
- 75,000 acre-feet as of June 1.

Normal water supply conditions exist whenever a *Dry* or *Critical* water supply condition is not present. As indicated above, Decision 1610 further specifies three variations of the *Normal* water supply condition based on the combined storage in Lake Pillsbury and Lake Mendocino on May 31. These three variations of the *Normal* water supply

condition determine the required minimum in-stream flows for the Upper Russian River from the confluence of the East Fork and the West Fork to the Russian River's confluence with Dry Creek. This provision of Decision 1610 does not modify the required minimum in-stream flows in Dry Creek or the Lower Russian River (the Russian River between its confluence with Dry Creek and the Pacific Ocean). A summary of the required minimum flows in the Russian River for *Normal*, *Normal — Dry Spring 1* and *Normal — Dry Spring 2* water supply conditions is provided below:

1. Normal: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year exceeds 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through August 31	185 cfs
From September 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

2. Normal—Dry Spring 1: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, which ever is less, and 130,00 acre-feet or 80 percent or the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through March 31	150 cfs
From April 1 through May 31	185 cfs
If from October 1 through December 31, storage in Lake Mendocino is less than 30,000 acre-feet	75 cfs

3. Normal—Dry Spring 2: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, which ever is less:

From June 1 through December 31	75 cfs
From January 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

2.0 PROJECTED WATER SUPPLY CONDITIONS

From October 1, 2009 to April 1, 2010, the cumulative inflow into Lake Pillsbury was 266,956 acre-feet. Consequently, the water supply condition is categorized as *Normal*. Based on this designation, the Decision 1610 required minimum in-stream flows in the Upper Russian River (from the East Fork Russian River to the Russian River's confluence of Dry Creek) will be 150 cfs until March 31 and 185 cfs between April 1 and May 31. The required minimum in-stream flows starting June 1 will be determined based on the combined storage of Lake Pillsbury and Lake Mendocino on May 31. Based on the current combined storage in Lake Pillsbury and Lake Mendocino and the observed water supply conditions to date, the Water Agency anticipates the water supply conditions as of June 1 will likely be *Normal* or *Normal — Dry Spring 1*. Consequently, the Decision 1610 required minimum in-stream flows in the Upper Russian River will likely be either 185 cfs or 150 cfs.

3.0 RUSSIAN RIVER BIOLOGICAL OPINION

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). This Biological Opinion was the culmination of more than a decade of consultation under Section 7 of the ESA by the Water Agency and U.S. Army Corps of Engineers (Corps) with NMFS regarding the impacts of the Water Agency's and 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 that ultimately led to this Biological Opinion indicate that summer flows in the Upper Russian River and Dry Creek required by Decision 1610 are too high for optimal juvenile salmonid habitat. NMFS also concluded in the Biological Opinion that the historical practice of breaching the sandbar that builds up and frequently closes the mouth of the Russian River during the summer and fall may also adversely affect the listed species. NMFS concluded in the Biological Opinion that it might be better for juvenile steelhead and salmon if the sandbar is kept closed during these times, to allow for the formation of a seasonal freshwater lagoon in the estuary. However, the minimum in-stream flows required by Decision 1610 result in flows into the estuary that are so high that it is difficult to maintain a freshwater lagoon while preventing flooding of adjacent properties.

To address these issues, the Biological Opinion requires the Water Agency and Corps to implement a series of actions to modify existing water supply and flood control activities that, in concert with habitat enhancement, are intended to minimize impacts to listed salmon species and enhance their habitats within the Russian River and its tributaries. The Water Agency is responsible for the following actions under the Biological Opinion:

