



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Office of the Director
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 28, 2015

Tom Howard
Executive Director
California State Water Resources
Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Howard:

Subject: Recommendations for Conservation Actions to Support Listed Salmonids
During the 2015 California Drought for Select Tributaries to the Russian River

The California Department of Fish and Wildlife (CDFW) has been working collaboratively with the National Marine Fisheries Service (NMFS), local landowners, and the State Water Resources Control Board (State Water Board) to address ongoing conditions resulting from the drought. Low flow conditions in tributaries of the Russian River have resulted in significant declines in salmonid production and survival during the 2014 season and drought conditions have persisted in 2015. These watersheds contain Central California Coast (CCC) coho salmon and CCC steelhead, which are listed under the Federal Endangered Species Act (ESA) as endangered and threatened, respectively. Coho salmon are also listed as Endangered under the California Endangered Species Act (CESA). CDFW has determined the following:

- These tributaries have historically supported spring and summer rearing habitat for naturally producing coho salmon and steelhead and support some of the last remaining habitat available during drought.
- These tributaries sustained perennial flow in the previous three drought years and available habitat is limited by lack of flow.
- These tributaries are subject to large numbers of summer diversions that are cumulatively affecting the amount of water available for instream habitat.
- The exact number, location, and extent of diversions are unknown. Better information can help parties manage diversions cumulatively as it relates to instream habitat.
- When parcels do not have access to municipal water sources, water is extracted from the watershed whether by surface or subsurface diversion.
- Surface and subsurface diversion of streamflow is not subject to any mandatory conservation measures.
- Many of the parcels adjacent to the creeks are residential and irrigation of outdoor landscaping is a large source of water use in many residential households.

Conserving California's Wildlife Since 1870

Voluntary Drought Initiative

On January 17, 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency. On April 25, 2014, the Governor issued an Executive Order continuing the State of Emergency and strengthening the state's ability to manage water and habitat effectively in drought conditions. On December 22, 2014, Governor Brown issued an Executive Order that extended certain aspects identified in the January 2014 and April 2014 Executive Orders until May 31, 2016.

Importantly, the April 2014 Executive Order directed CDFW to work with other state and federal agencies and with landowners in priority watersheds to protect threatened and endangered species and species of special concern and maximize the beneficial uses of scarce water supplies, including employment of voluntary agreements to secure instream flows, relocation of members of those species, or through other measures. In 2014, CDFW worked in various river systems around the state to pursue voluntary agreements with landowners.

CDFW partnered with the NMFS to develop a California Voluntary Drought Initiative (Voluntary Drought Initiative) program, which identified Green Valley, Mill, Dutch Bill and Mark West Creeks as priority watersheds. These creeks are tributaries to the mainstem Russian River. CDFW encourages the development of Voluntary Drought Initiative Agreements (Agreements) between CDFW and other parties to provide instream flows for fish, associated monitoring, and potential fish rescue actions. In October 2014, April 2015, and May 2015, CDFW provided letters to all landowners within select areas of these four streams to encourage water conservation and the development of Agreements to enhance flows to support summer rearing habitat critical to the survival of coho salmon and steelhead. As of now, CDFW believes that conditions in these priority watersheds are quickly deteriorating and without significant water conservation efforts most if not all portions of these tributaries could experience fish mortality due to early drying. Coho require hydrologic connection between pool habitat to maintain adequate dissolved oxygen and temperature conditions for survival.

In addition to those cooperative efforts, we encouraged residents to take additional water conservation actions and provided information on potential voluntary actions that could be taken to protect threatened and endangered species and maximize the beneficial uses of scarce water supplies. In order to communicate the dire conditions in these watersheds and to encourage landowner cooperation, CDFW has conducted several outreach meetings to facilitate the Voluntary Drought Initiative process. Through our communications with landowners, we have received several complaints regarding other landowners who have not been responsive to CDFW efforts and are likely having a considerable effect on instream flow. CDFW will continue to work collaboratively with landowners to implement voluntary activities; however, additional

action may be needed to ensure sufficient flow for summer rearing and adult passage in the fall and early winter during the 2015 drought.

