

## 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, 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 (TUCP) 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 that 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 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 amend flow requirements in their operating 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 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 minimum release requirements to the East Fork Russian River, a transformer bank failure at the PVP powerhouse in 2021 has also resulted in significant reductions in transfers of Eel River water 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 to the East Fork of the Russian River will be reduced by up to 456 acre-feet per day.<sup>1</sup>

This year, in addition to the long-term flow regime request, PG&E applied for a temporary variance of flow requirements on May 23, 2023 due to the seismic risk at Scott Dam. In the variance request, PG&E proposed changes to the minimum flows in the Eel River and the East Fork of the Russian River. This would have reduced minimum flow requirements in the East Fork of the Russian River from 75 cfs to 25 cfs and allow PG&E to reduce the flow further to 5 cfs if water temperatures of Lake Pillsbury releases exceed 16 degrees Celsius. On September 15, with the variance approval still pending, minimum flow requirements decreased to 35 cfs based on the terms of the FERC license. On October 2, FERC issued an order on the variance request. Per the order, PG&E is required to meet a minimum flow in the East Fork of the Russian River of 25 cfs unless dam safety and salmonid habitat concerns require otherwise. The order further states that PG&E may lower the minimum flow to 5 cfs, but it is required to report findings of adverse effects to aquatic resources to FERC and the resource agencies within two days. PG&E reported that as of October 4, minimum flows in the East Fork of the Russian River were 25 cfs.

Given these 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.

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<sup>1</sup> 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.

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. This historical link of the two watershed conditions is no longer applicable and the hydrologic index is not a reliable metric for Russian River water supply conditions without the large inter-basin transfer; the severance means the index does not 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. 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. 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. This reservoir level is very similar to the current reservoir status. 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, in spite of 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.

Therefore, under the current 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. This 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 project, Sonoma Water is requesting the State Water Board approve TUCPs that uses 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 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 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 TUCP 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  
*Title*

October 12, 2023  
*Date*

*Signature*

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<br>Prevailing on<br>6/1 Apply<br>Through 12/31 |
|-----------------|--------|---------|---------|----------|----------|----------|--|
| <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  |  |

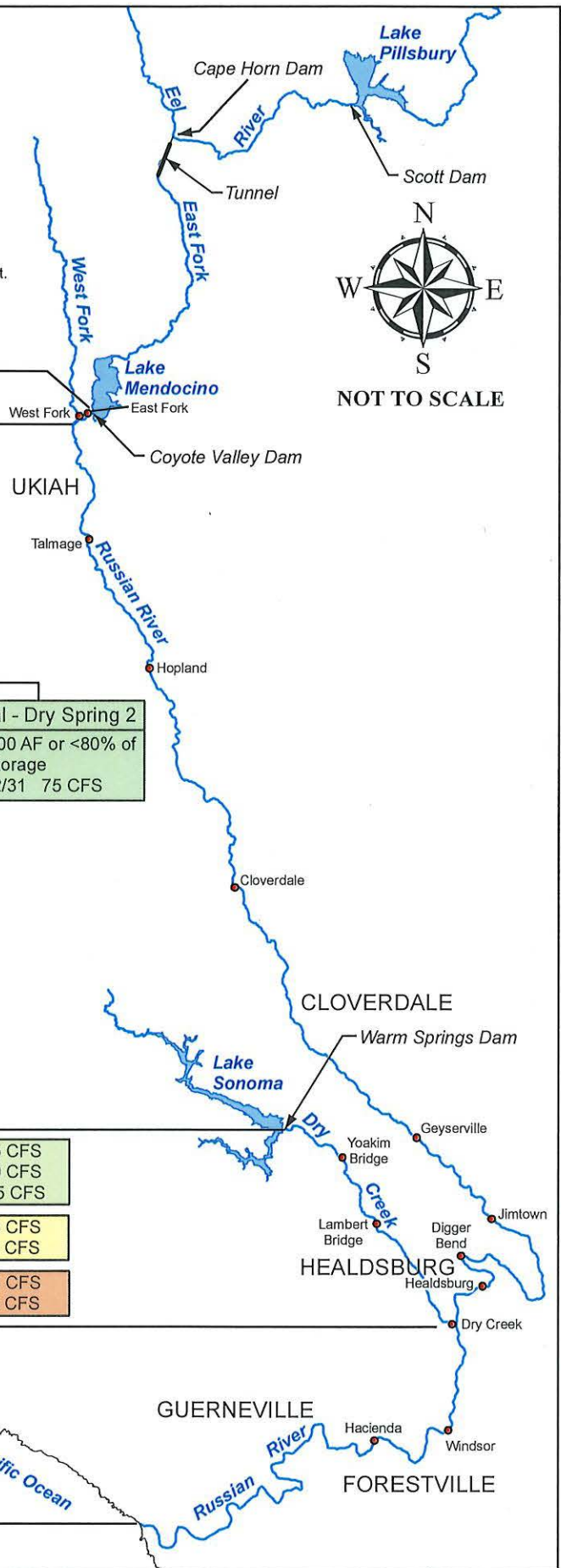
**LEGEND**

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



|           |                                  |                                       |        |
|-----------|----------------------------------|---------------------------------------|--------|
| East Fork | Coyote Dam                       | <b>ALWAYS</b> East Fork Russian River | 25 CFS |
|           | Mouth of East Fork Russian River | Coyote Dam to Russian River           | 25 CFS |

**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

|               |                                     |
|---------------|-------------------------------------|
| <b>Normal</b> | 150,000 AF or >90% of Total Storage |
| 6/1 - 8/31    | 185 CFS                             |
| 9/1 - 12/31   | 150 CFS                             |

|                              |   |
|------------------------------|---|
| <b>Normal - Dry Spring 1</b> | 130,000 - 150,000 AF or 80-90% of Total Storage whichever is less |
| 6/1 - 12/31                  | 150 CFS   |

|                              |                                      |
|------------------------------|--------------------------------------|
| <b>Normal - Dry Spring 2</b> | <130,000 AF or <80% of Total Storage |
| 6/1 - 12/31                  | 75 CFS                               |

|  |                     |
|--|---------------------|
| <b>If Lake Mendocino &lt;30,000 AF Storage</b> | 10/1 - 12/31 75 CFS |
|--|---------------------|

**DRY**

|        |
|--------|
| 75 CFS |
|--------|

**CRITICAL**

|        |
|--------|
| 25 CFS |
|--------|

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

Mouth of Dry Creek

**NORMAL**

|           |
|-----------|
| 125 CFS * |
|-----------|

**DRY**

|          |
|----------|
| 85 CFS * |
|----------|

**CRITICAL**

|          |
|----------|
| 35 CFS * |
|----------|

Mouth of Russian River

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**Russian River Basin Streamflow Requirements**

Per State Water Resources Control Board Decision 1610, April 1986

Figure 1