

FOR IMMEDIATE RELEASE

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“MENDOCINO COUNTY WATER RESILIENCY TASK FORCE” WORKING WITH STATE OFFICIALS TO PROTECT UKIAH VALLEY WATER USERS IN LOW-SUPPLY CONDITIONS

Ukiah, CA. December 16, 2020. – Several local agencies and water policy experts have joined together to form the Mendocino County Water Resiliency Task Force. The purpose of the Task Force is to strengthen regional water resources through discussion, coordination, and shared information. Currently, the Task Force is working to advocate for fair and accurate water resource planning as state officials prepare a response to drought conditions in the Upper Russian River.

Task Force members, including the City of Ukiah, the Russian River Flood Control & Water Conservation Improvement District, and the Mendocino County Farm Bureau are working together to provide information to the State Water Resources Control Board (“State Water Board”). The State Water Board began a process in June to look at water supply and demand levels in the Upper Russian River Watershed. Getting this analysis right is important as it will influence any actions taken by the State Water Board in 2021 to curtail water use in the region.

“The Task Force can bring many voices together as one, to represent our unique water supply system in cooperative actions with the rest of the County, our downstream neighbors, and State Water Board staff,” said Elizabeth Salomone, General Manager for the Russian River Flood Control & Water Improvement District, and lead for the Task Force.

In particular, the Task Force is advocating for the State Water Board to use a water model based on the realistic, rather than “unimpaired”, flows in the area. Employing a realistic model would account for real-world system components such as the Coyote Valley Dam and the reservoir it creates in Lake Mendocino, inflows from the Potter Valley Project, in-stream uses, and various diversion points along the Russian River that are accessed by different water users.

As part of its engagement with the State Water Board, the Task Force sent a letter on December 8, 2020. Advocating for the interests of the entire region, the Task Force noted: “The use of an unimpaired flow model appears to contradict the water rights regime by and through which all water users on the Upper Russian River exercise their various rights to divert and put Russian River water to beneficial use.” The Task Force is holding regular meetings with the State Water Board to discuss these concerns, among others. These discussions have been helpful and constructive, and the Task Force looks forward to continued dialogue.

“Accurate water resource planning is essential for the farming and ranching businesses that help keep Mendocino County strong,” said Devon Jones, Executive Director of the Mendocino County Farm Bureau. “There needs to be an improved understanding of both water inputs and outputs if we are looking to refine water use in the future.”

“In the short term, the Task Force can explore methods to enhance conservation in the Russian River watershed. Longer term, it could develop a locally designed plan for resiliency in the event of extended drought,” said Salomone. “The hope is to show the State Water Board a unified position and a representative voice for the Mendocino County portion of the watershed.”

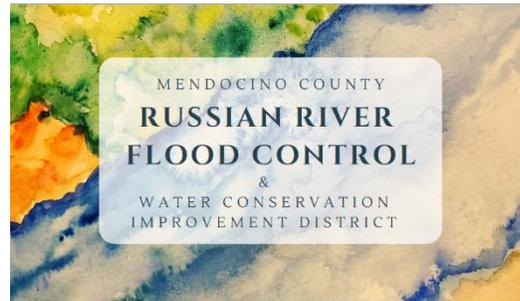
California’s 2019–2020 water year was the third driest in the Upper Russian River watershed in recorded history. Without a significant and immediate increase in rainfall, it is likely that the State Water Board will take action in 2021, which may include curtailments of water diversions. With possible restrictions on the horizon, the Task Force is working together now to ensure the broadest and most reasonable protection of water resources for the Upper Russian River, including the Ukiah Valley.

“The City of Ukiah plays a critical role in water resource planning at the regional level,” said Sean White, Director of Sewer and Water for the City of Ukiah. “We are working with the Task Force to protect the interests of the entire Ukiah Valley – looking not only at strategies for 2021, but also at longer term solutions that will secure our water supply reliability and ensure ongoing affordable service.”

