NOTICE OF EXEMPTION

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

☒ 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

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

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, Dry Creek downstream of Warm Springs Dam/Lake Sonoma, 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 water supply conditions for the Russian River and the minimum instream flow requirements for the Upper Russian River, Dry Creek, and the Lower Russian River, which vary based on hydrological conditions and cumulative inflow into Lake Pillsbury as the hydrologic index (Figure 1).

Sonoma Water is filing temporary urgency change petitions (TUCPs) requesting that storage thresholds in Lake Mendocino be used as the hydrologic index to determine the water supply condition in the Russian River watershed. An urgent need exists to implement the proposed changes due to the drastic reduction of potential Eel River water imports through Pacific Gas and Electric's (PG&E) Potter Valley Hydroelectric Project (PVP). Without the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at levels that would risk significant depletions of storage levels. Such depletions could cause serious impacts to human health and welfare and reduce water supplies needed for protection of listed salmon species in the Russian River. These changes are necessary to ensure that the water supply condition and corresponding minimum instream flow requirements in the Russian River watershed are aligned with actual watershed hydrologic conditions. This is essential to maintain sustainable reservoir/river operations to protect municipal water supply and listed salmon species in the Russian River.

In Sonoma Water's water right permits' terms established under State Water Board's Decision 1610, the water supply condition for the Russian River is determined using cumulative inflow into Lake Pillsbury as the hydrologic index. Lake Pillsbury is a storage reservoir located in the Eel River watershed for PG&E's PVP, which transfers water into the East Fork of the Russian River.

PG&E submitted a long-term flow regime request to Federal Energy Regulatory Commission (FERC) to modify flow requirements under the current FERC license on July 31, 2023. To reduce the potential seismic risk at Lake

Pillsbury's Scott Dam, PG&E made the decision to keep the spillway gates open atop Scott Dam indefinitely, reducing the water storage capacity in Lake Pillsbury by approximately 20,000 acre-feet. Consequently, PG&E claims that Lake Pillsbury can no longer sustain normal operations under the current license terms. PG&E has proposed a reduction in the minimum release flow requirements for the East Fork of the Russian River flows starting in 2024 until project decommissioning is complete.

In addition to these proposed reductions in transfers from lower minimum release flow requirements, a transformer bank failure at the PVP powerhouse in 2021 has resulted in significant reductions in transfers into the Russian River. This failure caused PVP hydropower generation to cease and, with it, all associated discretionary transfers of Eel River water to the East Fork of the Russian River. On March 22, 2023, PG&E announced in a letter to the FERC that it does not intend to replace the transformer.

PG&E has indicated that without the ability to generate hydropower, PG&E will not likely make discretionary transfers through the PVP above its FERC license and contract obligations. Discretionary transfers to generate hydropower can occur up until early April if hydrologic conditions on the Eel River and at Lake Pillsbury are met. Without the discretionary transfer of Eel River water to generate hydropower, the total transfer through the PVP into the East Fork of the Russian River will be reduced by up to 456 acre-feet per day.[1]

In the interim while the long-term flow regime request is under FERC review, PG&E has applied annually for a temporary variance of flow requirements due to the seismic risk at Scott Dam. On June 27, 2024, FERC issued an order approving this year's variance request. FERC approved changes to the minimum release flows in the Eel River and the East Fork of the Russian River. Minimum release flow requirements for the Eel River below Scott Dam were reduced to the critical water year type of 20 cfs. The FERC order authorized minimum release flow requirements for the East Fork to be immediately reduced from 75 cfs to 25 cfs and later reduced to 5 cfs if water temperatures of Lake Pillsbury releases exceeded 15 degrees Celsius. PG&E reported that minimum release flows to the East Fork were reduced to 5 cfs on July 3rd due to Lake Pillsbury release temperatures exceeding 15 degrees Celsius. This minimum release flow requirement will increase on September 30th to 35 cfs and remain there while the FERC order is in effect. After October 1st, the termination of the order will be dependent on when Lake Pillsbury storage exceeds 36,000 acre-feet.