In 2015, as of the date of this memorandum, CDFW has entered into Agreements with nineteen residential landowners to forgo irrigation of lawns, implement additional water conservation measures and provide creek access to CDFW to monitor fishery and stream conditions and to implement potential fish rescue actions. CDFW is also in discussions with several landowners including representatives from the wine industry, to develop Agreements to release stored water to enhance instream flow for coho salmon. Several landowners including Jackson Family Winery have also donated funds to local groups to help residential landowners purchase tanks under the Emergency Tank Program to help minimize the effect of water diversions on instream habitat.

In broad terms, CDFW's goal in the Russian River is an ambitious one. The Russian River hydrologic unit covers an area approximately 1,485 square miles and includes about 240 named and numerous unnamed tributaries. It is the subject of a fisheries restoration plan articulated in CDFW's Recovery Strategy for Coho.

Coast-wide coho salmon recovery in California depends on recovery success in the Russian watershed. We know that a coalition of collaborative partners exists in the watershed and that this coalition is willing to work together to make it through this drought. We are charged to bring back coho salmon to healthy and sustainable population levels. In the immediate, we hope to bridge hydrological conditions in this fourth year of drought (and any future years) such that it might be possible to maintain minimal hydraulic connectivity in these four tributary streams to support habitat conditions that provide a reasonable probability of survival of steelhead and coho salmon juveniles during the summer low flow period. Both in the broad, long-term goal – and the immediate – CDFW believes working with all parties provides the best chance for success.

Emergency Regulations

CDFW has coordinated with State Water Board staff regarding potential emergency regulatory measures under consideration for regulation by State Water Board. Based on that coordination and the significant public outreach in the last few weeks, CDFW is not now recommending the State Water Board move forward with requiring regulations for curtailment of diversions, although that need may arise as the summer progresses. Instead, for now, CDFW and NMFS recommend that the State Water Board develop emergency regulations, pursuant to Water Code section 1058.5, for areas within Green Valley, Mill, Dutch Bill and Mark West Creek watersheds

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98347&inline>), tributaries to the Russian River to: (1) issue an informational order to determine the extent of current surface and subsurface diversion operations in each watershed; and, (2) immediately

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implement conservation measures to limit the amount of water extracted from these watersheds during the 2015 drought that track conservation measures the State Water Board has required elsewhere. These regulations include measures to:

- Forgo irrigation of all lawn and ornamental annual areas;
- Forgo all irrigation between 8 am and 8 pm and within 48 hours of rain event;
- Forgo washing cars, sidewalks and driveways; and,
Forgo expansion of all other water uses beyond 2014 levels.

CDFW acknowledges State Water Board staff and many parties around the state are busy faithfully and collaboratively implementing the Sustainable Groundwater Management Act. The recommendation for an information order is in no way intended to interfere with local leadership on implementation. CDFW will continue to work with landowners to pursue Agreements under the Voluntary Drought Initiative. We thank the nineteen enrollees so far. We await any other parties who might like to design their Agreement for participation in the Voluntary Drought Initiative. CDFW recommends that landowners operating in conformance with the terms of an executed agreement that includes conservation commitments be exempt from new conservation regulations that may be implemented by State Water Board for these tributaries.

If you have questions regarding these recommendations, please contact Ms. Corinne Gray, Senior Environmental Scientist (Specialist), at (707) 944-5526; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577 or Mr. Scott Wilson, Regional Manager, at (707) 944-5517; or by writing to CDFW at Bay Delta Region, 7329 Silverado Trail, Napa, CA 94558.

Sincerely,



Charlton H. Bonham
Director

cc: Mr. Gary Stern
Mr. David Hines
NOAA Fisheries
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

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cc: Barbara Evoy, Deputy Director
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