

**NOTICE OF EXEMPTION**

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To:  X  Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

From: Sonoma County Water Agency  
404 Aviation Boulevard  
Santa Rosa, CA 95403

X  County Clerk  
County of Sonoma  
Santa Rosa, CA 95401

X  County Clerk  
County of Mendocino  
Ukiah, CA 95482

**Project Title:** Petition by Sonoma County Water Agency Requesting Approval of a Temporary Urgency Change in Permits 12947A, 12949, 12950 and 16596 in Mendocino and Sonoma Counties (Applications 12919A, 15736, 15737, and 19351): 2023 Temporary Changes to Minimum Instream Flow Requirements of Decision 1610

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**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 its confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the minimum instream streamflow 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

**Project Background:** The National Marine Fisheries Service (NMFS) issued its *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion) on September 24, 2008.<sup>1</sup> NMFS concluded in the Russian River Biological Opinion that the continued operations of Coyote Valley Dam and Warm Springs Dam by the U.S. Army Corps of Engineers and Sonoma County Water Agency (Sonoma Water) in a manner similar to recent historic practices, together with Sonoma Water's stream channel maintenance activities and estuary management, are likely to jeopardize and adversely modify critical habitat for endangered Central California Coast coho salmon and threatened Central California Coast steelhead.

Sonoma Water controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the minimum instream flow requirements that Decision 1610, adopted by the State Water Resources Control Board (SWRCB) in 1986, added to Sonoma Water's water right permits. NMFS' Russian River Biological Opinion requires changes to the Decision 1610 minimum instream flow requirements to enable alternative flow management scenarios that will increase available rearing habitat in Dry Creek and the upper Russian River, and provide a lower, closer-to-natural inflow to the estuary between late spring and early fall, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that will likely support increased production of juvenile steelhead and salmon.<sup>2</sup>

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<sup>1</sup> NMFS' Russian River Biological Opinion may be accessed online at [www.sonomacountywater.org](http://www.sonomacountywater.org) and may be reviewed at the Sonoma Water's office at 404 Aviation Boulevard, Santa Rosa, CA.

<sup>2</sup> National Marine Fisheries Service. *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed.* p. 243. September 2008.

As required by the Russian River Biological Opinion, in September 2009 Sonoma Water filed a petition with the SWRCB to make permanent changes to the Decision 1610 minimum instream flow requirements. This petition presently is pending before the SWRCB. The SWRCB will not act on this petition until the necessary environmental impact report is prepared and the water-rights issues associated with this petition are resolved.

Until the SWRCB issues an order on this petition, Sonoma Water must maintain the minimum instream flows adopted in Decision 1610, with resulting impacts to listed salmonids identified in NMFS' Biological Opinion, unless temporary changes to these requirements are authorized by the SWRCB. To help restore freshwater habitats for listed salmon and steelhead, the Biological Opinion requires that Sonoma Water petition the SWRCB for temporary changes to minimum instream flow requirements beginning in 2010 and for each year thereafter until the SWRCB issues an order on Sonoma Water's petition for the permanent changes to the Decision 1610 minimum instream flow requirements. NMFS' Biological Opinion does not contain any alternative mechanism for complying with its terms while the SWRCB is considering permanent changes to Decision 1610. Filing for an annual temporary change is the only way Sonoma Water is able to remain in compliance with the Biological Opinion and be prevented from having take liability under the Endangered Species Act.

NMFS' Russian River Biological Opinion only requires petitions for temporary changes to minimum streamflows on the mainstem Russian River, and not on Dry Creek. This petition does not seek any changes in the Dry Creek minimum-flow requirements adopted in Decision 1610.

**Description of Nature, Purpose and Beneficiaries of Project:** To meet the terms and conditions of the Russian River Biological Opinion and to avoid excessively high flows that could result in violations to the Biological Opinion's Incidental Take Statement, Sonoma Water is filing temporary urgency change petitions with the SWRCB. The petitions request that the SWRCB make the following changes to Sonoma Water's water rights permits for the period from May 1, 2023, until October 15, 2023: (a) reduce the required minimum instream flow in the Russian River from the confluence of the East and West Forks to the river's confluence with Dry Creek from 185 cfs to 125 cfs; and (b) reduce required minimum instream flow in the Russian River from its confluence with Dry Creek to the Pacific Ocean from 125 cfs to 70 cfs.

Decision 1610 specifies the minimum instream flow requirements for Dry Creek and the Russian River (see Figure 1). These requirements vary based on defined hydrologic conditions. If approved, the requested reductions in Russian River instream flow requirements will be in effect May 1 through October 15, 2023. Under Normal water supply conditions, the Decision 1610 minimum flow requirements during this time period could be as high as 185 cfs in the upper Russian River, 125 cfs in the lower Russian River, and 80 cfs in Dry Creek. To improve its efforts at achieving the optimal habitat conditions in the Lower Russian River and to optimally manage flows in the entire river, Sonoma Water has requested in this year's TUCP (as in previous ones) that the minimum instream flow requirement be implemented on a 5-day running average of average daily streamflow measurements with the condition that instantaneous flows on the Upper Russian River be no less than 110 cfs and on the Lower Russian River be no less than 60 cfs. No temporary change in the Dry Creek minimum instream flow requirements is required by the Biological Opinion or proposed and the minimum instream flow requirement in Dry Creek will remain at 80 cfs during the temporary change period. The proposed temporary changes in Russian River minimum instream flow requirements will not result in any unusual circumstances, because the proposed minimum instream flow requirements are within the range of those that already occur during *Dry* and *Critical* water supply conditions under Decision 1610.

