Appendix B-2

State Water Resources Control Board

Division of Water Rights
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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

NOTICE OF STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS ORDER APPROVING A TEMPORARY URGENCY CHANGE PETITION BY SONOMA COUNTY WATER AGENCY REGARDING PERMITS 12947A, 12949, 12950, AND 16596 (APPLICATIONS 12919A, 15736, 15737, 19351)

On April 6, 2009 the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Order WR 2009-0027-DWR approving Sonoma County Water Agency's (SCWA) petition for a Temporary Urgency Change to the subject permits. SCWA submitted the petition pursuant to California Water Code section 1435. The Order approves the reduction in minimum instream flow requirements for the Russian River as follows:

(1) From April 6 through June 30, 2009, 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) will be reduced from 185 cubic feet per second (cfs) to 75 cfs, and the requirements for the lower Russian River (downstream of its confluence with Dry Creek) will be reduced from 125 cfs to 85 cfs; and

(2) From July 1 through October 2, 2009, instream flow requirements for the upper Russian River will be reduced from 185 cfs to 75 cfs, and the requirements for the lower Russian River will be reduced from 125 cfs to 85 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is greater than 25,000 acre feet; or

(3) From July 1 through October 2, 2009, instream flow requirements will be further reduced to 25 cfs for upper Russian River and 35 cfs for the lower Russian River, if during the period from April 1 through June 30 total inflow to Lake Mendocino is less than or equal to 25,000 acre feet.

The request is made to prevent depletion of storage in Lake Mendocino, which would severely impact threatened or endangered Russian River fish species, create serious water supply impacts in Mendocino County and in Sonoma County's Alexander Valley, and harm Lake Mendocino and Russian River recreation.

SCWA, as lead agency, as defined in the California Environmental Quality Act (CEQA), is proposing to prepare a Notice of Exemption for this project. The State Water Board, as responsible agency, has reviewed the information submitted by the SCWA and has determined that the petition qualifies for an exemption under CEQA.

A Class 7 exemption "consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." (Title 14, California Code of Regulations, section 15307) The proposed action will assure the maintenance of a natural resource, i.e., the instream resources of the Russian River. A Class 8 exemption "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the

environment where the regulatory process involves procedures for protection of the environment." (Title 14, California Code of Regulations, section 15308.) The proposed action will assure the maintenance of the environment, i.e., the instream environment of the Russian River.

On February 27, 2009, Governor Schwarzenegger declared a drought related state of emergency. Additionally, on March 23, 2009 the Mendocino County Board of Supervisors declared a local emergency and imminent threat of disaster due to drought conditions. Storage in Lake Mendocino is extremely low. Information provided by SCWA demonstrates that continued releases of water under normal year operating rules would prematurely drain remaining storage. If storage in Lake Mendocino is depleted, water will not be available to support threatened and endangered species, agriculture, and domestic/municipal water service. Approval of the petition for Temporary Urgency Change is therefore necessary to prevent and mitigate damage to the environment, fishery resources, property, public health, and essential public services. Accordingly the project is statutorily exempt from CEQA because it is necessary to prevent or mitigate an emergency. (Pub. Resources Code, §§ 21080, subd. (b)(4), 21172.)

The State Water Board will welcome comments regarding the petition for Temporary Urgency Change at a Public Workshop to be held in Sacramento on Wednesday May 6, 2009. A separate notice with details of this workshop will be sent out in the near future. This petition notice, SCWA's petition, and Order WR 2009-0027-DWR can be viewed at http://www.waterrights.ca.gov/application/tempurgnotices.htm.

Any interested person may file an objection to the Temporary Urgency Change. Comments and objections filed in response to this notice shall be submitted to the persons listed below and must be received by 5:00 p.m. on Friday, April 24, 2009.

Send comments and/or objections to both:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Randy Poole
General Manager/Chief Engineer
Sonoma County Water Agency
P. O. Box 11628
Santa Rosa, CA 95406

Email: commentletters@waterboards.ca.gov

Telephone comments or inquiries can be directed to the Division of Water Rights dedicated telephone line for the SCWA petition at (916) 341-5759, or sent via email to scwatucp@waterboards.ca.gov.

STEVEN HERERRA, MANAGER
Water Rights Permitting Section

DATED:

APR 1 0 2009