

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

INITIAL STUDY

I. BACKGROUND

PROJECT TITLE: Application 31808 to Appropriate Water by Permit

APPLICANT: Steven and Cecilia Tweed

APPLICANT'S CONTACT PERSON: John Lane (530) 899-2900

General Plan Designation: Excessive slopes, deer wintering range, wildfire hazard area

Zoning: Rural Residential RRB - 40 acre minimum (NW portion), SE portion has no zoning designation

Introduction

On November 16, 2009, Steven and Cecilia Tweed (Applicants) submitted Application 31808 to Appropriate Water by Permit in order to create a storage pond. The 1.5 acre-foot pond would divert water for irrigation use on 10 acres of pasture, as well as recreation and fire protection uses at the reservoir. Water would be diverted from a spring adjacent to, but hydrologically disconnected from, McKinney Creek tributary to the Klamath River in Siskiyou County.

Project Description

The proposed project is located on Assessor's Parcel Number 014-020-030 at the southeast corner of the northwest quarter of Section 4, Township 45 North, Range 9 West of the Mount Diablo Meridian herein referred to as the "project site" (Figure 1).

This property is a 1900's era homestead comprised of 159 acres abutting McKinney Creek (Figure 2). Currently, the property consists of one residence and one guest cabin. Water hookups exist for both buildings and are supplied by a well that was drilled in 2005. Located on this parcel are four springs that are not hydrologically connected to McKinney Creek. McKinney Creek is a perennial stream that may dry up in the fall during dry years. In 1936, the State Water Resources Control Board (State Water Board) declared the creek fully appropriated from March 1 through October 31. In addition to the well that supplies water for domestic uses, a power generation facility diverts water from McKinney Creek under a claim of riparian right, filed with the State Water Board as Statement 16622. Water diverted from McKinney Creek to power the hydroelectric generator is not used consumptively and is released into an Unnamed Stream tributary to McKinney Creek.

The proposed project for Application 31808 consists of a dam to be constructed by cut and fill, running a length of 100 feet, with 2 feet of freeboard that would divert water from Spring 1 (Photo 1). The onstream storage reservoir would impound 1.575 acre-feet of water with a

surface area of 0.25 acres and a maximum depth of 9 feet. The dam would be fitted with a spillway which is 14 feet higher than the downstream toe of the dam. Water from this reservoir would be used for irrigation use on 10 acres of pasture, as well as recreation and fire protection uses at the reservoir (Photo 2).

Environmental Setting

The site is located 5 miles upstream (south) from the confluence of McKinney Creek with the Klamath River at river mile 154. This confluence is approximately 4 miles west of the town of Klamath River, Siskiyou County, California. The site lies at an elevation of 3,000 to 3,500 feet, within the McKinney Creek watershed in the Klamath Mountains Geomorphic Province of California.

The project site is located in a dry-summer subtropical climate. According to the Koppen-Geiger Climate Classification System, the project site is in a transition zone between CsA and CsB climate types—both being Mediterranean climate types. Between 2000 and 2010, the region received an average of 27 inches of precipitation annually. The site experiences dry summers and wet (often snowy) winters.

Responsible and Trustee Agencies

North Coast Regional Water Quality Control Board (NCRWQCB)
California Department of Fish and Game (DFG)
State Water Resources Control Board (SWRCB)
U.S. Army Corps of Engineers (ACOE)

II. ENVIRONMENTAL IMPACTS

The environmental factors checked below could be potentially affected by this project. See the checklist on the following pages for more details.

