
State Water Resources Control Board

MITIGATION MONITORING AND REPORTING PLAN Water Right Licenses 11862 and 12206 (Applications 25464 and 25465) Peninsula Open Space Trust

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (Public Resources Code § 21081.6). The MMRP has been developed based on the information and mitigation measures contained in the Initial Study/Mitigated Negative Declaration (IS/MND) for Water Right Licenses 11862 and 12206 (Applications 25464 and 25465). The MMRP lists mitigation measures recommended in the IS/MND for the proposed projects and specifies implementation and monitoring responsibilities. Pursuant to Public Resources Code section 21081.6(b), each of the mitigation measures identified in the MMRP will be included as enforceable permit terms in any permit authorizing construction, diversion, or use of water pursuant to Water Right Licenses 11862 and 12206 (Applications 25464 and 25465).

Generally, the State Water Resources Control Board, Division of Water Rights (Division) Permitting Section staff will monitor mitigation measures requiring pre-construction actions or submittals. Construction and post construction mitigation measures will be monitored by the Division Permitting Section, Enforcement Section, and/or Special Projects Section staff as specified in the attached matrix. Implementation of mitigation measures is the sole responsibility of the Permittee. Interim compliance with mitigation measures will be assessed through the Division's routine compliance monitoring activities. Long-term compliance will be assessed when the Permit is subject to Licensing, at which time the Permittee will be required to demonstrate compliance with permit terms. Non-compliance with mitigation measures may be addressed through the Division's ongoing enforcement program on an as needed basis.

All documents and other information that constitute the public record for this project shall be maintained by the Division and shall be available for public review at the following address:

State Water Resources Control Board
Division of Water Rights, 2nd Floor
1001 I Street
Sacramento, CA 95814

PROJECT DESCRIPTION:

This project concerns changes to the points of diversion (POD) for Water Right Licenses 11862 and 12206 of Peninsula Open Space Trust, which were licensed in 1986 and 1987, respectively. The PODs are located within Section 33 of Township 5S, Range 5W, MDBM along Arroyo Leon tributary to Pilarcitos Creek thence the Pacific Ocean. The licenses authorize the formation of two temporary temporary reservoirs through the use of flashboard dams in Arroyo Leon from December 1 through April 30, and the water that is collected in the temporary reservoirs is diverted for storage in three

reservoirs on streams that are tributary to Arroyo Leon. The licenses are limited to a total of 71.2 acre-feet per annum to be diverted at a rate of diversion to offstream storage not to exceed 1 cubic foot per second. Diversion of water under both licenses is authorized subject to maintenance of a minimum flow at the U.S. Geological Survey gage on Pilarcitos Creek downstream of the PODs. The stored water is used for irrigation of a 310-acre place of use, fire protection and stockwatering.

In 1999, as a result of concerns raised by the Department of Fish and Game and the National Marine Fisheries Service, the use of the flashboard dam structures were abandoned and a new POD was developed downstream that consisted of a diversion facility that is not a barrier to fish passage. In 2005, the project proponent submitted petitions to officially change the POD for the water right licenses and upgrade the current diversion facility.

Licenses 11862 and 12206 (Applications 25464 and 25465) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
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<p>Geology and Soils</p> <p><i>To minimize erosion of the slope and siltation of the stream to insignificant levels, the Licensee shall implement an erosion control plan each time human access to the slope occurs for the installation and maintenance of diversion facilities to ensure that silt and debris are not discharged into waters of the State. The plan shall include the following elements:</i></p> <ul style="list-style-type: none"> • <i>Installation of a temporary silt fence at the toe of the slope, but above the area of flowing water, parallel to the stream that traverses a distance that extends at least 20 feet upstream and 20 feet downstream beyond the work area. The silt fence shall be installed so there are no openings at the bottom of the fence. Eroded materials will be captured and stabilized by the fence. This silt fence shall be installed prior to any other work occurring on the slope and remain securely in place until all work is completed.</i> • <i>Safety ropes shall be used to both stabilize workers and to lower and remove equipment and materials up and down the slope. The safety ropes shall be secured at stable locations above the top of the slope and beyond the riparian habitat associated with the stream. Each worker shall be provided with, at least, one individual safety rope which shall be separate from any safety ropes dedicated to equipment and materials.</i> • <i>All eroded material captured by the silt fence shall be completely removed from the area using buckets lowered and raised by safety ropes. This material shall be disposed of outside of the stream bank and channel area.</i> • <i>Any substantial area where erosion has occurred shall be covered with mulch that is secured with erosion control netting, erosion control blankets or similar material at the termination of all work. Netting, blankets and similar materials shall be secured to the slope surface with standard erosion control staples and their use shall be limited to those portions of the slope above the 100 year flood elevation.</i> • <i>Removal of the temporary silt fence with the aid of safety ropes shall occur as the final action of the plan.</i> • <i>All human activities, including erosion control measures, shall be limited to the dry season of April 15 to October 15 of any year. Maintenance issues that arise outside of the dry season shall require cessation of diversion activities (if occurring) unless the Licensee is granted an emergency approval from the SWRCB to conduct a repair. In that case, the Licensee shall follow all erosion control and safety measures stipulated in the emergency approval.</i> 	<p>Licensee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>
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Hydrology and Water Quality

<p><i>(A025464 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.</i> <i>(A025465 only) The capacity of Reservoir F covered by this license shall not exceed 9.2 acre-feet and 49 acre-feet.</i></p>	Licensee	Continuous	Division of Water Rights
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Biological Resources

<p><i>For the protection of fish and wildlife in Arroyo Leon, Licensee shall during the period from December 15 of each year to March 31 of the succeeding year bypass a minimum of 4.2 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated rate.</i> <i>(0140060)</i></p> <p><i>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 bypass flows required by the conditions of this license. The measuring device shall be properly maintained. In lieu of a measuring device and monitoring, Licensee can permanently set the intake of the pumping plant at an elevation above the natural stream channel which ensures continuous bypass of the flow required by this license. The flow measurements to establish the necessary elevation of the pump intake shall be made by a registered engineer and approved by the Deputy Director for Water Rights.</i> <i>(0060062)</i></p> <p><i>Within six months of the issuance of this license, Licensee shall submit a Compliance Plan for approval by the Deputy Director for Water Rights that will demonstrate compliance with the flow bypass terms specified in this license. The Compliance Plan shall include the following:</i></p> <p><i>a. A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow;</i></p> <p><i>b. A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity;</i></p> <p><i>c. A time schedule for the installation of these facilities;</i></p> <p><i>d. A description of the frequency of data collection and the methods for recording bypass flows and storage levels;</i></p>	Licensee	Continuous	Division of Water Rights
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Licenses 11862 and 12206 (Applications 25464 and 25465) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p><i>e. An operation and maintenance plan that will be used to maintain all facilities in good condition; and</i></p> <p><i>f. A description of the events that will trigger recalibration of the monitoring devices, and the process that will be used to recalibrate.</i></p> <p><i>Licensee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan. The monitoring data shall be maintained by the Licensee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request.</i></p> <p><i>Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.</i></p> <p style="text-align: right;"><i>(0000070)</i></p> <p><i>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 Chief of the Division of Water Rights immediately and shall restore the fish screen to service as soon as possible.</i></p> <p style="text-align: right;"><i>(0000213)</i></p> <p><i>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.</i></p> <p style="text-align: right;"><i>(0000214)</i></p>	<p>Licensee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>