

## NOTICE OF EXEMPTION

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**TO:**  Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

**FROM:** Sonoma County Water Agency  
404 Aviation Blvd.  
Santa Rosa, CA 95403

County Clerk  
County of Sonoma  
585 Fiscal Drive, Room 103  
Santa Rosa, CA 95403

County Clerk  
County of Mendocino  
501 Low Gap Road  
Ukiah, CA 95482

**Project Title:** Petitions Requesting Approval of Temporary Urgency Changes in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma Counties

**Project Location- Specific:** The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino, in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek, and in the Lower Russian River from the confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the minimum instream flow requirements for the Russian River system. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

**Project Location – City:** N/A

**Project Location – County:** Mendocino and Sonoma

**Description of Nature, Purpose and Beneficiaries of Project:** The Sonoma County Water Agency (Sonoma Water) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of water rights Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies the minimum instream flow requirements for the Upper Russian River, Dry Creek, and the Lower Russian River, which vary based on water supply conditions (Figure 1).

Sonoma Water is filing temporary urgency change petitions (TUCP) requesting that the State Water Board make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in Decision 1610 and Sonoma Water's water right permits: (a) a *Critical* water supply condition minimum instream flow of 25 cubic feet per second (cfs) in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek, and (b) a *Critical* water supply condition minimum instream flow of 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean. The changes are necessary in order to maintain viable operations to support municipal use, protect listed salmonids, preserve stored water in Lake Mendocino and Lake Sonoma, and prevent violating the incidental take statement in the 2008 Russian River Biological Opinion issued under the federal Endangered Species Act.

To allow Sonoma Water to optimally manage instream flows in the Upper Russian River and Lower Russian River, and associated reservoir storage, Sonoma Water is requesting that the TUCP minimum instream flow requirements be specified as a 5-day running average of average daily stream flow measurements with instantaneous minimum instream flows being no less than 10 cfs below the minimum in the Upper and Lower Russian River. This implementation of minimum instream flow requirements will allow Sonoma Water to manage stream flows with a smaller operational buffer, thereby conserving water supply in Lake Mendocino and Lake Sonoma.

### Lake Pillsbury and Potter Valley Project

Based on Sonoma Water's water right permits established under Decision 1610, the water supply condition for the Russian River is determined using cumulative inflow into Lake Pillsbury as the index. Lake Pillsbury is a storage reservoir located in the Eel River watershed for Pacific Gas & Electric Company's (PG&E) Potter Valley Hydroelectric Project (PVP), which transfers water into the East Fork Russian River. Prior to 2006, transfers of Eel River water through PVP averaged approximately 150,000 acre-feet annually. As a result of an order issued by the Federal Energy Regulatory Commission (FERC) amending PG&E's operating license in the mid-2000s, there has been a 60 percent reduction of the annual transfer of Eel River water into the Russian River watershed. Between 2007 and 2020, the average annual transfer was approximately 60,000 acre-feet. The transformer bank at the PVP powerhouse has failed and will need to be replaced in order to convey water through the powerhouse for power generation. PG&E estimates it will take up to two years to replace the transformer bank at a cost of five to ten million dollars. This has resulted in the transfer of Eel River water being further reduced to 30,000 acre-feet or less (based on hydrologic conditions) until PG&E makes the necessary repairs. Under these operating conditions of the PVP, the influence of the Eel River water imports on downstream hydrologic conditions in the Russian River is greatly diminished. Therefore, there is little to no correlation between cumulative inflow into Lake Pillsbury and the hydrologic conditions in the Russian River watershed. On May 13, 2022, PG&E filed a variance request with FERC due to limited water availability. PG&E requested expedited review and approval to reduce minimum flow requirements on the East Fork Russian River from *Normal* to *Dry/Critical*. The specific request is that the minimum flow requirement be reduced from 75 cfs to the *Critical* level of 5 cfs and be redefined as a target flow, thereby eliminating the 5 cfs buffer. PG&E has proposed that the target flow be reassessed based on additional storage projections over the variance period to determine whether higher target flows are sustainable up to the *Dry* minimum flow requirement of 25 cfs. The proposed term of the drought variance would extend until Lake Pillsbury storage reached 36,000 acre-feet after October 1st. Additionally, PG&E has stated contract deliveries to the Potter Valley Irrigation District (PVID) will be on a request basis up to the maximum of 50 cfs. Based on the changes anticipated by the temporary variance and PG&E's contract deliveries, Sonoma Water staff have projected that PVP transfers from the Eel River to the East Fork Russian River will be reduced by approximately 20,000 acre-feet between June 1, 2022, and October 1, 2022, compared to operating the PVP under normal water supply condition without the variance request.

