



State Water Resources Control Board



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Secretary for
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Division of Water Rights
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Arnold Schwarzenegger
Governor

MITIGATION MONITORING AND REPORTING PLAN **Water Right Application 30946** **Clear Ridge Mutual Water Association**

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (Pub. 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 Application 30946. 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, subdivision (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 Application 30946.

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:

The Clear Ridge Mutual Water Association, Inc., (Association) filed Application 30946 with the State Water Resources Control Board, Division of Water Rights on September 17, 1999. The Application requests the right to appropriate up to a total of 42 acre feet per annum (afa) at a rate not to exceed 0.058 cubic feet per second (cfs), during the season from January 1 through December 31, from Big Sur Underflow, tributary to the Pacific Ocean. The proposed purposes of use are domestic and fire protection.

California Environmental Protection Agency

The Association serves 42 properties located on Pfeiffer Ridge and Clear Ridge in the Big Sur area of Monterey County. Residences west of Pfeiffer Ridge and along Clear Ridge are in drainage basins that empty into Sycamore Canyon or drain directly to the Pacific Ocean. Seven Association properties east of Pfeiffer Ridge are within the Big Sur River watershed. The Association's source of water is a 36-foot deep well situated approximately 35 feet from the southwest bank and 80 feet from the center line of the Big Sur River in Monterey County. The well was originally developed in 1972.

No new water facility construction is proposed as part of this project. The application seeks to recognize a water appropriation system in operation since 1972 which now serves 38 residences. Four additional parcels within the service area are vacant although three have existing water meters. Up to 4 new residences could be added, and the system could serve property upgrades (caretaker units, vacation homes converted to full time residences).

Application 30946 Mitigation Monitoring and Reporting Plan Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
Hydrology and Water Quality			
<ul style="list-style-type: none"> Other Agency Permits. Permittee shall obtain all necessary federal (including United States Army Corps of Engineers Section 404), state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief of the Division of Water Rights. 	Permittee	Pre-Diversion	Division of Water Rights, Permitting and Compliance
Biological Resources			
<ul style="list-style-type: none"> The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a maximum instantaneous rate of 0.058 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 42 acre-feet per annum. 	Permittee	Ongoing	Division of Water Rights; Permitting and Compliance
<ul style="list-style-type: none"> The rate of diversion shall be restricted during low Big Sur River flows to less than 1% of the gauged flow measured by the United States Geological Survey stream gauge 11143000 located in Pfeiffer-Big Sur State Park, in accordance with the Application A030946 flow bypass compliance plan dated June 10, 2008 on file with the Division of Water Rights. When the gauged flow is equal to or below 3 cubic feet per second (cfs), the entire flow of the Big Sur River will be bypassed and no water shall be diverted under this permit. Permittee shall also limit diversions as follows: <ul style="list-style-type: none"> When the gauged flow is greater than 3 cfs and less than or equal to 4 cfs, the diversion shall not exceed a maximum 24 hour average rate of 0.03 cfs. When the gauged flow is greater than 4 cfs and less than or equal to 5 cfs, the diversion shall not exceed a maximum 24 average hour rate of 0.04 cfs. When the gauged flow is greater than 5 cfs and less than or equal to 6 cfs, the diversion shall not exceed a maximum 24 hour average rate of 0.05 cfs. When the gauged flow is 6 cfs and greater, the well diversion rate will be the pump's maximum capacity of 0.058 cfs. 	Permittee	Ongoing	Division of Water Rights; Permitting and Compliance

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Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> Permittee shall install and maintain devices satisfactory to the Division of Water Rights to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the Permittee, and made available to interested parties upon reasonable request. This flow and diversion data shall be maintained for the life of the project and submitted to the Division of Water Rights with the Progress Report by Permittee and to the Department of Fish and Game upon reasonable request. 	Permittee	Pre-Diversion	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Big Sur River should (1) additional fishery studies be conducted in the Big Sur River, or (2) unforeseen adverse impacts occur to the fishery or recreation in the Big Sur River. Action by the State Water Resources Control Board will be taken only after notice to interested parties and opportunity for hearing. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, add, or otherwise coordinate minimum flow requirements or related criteria for the protection of fish and wildlife in the Big Sur River as necessary to accommodate downstream senior water rights. Action by the State Water Resources Control Board will be taken only after notice to interested parties and opportunity for hearing. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> To protect instream resources, any and all diversion shall occur from the existing subterranean well. There shall be no direct diversion from surface water flow of the Big Sur River under the exercise of any basis of right. Any device or contrivance which prevents, impedes, or tends to prevent or impede the passage of aquatic resources upstream or downstream shall be prohibited as a means to divert or store water. 	Permittee	Ongoing	Division of Water Rights; Permitting and Compliance

Application 30946 Mitigation Monitoring and Reporting Plan Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by the Division of Water Rights, reasonable access to project works to determine compliance with the terms of this permit. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> Permittee shall document Big Sur River flows to meet bypass requirements by monitoring United States Geological Survey Stream Gage 11143000 located in Pfeiffer-Big Sur State Park. If this gage is rendered inoperable, permittee shall be responsible for repair and maintenance of said gage unless/until another agency or party accepts responsibility. Permittee shall implement all provisions of the Application A030946 flow bypass compliance plan dated June 10, 2008 on file with the Division of Water Rights. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
Noise			
<ul style="list-style-type: none"> In order to reduce noise impacts, the pumps and pump house shall be insulated with noise reduction materials within 120 days of permit issuance. 	Permittee	120 days from permit issuance.	Division of Water Rights, Permitting and Compliance

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Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
Land Use and Planning			
<ul style="list-style-type: none"> See Other Agency Permits term. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
Cultural Resources			
<ul style="list-style-type: none"> Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance
<ul style="list-style-type: none"> Human Remains. If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e) (1) of the California Environmental Quality Act Guidelines and the Health and Safety Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director for Water Rights. 	Permittee	Ongoing	Division of Water Rights, Permitting and Compliance