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Wagner & Bonsignore
Consulting Civil Engineers, A Corporation



December 8, 2020

Via Email

Mr. Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Email: Erik.Ekdahl@waterboards.ca.gov

Re: Upper Russian River Watershed Supply and Demand Analysis

Dear Mr. Ekdahl:

Thank you for the opportunity to provide comments on the State Water Resource Control Board's Supply and Demand Analyses for the Upper Russian River Watershed. We appreciate the efforts you and your colleagues at the State Water Resources Control Board ("State Water Board") have taken to meet with interested parties on the Russian River and to explain the State Water Board's analyses as they relate to water supply and demand on the Russian River. These comments are offered on behalf of certain interested parties in the Upper Russian River watershed (the "Mendocino County Water Resiliency Task Force") and reflect our collective understanding of the information to this point and some of our concerns. Allow us to emphasize that we appreciate the State Water Board's efforts to work with us and what has been a constructive and informative dialogue. The comments below are offered in an effort to continue to inform that dialogue.

The Choice of an Unimpaired Flow Model

Russian River Flow Regime. Prior to anthropogenic changes, the Russian River likely exhibited characteristics of perennial, intermittent, and ephemeral flow depending upon the location and water year type. In the upper reaches the River likely had continuous flow in the wet season that became intermittent during the dry season. In the beginning of the 20th century, many facilities were constructed on the Russian River in order to improve water supply reliability, prevent flooding, and generate hydropower. Right or wrong, the construction of these facilities has forever altered the hydraulics of the Russian River and directly affected every community up and down the watershed, enabling vibrant communities, thriving agriculture, and diverse economies. Using an unimpaired flow model for supply and demand analyses ignores the diversion, storage, and attenuation capabilities of the Russian River’s hydraulic reality while simultaneously attempting to impose modern demands on a watershed that, under natural conditions, was subject to significant annual hydrologic variation. Such an approach appears guaranteed to improperly signal supply deficiencies for certain water rights holders under most scenarios and especially so in times of drought.

Applying the Unimpaired Flow Model to the Russian River. In its October 21, 2020, presentation Upper Russian River Watershed Supply & Demand Analysis, the Division of Water Rights provided a definition for unimpaired flows as “measured flows in our streams and rivers with water diversion and use (i.e. human use) added back in, [which therefore] approximates water supply”. The State Water Board has provided a similar definition for unimpaired flows in its Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan Update”). As defined in the Bay-Delta Plan Update, unimpaired flow is the natural water production of a river basin, unaltered by upstream diversions, storage, or export or import of water to or from other watersheds.¹

The use of an unimpaired flow model in the Bay-Delta is one that has been subject to significant disagreement and has been imposed on that region through the process of water quality control planning. To our knowledge, no such process has been followed in the case of the Russian River region. Given the fact that, by definition, the unimpaired flow model excludes consideration of the significant development that has reshaped the Russian River and its hydraulics, we believe it is imperative that stakeholders in the region be provided the opportunity to meaningfully engage in the appropriate forum to better inform the State Water Board’s decision to employ it.

Available Alternatives Include Functional Flows. We also note the recent publication by the California Environmental Flow Working Group of the Draft California Environmental Flows Framework (“Draft Environmental Flows Framework”). While the Mendocino Task Force and its partners are in the process of reviewing the Draft Environmental Flows Framework, we note initially that the document appears to employ a functional flow model instead of an unimpaired flow model. At the least, this demonstrates the existence of another model which may prove more helpful and more appropriate – there may be others.

¹ See: Draft Appendix K, Revised Water Quality Control Plan for the Bay-Delta, pg. 20, fn 14 to Table 3: Water Quality Objectives for Fish and Wildlife Beneficial Uses.

In the Draft Environmental Flows Framework, functional flows appear to be defined as “distinct aspects of a natural flow regime that sustain ecological, geomorphic, or biogeochemical functions, and that support the specific life history and habitat needs of native aquatic species.” (Draft Environmental Flows Framework, pg. 3.) While the functional flows model used in the Draft Environmental Flows Framework is focused entirely on developing ecological flow criteria, we believe a similar model – i.e., one focused on the functions that water flows provide in a system, to include serving all identified beneficial uses – would be more appropriate than the unimpaired flow model used in the Upper Russian River Watershed Supply & Demand Analysis.

