

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 80-52

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE ATTORNEY GENERAL THE MATTER OF THE DEFICIENT ENVIRONMENTAL IMPACT REPORT OF SONOMA COUNTY WATER AGENCY FOR PETITIONS TO AMEND PERMITS 12947A, 12949, 12950 (APPLICATIONS 12919A, 15736, 15737), RUSSIAN RIVER AND EAST FORK RUSSIAN RIVER, AND PERMIT 16596 (PARTIALLY APPROVED APPLICATION 19351), DRY CREEK AND RUSSIAN RIVER IN SONOMA COUNTY

WHEREAS:

1. Sonoma County Water Agency (Sonoma) has petitioned the State Water Resources Control Board (Board) to allow increased diversion of water at Wohler and Mirabel on the Russian River from 92 cubic feet per second (cfs) not to exceed 37,544 acre-feet per annum (afa) to 180 cfs not to exceed 75,000 afa under permits issued on Applications 12919A, 15736, 15737 (Lake Mendocino and Russian River) and on Application 19351 (Russian River).
2. Sonoma has petitioned the Board to grant extensions of time to develop the project.
3. Sonoma, as lead agency under the California Environmental Quality Act (CEQA), prepared and submitted to the Board and State Clearinghouse a draft Environmental Impact Report (EIR) for the proposed increase in diversion. The Board and other agencies submitted comments pointing out serious inadequacies in the draft. Sonoma prepared a final EIR which failed to respond adequately to the comments. Sonoma then adopted the EIR and on July 14, 1980, filed a Notice of Determination with the State Resources Agency giving official notice that it had approved the project.
4. It is the intent of CEQA and the policy of the State of California that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.
5. The purpose of an EIR is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided.

6. The Board, as responsible agency, has a responsibility to consider the environmental effects of those activities involved on the project which the Board is required by law to approve or disapprove.
7. The Board has reviewed the final EIR and finds that it is deficient in that:
 - a. A feasible alternative, the use of water stored in Lake Sonoma on Dry Creek in conjunction with Lake Mendocino, is not adequately discussed.
 - b. A potential mitigation measure, water conservation, is not adequately discussed.
 - c. Mitigation measures to manage the water supply deficit in dry years are not adequately discussed.
 - d. The impacts from potential reduced Eel River water imports to Lake Mendocino are not adequately analyzed.

However, the above is not intended to identify all the deficiencies in the EIR.

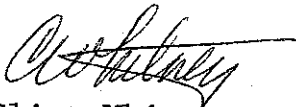
8. Section 15085.5(e), Title 14, California Administrative Code, provides that responsible agencies may, in cases where they believe an environmental document is inadequate, take the issue to court within 30 days after the lead agency files a Notice of Determination.

THEREFORE BE IT RESOLVED:

1. That the State Water Resources Control Board finds the final EIR prepared and submitted by Sonoma County Water Agency for petitions to amend permits issued pursuant to Applications 12919A, 15736, 15737, and 19351 inadequate.
2. That the State Water Resources Control Board directs the Executive Director to refer the matter of the inadequate EIR to the State Attorney General to initiate court action under Section 15085.5(e) to remedy the deficiencies in the EIR prepared and certified by the Sonoma County Water Agency.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 30, 1980.


Clint Whitney
Executive Director