Due to the continuation of dry conditions in the Russian River watershed, Lake Mendocino and Lake Sonoma are again at or near their lowest levels for this time of year since filling in 1959 and 1986, respectively. Consequently, Sonoma Water proposes that the minimum instream flow requirements be reduced to *Critical* water supply condition requirements to preserve stored water in both Lake Mendocino and Lake Sonoma and prevent violating the incidental take statement in the 2008 Russian River Biological Opinion.

### Lake Mendocino

As of May 19, 2022, the water supply storage level in Lake Mendocino was approximately 49,000 acre-feet. This storage level is approximately 44 percent of the available water conservation pool for this time of year. This is the second lowest storage level for this time of year since Lake Mendocino filled in 1959 with the lowest level having occurred last year. Water supplies sufficient to support continuous flow and health and human safety needs are at risk in the Upper Russian River. Without the proposed changes, Sonoma Water would be required to release additional stored water from Lake Mendocino through most of the summer to meet Decision 1610 *Normal-Dry Spring 2* condition minimum instream flow requirements, which would apply for the remainder of the year and result in the significant depletion and potential elimination of water supplies in Lake Mendocino. Without the requested temporary changes, projected storage levels in Lake Mendocino are expected to reach extremely low levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation. Furthermore, if the upcoming Water Year 2023 is another dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2023.

Sonoma Water staff estimate that the Decision 1610 *Normal-Dry Spring 2* condition 75 cfs minimum flow in the Upper Russian River would result in Lake Mendocino water storage declining to approximately 15,000 acre-feet by October 1, 2022.

#### Lake Sonoma

As of May 19, 2022, the water supply storage level in Lake Sonoma was 141,000 acre-feet. This storage level is approximately 58 percent of the available water conservation pool. This is the lowest storage level for this time of year since Lake Sonoma filled in 1986. A recent analysis prepared by Sonoma Water engineering staff indicates that unless mitigation measures are taken, such as those requested in the TUCP, water levels in Lake Sonoma are projected to decline to approximately 96,000 acre-feet by October 1 of this year. Furthermore, the reduced minimum instream flows requested on the Upper Russian River, while necessary to preserve storage in Lake Mendocino, will significantly lower its contribution towards meeting minimum instream flow requirements in the Lower Russian River. Consequently, increased releases from Lake Sonoma into Dry Creek would be necessary to maintain Decision 1610's minimum instream flow requirements for a *Normal-Dry Spring* water supply condition (125 cfs) in the Lower Russian River. However, such increased releases into Dry Creek would result in Sonoma Water violating the Incidental Take Statement contained in the Russian River Biological Opinion, unless a corresponding reduction is made in the minimum flow requirements for the Lower Russian River. This is because, if there are lower flows in the Upper Russian River and no corresponding reductions in the minimum flow requirements for the Lower Russian River, then higher flows on Dry Creek would be required to meet the Decision 1610 minimum instream flow requirements for the Lower Russian River. To minimize the need for these high Dry Creek flows, Sonoma Water is requesting, as a part of the TUCP, that the required minimum instream flows for the Lower Russian River also be reduced.

Because the requested changes to minimum instream flow requirements on the Lower Russian River to some extent is driven by low storage levels in Lake Sonoma, Sonoma Water and its retail water customers will commit to a 20 percent reduction in total diversions across all downstream points of diversion/re-diversion authorized under Sonoma Water's water rights from July 1 through October 31 compared to the same time period in 2020 or until the flow at the USGS gage at Hacienda Bridge (USGS Gage 11467000) exceeds 125 cfs.

Sonoma Water staff estimate that, without the requested temporary changes, the storage level in Lake Sonoma could decline to approximately 96,000 acre-feet by October 1. With the requested temporary changes and Sonoma Water's commitment to reduce diversions by 20 percent between July 1 and October 31, the storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until October 1 of this year.

