

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 9/22/2009

Resolution Of The Board Of Directors Of The Sonoma County Water Agency Directing The General Manager/Chief Engineer, In Consultation With County Counsel, To: (a) Petition The State Water Resources Control Board To Permanently Change Minimum Instream Flows In The Mainstem Russian River And Dry Creek To Those Required By The National Marine Fisheries Service's September 24, 2008 Biological Opinion; And (b) Commencing In 2010, To File Temporary Urgency Change Petitions With The State Water Resources Control Board As Necessary To Comply With The Biological Opinion Mandates.

Whereas, the Sonoma County Water Agency (Agency) operates the Russian River system under water-right Permits 12947A, 12949, 12950, and 16596 issued by the State Water Resources Control Board (SWRCB); and

Whereas, in 1986, the SWRCB adopted Decision 1610 (D1610) amending the Agency's water-right permits; and

Whereas, the Agency is required by its water-right permits, as amended by D1610, to maintain certain minimum instream flows in the Russian River and Dry Creek; and

Whereas, on September 24, 2008, the National Marine Fisheries Service issued its Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed (Biological Opinion), which analyzes the impacts of the Agency's existing water supply activities on three fish species listed under the federal Endangered Species Act (ESA), and which contains a "Reasonable and Prudent Alternative" describing measures that the Agency must take in order to obtain an incidental take statement under the federal ESA; and

Whereas, the Biological Opinion concludes that the instream flow requirements in D1610 are too high for listed species and that reducing flows would improve habitat by lowering stream velocity and making it more likely the lagoon at the mouth of the Russian River would remain closed and would likely enhance juvenile steelhead and salmon habitat.

Whereas, the Biological Opinion requires the Agency to petition the SWRCB by September 24, 2009 for permanent changes to the Agency's water-right permits, as amended by D1610, to reduce minimum instream summertime flows in the Russian River and Dry Creek; and

Whereas, the Biological Opinion also requires the Agency to seek annual temporary urgency changes to D1610 (on the mainstem Russian River only), beginning in 2010 and continuing for every year thereafter until the SWRCB approves permanent flow changes; and

Whereas, securing the Agency's ability to fully use its existing water rights is a high priority and compliance with the terms of the Biological Opinion will allow the Agency to protect its ability to divert water under these rights for the Agency's customers.

Now, Therefore Be It Resolved, the Board of Directors of the Sonoma County Water Agency hereby finds, declares, and resolves as follows:

1. The foregoing recitals are true and correct.
2. The General Manager/Chief Engineer, in consultation with County Counsel, is authorized and directed to petition the State Water Resources Control Board by September 24, 2009 to permanently change minimum instream flows in the mainstem Russian River and Dry Creek to those required by the National Marine Fisheries Service's September 24, 2008 Biological Opinion.
3. The General Manager/Chief Engineer, in consultation with County Counsel, is authorized and directed commencing in 2010, to file temporary urgency change petitions with the State Water Resources Control Board as necessary to comply with the Biological Opinion mandates.

Directors:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.