During the period that the proposed temporary flow changes are in effect, Sonoma Water will also monitor water quality and fish, and collect and report information and data related to monitoring activities, as required by NMFS' Russian River Biological Opinion.

**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)):	
X	Categorical Exemption. State type and section number:	<p>State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources</p> <p>State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment</p> <p>State CEQA Guidelines 15301(i): Existing Facilities</p>
	Statutory Exemptions. State code number:	

**Reasons why project is exempt:** The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, and 15301(i).

*A. 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 from CEQA. If approved, the proposed changes in Russian River minimum instream flow requirements will increase available rearing habitat in the Upper Russian River and provide a lower, closer to natural inflow to the estuary between late spring and early fall, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that could support increased production of juvenile steelhead. NMFS' Russian River Biological Opinion states that these changes are necessary to avoid jeopardizing the continued existence of the listed species.<sup>3</sup>

*B. Existing Facilities*

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. Subdivision (i) of Section 15301 specifically includes maintenance of streamflows to protect fish and wildlife resources. Sonoma Water's petition to the SWRCB to change to the minimum instream flow requirements specified in the Russian River Biological Opinion does not request and will not expand Sonoma Water's use or increase the water supply available to Sonoma Water for consumptive purposes. The proposed change in Russian River minimum instream flow requirements still will be within the existing operational parameters established by Decision 1610.

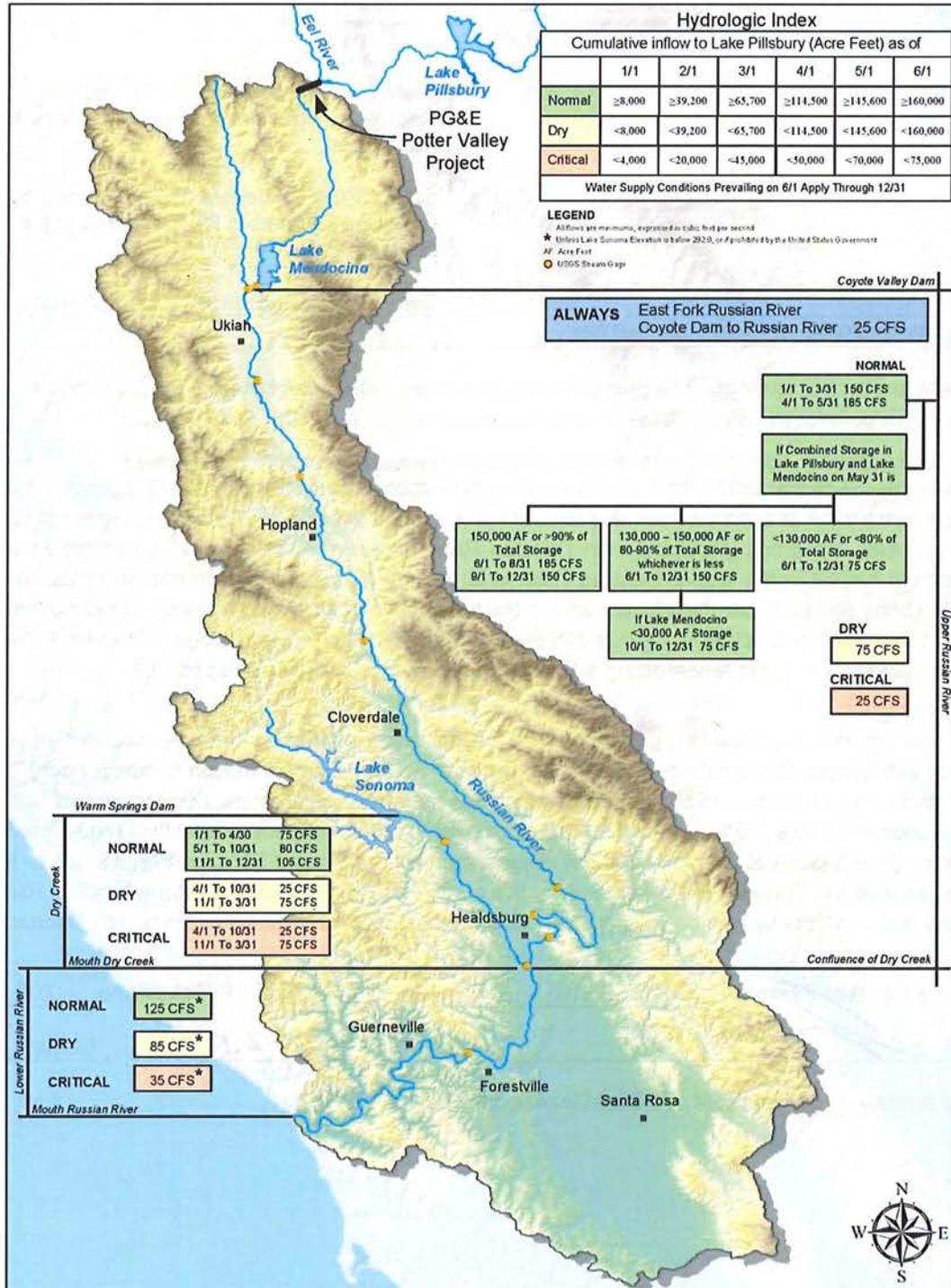
**Lead Agency Contact Person:** Connie Barton Area Code/Telephone: 707-547-1905

Signature:  Date: 4-24-23 Title: General Manager

Lead Agency  Applicant Date Received for filing at OPR: \_\_\_\_\_

<sup>3</sup> National Marine Fisheries Service. Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed. p. 247. September 2008.

# State Water Resources Control Board Decision 1610



## Russian River Basin Streamflow Requirements

**Figure 1.** Project location for Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties.