



SUMMARY ACTION/ MINUTES - JULY 31, 2008

Meeting in session: 10:30 a.m.

AGENDA ITEM NO. 1 - ROLL CALL

The Eel Russian River Commission held a special meeting on July 31, 2008 at 10:30 a.m. at the Ukiah Valley Conference Center in Ukiah.

Roll call was conducted with the following Commission members present: Michael Delbar, Jimmy Smith, Paul Kelley

Also Present: Eric Larson - Supervising Biologist, Department of Fish & Game; Luis Rivera - Assistant Executive Officer, Regional Water Quality Control Board; Kristine Lawler - Secretary, Eel Russian River Commission; Mike Dillabough - Chief of Operation and Readiness Division, San Francisco District U.S. Army Corps of Engineers; Dick Butler - Santa Rosa Area Office Supervisor, National Marine Fisheries Service; Don Tuttle - Special Projects Coordinator, Humboldt County Public Works.

Welcome Address: Welcome Address: Roland Sanford - General Manager for the Mendocino County Water Agency, gave a general welcome to the ERRRC Commissioners and all those present. Mr. Sanford acknowledged that although there hasn't been a pressing need over the past few years for the commission to meet, more frequent meetings now seem appropriate with the recent FERC decision, the upcoming biological opinion, and the current issues that relate to decision 1610.

AGENDA ITEM NO. 2 - LOWER EEL RIVER'S SALT RIVER RESTORATION PROJECT, PRESENTED BY COMMISSIONER JIMMY SMITH, HUMBOLDT COUNTY SUPERVISOR.

The Salt River Restoration Project is located in the lower Eel River Valley near the City of Ferndale, and is the largest restoration effort north of San Francisco Bay's Cargill Salt Ponds. The project is designed to address extensive stream channel siltation and related flooding problems over a large area of once productive agricultural lands. Key elements of the Salt River Restoration Project include the removal of approximately 400,000 cubic yards of silt to enhance tidal circulation and the restoration of riparian habitat. The project partners; California Department of Fish and Game, the United States Army Corps of Engineers, California Coastal Conservancy, Natural Resource Conservation Service, Humboldt County Resource Conservation District, and the City of Ferndale and Humboldt County have raised nearly 6 million dollars toward this massive project. While the State Water Resources Control Board and Department of Water Resources have obligated millions through the Proposition 50 process.

Public Comment: Brenda Adelman of the Russian River Watershed Protection Committee inquired as to how she could get more information on the Salt River Restoration project. Commissioner

Smith replied that the Department of Fish & Game has produced a document that describes the project, and he also suggested that she could call his office for updated information.

AGENDA ITEM NO. 3 - DISCUSSION AND POSSIBLE ACTION ON LAKE MENDOCINO FLOW ISSUES, PANEL DISCUSSION LED BY CHAIRMAN MICHAEL DELBAR, MENDOCINO COUNTY SUPERVISOR.

Presenter: Mike Dillabough, Chief of Operation and Readiness Division, S.F. District, U.S. Army Corps of Engineers gave a power point presentation (handouts were distributed) in which he described how Lake Mendocino was operated to provide flood protection. Mr. Dillabough noted that there are some concerns regarding suspected leakage from the dam that forms Lake Mendocino, and stated that the USACE is monitoring the situation closely. He went on to explain that until the USACE has more information regarding the source and magnitude of these suspected leaks USACE will not raise the water level in the dam. USACE will not raise the water behind the dam without further studies.

Mr. Dillabough reported that at the Sonoma County Water Agency's request, the USACE will be conducting studies to determine if Lake Mendocino can be operated differently to allow for the earlier capture and storage of more water in the late winter/early spring of each year, and that the ability to do so would be contingent at least in part on the ability of the USACE to resolve the previously discussed suspected dam leakage issue.

Presenter: Dick Butler - Santa Rosa Area Office Supervisor, National Marine Fisheries Service discussed the computer modeling issues that partly contributed to the discrepancy between the projected cutbacks (15%) in Eel River diversions to the Russian River, verses actual cutbacks (30%).

Mr. Butler then discussed the Potter Valley Irrigation District (PVID) frost water issue, mentioning that for the past two frost seasons they have issued an amendment to the Reasonable and Prudent Alternative (RPA) to allow water to be delivered to the PVID. Mr. Butler stated that the National Marine Fisheries Service (NMFS) is currently working with Sonoma County Water Agency (SCWA) and the Round Valley Indian Tribes to find solutions to increase the amount of water coming into the Russian River and to deal with the PVID frost water problems.

The NMFS is working with the USACE and SCWA on a Section 7 consultation under the Federal Endangered Species Act to address the impacts of the USACE's operation of two dams and a fish hatchery, and various SCWA operations in the Russian River basin. The NMFS will be issuing a Draft Biological Opinion next week, which among other things will recommend a reduction of summer stream flow releases to protect endangered fish species. He went on to explain that the stream flow recommendations in the Biological Opinion will provide the basis for amending Water Right Decision 1610.

