



Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

**PROPOSED
MITIGATED NEGATIVE DECLARATION
Pursuant to Section 21092
Public Resources Code**

To: Office of Planning & Research From: State Water Resources Control Board
State Clearinghouse Division of Water Rights
P.O. Box 3044 P.O. Box 2000
Sacramento, CA 95812-3044 Sacramento, CA 95812-2000

PROJECT TITLE: Petition to Change Water Right Licenses 11862 and 12206 of Peninsula Open Space Trust

PETITIONER: Peninsula Open Space Trust
c/o Tina Coleman
222 High Street
Palo Alto, CA 94301

PROJECT LOCATION:

The project is located on the Johnston Ranch, an 862-acre property in San Mateo County situated directly south of the City of Half Moon Bay. The proposed point of diversion is located on the Arroyo Leon, tributary to Pilarcitos Creek, thence the Pacific Ocean.

PROJECT DESCRIPTION:

Pursuant to Licenses 11862 and 12206, water is collected from Arroyo Leon at two points of diversion (POD). Peninsula Open Space Trust filed a Change Petition with the State Water Resources Control Board (State Water Board) to obtain authorization to divert water at a new POD to storage in three existing tributary onstream reservoirs and to remove the two existing PODs.

DETERMINATION:

The State Water Board has determined that the above-described project will have a less than significant effect on the environment for the reasons specified in the Initial Study prepared for this project.

NEW LICENSE TERMS:

Mitigation measures have been incorporated into the project to avoid potential significant environmental impacts. Specific terms reflecting the mitigation measures, written substantially as follows, will be included in any permits, licenses, or orders issued by the State Water Board.

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed a total of twenty-two and two tenths (22.2) acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year as follows: (1) 9.2 acre-feet per annum in Reservoir E and (2) 13 acre-feet per annum in Reservoir G. The maximum withdrawal in any one year shall not exceed 22.2 acre-feet from all reservoirs.

(0000005d)

The maximum instantaneous rate of diversion to offstream storage shall not exceed 1 cubic feet per second.

(0000005J)

(License 11862 only) The capacities of Reservoir E and Reservoir G covered by this license shall not exceed 9.2 acre-feet and 13 acre-feet, respectively.

(0000005npl)

(License 12206 only) The capacity of Reservoir F covered by this license shall not exceed 49 acre-feet.

(0000005npl)

For the protection of fish and wildlife in Arroyo Leon, the licensee shall during the period from December 15 to March 31 bypass a minimum of 4.2 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated rate.

(0140060)

No water shall be diverted under this license unless the licensee has installed a device, satisfactory to the Deputy Director for Water Rights, which is capable of measuring the flows required by the conditions of this license. The measuring device shall be properly maintained.

(0060062)

This license is conditioned upon full compliance with the State Department of Fish and Game's (DFG) criteria for fish screens. When replacement of the fish screen required by this term becomes necessary, the new screen shall comply with the current screening criteria established by the DFG. If the fish screen required by this term is rendered inoperative for any reason, the licensee shall notify the Deputy Director for Water Rights immediately and shall restore the fish screen to service as soon as possible.

(0000213)

*No water shall be diverted under this license except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the State Department of Fish and Game to protect Steelhead trout (*Oncorhynchus mykiss*) and Coho salmon (*O. kisutch*), listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) and/or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). Construction, operation, and maintenance costs of the required facility are the responsibility of the licensee.*

(0000214)

Contact Person: Matt McCarthy	Telephone: (916) 341-5310 Email: mmccarthy@waterboards.ca.gov
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APPROVAL OF THE ABOVE IS RECOMMENDED BY:

Katherine Mrowka, Acting 7-8-11
Phillip Crader, Manager Date
Permitting and Licensing Section
Division of Water Rights

APPROVED:

Barbara Evoy, Deputy Director Date
Division of Water Rights