**Name of Public Agency Approving Project:** State Water Resources Control Board – Division of Water Rights

**Name of Person or Agency Carrying Out Project:** Sonoma County Water Agency

**Exempt Status (check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec.21080 (b)(4); 15269(b)(c)): Section 21080(b)(4) and State CEQA Guidelines 15269(c): Specific actions necessary to prevent or mitigate an emergency
- Categorical Exemption. State type and section number: State CEQA Guidelines 15301(i): Existing Facilities; State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources; State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment
- Exemption under Governor's April 21, 2021 emergency proclamation (Sec. 7): Government Code section 8571
- Statutory Exemptions. State Code number:

**Reasons why project is exempt:** The proposed action is statutorily exempt under California Environmental Quality Act (CEQA) Statute 21080(b)(4) and categorically exempt from CEQA under the State CEQA Guidelines Sections 15301(i), 15307, and 15308, and under Section 7 of Governor's April 21, 2021, emergency proclamation for, among other areas, the Russian River watershed.

#### *A. Actions to Prevent or Mitigate an Emergency*

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The emergency conditions are demonstrated by current Lake Mendocino and Lake Sonoma storage levels. As of May 19, 2022, the water supply storage level in Lake Mendocino was approximately 49,000 acre-feet. This storage level is 44 percent of the summer water supply pool. As of May 19, 2022, the water supply storage level in Lake Sonoma was approximately 141,000 acre-feet. This storage level is 58 percent of the water supply pool.

These emergency conditions also are demonstrated by Governor Newsom's April 21, 2021, Proclamation of a State of Emergency in Sonoma and Mendocino counties due to drought conditions in the Russian River Watershed (Governor's Drought Proclamation). Section 7 of the Governor's Drought Proclamation suspends the requirements of CEQA for purposes of the State Water Board's consideration of modifying reservoir releases, which would be a necessary element of an order granting the TUCP.

In addition, the Sonoma County Board of Supervisors on April 27, 2021, proclaimed a local emergency due to drought conditions in the Sonoma County Operational Area, which was most recently continued on May 3, 2022, and the Mendocino County Board of Supervisors April 20, 2021, adopted a resolution declaring a local emergency and imminent threat of disaster in Mendocino County due to drought conditions.

Sonoma Water staff estimate that, without the proposed reductions in the minimum instream flow requirement for the Upper Russian River, Lake Mendocino water storage could decline to approximately 15,000 acre-feet by October 1. Reducing the Upper Russian River minimum instream flow requirement from *Normal-Dry Spring 2* condition 75 cfs to *Critical* 25 cfs would improve storage at Lake Mendocino. Without the requested temporary changes, projected storage levels in Lake Mendocino are expected to reach extremely low levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

Sonoma Water staff estimate water levels in Lake Sonoma are projected to decline to approximately 96,000 acre-feet by October 1 of this year if the *Normal-Dry Spring* water supply condition of 125 cfs on the Lower Russian River is not reduced. With the requested temporary changes and Sonoma Water's commitment to reduce diversions by 20 percent between July 1 and October 31, the projected storage level in Lake Sonoma is projected to remain above 100,000 acre-feet until October 1 of this year. Low water storage levels could affect drinking water supplies, agriculture, commercial and industrial business sectors, and recreation.

#### *B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment*

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt. The proposed temporary urgency changes to Sonoma Water's water right Permits 12947A, 12949, 12950, and 16596 are necessary in order to maintain viable operations to support municipal use, protect listed salmonids, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to extremely low storage levels that could severely impact listed and threatened fish species in the Russian River, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which Sonoma Water could make releases from Lake Sonoma from June through October. Approval of the proposed temporary urgency changes in the Lower Russian River is requested in order to avoid violation of the Incidental Take Statement contained in the Russian River Biological Opinion. Furthermore, if the upcoming Water Year 2023 is another dry year, carryover storage in Lake Sonoma and Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2023.