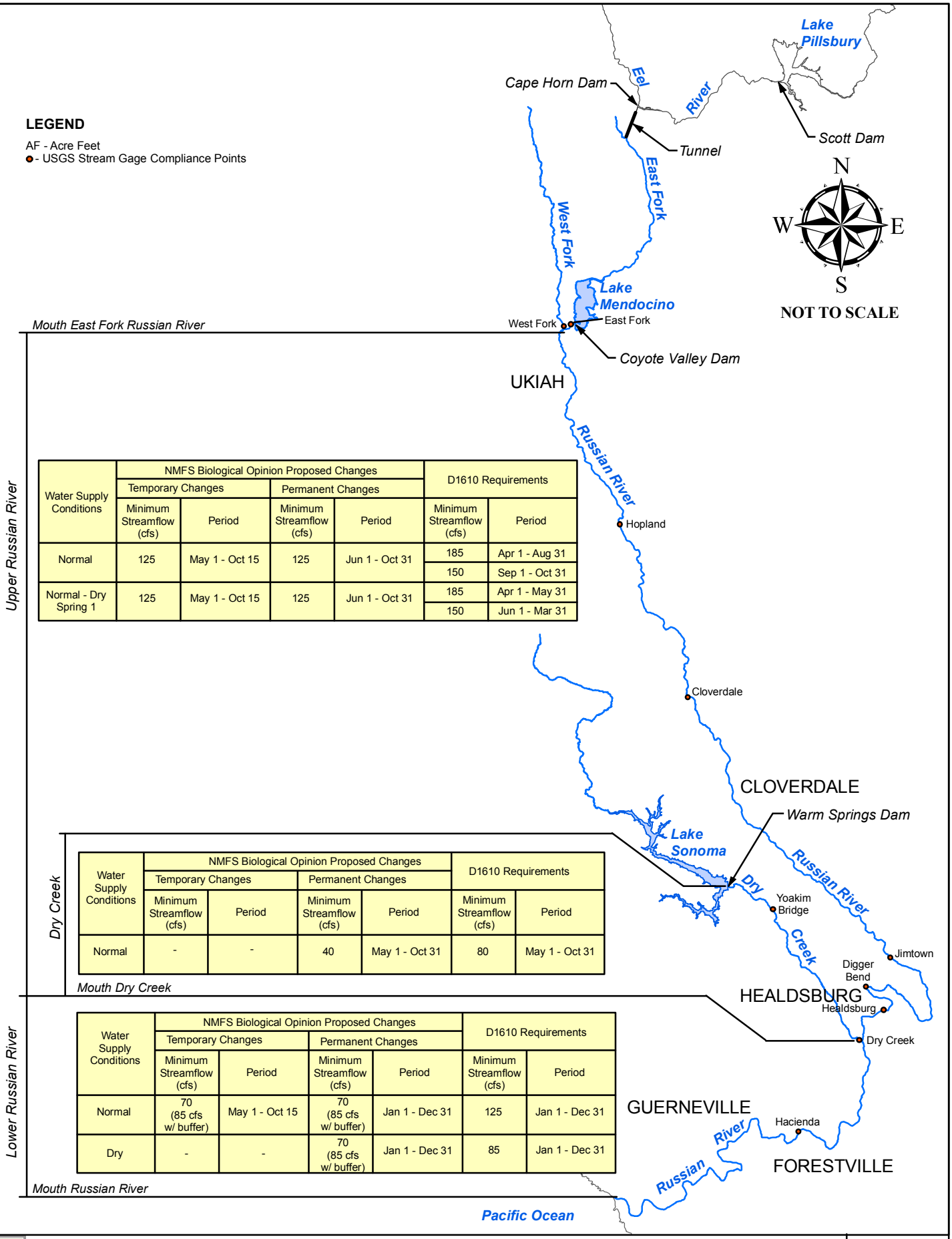
- Petitioning the State Water Board to modify permanently the requirements for minimum in-stream flows in the Russian River and Dry Creek;
- Enhancing salmonid habitat in Dry Creek and its tributaries;
- Developing a bypass pipeline around Dry Creek, if habitat enhancement is unsuccessful;
- Changing Russian River estuary management;
- Improving water diversion infrastructure at the Agency's Wohler and Mirabel facilities;
- Modifying flood control maintenance activities on the mainstem Russian River and its tributaries; and
- Continuing to participate in the Coho Broodstock program.

The Biological Opinion acknowledges that implementing permanent changes to the minimum in-stream flow requirements for the Russian River and Dry Creek will take several years, including the time needed for review under the California Environmental Quality Act (CEQA) and the National Environmental Polity Act (NEPA) and compliance with state and federal regulations. Consequently, the Biological Opinion mandates that the Water Agency file annual petitions with the State Water Board for temporary changes to the Decision 1610 minimum in-stream flow requirements, starting in 2010 and for each year thereafter until the State Water Board has issued an order on the Agency's petition for permanent changes to the Decision 1610 minimum in-stream flow requirements. The Biological Opinion requires the Water Agency to request that the minimum in-stream flow requirements be temporarily changed to the following values:

- 70 cfs at the U.S. Geological Survey (USGS) gage located at Hacienda Bridge, between May 1 and October 15, with the understanding that, because of the need for an operational buffer above this minimum requirement, the Water Agency will typically maintain approximately 85 cfs at this gage; and

- 125 cfs at the USGS gage located at Healdsburg between May 1 and October 15.

The temporary changes to Decision 1610 minimum in-stream flows specified in the Biological Opinion are summarized in Figure 2.



Upper Russian River

Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	125	May 1 - Oct 15	125	Jun 1 - Oct 31	185	Apr 1 - Aug 31
					150	Sep 1 - Oct 31
Normal - Dry Spring 1	125	May 1 - Oct 15	125	Jun 1 - Oct 31	185	Apr 1 - May 31
					150	Jun 1 - Mar 31

Dry Creek

Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	-	-	40	May 1 - Oct 31	80	May 1 - Oct 31

Lower Russian River

Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	70 (85 cfs w/ buffer)	May 1 - Oct 15	70 (85 cfs w/ buffer)	Jan 1 - Dec 31	125	Jan 1 - Dec 31
Dry	-	-	70 (85 cfs w/ buffer)	Jan 1 - Dec 31	85	Jan 1 - Dec 31

SPECIAL PROJECTS/ 7323-RRIFR-D1610/2010-USGS-GAGE-STREAMFLOW.mxd April 1, 2010

SONOMA COUNTY WATER AGENCY

Russian River Biological Opinion
Proposed Minimum Instream Flow Changes

Per National Marine Fisheries Service's Biological Opinion Issued September 24, 2008

Figure 2

4.0 CRITERIA FOR APPROVING TEMPORARY UNGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596

As stated in the State Water Board's Order WR 2009-0034-EXEC (§ 8.0, page 12), the Board must make the following findings before issuing a temporary change order:

1. The permittee or licensee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses; and
4. The proposed change is in the public interest.

