SWEETWATER SPRINGS WATER DISTRICT

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

FROM: Steve Mack, General Manager

Meeting Date : October 7, 2010

SUBJECT: DISCUSSION/ACTION RE: SONOMA COUNTY WATER AGENCY MEETING ON THE NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) ON THE PROPOSED FISH HABITAT FLOWS AND WATER RIGHTS PROJECT (FISH FLOW PROJECT)

RECOMMENDED ACTION: Discuss and give direction on District participation in a Sonoma County Water Agency (SCWA) meeting on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) on the proposed Fish Habitat Flows and Water Rights Project (Fish Flow Project) that is currently scheduled for November 4, a conflict with our regular November meeting, and on the District's response to the NOP generally.

FISCAL IMPACT: No direct impact

DISCUSSION:

I have recently learned that SCWA is hosting several open houses regarding the NOP of an EIR being prepared on the proposed Fish Habitat Flows and Water Rights Project (Fish Flow Project). The purpose of the EIR is to analyze the impacts of proposed changes to flows in the Russian River and Dry Creek, as mandated by the National Marine Fisheries Service (NMFS). The District has sent a protest to the State Water Resources Control Board regarding this request to change the flows as proposed by SCWA. The open house for this area has been scheduled in conflict with the District's regular November meeting. I have sent emails to SCWA staff requesting that the meeting date be changed and, as of the date of this agenda report, that has not happened. SCWA staff have stated that the meeting is "just" an open house, there will be no presentations and Sweetwater Springs Water District Directors and staff can come at any time to get the NOP materials and leave comments. SCWA staff have offered to start the open house at 5 pm (it currently is scheduled to start at 6 pm) to make it more convenient to the District.

Comments on the NOP are due by November 15, 2010. Possible comments could include:

- The current Russian River flow regime does not fit current water supply needs and other uses of the River. The events of the 2009 summer are evidence for that.
- Changes to the Russian River flow regime should take into account more than just NMFS Biological Opinion (BO) requirements. In particular, the reduction in diversions from the Eel River, appropriate downstream recreation needs, and

realistic diversion needs of water rights holders need to be incorporated into flow requirements.

- The BO is an experiment and no permanent changes to the Russian River flows should be made until the experiment is further along. This summer's flows are evidence for that.

We may have more information regarding the SCWA NOP meeting prior to and/or at the October Board meeting, and, if so, it will be shared with Board members.