Existing Regimes Premised on Russian River Modifications. Importantly, the State Water Board has issued a variety of orders, to include D-1030, regarding the Russian River. As is the case with many of these orders, D-1030 is predicated on the realities of the anthropogenically-modified hydraulics of the Russian River, including Coyote Valley Dam which forms Lake Mendocino, and which the use of an unimpaired flow model apparently ignores. The use of an unimpaired flow model appears to contradict the water rights regime by and through which all water users on the Upper Russian River exercise their various rights to divert and put Russian River water to beneficial use. Employing fundamentally different assumptions in the cases of determining and assigning water rights (which assume anthropogenic modifications) and determining water supply and demand (which assume no such modifications) places water users in the untenable position of not understanding the extent of their rights to water and may raise significant constitutional concerns, including due process generally and the particular emphasis California places on a person’s dignitary interest.

The Question. To repeat what was once so eloquently put, the question we must keep before us is *how to manage for natural processes in fundamentally altered ecosystems* (see Smith, *Engineering Eden* (2016)). The reality of the various ways the Russian River and its hydraulics have been altered should lead us away from any model that ignores those realities and instead toward a model informed by hydraulic reality.

Treatment of Water Supply and Demand in the Model

Demand Met by Natural Flow. The model appears to show that the State Water Board is counting certain downstream demand against natural flow, when some or most of that downstream demand is properly counted against imported water or stored water releases from Lake Mendocino. To illustrate – and offered merely as an example to help us understand by what water certain downstream demands are being met – please see Exhibits A and B attached to this letter. Exhibit A is a screenshot from the PowerBI model of monthly demand for A012919B going back to 2014, which shows year-round direct diversion and which we presume the State Water Board is counting against natural flow. Exhibit B is a screenshot of A012919A for the same period as Exhibit A, which, in contrast to what is shown in Exhibit A, shows water demand counted against direct diversion (the light blue bars) and water diverted to storage as a “demand” (purple bars), but excludes water demand met from stored-water releases from Lake Mendocino. While we understand that in the case of A012919B, PowerBI is simply referencing data submitted in annual water right reports to the State Water Board, it is likely that the data has been incorrectly characterized in those reports and that a dialogue with this right holder is needed to properly account for the basis of the supply used to meet the demand. Because PowerBI does not appear to

account for demand met by stored-water releases, the model may be improperly counting downstream demand for other right holders as being met by natural flow.

Data on Foreign Water. We would appreciate the continued opportunity to better understand the data that is and is not being used as the basis for the PowerBI model's conclusions, to include any data on foreign water, such as Potter Valley Project water imported into the Russian River system from the Eel River system, stored water in Lake Mendocino, or water from Ukiah's Recycled Water Project, and the role those data, once included in the model, may have in informing future curtailment decisions. At this point we believe that the absence of data on foreign water may improperly result in curtailment of water users in the Upper Russian River. We would appreciate the chance to better understand how including this data may lead to better informed decisions about water supply availability the Upper Russian River.

Additional Issues for Further Consideration and Discussion

In addition to the comments offered above, the Mendocino Task Force looks forward to working with State Water Board staff on a number of other issues, some or all of which we would appreciate discussing during our next scheduled meeting on Friday, December 11th. Those issues include:

- Further explanation of the State Water Board's unimpaired flow forecasting methodology.
- An update on any further refinements the State Water Board staff have made to its supply and demand quantification methodologies since the Mendocino Task Force's last meeting with State Water Board staff.
- Regarding the PowerBI model: 1) Is there a deadline for offering suggestions for improvement, to include the opportunity to review and respond to the underlying data informing the model?; and 2) Will PowerBI be used to inform any curtailments going forward?
- What role may various practices in the Upper Russian River play in informing any decisions on water supply and availability?
- How does the Upper Russian River Watershed Supply & Demand Analysis, to include the unimpaired flow and PowerBI models it relies upon, help the State Water Board assure the reasonable protection of all beneficial uses of water on the Upper Russian River?
- We would appreciate further discussion on whether and how all concerned parties, to include the State Water Board and water users in the Upper Russian River, can be assured their non-mutually-exclusive interests can be met, and whether past efforts at negotiated agreements in other watersheds may provide a useful framework for the Upper Russian River.