4.1 Urgency of the Proposed Change

Decision 1610 set the minimum in-stream flows that the State Water Board concluded, in 1986, would benefit both fishery and recreation uses, and which would "preserve the fishery and recreation in the river and in Lake Mendocino to the greatest extent possible while serving the needs of the agricultural, municipal, domestic, and industrial uses which are dependent upon the water" (D 1610, § 13.2, page 21). The State Water Board also concluded in Decision 1610 that additional fishery studies should be done (D 1610, § 14.3.1, pages 26-27).

Twenty-four years later, it appears that the flows set by Decision 1610 no longer benefit both fishery and recreation uses. To the contrary, the Biological Opinion concludes that summertime flows in the Russian River, at the levels required by Decision 1610, are higher than the optimal levels for the listed fish species. The Biological Opinion contains an extensive analysis of the impacts of these required minimum in-stream flows on listed fish species. The Biological Opinion requires Water Agency to file a petition with the State Water Board to improve conditions for listed species by seeking permanent reductions in the minimum Russian River in-stream flow requirements contained in Water Agency's existing water rights permits. The Biological Opinion also contains the following requirement:

> To help restore freshwater habitats for listed salmon and steelhead in the Russian River estuary, SCWA will pursue interim relief from D1610 minimum flow requirements by petitioning the SWRCB for changes to D1610 beginning in 2010 and for each year prior to the permanent change to D1610. These petitions will request that minimum bypass flows of 70 cfs be implemented at the USGS gage at the Hacienda Bridge between May 1 and October 15, with the understanding

> that for compliance purposes SCWA will typically maintain about 85 cfs at the Hacienda gage. For purposes of enhancing steelhead rearing habitats between the East Fork and Hopland, these petitions will request a minimum bypass flow of 125 cfs at the Healdsburg gage between May 1 and October 15. NMFS will support SCWA's petitions for these changes to D1610 in presentations before the SWRCB.
> (Biological Opinion, page 247.)

One of the species listed under the federal ESA (coho salmon) is also listed under the California Endangered Species Act (CESA), and the California Department of Fish and Game (DFG) has issued a consistency determination in which it determined that the incidental take statement issued to Water Agency by NMFS in connection with the Biological Opinion is consistent with the provisions and requirements of CESA.

In light of this background, an urgent need exists for the proposed change. As discussed in the Biological Opinion, the temporary changes that are requested in this petition will improve habitat for the listed species by reducing in-stream flows and by increasing storage for later fishery use, without unreasonably impairing other beneficial uses, thus maximizing the use of Russian River water resources. Moreover, given the listings of Chinook salmon, coho salmon, and steelhead under the federal ESA, there is a need for prompt action. As demonstrated by the Biological Opinion, there has been an extensive analysis of the needs of the fishery, and fishery experts agree that the Decision 1610 in-stream flows appear to be too high.

4.2 No Injury to Any Other Lawful User of Water

If this petition is granted, the Water Agency still will be required to maintain specified minimum flows in the Russian River from the Water Agency's most upstream point of diversion to the river's confluence with the Pacific Ocean. Because these minimum flows will be present, all other legal users of water still will be able to divert and use the amounts of water that they legally may divert and use. Accordingly, granting this petition will not result in any injury to any other lawful user of water.

4.3 No Unreasonable Effect upon Fish, Wildlife, or Other In-stream Beneficial Uses

This petition is based upon the analysis contained in the 2008 Biological Opinion, which was issued primarily to improve conditions for fish resources in the Russian River system. Two types of improved conditions will result from an order approving this petition. First, the Biological Opinion indicates that stream flows that are required by Decision 1610 are too high for optimum fish habitat in both the river and in the estuary. If this petition is granted, then lower stream flows, which will result in better fish habitat, will occur. Second, lowering the required minimum in-stream flows will result in higher fall storage levels in Lake Mendocino. The resulting conservation of water in Lake

Mendocino will allow enhanced management of Russian River flows in early fall for the benefit of fish migration.

It is possible that reduced flows in the Russian River may impair some in-stream beneficial uses, principally recreation uses. However, although some recreation uses may be affected by these reduced flows, any such impacts on recreation this summer will be reasonable in light of the impacts to fish that could occur if the petition were not approved.

4.4 The Proposed Change is in the Public Interest

As discussed above, the sole purpose of this petition is to improve conditions for listed Russian River salmonid species, as determined by NMFS and DFG. Approval of the Water Agency 's petition to reduce in-stream flows to benefit the fishery will also result in higher fall storage levels in Lake Mendocino, which will make more water available in the fall for fishery purposes. Under these circumstances, it is in the public interest to temporarily change the Decision 1610 minimum required in-stream flows.