#### *C. Existing Facilities*

CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301 specifically provide that the maintenance of



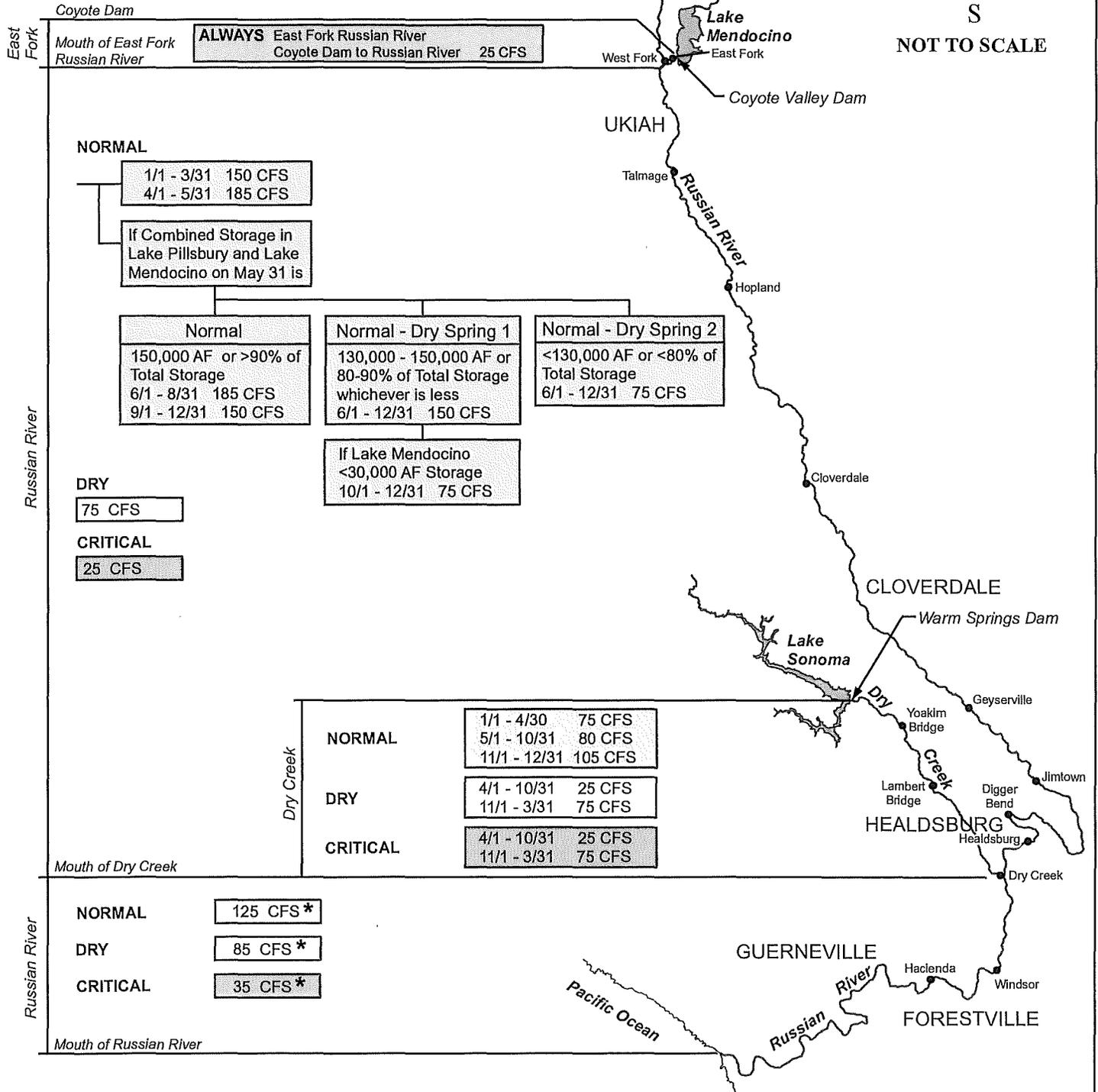


Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through						
	1/1	2/1	3/1	4/1	5/1	6/1
<b>NORMAL</b>	≥8,000	≥39,200	≥65,700	≥114,500	≥145,600	≥160,000
<b>DRY</b>	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000
<b>CRITICAL</b>	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000

Water Supply Conditions Prevailing on 6/1 Apply Through 12/31

**LEGEND**

- All flows are minimums, expressed in cubic feet per second.
- \* - Unless Lake Sonoma elevation is below 292.0, or if prohibited by the United States Government.
- AF - Acre-Feet
- - USGS Stream Gage Compliance Points



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## Russian River Basin Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1