Commission Request: Commissioner Smith requested that Mr. Butler and his staff prepare graphical summaries of the final computer modeling results and more specifically, a graphical representation of the FERC order's impact on Eel River diversions to the Russian River.

A discussion and various questions ensued.

Presenter: Erik Larsen - Supervising Biologist, CA Dept. of Fish & Game clarified that the Russian River Biological Opinion being discussed affects Lake Sonoma as well as Lake Mendocino. Mr. Larsen also clarified that Fish & Game's primary concern is with the declining Coho Salmon population in the Russian River.

Mr. Larson reiterated that the reduction of summertime flows is necessary to provide for adequate fish habitat. He concluded by emphasizing the need to find a balance between taking water out of the Eel River, which is necessary for that system, while at the same time increasing the water storage in Lake Mendocino, which provides increased flow into the Russian River in the latter summer months. Mr. Larson also cautioned that any changes to the FERC relicensing process, which dictates the timing and amount of stream flow diverted through the Potter Valley system, needs to be closely examined.

Presenter: Luis Rivera - Assistant Executive Officer, Regional Water Quality Control Board commented on the development of a new policy (The North Coast Instream Flow Policy) being put together by the State Water Resources Control Board and is intended to protect fisheries resources in north coast streams. Mr. Rivera also reported that the Regional Water Quality Control Board staff is currently working on a total maximum daily load (TMDL) for pathogens in the Russian River. This analysis will be presented to the board in 2009 - 2010, after which the staff will begin work on associated sediment and temperature TMDL's.

Commission Inquiry - Chairman Delbar addressed the Sonoma County Water Agency, inquiring as to why they had not sought the State Water Resources Control Board permission to reduce stream flow releases from Lake Mendocino, as they had done last year, in a similarly dry and low lake level year. Randy Poole (General Manager for the Sonoma County Water Agency) reported that SCWA and their water users concluded that such a request was unnecessary due in part to the USACE's efforts to retain more water in storage last February and March. Mr. Poole indicated that at this point in time he did not know whether such a request will be made next year, but did say that the Biological Opinion recommendations to reduce summertime stream flow releases would make it easier for SCWA to approach the State Water Resources Control Board and request streamflow release reductions in future years.

A short discussion followed.

AGENDA ITEM NO. 4 - QUESTIONS, ANNOUNCEMENTS, AND PUBLIC EXPRESSION

Brenda Adelman, Russian River Watershed Protection Committee asked Dick Butler when the Russian River Biological Opinion would be available for public review. Ms. Adelman also questioned whether the public would have input into the Biological Opinion. She expressed concerns for the potential impacts of lowering the flows, and voiced a desire to see more information on what is being discussed and planned regarding the Biological Opinion and changes to Water Right Decision 1610.

Mr. Butler responded by saying that the Biological Opinion would not be available to the public until it is final and signed, and noted that his department was going to great efforts to make sure the Biological Opinion was technically and legally sound.

Eric Larson added that any changes to Water Right Decision 1610 have to be signed off by the Department of Fish and Game, and therefore they will be closely involved in the process

and will examine any changes being made. He also noted that any change to Water Right Decision 1610 will most likely trigger a CEQA review and that the public would then have an opportunity to comment on the proposed stream flow reductions as a part of the CEQA review process.

Nadananda, Friends of the Eel River asked both Dick Butler and Erik Larson if they had done any comparable studies on the Eel River as to the impacts of lowering the flows. A discussion followed that recapped the possible CEQA document and associated public involvement. Nadananda then asked if Mr. Butler and Mr. Larson's agencies were tracking the large water diversions from Lake Pillsbury by alleged Mexican cartels, whose practices she believes are affecting the quantity and quality of both water and wildlife in large measurable amounts. Mr. Larson responded and a discussion ensued regarding the legal processes that the Department of Fish and Game uses to pursue violations.

John Pinches, Mendocino County Supervisor reiterated Nadananda's concern over water diversions from the tributaries of the Eel River, stating that the tributaries are now dry and the Eel River is the driest he has ever witnessed. He expressed frustration that no one is taking responsibility to penalize violators. He also expressed frustration at Humboldt County's position of opposing Mendocino County's proposal to take and use water from high flows, and he's hoping that Humboldt County will reassess their position.

Bill Townsend, Ukiah Rod & Gun Club voiced his concerns that fishermen are having to purchase and maintain licenses even though there are no fish to catch.

Commissioner Kelley expressed appreciation for the ERRC meeting and Chairman Delbar concurred that another meeting should be scheduled in the fall. Commissioner Smith added that he would hope to be able to see a draft of the Russian River Biological Opinion before that time. In response to Bill Townsend's concerns, Commissioner Smith expressed optimism that the State's commercial fisheries will improve in future years.

Chairman Delbar proposed to add a discussion of the North Coast Integrated Water Management Plan (NCIWMP) issue to the next meeting's agenda, at which time Lisa Renton of Sonoma County Water Agency gave a brief status report about the NCIWMP current projects and funding.

Meeting was adjourned at 12:30 p.m.