5.0 REQUESTED TEMPORARY URGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596

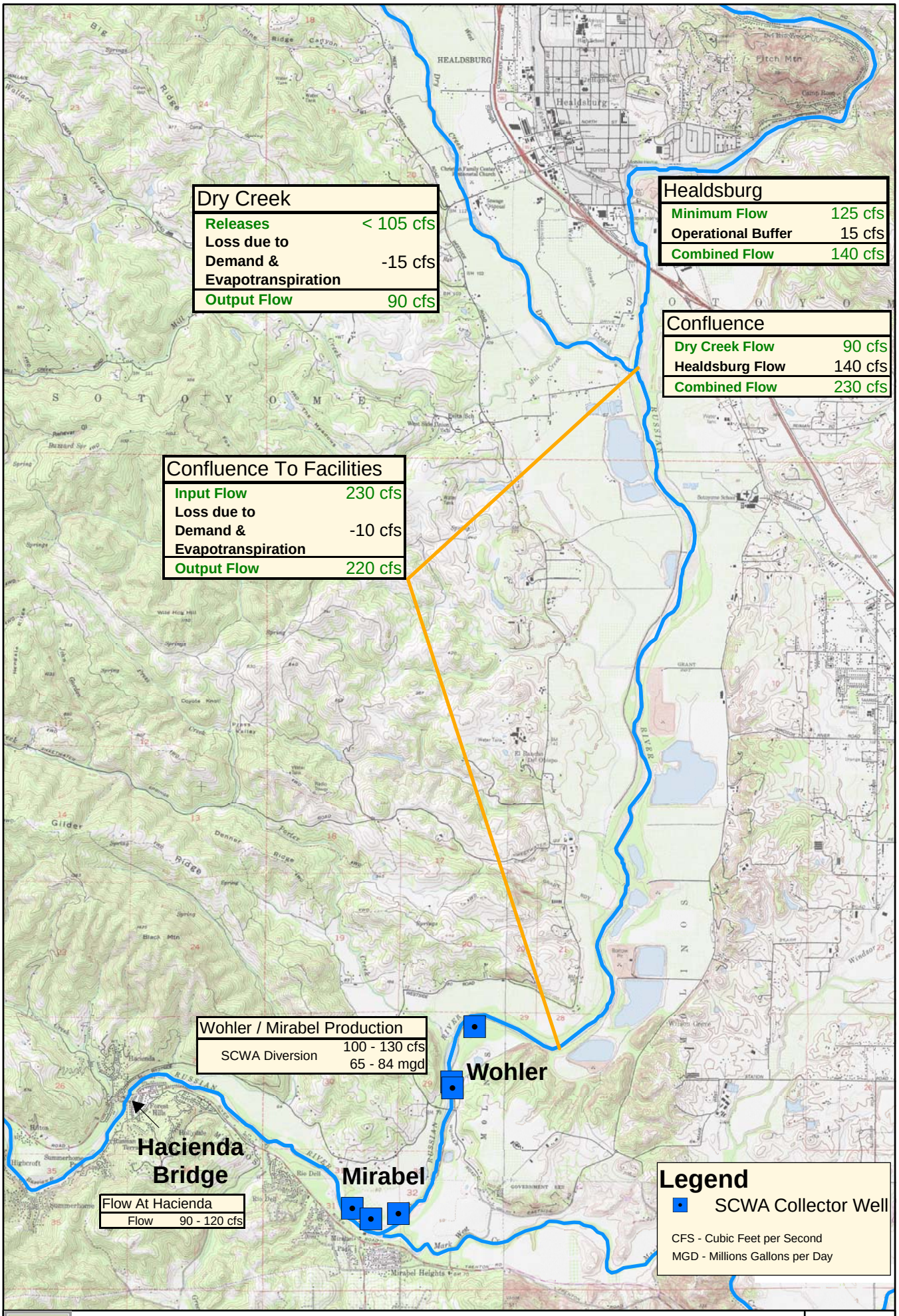
The Temporary Urgency Change Petitions that the Water Agency filed in 2004, 2007 and 2009 requested reductions in the Decision 1610 minimum in-stream flow requirements to address low storage levels in Lake Mendocino. In contrast, this petition is mandated by the Biological Opinion, to provide improved conditions for threatened and endangered fish species. Water supply storage in Lake Mendocino as of April 1, 2010 was approximately 83,000 acre-feet, which is significantly higher than the April 1 levels in 2007 (71,406 acre-feet) and 2009 (56,666 acre-feet).

The proposed changes in the Decision 1610 Russian River minimum in-stream flows that are requested by this petition will not result in unusual circumstances. The proposed changes to minimum in-stream flows are within the range of those that already occur during the *Dry* and *Critical* water supply conditions specified by Decision 1610. Due to low rainfall and other hydrologic factors, flows in the Russian River from June through October for the last three years have been similar to or lower than the minimum flows that will be authorized by the proposed changes.

Because the requested changes are not driven by low Lake Mendocino storage levels, reductions in summertime diversions by the Water Agency would not be beneficial. In fact, flows in the Lower Russian River resulting from the combined required minimum flows in Dry Creek and the Upper Russian River (with the changes requested by this petition) and normal levels of Water Agency diversions (100 cfs to 135 cfs) at its Wohler-

Mirabel facilities will likely be 20 cfs to 50 cfs greater than the 70 cfs goal described in the Biological Opinion. Projected flows on the Lower Russian River under the minimum in-stream flows required by the Biological Opinion are shown in Figure 3. Under these conditions, reducing the Water Agency's summertime diversions at Wohler-Mirabel would increase flows in the lower Russian River downstream of Wohler-Mirabel, which would have adverse impacts on the estuary management strategy described in the Biological Opinion. Specifically, reducing Water Agency diversions at Wohler-Mirabel would result in higher lower Russian River flows into the estuary, which would make it more difficult to maintain the estuary as a closed system, as contemplated by the Biological Opinion.

The potential need to make changes after 1986 to the minimum in-stream flow requirements specified in Decision 1610 was contemplated by Decision 1610. Decision 1610 states: "Our decision will be subject to a reservation of jurisdiction to amend the minimum flow requirements if future studies show that amendments might benefit the fisheries or if operating the project under the terms and conditions herein causes unforeseen adverse impacts to the fisheries." As discussed in this petition, fisheries studies conducted during the last decade, which ultimately led to NMFS' Biological Opinion, now indicate the need to amend the Decision 1610 minimum flow requirements. The Water Agency therefore requests that the State Water Board approve this petition.