- | | | | | | |
|-------------------------------------|-------------------------|-------------------------------------|------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> | Land Use and Planning | <input type="checkbox"/> | Transportation/Circulation | <input type="checkbox"/> | Public Services |
| <input type="checkbox"/> | Population and Housing | <input checked="" type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Utilities and Service Systems |
| <input checked="" type="checkbox"/> | Geology/Soils | <input type="checkbox"/> | Energy and Mineral Resources | <input type="checkbox"/> | Aesthetics |
| <input checked="" type="checkbox"/> | Hydrology/Water Quality | <input type="checkbox"/> | Hazards | <input type="checkbox"/> | Cultural Resources |
| <input type="checkbox"/> | Air Quality | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Agriculture Resources | <input checked="" type="checkbox"/> | Mandatory Findings of Significance | | |

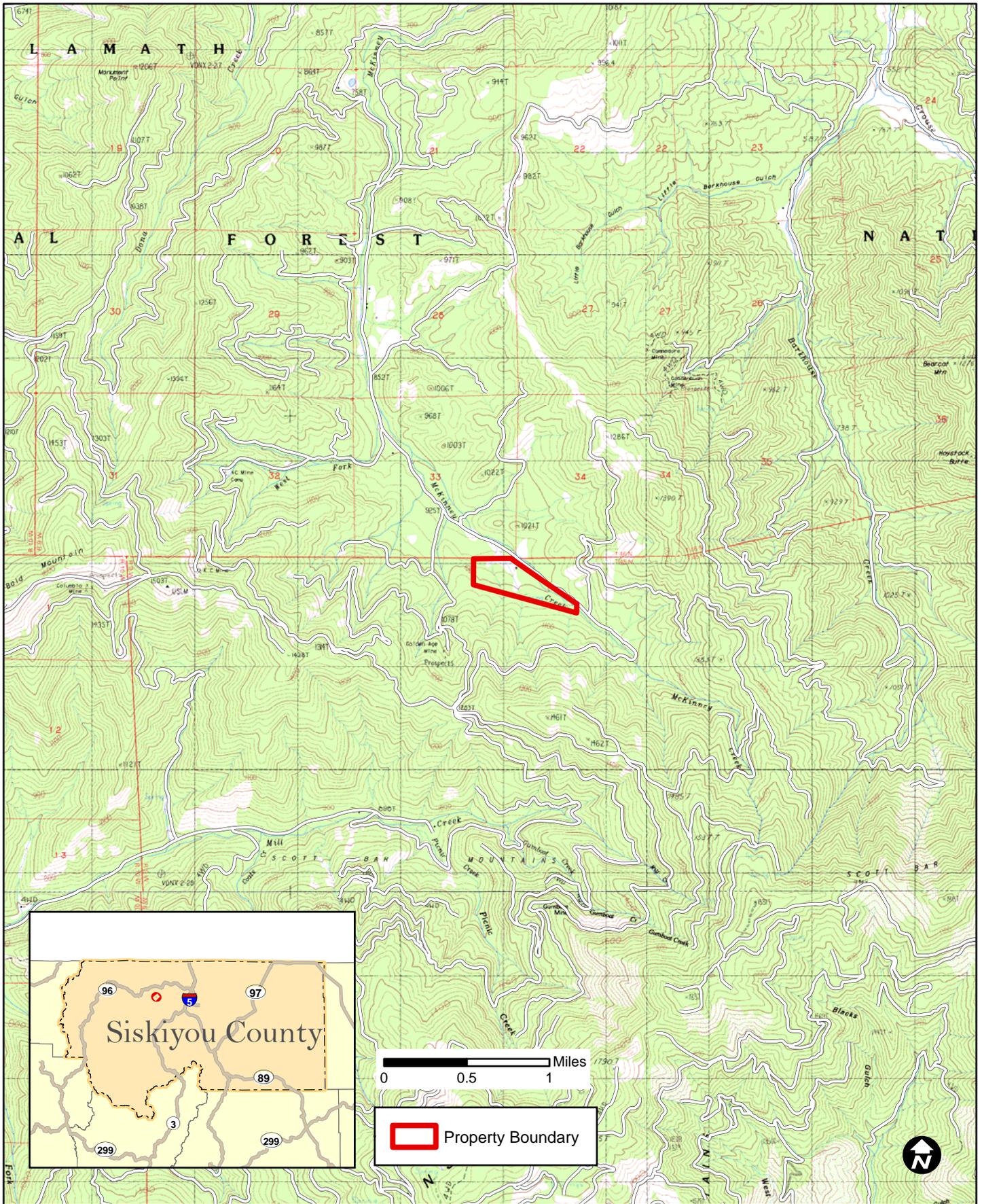


Figure 1: Location
 McKinney Creek Property
 Siskiyou County

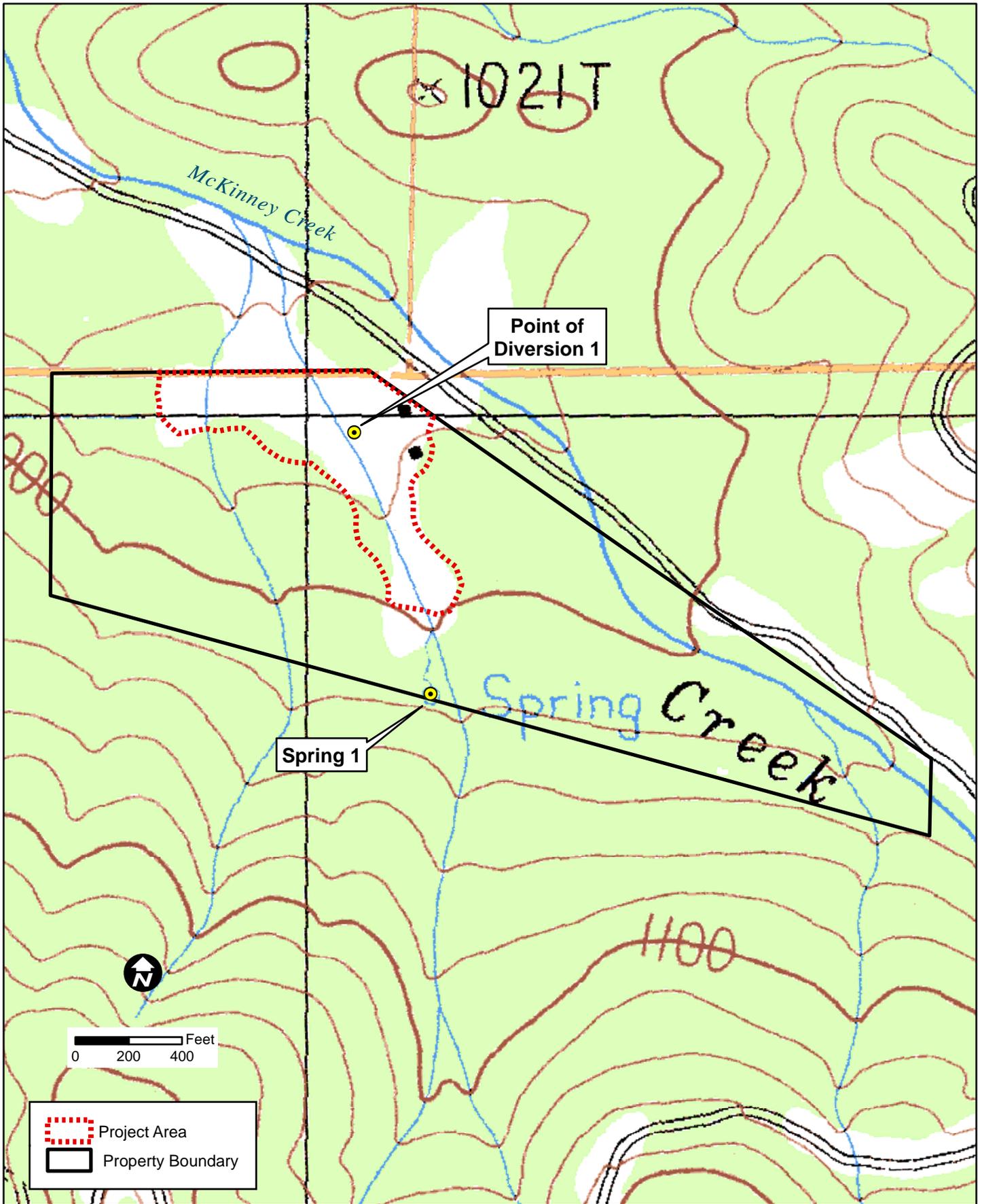


Figure 2: Project Area
McKinney Creek Property
Siskiyou County



Photo 1. Project area looking downstream on Unnamed Stream, proposed location of dam and reservoir. Surrounding meadow is proposed place of use for irrigation of pasture.



Photo 2. Project area looking upstream on Unnamed Stream towards source of Spring 1, proposed location of dam and reservoir. Surrounding meadow is proposed place of use for irrigation of pasture.



Photo 3. Typical place of use for irrigation of pasture. Existing structures on property in background.