Without the proposed changes, actual water supply conditions in the Russian River may be misaligned with the designated water supply condition based on the Lake Pillsbury cumulative inflow hydrologic index. As described above, multiple changes to the PVP operations have reduced and could further reduce the transfers of Eel River water into the Russian River. The historical link of the two watersheds on which Decision 1610 is based is no longer applicable. The hydrologic index of Decision 1610 is not a reliable metric for Russian River water supply conditions without the large inter-basin transfer and will not function as intended. While the Lake Pillsbury watershed on the Upper Eel River and the Upper Russian River are adjacent basins, the hydrologic conditions can be quite different. For example, in water year 2021, Lake Mendocino experienced the second driest year on record for the Ukiah Valley (period of record: 128 years), unequivocally a 'Critical' condition. However, based on the cumulative inflow to Lake Pillsbury, water supply conditions in the Russian River were classified as 'Normal' on January 1, 2021 and 'Dry' on February 1, which remained the designated water supply condition for the rest of the calendar year.

Over a month, the difference between water needed for a 'Normal' water supply condition and a 'Dry' condition to maintain instream flow requirements is almost 4,500 ac-ft under the winter minimum instream flow requirements of Decision 1610. Under spring and summer requirements, it amounts to over 6,500 ac-ft. Year-round, the additional amount of water needed between a 'Dry' water supply condition and a 'Critical' condition to maintain instream flow requirements is nearly 3,000 ac-ft over a month.

The proposed changes are urgent because the current water supply condition criteria established in Decision 1610 is not reliably responsive to water supply conditions in the Russian River watershed. Sonoma Water requests the proposed changes to prevent an emergency that could result from a repeat of the 2020-2022 drought.

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[1] PVP has design flow capacities of up to 240 cubic feet per second (cfs) through the powerhouse for power generation and up to 135 cfs through the powerhouse bypass to meet FERC license requirements for minimum release flows into the East Fork Russian River and water supply contract requirements with the Potter Valley Irrigation District.

In February 2020, Lake Mendocino was above the water conservation pool and at the top of the Forecast Informed Reservoir Operations (FIRO) pool of 80,050 ac-ft. Over the next 20 months, the Russian River watershed experienced a severe drought and Lake Mendocino storage levels declined to 12,864 ac-ft in October 2021, despite Sonoma Water filing temporary urgency change petitions to drastically reduce minimum instream flow requirements and the State Water Board curtailing over 1,800 riparian claims and appropriative water rights. This recent historical example from the 2020-2022 drought highlights the diligence needed under the current conditions to prevent the complete draining of Lake Mendocino.

Under the current Decision 1610 hydrologic index, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at unsustainable levels if the Russian River watershed experiences significantly less rainfall than the Lake Pillsbury watershed. Given the changes to PVP operations, the influence of the Eel River water imports on downstream hydrologic conditions in the Russian River is greatly diminished. Therefore, cumulative inflow into Lake Pillsbury is no longer an appropriate metric to assess the hydrologic conditions in the Russian River watershed. Continuing to use this metric to determine the hydrologic water supply condition and therefore minimum instream flow requirements in the Russian River watershed would risk substantial depletions of storage levels that could cause significant impacts to human health and welfare and reduce water supplies needed for fishery protection.

To address the changes in PVP operations and corresponding loss of Eel River water imports through the PVP, Sonoma Water is requesting the State Water Board approve TUCPs that use storage thresholds in Lake Mendocino as the hydrologic index to determine the water supply condition in the Russian River watershed.

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 15307: Actions by Regulatory Agencies for Protection of Natural Resources; State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment
- ☐ Statutory Exemptions. State Code number:

Reasons why project is exempt: The project is statutorily exempt under California Environmental Quality Act (CEQA) Statute 21080(b)(4) and categorically exempt from CEQA under the State CEQA Guidelines Sections 15269(c), 15307 and 15308.