SONOMA COUNTY WATER AGENCY

Lower Russian River
Projected Flows Under Biological Opinion

Figure 3

NOTICE OF EXEMPTION

To: X Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of Sonoma
Santa Rosa, CA 95401

X County Clerk
County of Mendocino
Ukiah, CA 95482

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

Project Title: Petition by Sonoma County Water Agency Requesting Approval of a Temporary Urgency Change in Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma Counties (Applications 12919A, 15736, 15737, and 19351): 2010 Temporary Changes to Minimum Instream Flow Requirements of Decision 1610

Project Location: The proposed action is to temporarily change the required minimum instream flows in the Russian River in Mendocino and Sonoma Counties. Figure 1 shows the minimum instream-flow requirements in the water-right permits of the Sonoma County Water Agency (SCWA) for its Russian River Project that are in effect now and that will remain in effect if the proposed action is not approved. The proposed action is to temporarily change some of these requirements, to the "Temporary Changes" shown in Figure 2, for the period from May 1, 2010 through October 15, 2010. 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 Background: The National Marine Fisheries Service (NMFS) issued its *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River BO) on September 24, 2008.[1] NMFS concluded in the Russian River BO that the continued operations of Coyote Valley Dam and Warm Springs Dam by the U.S. Army Corps of Engineers and SCWA in a manner similar to recent historic practices, together with SCWA's stream channel maintenance activities and estuary management, are likely to jeopardize and adversely modify critical habitat for endangered Central California Coast coho salmon and threatened Central California Coast steelhead.

SCWA controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the requirements of Decision 1610, adopted by the State Water Resources Control Board (SWRCB) in 1986. NMFS' Russian River BO states that changes to Decision 1610 minimum instream flow requirements will enable alternative flow management scenarios that will increase available rearing habitat in Dry Creek and the upper Russian River, and provide a lower, closer to natural inflow to the estuary between late spring and early fall, thereby enhancing the potential for

[1] NMFS' Russian River BO may be accessed online at www.sonomacountywater.org and may be reviewed at SCWA's office at 404 Aviation Boulevard, Santa Rosa, CA.

maintaining a seasonal freshwater lagoon that will likely support increased production of juvenile steelhead and salmon.[2]

As required by NMFS' Russian River BO, in September 2009 SCWA filed a petition with the SWRCB to make permanent changes to the Decision 1610 minimum instream flow requirements. This petition presently is pending before the SWRCB. The SWRCB will not act on this petition until the necessary environmental impact report is prepared and the water-rights issues associated with this petition are resolved. This process is expected to take several years.

Until the SWRCB issues an order on this petition, SCWA must maintain the minimum instream flows specified in Decision 1610, with resulting impacts to listed salmonids, unless temporary changes to these requirements are authorized by the SWRCB. To help restore freshwater habitats for listed salmon and steelhead in the Russian River estuary NMFS' Russian River BO requires that SCWA petition the SWRCB for temporary changes to minimum instream flow requirements beginning in 2010 and for each year thereafter until the SWRCB issues an order on SCWA's petition for the permanent changes to the Decision 1610 minimum instream flow requirements. The temporary changes include a reduction in the minimum instream flow to 70 cubic feet per second (cfs) in the lower Russian River between May 1 and October 15, with the understanding that, because of the need to maintain an operational buffer above this minimum requirement, SCWA will typically maintain a flow of about 85 cfs at this point. Additionally, for the purposes of enhancing steelhead rearing habitat between the East Fork and Hopland, the temporary changes include a reduction in the minimum instream flow to 125 cfs in the upper Russian River between May 1 and October 15.[3] NMFS' Russian River BO only requires petitions for temporary changes to minimum streamflows on the mainstem Russian River, and not on Dry Creek. This petition therefore does not seek changes in required Dry Creek flows, which will be maintained at the levels currently required by Decision 1610.

The permanent and temporary changes to Decision 1610 minimum instream flows specified by NMFS in the Russian River BO are summarized in Figure 2. NMFS' Russian River BO states that, in addition to providing the expected fishery benefits, the revised minimum instream flow requirements should promote water conservation and seek to limit effects on in-stream river recreation.[4]

Description of Project: To comply with the requirements of NMFS' Russian River BO, SCWA is filing a temporary urgency change petition with the SWRCB that asks the SWRCB to make the following changes in the instream flow requirements for the Russian River mainstem that are specified in Decision 1610 and SCWA's water right permits between May 1 through October 15, 2010: (a) a minimum instream flow requirement of 125 cfs in the upper Russian River (upstream of the confluence with Dry Creek and downstream of the confluence of the East and West Forks) and (b) 70 cfs in the lower Russian River (downstream of its confluence with Dry Creek), with the understanding that for compliance purposes SCWA will typically maintain a flow of about 85 cfs at this point.

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[2] National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p. 243. September 2008.

[3] National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p 247. September 2008.

[4] National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p. 244. September 2008.

