State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

SECOND AMENDED NOTICE OF PETITION REQUESTING MODIFICATION TO WATER RIGHT PERMITS FOR SONOMA COUNTY WATER AGENCY BY MODIFYING THE MINIMUM INSTREAM FLOW REQUIREMENTS

PERMITS 12947A, 12949, 12950, AND 16596
(APPLICATIONS 12919A, 15736, 15737 AND 19351)

DATE PETITION FILED: September 23, 2009

COUNTY: **Mendocino and Sonoma** STREAM SYSTEM: **Russian River**

The State Water Resources Control Board (State Water Board) hereby issues a second Amended Notice of a petition requesting modification to water right permits for the Sonoma County Water Agency (SCWA). This second Amended Notice is being issued to allow for additional time for public review of the subject petition. **If protests have already been filed with the State Water Board they do not need to be resubmitted during the extended review period.**

The SCWA has petitioned the State Water Board to amend water right Permits 12947A, 12949, 12950 and 16596 (Applications 12919A, 15736, 15737 and 19351) by modifying the minimum instream flow requirements of the Russian River below Lake Mendocino and Lake Sonoma. The State Water Board will consider the Petitioner's request and determine whether the water right permits will be amended and, if so, whether additional conditions should be included in the amended permits to protect the environment and downstream water users. This notice may be viewed and printed at the Division of Water Rights website, http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/. Any correspondence to the petitioner should be mailed to:

Sonoma County Water Agency
c/o Grant Davis
General Manager
P. O. Box 11628
Santa Rosa, CA 95406

Barkiewicz, Kronick & Shanahan P.C.
c/o Alan B. Lilly
1011 22nd Street
Sacramento, CA 95816-4907

Project Description

The State Water Board adopted Water Right Decision 1610 (D-1610) in 1986 amending the SCWA's permits and setting the current minimum instream flow requirements for the Russian

River. The SCWA has requested changes to the minimum instream flow requirements of their permits in order to implement the reasonable and prudent alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in 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 Improvement District in the Russian River Watershed* (Biological Opinion), issued on September 24, 2008. In its Biological Opinion, NMFS concluded that the current minimum instream flow requirements have an adverse effect on Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*) because the artificially high flows limit the quality and quantity of rearing habitat. Based on the findings in the Biological Opinion, SCWA has petitioned to modify the minimum instream flow requirements in an attempt to avoid further jeopardizing steelhead trout and coho salmon populations. The proposed modifications are intended to augment usable rearing habitat, improve salmonid population growth, and improve spatial structure of the populations. For further information on the proposed modifications to the minimum instream flow requirements please see the attached Petition and Exhibit 1 provided by the SCWA.

Petition Information

SCWA's petitions involve the following permits:

- Permit 12947A is for direct diversion of 92 cubic feet per second (cfs) for 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. The purposes of use are domestic, irrigation, municipal, industrial, and recreation.

- 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. The purposes of use are domestic, municipal, and industrial.

- Permit 12950 is for 60 cfs to be directly diverted from the Russian River at the Wohler and Mirabel Park Intakes near Forestville from April 1 through September 30 of each year. The purposes of use are domestic, irrigation, and municipal.

- Permit 16596 is for (1) year-round direct diversion of 180 cfs from the Russian River and (2) storage of 245,000 afa in Lake Sonoma from October 1 of each year to May 1 of the succeeding year. The purposes of use are domestic, municipal, industrial, and recreation.

The place of use for the above permits is the service area for SCWA, and for Permit 12947A the place of use also includes Lake Mendocino and the Redwood Valley County Water District.

The proposed modifications to the minimum instream flows involve modifications to the following terms in each of the permits:

- Term 20 on pages 5-6 of Amended Permit 12947A
- Term 17 on pages 4-5 of Amended Permit 12949
- Term 17 on pages 4-5 of Amended Permit 12950
- Term 13 on pages 4-5 of Amended Permit 16596

The specific modifications to each permit term can be found in SCWA's Exhibit 1, attached to this notice.

Environmental Information

SCWA is the Lead Agency as defined in the California Environmental Quality Act (CEQA) for this petition. The State Water Board will be a Responsible Agency as defined by CEQA. The SCWA will prepare the CEQA document for this petition, and provide all notices and submissions to the State Water Board as required by CEQA. All necessary CEQA documents related to this petition will be available for viewing on the Division of Water Rights website at http://www.waterboards.ca.gov/waterrights/water_issues/programs/ceqa/index.shtml as they become available.

Protest Submittal Deadline

Protests submitted in response to this Amended Notice must be **received by the Division by 4:30 p.m. on May 13, 2010**, the close of the protest period. Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the contact information listed below
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. **Protests not submitted by the close of the protest period will be subject to rejection.**

Additional Information

To obtain additional information regarding these petitions, or to obtain copies of protest forms, or general information pamphlets, please contact the Division's hotline for this petition at (916) 552-9286. Requests may also be submitted electronically to wrapp-pet@waterboards.ca.gov with a subject line containing SCWA Petition Minimum Flows. Information and protest forms are also available at the Division's website: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/

Date of Notice:

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