1. GEOLOGY and SOILS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The geology of the area is characterized on the Geologic Map of the Weed Quadrangle, California.¹ The site lies within the Klamath Mountains Geomorphic Province (Klamath block) of California. The Klamath Geomorphic Province is bounded on the west by the Coast Range Geomorphic Province, to the south by the Great Valley Geomorphic Province, and to the east by the Cascade Range Geomorphic Province.

The Klamath block consists of four major belts or terranes: the western Jurassic Belt, the Western Paleozoic and Triassic Belt, the Central Metamorphic Belt and the Eastern Klamath Belt. The contacts between all units are faults.

The Klamath Mountains have rugged topography, cut by many streams running west into the Klamath River. These prominent peaks and ridges reach 6,000 to 8,000 feet above sea level. The Klamath River follows a circuitous course from the Cascade Range through the Klamath Mountains.

The site consists almost entirely (>99%) of Holland-Challam deep-Coboc family soils, composed of residuum weathered from igneous and metamorphic rock. The Holland family consists of deep, well drained soils on 30-50% slopes. Soils are described as gravelly loam at depths of 0-8 inches. Gravelly clay loam and gravelly sandy clay loam are found at depths of 8-60 inches. Depth to un-weathered bedrock is generally 60- 64 inches.

Potential for soil erosion is moderately high, primarily where soils have been exposed. Eroded material (sediment) is often deposited into headwater stream channels where it is eventually transported downstream.