Decision 1610 specifies the minimum flow requirements for Dry Creek and the Russian River (see Figure 1). These requirements vary based on defined hydrologic conditions. If approved, the requested reductions in Russian River instream flow requirements will be in effect May 1 through October 15, 2010. Under Normal water supply conditions, minimum flows during this time period could be as high as 185 cfs in the upper Russian River, 125 cfs in the lower Russian River, and 80 cfs in Dry Creek. Under the proposed change, minimum flows could be as low as 125 cfs in the upper Russian River and 70 cfs in the lower Russian River. No change in the Dry Creek requirements is proposed and the minimum flow requirement in Dry Creek will remain at 80 cfs. The proposed changes in Russian River instream flow requirements will not result in any unusual circumstances, because the proposed minimum instream flow requirements are within the range of those that already occur during Dry and Critical water supply conditions under Decision 1610. In addition, due to low rainfall and other factors, flows in the river during the last three years have been similar to or lower than the proposed changes. For example, compared to summer 2009, the requested minimum flows are slightly higher for the lower Russian River and substantially higher for the upper Russian River.

During the period that the proposed temporary flow changes are in effect, SCWA will also monitor water quality and fish, and collect and report information and data related to monitoring activities, as required by NMFS' Russian River BO. This information will assist with the study and development of required future permanent flow changes.

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));

___ Emergency Project (Sec.21080 (b)(4); 15269(b)(c));

X 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(i): Existing Facilities
- State CEQA Guidelines 15306: Information Collection

___ Statutory Exemptions. State Code number:

Reasons why project is exempt: The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, 15301(i), and 15306.

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

Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt from CEQA. If approved, the proposed changes in Russian River instream flow requirements will increase available rearing habitat in the upper Russian River and provide a lower, closer to natural inflow

to the estuary between late spring and early fall, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that could support increased production of juvenile steelhead. NMFS' Russian River BO states that these changes are necessary to avoid jeopardizing the continued existence of the listed species.[5] The proposed changes also will conserve water in Lake Mendocino to benefit adult Chinook salmon migrating upstream in the fall.

B. Existing Facilities

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. Subdivision (i) of Section 15301 specifically includes maintenance of streamflows to protect fish and wildlife resources. SCWA's petition to the SWRCB to change to the instream flow requirements specified in NMFS' Russian River BO does not request and will not expand SCWA use or increase the water supply available to SCWA for consumptive purposes. The proposed change in Russian River instream flow requirements still will be within the existing operational parameters established by Decision 1610.

C. *Information Collection*

Guidelines Section 15306 provides that basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource are categorically exempt from CEQA. These activities may be part of a study leading to an action which a public agency has not yet approved, adopted or funded. The water quality and fishery information and data collected during the period that the proposed temporary flow changes are in effect will assist with the study and development of the required future permanent flow changes.

Lead Agency Contact Person: Erica Phelps Area Code/Telephone: 707-547-1934

Signature: Date: 4-5-10 Title: General Manager

X Lead Agency ___ Applicant

Date Received for filing at OPR:

[5] National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p. 247. September 2008.

Cumulative inflow to Lake Pillsbury (Acre Feet) as of	1/1	2/1	3/1	4/1	5/1	6/1	
NORMAL	≧8,000	≧39,200	≧65,700	≧114,500	≧145,600	≧160,000	Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
DRY	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
CRITICAL DRY	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000	

