

What is Decision 1610?

– JULY 21, 2016

Friends of the Eel River seeks the decommissioning and removal of the two century-old dams on the upper mainstem Eel River, and an end to the diversion of Eel River flows to the Russian River. That water is taken from the lower dam (Cape Horn) through a tunnel to Potter Valley and the East Branch of the Russian River.

Though the flows out of the tunnel have been used to generate a relatively small amount of electric power, it is the water itself that has been coveted by Russian River agriculturalists and cities. Eel River water has turned the dry ground of Potter Valley into a lucrative wine-growing area. But it has also been used by the Sonoma County Water Agency (SCWA) and its allies and clients in the Russian River to cover the mismanagement and overallocation of the Russian's own flows.

The imminent revision of minimum flow rules for the Russian River, mandated by the California State Water Board (in full, the State Water Resources Control Board, or SWRCB) to protect fisheries throughout the watershed, is likely to prove the first stage in the larger struggle to remove the two Eel River dams and keep the Eel River's precious flows in its own banks. The rules are often called D. 1610, an abbreviation for SWRCB Decision 1610.

Having successfully argued that SCWA must consider Russian River flow regimes that would not depend on any Eel River water, we now hope to persuade the agency to adopt a no-diversion scenario in its final rewrite of the Russian River rules.

That may prove less unlikely than a casual observer would think, for a counter-intuitive reason: the State Water Board has ordered SCWA to provide for **lower** summer flows in the Russian. Federal fisheries biologists have concluded that the higher-than-natural flows which result from using the Russian as essentially a big irrigation ditch have been harming the watershed's critically imperiled coho salmon and steelhead.

In 1986, as part of the issuance and review of water rights for SCWA, the Water Rights Division of California's State Water Resources Control Board (SWRCB) modified previous conditions for those permits in a ruling called Decision 1610 (D1610). The ruling set minimum summertime flows at specific reaches of the Russian River and its Dry Creek tributary, with the intent of meeting summertime (dry season) needs for steelhead and salmon in the Russian River as well as recreational uses of the river, and requires SCWA to provide those minimum flows as a condition of their water rights. SCWA is charged with doing that through releases of water from both Lake Mendocino and Lake Sonoma. Despite these flow mandates, however, fish populations continued to decline in the Russian River, and steelhead, Chinook and Coho salmon became federally listed as threatened and endangered.

As a result, the National Marine Fisheries Service (NMFS) reviewed the conditions under which SCWA operated water releases from Lake Mendocino (on the East Branch Russian River, filled with inflows from the Eel River through [PG&E's Potter Valley Project \(PVP\)](#), and from its own watershed), and from Lake Sonoma (on Dry Creek) as well as the conditions downstream at the Russian River's Estuary. In 2008, NMFS released a Biological Opinion (BiOp) that required changes to the minimum instream flows previously controlled by the conditions of D.1610.

"Biologists with the National Marine Fisheries Service (NMFS) have concluded that current flow levels in the Russian River and Dry Creek during the summer are too high for young coho salmon and steelhead. NMFS biologists believe that reducing summertime flows in the Russian River and Dry Creek would provide better fishery habitat by reducing

velocity, minimizing the need to artificially breach the sandbar at the river mouth, and potentially improving estuary conditions for steelhead by allowing the formation of a freshwater lagoon.” ([See proposed flow changes](#))

As a result of the mandates of the Russian River BiOp, as well as the Eel River BiOp’s reduced diversions from the Eel River flowing through the Potter Valley Project to the East Branch Russian River, SCWA is required to request changes to D.1610 from SWRCB. This is now in process. The first steps are SCWA’s preparation of a Draft EIR “[Fish Habitat Flows and Water Rights Project](#).” (There are also 2 other related EIR’s regarding flows in Dry Creek and for Estuary management.) This DEIR is scheduled to be released for public review on Aug. 19, 2016, with a 60 day public review and comment period. Eventually, the FEIR will go to SWRCB as part of a multi-year process in revising D.1610.

Since diversions from the Eel River have been an assumed integral part of creating the flows in the Russian River during the dry seasons, FOER is critically concerned about how SCWA models and proposes to revise storage in Lake Mendocino and dependency on Eel River waters to mask the overuse of the Russian River. We are looking forward to seeing new modeling without Eel River diversions that meets conservation- and efficiency-modified water use by Russian River water users. The revisions to D.1610 by SWRCB will be a very important decision that can reduce demands for Eel River water. It will also be part of the foundation of PG&E’s application to the Federal Energy Regulatory Commission (FERC) for relicensing of the PVP, another multi-year process slated to start in 2017.

We urge you to review the DEIR when it’s released on Aug. 19th, and provide your comments to SCWA within the 60 day comment period.

DEIR will be posted at: <http://www.scwa.ca.gov/fish-flow/>

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See also, additional background info: [Balancing the Russian River on the back of the Eel River: Revising D.1610](#), [David Keller FOER](#)