SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-B**

FROM: Steve Mack, General Manager

Meeting Date : April 6, 2017

SUBJECT: PROGRESS ON REVIEW OF AND COMMENTS ON THE SONOMA COUNTY WATER AGENCY FISH FLOW PROJECT

RECOMMENDED ACTION: Receive a presentation from General Manager Steve Mack regarding review and comment on a proposed comment letter on the Sonoma County Water Agency draft Environmental Impact Report (DEIR) on its proposal to change Water Rights Decision 1610 with changes proposed by the Fish Flow Project and a press release on that comment letter for the DEIR, and provide direction to staff.

FISCAL IMPACT: none

DISCUSSION:

In mid August 2016, the Sonoma County Water Agency (SCWA) released the long-awaited draft Environmental Impact Report (DEIR) on the Fish Habitat Flows and Water Rights Project, also called the Fish Flow Project. This DEIR is the environmental document for their proposed changes to Water Rights Decision 1610 which governs how releases from the dams that regulate the Russian River are made and sets a range of required minimum flows at various points in the River. It appears that SCWA wants to achieve two major actions from the proposed changes to Decision 1610:

- Make permanent the flow changes ordered by the Biological Opinion for endangered salmonid species in the Russian River (BO), and

- Change the Decision 1610 hydrologic index so that 1) it is based on Lake Mendocino instead of Lake Pillsbury, has more (from 3 currently to 5) conditions on which to base releases, 3) takes account of the reduced inflows from the Eel River, and 4) has more flexibility seasonally, going from seasonal decisions to monthly decisions.

At the March meeting the Board approved a comment letter on the DEIR and that was sent on March. On March 6 we had a special meeting to discuss a conference phone call with Grant Davis and Pamela Jeane which affirmed SCWA's opinion of our water rights and which also included their suggested solution of a contract for emergency water supplies during dry periods. At that March 6 meeting the Board also approved a strategy of talking to the media about the concerns expressed in the comment letter and talking with County supervisors about these concerns.

Progress made:

- Press release shared with Mary Callahan of the Press Democrat. She received the information but has not had time to do anything with it (she's also working on the homeless story).

- Letter sent to Supervisor Gore requesting a meeting to discuss this matter and giving background (attached).

- The State Board and North Coast Regional Board provided comments on the DEIR. It's a big document; this is the link: http://www.rrwpc.org/rrwpc/wp-content/uploads/2017/03/2017.03.10-FINAL_SCWA_DEIR_Comment-Letter.pdf. The cover letter to the comments states that the State Board change of petition process will take years because of the volume of protests, and it is the responsibility of SCWA to make a good faith effort to resolve any protests.

Sweetwater Springs WATER DISTRICT

STEPHEN F. MACK, *General Manager*

March 29, 2017

Supervisor James Gore
575 Administration Drive
Room 100 A
Santa Rosa, CA 95403

Dear Supervisor Gore:

Subject: Proposed changes to Water Rights to the Russian River by the Sonoma County Water Agency under the Fish Habitat Flow and Water Rights Project

The Board of Directors of Sweetwater Springs Water District (District) has extensively reviewed the Fish Habitat Flow and Water Rights Project (Project) and has significant concerns regarding the District's ability to supply water to our community if the Project proceeds as proposed.

First, an introduction to our District:

The District was formed on December 15, 1988, after a public vote under County Water District Law. As a result of a subsequent public election in November of 1990, the District acquired the existing water supply system from Citizens Utilities Company in 1992. The District's water supply comes from wells near the River and the distribution facilities consist of two separate water systems: one in Guerneville with three wells and the other in Monte Rio with two wells. The use of the water from these wells dates back to the early 1900's when many of the communities in the lower river area were developed. The District has a water rights license to divert 1137 acre feet (AF) from the River through its wells. Today, the Sweetwater Springs Water District serves approximately 3,600 accounts (95% residential) comprised of about 8,000 persons.

Background on our concerns:

In late October, representatives from the Sonoma County Water Agency (SCWA) met with the District General Manager, Steve Mack. Although the discussion was focused on comments on the District's Urban Water Management Plan, at the meeting the SCWA representatives stated that they believe the District has no right to divert water during droughts. Specifically, they stated that when the river is in a critically dry situation, all of the water in the river at the District's well sources is SCWA project water and that the District would not have a right to divert that water.

The Fish Habitat Flow and Water Rights Project has many aspects to it that affect other water rights holders on the River yet the Project Draft Environmental Impact Report (DEIR) has virtually no discussion of water rights and no mention of the water rights of the District. The Project changes the Hydrologic Index with undisclosed effects on other water rights, including the District's, it reduces the minimum flows at all times, it adds additional diverters and out-of-basin diversions which would have senior water rights to the District (according to the SCWA staff view on water rights) and it continues to claim to need to divert 75,000 AFY even though recent diversions haven't exceeded 55,000 AFY and it is unlikely to ever divert that much water without a massive population increase for its contractors. These issues were discussed at several

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meetings of the District's Board of Directors. The Board of Directors assigned a subcommittee to address the issues of the DEIR and develop a comment letter on the DEIR.

The subcommittee and the General Manager drafted a response to the Fish Habitat Flow and Water Rights Project DEIR which was approved by the Board of Directors and sent to SCWA and the State Water Resources Control Board (State Board). The District has also submitted a protest to the State Board regarding the petitions for change of SCWA's water rights for which the Project is directed. We have attached a copy of the District's response to the DEIR.

The subcommittee also met with Supervisor Hopkins who expressed great concern regarding the impact to the District's customers. She suggested that we have a meeting with you as well since there are potential impacts to your district. Supervisor Hopkins felt that this issue was best addressed at the local level and suggested that an agreement might be reached with SCWA to insure continued water service to our customers.

On March 3, our General Manager had a conference phone call with Grant Davis and Pamela Jeane of SCWA to discuss a possible resolution to the problem. They reaffirmed the earlier discussion with SCWA staff regarding SCWA's position on our water rights. They suggested a contract for emergency use of water similar to the one SCWA has with Healdsburg. We have been unable to contact anyone at Healdsburg to determine the nature of their contract. We do not see that a contract such as this will serve to improve our ability to provide water service to our customers, nor do we feel that we should have to pursue a contract (that likely has annual costs that could be better spent locally) with SCWA for rights that the District has traditionally held.

Summary:

The District continues to have significant concerns relative to SCWA's position on the water rights and the District's ability to use water during drought conditions. We feel that it is unacceptable that a County Special District (SCWA) be authorized to divert water in a manner that will severely impact a downstream municipal water system. We further feel that there needs to be cooperation between the municipal water suppliers in the County to see that the needs of all of the citizens in Sonoma County are met.

The District would like to see an agreement developed which will protect the District's water rights and will insure the adequacy of our future water supply. We would like to meet with you to discuss this situation.

Sincerely,

Steve Mack
General Manager, Sweetwater Springs Water District

Attachment:
District comments on Fish Habitat Flow and Water Rights Project Draft EIR