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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

FEB 13 2015

Ms. Devon Jones, Executive Director
Mendocino County Farm Bureau
303-C Talmage Road
Ukiah, CA 95482

Dear Ms. Jones:

CONSIDERATION OF A TEMPLATE FOR AN INITIAL WATER DEMAND MANAGEMENT PROGRAM (WDMP) FOR DIVERSIONS OF WATER FOR FROST PROTECTION FROM THE MAIN STEM OF THE RUSSIAN RIVER IN THE RUSSIAN RIVER WATERSHED IN MENDOCINO COUNTY

On January 28, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received your proposed template for an initial WDMP pursuant to the Russian River Frost Protection Regulation (Regulation) (Cal. Code Regs., tit. 23, § 862) for diversions of water for frost protection from the main stem of the Russian River in Mendocino County.

The WDMP template contains an example of the frost inventory for an initial WDMP, including the basis of right for the diversion and the acreage frost protected, as well as an example schedule for completing the frost inventory. The Division understands that this template is intended for diversions from the main stem of the Russian River; however, an initial WDMP must include the name of the source of water used for diversions for frost protection, and should identify diversions from surface flow, underflow, and any groundwater subject to the regulation. By submitting a WDMP based on this template, an individual diverter agrees to submit the rest of the frost protection inventory, except for diversion data, within three months of the date of approval of the initial WDMP. The updated inventory must include the locations of the diversions, a description of the diversion system and its capacity, and acreage frost protected by means other than water diverted from the Russian River stream system. The Division has determined that this information should be submitted to the State Water Board no later than May 15, 2015.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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The WDMP template contains language that the individual diverters authorize the Mendocino County Russian River Flood Control and Water Conservation and Improvement District (Mendocino District) and the Mendocino County Farm Bureau (Farm Bureau) to consult on their behalf with the fisheries agencies and the State Water Board regarding development of the stream-stage monitoring program and conducting a risk assessment. Division staff confirmed that representatives of the Mendocino District and the Farm Bureau contacted National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) staff regarding the WDMP template.

The stream-stage monitoring section of the WDMP template explains that a WDMP based on this template is intended to be compliant with the flows and ramping rates for the main stem of the Russian River established by the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance in the Russian River Watershed* (U.S. Army Corps of Engineers, Sonoma County Water Agency (SCWA), and Mendocino District, 2008) (Biological Opinion). The Division will not speculate whether compliance with the flows established in the Biological Opinion is sufficient to reduce the risk of stranding mortality.

The Division does not expect a complete stream-stage monitoring program and risk assessment prior to the 2015 frost season. During implementation of WDMPs based on this template, ongoing consultation with the fishery agencies is required to effectively analyze the adequacy of the existing United States Geological Survey stream gages, the flows established in the Biological Opinion, and of individual risk assessments. Development of a more focused stream stage monitoring program and cumulative risk assessment may be necessary for the WDMPs using this template to prevent stranding mortality.

The Division appreciates the coordination of Mendocino District, Farm Bureau, SCWA, and diverters using this template in developing a real-time tool to identify when releases of additional water from Coyote Dam are necessary to maintain the flows established in the Biological Opinion. The Division is hopeful that the adaptation of this tool for use in WDMPs will be an effective way to prevent stranding mortality due to diversions for frost protection.

The Division has reviewed the proposed WDMP template and concludes that a WDMP based on this template will meet the requirements for approval of an initial WDMP as outlined in State Water Board Resolution No. 2011-0047, provided it contains the following **additional** items:

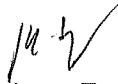
1. For each diverter, the name of the sources of water used for frost protection;
2. A statement of concurrence that development of a more focused stream stage monitoring program and cumulative risk assessment will be necessary if consultations with fishery agencies result in a determination that existing stream gages and compliance with the Biological Opinion are not adequate to prevent stranding mortality caused by frost diversions.

In order to expedite the approval process, a WDMP based on this template, and with the additional items identified above, will be initially accepted and approved. Diversions of water for frost protection in accordance with these WDMPs will be compliant with the Regulation after the date the Division receives the WDMP. **Diverters must submit their WDMP under this template to the Division before March 15, 2015.** Please note that incomplete WDMP submittals will be rejected. Any submittal lacking items (1) and (2) above will be considered incomplete.

The purpose of the Regulation is to prevent salmonid stranding mortality through cooperative management of diversions of water for frost protection. Therefore, it is important that each individual diverter, acting as governing bodies for their WDMP, work together and exchange information to, at a minimum, conduct complete and accurate risk assessments.

Thank you for your diligence in working towards the goals of the Russian River Frost Protection Regulation. Should you have any questions, please contact Ms. Kathy Mrowka at (916) 341-5363 or by e-mail at kathy.mrowka@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Russian River Frost Regulation, Attn.: Kathy Mrowka, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



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Division of Water Rights

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