Siskiyou County has had a low level of seismic activity in recent times, according to the Siskiyou County General Plan. Faulting in the western portion of the county and in the project vicinity is considered inactive due to the age and structure of the geologic units there. The nearest fault is the Scott Valley Fault located approximately 6 miles to the west. There are no seismically active or potentially active faults within 20 miles of the project site.²

Northwestern Siskiyou County is not located within an Alquist-Priolo Special Study Zone, although portions of northeastern Siskiyou County are.

Tsunami is highly unlikely to occur as the project site is not located in any proximity to an ocean. Likewise, the risk of seiche is remote as the nearest water body (Applegate Lake, to the northwest of the project site) is too far away to affect the project area. Mount Shasta, the nearest center of potential volcanic activity, is located approximately 45 miles to the southeast of the project site, minimizing the potential for volcanic hazards to impact the project area.

Discussion:

a), c), d) and e) No Impact. The lack of active or potentially active faults in the area severely limits potential impacts due to faulting, or results of fault movement. The nearest fault line is Scott Valley Fault, which is approximately 30 miles away. Soils in the area are generally stable, and the project is unlikely to destabilize soils within the project vicinity. Soils are not designated as expansive. The project does not involve the use of septic or other wastewater disposal systems.

b) Less-Than-Significant Impact With Mitigation Incorporated. The existence of steep slopes in the project vicinity is the primary reason for moderately high erosion potentiality, especially for exposed soils, and justifies a mitigation measure. Adhering to the mitigation described below will reduce the project to **Less-Than-Significant Impact With Mitigation Incorporated**.

