

State Water Resources Control Board

SECOND REVISION PROTEST DEADLINE EXTENDED

NOTICE OF PETITIONS FOR CHANGE AND PETITIONS FOR EXTENSION OF TIME FOR PERMITS 12947A, 12949, 12950, AND 16596 (APPLICATIONS 12919A, 15736, 15737 AND 19351)

COUNTIES: Mendocino
Sonoma

STREAM SYSTEM: Russian River

Sonoma County Water Agency (SCWA) filed petitions on August 17, 2016 (amended September 20 and 22, 2016), to request the following changes in permit terms and conditions: (1) modification of the Russian River minimum instream flow requirements in Permits 12947A and 16596; (2) modification of the required bypass flows in Permits 12949 and 12950, consistent with the requested minimum instream flows; (3) modification of the hydrologic index used to classify water supply conditions in Permits 12947A, 12949, 12950, and 16596; and (4) extension of the deadline for full application of water in Permits 12949, 12950 and 16596 from December 1, 1999 to December 31, 2040 (2016 Petitions). Any correspondence directed to SCWA should be mailed to Todd Schram, 404 Aviation Boulevard, Santa Rosa, CA 95403-9019, or by email at Todd.Schram@scwa.ca.gov.

PETITION INFORMATION

The 2016 Petitions involve the following water right permits held by SCWA:

- Permit 12947A (Application 12919A), which authorizes direct diversion of 92 cubic feet per second (cfs) from the East Fork Russian River and storage of 122,500 acre-feet (af) per year in Lake Mendocino from January 1 through December 31 of each year;
- Permit 12949 (Application 15736), which authorizes direct diversion of 20 cfs from the Russian River from January 1 through December 31 of each year;
- Permit 12950 (Application 15737), which authorizes direct diversion of 60 cfs from the Russian River from April 1 through September 30 of each year; and
- Permit 16596 (Application 19351), which authorizes direct diversion of 180 cfs from the Russian River from January 1 to December 31 of each year and storage of 245,000 afa from Dry Creek in Lake Sonoma from October 1 of each year to May 1 of the succeeding year.

The proposed modifications to the minimum instream flows, bypass flows, and hydrologic index involve the following terms:

- Term 20 on pages 5-6 of Permit 12947A

Term 20 in Permit 12947A specifies the minimum instream flow requirements (i.e. the minimum flows SCWA must maintain in the Russian River with pass through or releases from Lake Mendocino) and the hydrologic index used to determine the appropriate flows.

- Term 17 on pages 4-5 of Permits 12949 and 12950

Term 17 in Permits 12949 and 12950 specifies flows SCWA must bypass at its points of diversion and the hydrologic index used to determine the appropriate flows.

- Term 13 on pages 4-5 of Permit 16596

Term 13 in Permit 16596 specifies the minimum instream flow requirements (i.e. the minimum flows SCWA must maintain in Dry Creek and the Russian River with pass through or releases from Lake Sonoma) and the hydrologic index used to determine the appropriate flows.

Currently, these terms reflect the minimum instream flow requirements and associated hydrologic index specified pursuant to Water Right Decision 1610 (Decision 1610). These minimum flow requirements were intended, in part, to preserve fisheries and recreation in the Russian River and Dry Creek.

SCWA has requested changes to the minimum instream flow requirements to implement the reasonable and prudent alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance Conducted by the Corps, SCWA, 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 the Biological Opinion, NMFS concluded that the minimum instream flow requirements specified in Decision 1610 have an adverse effect on Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*) because the artificially elevated flows limit the quality and quantity of rearing habitat.

SCWA has proposed changing the current hydrologic index (based on cumulative inflow to Lake Pillsbury in the Eel River watershed) to a hydrologic index based primarily on monthly evaluation of cumulative inflow into Lake Mendocino and secondarily on Lake Mendocino storage volume. According to SCWA the requested changes to the hydrologic index will provide a more accurate and reliable methodology to classify water supply conditions in the Russian River watershed in view of reductions in the amount of water annually diverted from the Eel River into the Russian River Watershed.

The proposed modifications to the deadline for full application of water involve modifications to terms 7 and 8 of Permits 12949, 12950 and 16596. SCWA proposes to extend the time in which full beneficial use of water can be made from December 1, 1999 to December 31, 2040.

The specific requested modifications to each permit term can be found in SCWA's change petitions (see Exhibit A). The change petitions (including Exhibit A), petitions for extension of time, maps, photos and additional information including comparison tables of the current and proposed instream flows and comparison of the current and proposed hydrologic indices, are available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2016.shtml

PROTEST INFORMATION

Any interested person may file a written protest against the petitions for change or petitions for extension of time (Wat. Code § 1703.1). Guidance for submitting protests is available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/docs/protestsubmitinfo.pdf

The protest period has been extended.

Protests must be received by the Division of Water Rights **by 4:30 p.m. on March 10, 2017.**

NEXT STEPS

Prior to taking action on the subject petitions, the State Water Resources Control Board (State Water Board) will complete a review which includes but is not limited to the steps identified below. These steps are provided for information purposes only and are not a basis for protests against the subject petitions.

ENVIRONMENTAL REVIEW

Consideration of environmental effects is required by the California Environmental Quality Act (CEQA) before a petition can be approved. The State Water Board, as Responsible Agency under CEQA, will review and consider the environmental document prepared by SCWA for this project. The draft environmental document is available at: <http://www.scwa.ca.gov/fish-flow/>. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the petitions on public trust resources and protect those resources where feasible.

COMPLIANCE WITH APPLICABLE POLICIES

The SCWA water right permits are located within the geographic scope of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy). Accordingly, the Division is required to comply with the Policy when considering these petitions.

PROTEST RESOLUTION

It is the responsibility of SCWA and any protestant(s) to make a good faith effort to resolve protest(s). If both parties can agree to mutually acceptable conditions, the protest is resolved at this point in the process. In the event it is not resolved the issue may be addressed through a State Water Board hearing.

REVISED PERMIT ISSUANCE

The State Water Board is required to make specific findings prior to issuance of amended permits pursuant to these petitions. These findings may be examined in a State Water Board hearing. In addition to the subject petitions, the State Water Board may consider changes to the various orders and decisions associated with the Russian River Project. For example, staff may recommend the State Water Board consider closing, revising, or clarifying the Sonoma County 10,000 acre-foot reservation.

More information about the petition process is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/petitions/

If you require further assistance, please contact Jennifer Calles (formerly Dick-McFadden) at (916) 322-8568 or by email at Jennifer.Calles@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Jennifer Calles, P.O. Box 2000, Sacramento, CA 95812-2000.

Date of Re-Notice: February 3, 2017