

- Term 13 on pages 4-5 of Permit 16596

Term 13 in Permit 16596 specifies the minimum instream flow requirements (i.e. the minimum flows SCWA must maintain in Dry Creek and the Russian River with pass through or releases from Lake Sonoma) and the hydrologic index used to determine the appropriate flows.

Currently, these terms reflect the minimum instream flow requirements and associated hydrologic index specified pursuant to Water Right Decision 1610 (Decision 1610). These minimum flow requirements were intended, in part, to preserve fisheries and recreation in the Russian River and Dry Creek.

SCWA has requested changes to the minimum instream flow requirements to implement the reasonable and prudent alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance Conducted by the Corps, SCWA, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed* (Biological Opinion), issued on September 24, 2008. In the Biological Opinion, NMFS concluded that the minimum instream flow requirements specified in Decision 1610 have an adverse effect on Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*) because the artificially elevated flows limit the quality and quantity of rearing habitat.

SCWA has proposed changing the current hydrologic index (based on cumulative inflow to Lake Pillsbury in the Eel River watershed) to a hydrologic index based primarily on monthly evaluation of cumulative inflow into Lake Mendocino and secondarily on Lake Mendocino storage volume. According to SCWA the requested changes to the hydrologic index will provide a more accurate and reliable methodology to classify water supply conditions in the Russian River watershed in view of reductions in the amount of water annually diverted from the Eel River into the Russian River Watershed.

The proposed modifications to the deadline for full application of water involve modifications to terms 7 and 8 of Permits 12949, 12950 and 16596. SCWA proposes to extend the time in which full beneficial use of water can be made from December 1, 1999 to December 31, 2040.

The specific requested modifications to each permit term can be found in SCWA's change petitions (see Exhibit A). The change petitions (including Exhibit A), petitions for extension of time, maps, photos and additional information including comparison tables of the current and proposed instream flows and comparison of the current and proposed hydrologic indices, are available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2016.shtml

PROTEST INFORMATION

Any interested person may file a written protest against the petitions for change or petitions for extension of time (Wat. Code § 1703.1). Guidance for submitting protests is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/docs/protestsubmitinfo.pdf

Protests must be received by the Division of Water Rights **by 4:30 p.m. on November 22, 2016**.

Parties that have filed protests on the same or similar subject matter covered in this notice must file a new protest if they have concerns regarding the changes to the Russian River minimum instream flow requirements, bypass flows, or extensions of time described above.

NEXT STEPS

Prior to taking action on the subject petitions, the State Water Resources Control Board (State Water Board) will complete a review which includes but is not limited to the steps identified below. These steps are provided for information purposes only and are not a basis for protests against the subject petitions.

ENVIRONMENTAL REVIEW

Consideration of environmental effects is required by the California Environmental Quality Act (CEQA) before a petition can be approved. The State Water Board, as Responsible Agency under CEQA, will review and consider the environmental document prepared by SCWA for this project. The draft environmental document is available at: <http://www.scwa.ca.gov/fish-flow/>. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the petitions on public trust resources and protect those resources where feasible.

COMPLIANCE WITH APPLICABLE POLICIES

The SCWA water right permits are located within the geographic scope of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy). Accordingly, the Division is required to comply with the Policy when considering these petitions.

PROTEST RESOLUTION

It is the responsibility of SCWA and any protestant(s) to make a good faith effort to resolve protest(s). If both parties can agree to mutually acceptable conditions, the protest is resolved at this point in the process. In the event it is not resolved the issue may be addressed through a State Water Board hearing.

REVISED PERMIT ISSUANCE

The State Water Board is required to make specific findings prior to issuance of amended permits pursuant to these petitions. These findings may be examined in a State Water Board hearing. In addition to the subject petitions, the State Water Board may consider changes to the various orders and decisions associated with the Russian River Project. For example, staff may recommend the State Water Board consider closing, revising, or clarifying the Sonoma County 10,000 acre-foot reservation.

More information about the petition process is available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/petitions/

If you require further assistance, please contact Jennifer Dick-McFadden at (916) 322-8568 or by email at Jennifer.Dick-McFadden@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Jennifer Dick-McFadden, P.O. Box 2000, Sacramento, CA 95812-2000.

Date of Notice: September 23, 2016