We sincerely appreciate the opportunity to engage with State Water Board staff and appreciate their efforts to work with us and explain the data and analyses informing the current effort. We look forward to further constructive dialogue and hope these comments will be received in that spirit. Thank you for your consideration and for your service.

Sincerely,

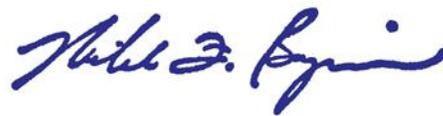
The Mendocino County Water Resiliency Task Force:

Elizabeth Salomone
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Paula J. Whealen, Principal
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Consulting Civil Engineers

Devon Jones
Executive Director
Mendocino County Farm Bureau



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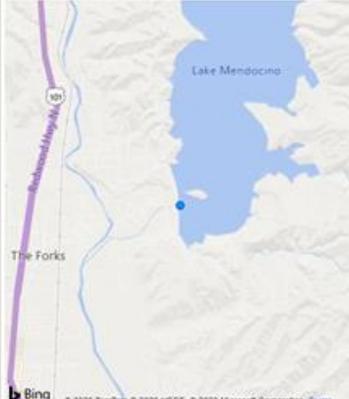
Sean White
Director of Sewer and Water
City of Ukiah

Attachments:
Exhibit A
Exhibit B

Exhibit A

(Screenshot from the PowerBI Model of monthly demand for A012919B)

Application ID



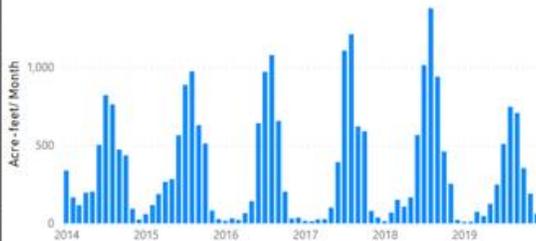
RMS Demand by Gage

Use the Gage Name table to select Gage areas to view the Water Rights and 2014-2019 record of reported demand for that area. The area map at lower left will display the areas draining to that gage, but cannot be used to select the gage. Demands for individual water rights can be viewed by selecting the point from the point map (upper left), or selecting the Application ID from the Table at far right. The Timeline Focus can be used to view a specific time period. Demand data is displayed as the raw demand for 2014-2019. LINK (TBD)

Return Home

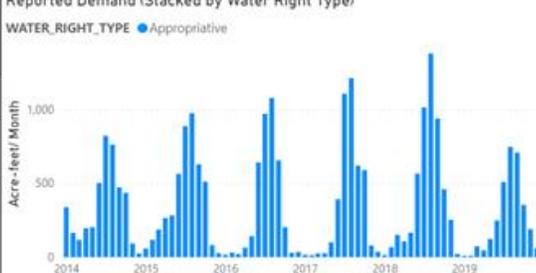
Reported Demand (Stacked by Diversion Type)

DIVERSION_TYPE ● DIRECT ● STORAGE



Reported Demand (Stacked by Water Right Type)

WATER_RIGHT_TYPE ● Appropriative



Timeline Focus

1/1/2014 12/1/2019



APP_ID

Search

- A006805A
- A006854
- A006855
- A006926
- A007006
- A008974
- A009746
- A009774
- A009832A
- A009832B
- A009992
- A010795
- A010915
- A010976
- A011315
- A011327
- A011383
- A011846
- A011859
- A012100
- A012210
- A012232
- A012330
- A012452
- A012483
- A012510
- A012525
- A012773
- A012850
- A012877
- A012919A
- A012919B
- A012919C
- A012920B
- A012931

Gage Drainage Area

GAGE NAME

- RUSSIAN R NR CLOVERDALE CA
- RUSSIAN R NR GUERNEVILLE CA
- RUSSIAN R NR HEALDSBURG CA
- RUSSIAN R NR HOPLAND CA
- RUSSIAN RIVER WATERSHED



Exhibit B

(Screenshot from the PowerBI Model of A012919A)

