

## State Water Resources Control Board

### NOTICE OF A TEMPORARY URGENCY CHANGE PETITION BY SONOMA COUNTY WATER AGENCY REGARDING PERMITS 12947A, 12949, 12950, AND 16596 (APPLICATIONS 12919A, 15736, 15737, 19351)

COUNTY: MENDOCINO, SONOMA

STREAM SYSTEM: RUSSIAN RIVER  
PACIFIC OCEAN

The Sonoma County Water Agency (SCWA) filed a Temporary Urgency Change petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on April 9, 2012, requesting reductions to the minimum instream flow requirements for the Russian River as follows:

- (1) From May 1 through October 15, 2012, reduce the instream flow requirement for the Upper Russian River (from its confluence with the East Fork of the Russian River to its confluence with Dry Creek) from 185 cubic feet per second (cfs) to 125 cfs, with the understanding that SCWA will measure this flow requirement as a 5-day running average of average daily streamflow measurements and that instantaneous flow will not be less than 110 cfs.
- (2) From May 1 through October 15, 2012, reduce the instream flow requirement for the lower Russian River (downstream of its confluence with Dry Creek) from 125 cfs to 70 cfs.

No changes to the instream flow requirements for Dry Creek are requested. The TUCP was filed to comply with mandates in the Russian River Biological Opinion (Biological Opinion) issued by the National Marine Fisheries Service (NMFS) on September 24, 2008.

With the TUCP, SCWA submitted a document prepared by its staff and titled, "Sonoma County Water Agency, Instream Flow Analysis for 2012 Temporary Urgency Change Petition" (Analysis) dated April 2012. The Analysis provides: (1) a summary of minimum instream flows required under State Water Board Decision 1610 (Decision 1610); (2) an assessment of current water supply conditions of the Russian River System; (3) a summary of the Biological Opinion; and (4) a summary of the criteria for approving a TUCP. The Analysis indicates that, unlike the TUCPs filed by SCWA in 2004, 2007 and 2009, which requested reductions in minimum instream flow requirements in response to low storage levels in Lake Mendocino, the 2012 TUCP, like the TUCPs filed in 2010 and 2011, is required by the Biological Opinion in order to benefit threatened and endangered fish species.

Under the federal Endangered Species Act, steelhead, coho salmon and Chinook salmon in the Russian River watershed are listed as threatened or endangered species. The Biological Opinion is the culmination of more than a decade of consultation under Section 7 of the

Endangered Species Act among SCWA, U.S. Army Corps of Engineers (Corps), and NMFS regarding the impacts of SCWA's and the Corps' water supply and flood control operations in the Russian River watershed on the survival of these listed fish species.

The Biological Opinion includes a finding that summer flows in the Upper Russian River and Dry Creek required by Decision 1610 are too high for optimal juvenile salmon and steelhead habitat within the Russian River system. Two types of issues associated with high summer flows are discussed therein: 1) high summer flows create current velocities that limit the amount of freshwater rearing habitat available to salmon and steelhead, and 2) high summer flow release requirements deplete the cold water pool in Lake Mendocino, contributing to relatively high water temperatures, which reduce the quality of available rearing habitat. The Biological Opinion concludes that minimum instream flows lower than those required by Decision 1610 would result in improved salmon and steelhead rearing habitat in the mainstem Russian River. In addition, higher fall storage levels in Lake Mendocino would allow for enhanced management of Russian River flows in early fall for the benefit of fish migration.

Without approval of the requested modifications to the instream flow requirements, SCWA will continue to be required to operate under Decision 1610, which, according to the Biological Opinion, will jeopardize the recovery of salmon and steelhead in the Russian River and its tributaries.

This notice, SCWA's TUCP, and related project information can be viewed at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/index.shtml). The Biological Opinion and related information is available on SCWA's website at: <http://www.scwa.ca.gov>.

Pursuant to California Water Code section 1438(d), any interested person may file an objection to the TUCP. The procedure for addressing an objection is described in Water Code section 1438. Objections filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on May 24, 2012.

Send objections to both:

Emily Wallace  
Permitting Section  
Division of Water Rights  
State Water Resources Control Board  
P O Box 2000  
Sacramento, CA 95812

Grant Davis  
General Manager  
Sonoma County Water Agency  
404 Aviation Boulevard  
Santa Rosa, CA 95403-9019

For more information regarding this project, including procedures for filing objections, please contact Emily Wallace at (916) 341-5803 or [EWallace@waterboards.ca.gov](mailto:EWallace@waterboards.ca.gov).

DATE OF NOTICE: April 25, 2012