



Fact Sheet

NOTICE OF PROPOSED EMERGENCY REGULATION FOR ENHANCED CONSERVATION MEASURES AND INFORMATION IN KEY RUSSIAN RIVER TRIBUTARIES (DUTCH BILL, GREEN VALLEY, MARK WEST, AND MILL CREEKS)

The Problem

With dry conditions continuing across much of California, many of the State's key fisheries are now at record low numbers and several species are in danger of extinction. Central California Coast (CCC) coho salmon (coho salmon) and Central California Coast steelhead (steelhead) in the Russian River tributaries are listed as endangered or threatened by federal or state agencies and face a particularly perilous situation, affecting their ability to survive a fourth year of drought. The coho salmon has been highlighted by the National Marine Fisheries Service (NMFS) as the eighth most endangered species under its jurisdiction considered at risk of extinction. The Russian River tributaries are prime spawning ground for the anadromous species, and low flows, already a problem before the drought, have been made worse by the extremely dry conditions of the past three years. Increased pumping of surface and groundwater results in disconnected stream systems with low flows, isolated pools with low oxygen levels, and elevated temperatures that kill fish and threaten coho salmon with extinction.

Populations of Russian River coho salmon and steelhead have declined significantly since the 1950s. While they once supported a commercial harvest of more than 13,000 coho salmon annually, by the 1990s coho salmon returning to the Russian River watershed averaged less than 600 fish. After crashing to as few as 2 to 7 fish between 2000 and 2008, the coho salmon population has been increasing due to a captive breeding program. The benefits of that program are now in danger of being lost. While there are no abundance estimates for steelhead in the Russian River watershed, their numbers have declined substantially and Central California Coast steelhead are likely to become in danger of extinction in the foreseeable future.

When it became clear that voluntary water conservation efforts to provide minimal flows for fish would fall short this year, the California Department of Fish and Wildlife (CDFW), working with NMFS, [requested](#) that the State Water Resources Control Board (State Water Board) take action to provide the small amount of water necessary to maintain pools that can support summer rearing and migration of coho salmon and steelhead. Coho salmon and steelhead depend on pools in these tributaries to grow during the summer months and then migrate to the ocean from the late fall through spring. The four Russian River tributary watersheds that are affected are: Dutch Bill Creek, Green Valley Creek, Mill Creek, and parts of Mark West Creek.



Outreach

In 2014, CDFW and NMFS established the California Voluntary Drought Initiative (Drought Initiative). The Drought Initiative targets priority Russian River tributary watersheds, among other watersheds in California, for the development of voluntary agreements between CDFW, landowners, and other parties to provide instream flows for fish, associated monitoring, and access for potential fish rescue efforts. Earlier this year, recognizing the dire conditions facing these important fish species this year, the State Water Board, CDFW and NMFS broadly publicized their plea for voluntary efforts and met with area landowners to secure participation in the Drought Initiative.

Unfortunately, the outreach efforts have had limited success, with only 20 residential landowner agreements providing additional instream flows in place under CDFW's Drought Initiative as of June 5, 2015. The additional flow represented by these 20 agreements is not enough to make a difference towards the species' survival.

Proposed Emergency Regulation

The proposed emergency regulation will protect coho salmon and steelhead in four Russian River tributary watersheds: Dutch Bill Creek, Green Valley Creek, Mill Creek and parts of Mark West Creek. The four watersheds have been identified by CDFW and NMFS as a high priority for Central Coast California coho salmon preservation and encompass 130 square miles and about 13,000 landowners.

The regulation would require enhanced conservation measures for all users of water (e.g. residences and businesses, including wineries) diverting from the four watersheds, including groundwater, resulting in more water remaining instream. The regulation also includes reporting for surface and groundwater use. Groundwater is included in the proposed regulation because the close hydraulic connection between groundwater and surface water in the region make groundwater pumping a significant factor in stream flows. Water used for commercial agriculture purposes only would be excluded from the conservation restrictions.

Unless gray water is available for use, the conservation measures eliminate all watering of ornamental lawns; limit watering of all other landscaping to twice a week and only between the hours of 8 p.m. to 8 a.m.; limit car washing to commercial car washes that recirculate water; and prohibit the filling or refilling of decorative ponds and fountains. Water used for community recreation facilities would be permitted, though with limitations. The regulation includes other restrictions as well and applies to non-potable as well as potable water.

The proposed regulation would require diverters, if directed by the State Water Board, to provide information on the sources and uses of both surface and groundwater diverted from the watersheds and applies to all landowners in and suppliers of water from the watersheds. Information obtained through these informational orders will provide the State Water Board with critical information to accurately estimate total water demand, and the burden that this demand places on stream flows, in the four priority tributary watersheds.

The regulation would not impose the enhanced conservation restrictions on water users who are complying with a voluntary agreement, but participation in the voluntary program would not affect any other independent conservation or water use restriction obligations such as an information order or curtailments, if imposed in the future.

Compliance Assessment

The State Water Board is responsible for determining compliance for both the enhanced conservation measures within the four tributaries as well as responses to informational orders issued under the emergency regulation. Landowners that do not comply with the conservation measures or respond to an information order may be subject to penalties of up to \$500 per day.

Next Steps

The State Water Board will consider the proposal at its June 16-17 meeting. If approved, it will be sent to the Office of Administrative Law for approval, and would become effective on or about July 3, 2015.

The State Water Board will evaluate compliance with the enhanced conservation measures over the coming months. Additional measures, such as curtailments to meet a minimum baseflow requirement, may be necessary in the future if water conservation and informational orders are insufficient to protect coho salmon and steelhead viability in the four priority tributary watersheds.

For more information, visit the Russian River Tributaries Emergency Regulation Webpage:
www.waterboards.ca.gov/waterrights/water_issues/programs/drought/water_action_russianriver.shtml.

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