

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 17447)
Issued on Application 23960)

SANTA YNEZ RIVER WATER)
CONSERVATION DISTRICT,)

Permittee.)

ORDER: WR 79-17

SOURCE: Santa Ynez River

COUNTY: Santa Barbara

ORDER DELETING PERMIT TERMS

BY THE BOARD:

1. On September 22, 1978, the Board issued Permit 17447 on Application 23960 to the Santa Ynez River Water Conservation District.

2. The United States Bureau of Reclamation (Bureau), Cachuma Conservation Release Board (CCRB), and California Department of Fish and Game (Department) had protested approval of Application 23960 as initially filed. The Department withdrew its protest upon agreement by the applicant to include specified terms.

3. During the environmental review of the proposed project, the applicant substantially changed its project and submitted an amended application. The Board issued an amended Notice of Application describing the modified project, The Bureau and CCRB again protested approval of the amended application; the Department did not file a protest, The Bureau and CCRB dismissed their protest for reasons not relevant here.

4. The Department and the applicant reviewed the impacts of the modified project during a field investigation on March 25, 1977. At that meeting the Department indicated that it approved of the modified project and that its previous protest could be ignored if the following conditions were met:

(a) the permittee minimized the disturbance of native vegetation during construction, and

(b) the permittee notified the Department when construction was to take place so it could have a representative present during construction.

5. Thereafter, Permit 17447 was issued and the permittee complied with the Department's conditions. However, neither the permittee nor the Department notified the Board of this modified agreement. Further, Permit 17447 contained the Department's protest withdrawal terms proposed in connection with the original application. Inclusion of these terms was inadvertent; they are not relevant to the modified, permitted project.

6. By a letter dated October 3, 1978, the permittee objected to the inclusion of the irrelevant terms (Permit Terms 13, 14, and 15) in Permit 17447. Permittee pointed out that those terms were appropriate for inclusion in a permit for the original project but that they were not appropriate for the modified project. By a letter dated November 14, 1978, the Department concurred and requested deletion of Permit Terms 13, 14, and 15 in Permit 17447.

7. The findings of the Board regarding the Final Environmental Impact Report in its Certificate of Review dated August 15, 1978, remain unchanged.

8. From the foregoing findings, the Board concludes that the inclusion of existing Permit Terms 13, 14, and 15 of Permit 17447 was inappropriate, that the inclusion of said terms was due to an oversight, that the Board has jurisdiction to delete said terms under Water Code Section 1359, that said permit terms should be deleted, and that existing Permit Terms 16 and 17 should be redesignated as Permit Terms 13 and 14, respectively.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit Terms 13, 14, and 15 of Permit 17447 are deleted.

2. Permits Terms 16 and 17 of Permit 17447 are redesignated as Permit Terms 13 and 14, respectively.

Dated: JUNE 21, 1979

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER

William J. Miller, Member

/S/ L. L. MITCHELL

L. L. Mitchell, Member

Carla M, Bard, Member

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