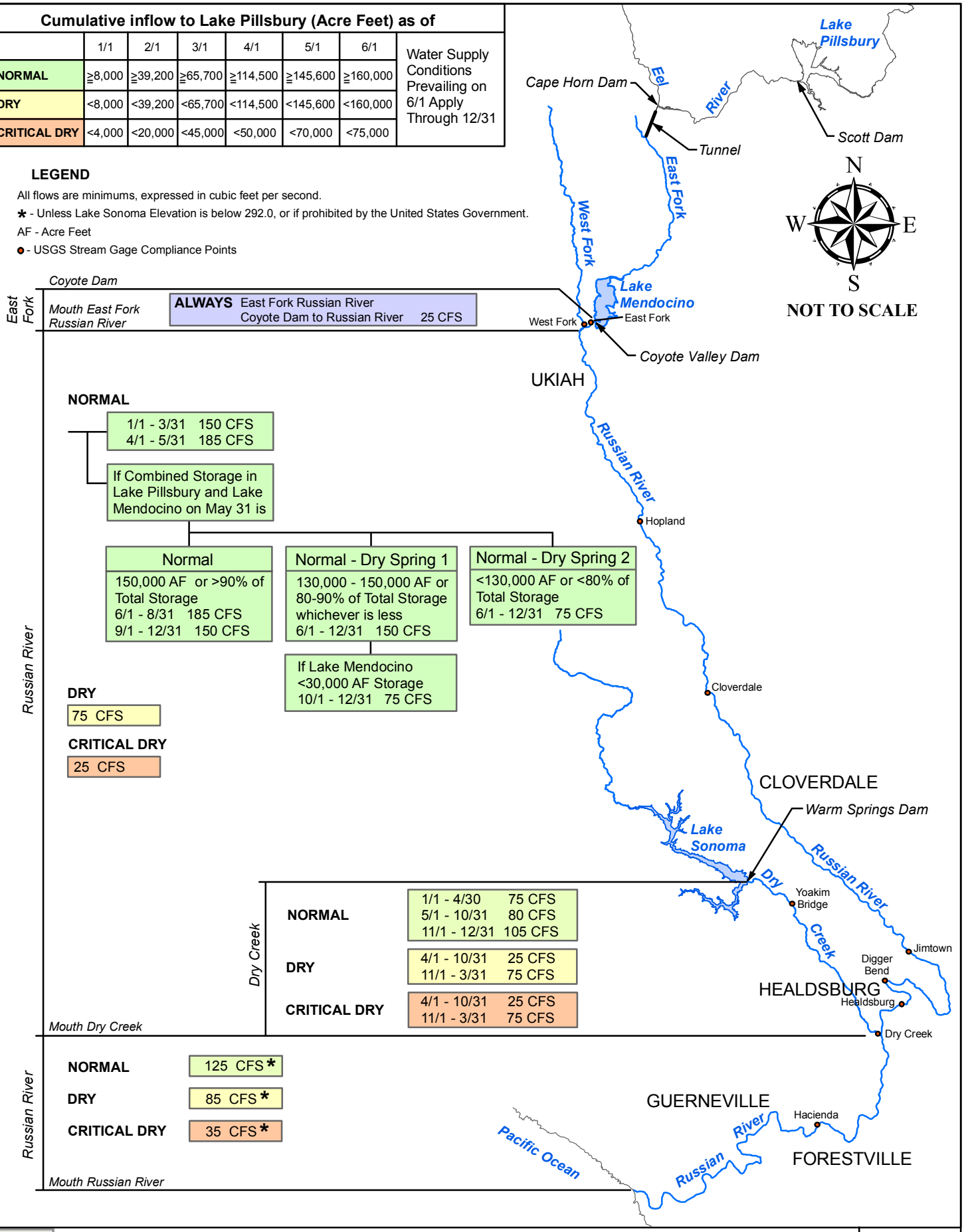
LEGEND

All flows are minimums, expressed in cubic feet per second.

* - Unless Lake Sonoma Elevation is below 292.0, or if prohibited by the United States Government.

AF - Acre Feet

- USGS Stream Gage Compliance Points



Coyote Dam

East Fork

Mouth East Fork Russian River

ALWAYS East Fork Russian River
Coyote Dam to Russian River 25 CFS

Russian River

NORMAL

1/1 - 3/31 150 CFS
4/1 - 5/31 185 CFS

If Combined Storage in Lake Pillsbury and Lake Mendocino on May 31 is

Normal	Normal - Dry Spring 1	Normal - Dry Spring 2
150,000 AF or >90% of Total Storage 6/1 - 8/31 185 CFS 9/1 - 12/31 150 CFS	130,000 - 150,000 AF or 80-90% of Total Storage whichever is less 6/1 - 12/31 150 CFS	<130,000 AF or <80% of Total Storage 6/1 - 12/31 75 CFS

If Lake Mendocino <30,000 AF Storage
10/1 - 12/31 75 CFS

DRY

75 CFS

CRITICAL DRY

25 CFS

Dry Creek

NORMAL	1/1 - 4/30 75 CFS 5/1 - 10/31 80 CFS 11/1 - 12/31 105 CFS
DRY	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS
CRITICAL DRY	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS

Mouth Dry Creek

Russian River

NORMAL	125 CFS *
DRY	85 CFS *
CRITICAL DRY	35 CFS *

Mouth Russian River

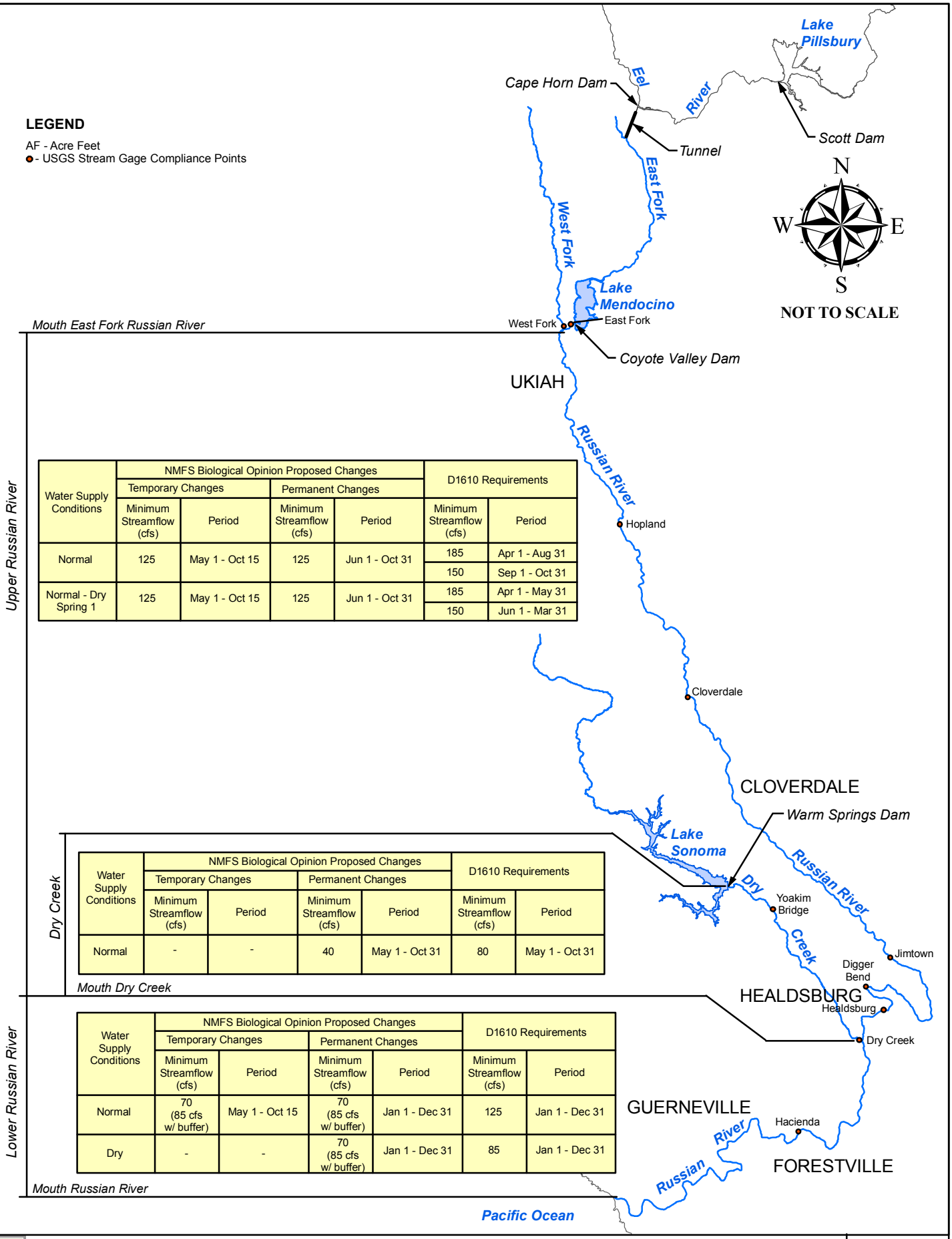
SPECIAL PROJECTS/ 7323-RRIFR-D1610/2010-USGS-GAGE-STREAMFLOW.mxd APRIL 5, 2010