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 due to an urgent need to implement the proposed changes as a result of the drastic reduction of potential Eel River water imports through the PVP resulting from the inoperability of the powerhouse for the foreseeable future and PG&E's decision to keep the spillway gates open atop Scott Dam indefinitely, consequently revising the operations at Lake Pillsbury, and filing a long-term flow regime request to modify flow requirements. The volume of Eel River water that can be transferred to the Russian River is no longer correlated to cumulative inflow into Lake Pillsbury. An evaluation of the hydrologic condition in the Russian River is more appropriately established by conditions in its watershed. Without the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at levels that would risk significant depletions of storage levels. Such depletions in storage could cause serious impacts to human health and welfare and reduce water supplies needed for fishery protection. The required change is urgent, and cannot be accomplished within the timeframe required for completion of the Environmental Impact Report (already in process) that evaluates broader proposed changes to Decision 1610.

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. Sonoma Water is proposing temporary urgency changes to its water right Permits 12947A, 12949, 12950, and 16596 that the State Water Resources Control Board, as the regulatory agency, will consider and potentially approve. Those changes are necessary to ensure an accurate evaluation of water supply conditions that would maintain viable operations to support municipal use, protect listed salmon species, address water supply conditions at Lake Mendocino and Lake Sonoma, and prevent Lake Mendocino from declining to a storage level at which the reservoir may no longer be functional. Approval of the TUCPs would provide alternative storage thresholds and criteria for determining minimum instream flow requirements for the Russian River that would be based on a more accurate assessment of water supply conditions in the Russian River watershed. This would result in minimum instream flow requirements that more likely can be sustained with releases from Lake Mendocino and Lake Sonoma without the risk of severely depleting storage and exacerbating a water shortage condition and harm to natural resources and the environment.

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

General Manager 3.20.24

Signature *Title* *Date*

☒ Signed by Lead Agency

☒ Signed by Applicant Date received for filing at OPR:_____

Cumulative inflow to Lake Pillsbury (acre-feet) from Oct 1 through							
	1/1	2/1	3/1	4/1	5/1	6/1	Water Supply Conditions Prevailing on 6/1 Apply Through 12/31
NORMAL	≥8,000	≥39,200	≥65,700	≥114,500	≥145,600	≥160,000	
DRY	<8,000	<39,200	<65,700	<114,500	<145,600	<160,000	
CRITICAL	<4,000	<20,000	<45,000	<50,000	<70,000	<75,000	

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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W E

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NOT TO SCALE

Lake Pillsbury

Cape Horn Dam

Eel River

Tunnel

Scott Dam

East Fork

West Fork

Lake Mendocino

West Fork

East Fork

Coyote Valley Dam

Coyote Dam

East Fork

Mouth of East Fork Russian River

ALWAYS East Fork Russian River
Coyote Dam to Russian River 25 CFS

UKIAH

Talmage

Russian River

Hopland

Cloverdale

CLOVERDALE

Warm Springs Dam

Lake Sonoma

Dry Creek

Geyserville

Yoakim Bridge

Jimtown

Lambert Bridge

Digger Bend

HEALDSBURG

Healdsburg

Dry Creek

GUERNEVILLE

Hacienda

Windsor

Russian River

FORESTVILLE

Pacific Ocean

Russian River

Mouth of Russian River

NORMAL

1/1 - 3/31 150 CFS
4/1 - 5/31 185 CFS

If Combined Storage in Lake Pillsbury and Lake Mendocino on May 31 is

Normal	Normal - Dry Spring 1	Normal - Dry Spring 2
150,000 AF or >90% of Total Storage 6/1 - 8/31 185 CFS 9/1 - 12/31 150 CFS	130,000 - 150,000 AF or 80-90% of Total Storage whichever is less 6/1 - 12/31 150 CFS	<130,000 AF or <80% of Total Storage 6/1 - 12/31 75 CFS

If Lake Mendocino <30,000 AF Storage
10/1 - 12/31 75 CFS

DRY

75 CFS

CRITICAL

25 CFS

Russian River

Dry Creek	
NORMAL	1/1 - 4/30 75 CFS 5/1 - 10/31 80 CFS 11/1 - 12/31 105 CFS
DRY	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS
CRITICAL	4/1 - 10/31 25 CFS 11/1 - 3/31 75 CFS

Russian River	
NORMAL	125 CFS*
DRY	85 CFS*
CRITICAL	35 CFS*

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Sonoma Water

Russian River Basin
Streamflow Requirements

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1