SONOMA COUNTY WATER AGENCY

Russian River Basin
Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1



Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	125	May 1 - Oct 15	125	Jun 1 - Oct 31	185	Apr 1 - Aug 31
					150	Sep 1 - Oct 31
Normal - Dry Spring 1	125	May 1 - Oct 15	125	Jun 1 - Oct 31	185	Apr 1 - May 31
					150	Jun 1 - Mar 31

Dry Creek

Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	-	-	40	May 1 - Oct 31	80	May 1 - Oct 31

Lower Russian River

Water Supply Conditions	NMFS Biological Opinion Proposed Changes				D1610 Requirements	
	Temporary Changes		Permanent Changes			
	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period	Minimum Streamflow (cfs)	Period
Normal	70 (85 cfs w/ buffer)	May 1 - Oct 15	70 (85 cfs w/ buffer)	Jan 1 - Dec 31	125	Jan 1 - Dec 31
Dry	-	-	70 (85 cfs w/ buffer)	Jan 1 - Dec 31	85	Jan 1 - Dec 31

SPECIAL PROJECTS/ 7323-RRIFR-D1610/2010-USGS-GAGE-STREAMFLOW.mxd April 1, 2010

SONOMA COUNTY WATER AGENCY

Russian River Biological Opinion
Proposed Minimum Instream Flow Changes

Per National Marine Fisheries Service's Biological Opinion Issued September 24, 2008

Figure 2

IS CHECK IS VOID WITHOUT A GREEN & BLUE BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

TO THE TREASURER OF THE
COUNTY OF SONOMA
SANTA ROSA, CALIFORNIA
OR ANY BANK OR BANKER

CLAIMS WARRANT
REVOLVING FUND 10-052-000

WARRANT NO
1112267

11-35
1210

DATE 03/26/2010
VOID AFTER SIX MONTHS

PAY THIS AMOUNT
****$22,485.80

PAY *Twenty two thousand four hundred eighty five and 80/100 Dollars*

The Order Of
STATE WATER RESOURCES CONTROL BOARD
ATTN ACCOUNTING DEPT
P O BOX 100
SACRAMENTO CA 95812-0100

RODNEY A DOLE
AUDITOR-CONTROLLER

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING

⑈000111226 7⑈ ⑆121000358⑆ 00439⑈80050⑈

E OF PINK U.S. PATENT NUMBERS UNDER SIGNATURE INDICATES CHECK IS FRAUDULENT. PATENT NUMBERS ARE PRINTED WITH HEAT SENSITIVE INK & WILL DISAPPEAR WHEN BLOWING OR RUBBING

THIS CHECK IS VOID WITHOUT A GREEN & BLUE BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

TO THE TREASURER OF THE
COUNTY OF SONOMA
SANTA ROSA, CALIFORNIA
OR ANY BANK OR BANKER

CLAIMS WARRANT
REVOLVING FUND 10-052-000

WARRANT NO
1112658

11-35
1210

DATE 03/29/2010
VOID AFTER SIX MONTHS

PAY THIS AMOUNT
*****$850.00

PAY *Eight hundred fifty and 00/100 Dollars*

To the Order Of
DEPT OF FISH & GAME
ATTN CASHIER
12TH FLR
1416 NINTH ST
SACRAMENTO CA 94814

RODNEY A DOLE
AUDITOR-CONTROLLER

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING

⑈000111265 8⑈ ⑆121000358⑆ 00439⑈80050⑈

ISENCE OF PINK U.S. PATENT NUMBERS UNDER SIGNATURE INDICATES CHECK IS FRAUDULENT. PATENT NUMBERS ARE PRINTED WITH HEAT SENSITIVE INK & WILL DISAPPEAR WHEN BLOWING OR RUBBING