Mitigation:

To limit erosion and prevent sediment from entering any waterways, the terms in the Hydrology and Water Quality section and the following term shall be included in any permits or licenses issued pursuant to Application 31808:

An erosion control/revegetation plan and implementation schedule, prepared by a licensed civil engineer or registered geologist, shall be submitted to and approved by the Deputy Director for Water Rights, prior to starting construction. Before storing water in the reservoir, Permittee shall furnish evidence which substantiates that the erosion control/revegetation plan has been implemented. Evidence includes photographs showing the project area vegetation and slopes.

2. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Since 1970, air quality has been regulated at the federal level under the Clean Air Act (CAA). This act authorized the US Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards for air pollutants of nationwide concern. The EPA has established standards for six criteria air pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM₁₀) and lead. PM₁₀ is defined as suspended particulate matter with particulates of 10 microns or less. The primary components of these particulates are dust, nitrates, and sulfates. These are released into the air as a result of fuel combustion and abrasion.

The proposed project site lies within the Siskiyou County Air Quality Management District, which is located within the Northeast Plateau air basin of inland northern California. The District is responsible for permitting and enforcement of District Rules and Regulations in 6347 square miles of land. The western portion of the district is mainly lowlands, down to 300 feet in elevation, and covered predominantly with grasses, manzanita, and chaparral. The lowlands lead into the rolling foothills of the Klamath Mountains, which are covered by oak woodlands, brush, and coniferous trees. The central and eastern portion of the District consists of high mountain peaks, up to 9000 feet, and valleys covered by various pine and fir forests.

As with most of California, the District has cool to mild winters (except the higher elevations) and warm to hot summers. Surface winds are predominantly southwesterly, with seasonal northerly influences. Additionally, the District experiences up-slope daytime winds and down-slope nighttime winds. During the spring, summer and fall seasons, temperature inversions are a normal occurrence, which prohibits good dispersion of smoke and other air pollutants. Generally, however, air quality in the project area is considered good to excellent.

Discussion:

a) through e) Less-Than-Significant Impact With Mitigation Incorporated. The project does not involve releasing pollutants or odors. No sensitive receptors are near the project site. Grading of the holding pond could generate short-term fugitive dust. The project is unlikely to obstruct or violate air quality standards in the area with proper dust control methods during construction. All dust control measures can be found in the mitigation below.

Mitigation:

Air quality impacts during and after construction will be mitigated through the development of an erosion control plan, which will include best management practices for dust control. Water will be applied to control dust as needed to prevent visible emissions violations and offsite dust impacts. Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions.

To limit air quality impacts during and after construction, the term in the Geology and Soils section shall be included in any permits or licenses issued pursuant to Application 31808.

3. HYDROLOGY & WATER QUALITY. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site, including through alteration of the course of a stream or river, or substantially increase the rate or volume of surface runoff in a manner that would:				
i) result in flooding on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) provide substantial additional sources of polluted runoff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Place housing or other structures which would impede or re-direct flood flows within a 100-yr. flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				
i) as a result of the failure of a dam or levee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) from inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Would the change in the water volume and/or the pattern of seasonal flows in the affected watercourse result in:				
i) a significant cumulative reduction in the water supply downstream of the diversion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) a significant reduction in water supply, either on an annual or seasonal basis, to senior water right holders downstream of the diversion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| iii) a significant reduction in the available aquatic habitat or riparian habitat for native species of plants and animals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) a significant change in seasonal water temperatures due to changes in the patterns of water flow in the stream? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| v) a substantial increase or threat from invasive, non-native plants and wildlife? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting:

The proposed project site is located in a rural mountainous area of north-central Siskiyou County, approximately five miles south of the Klamath River. Elevations in the nearby project vicinity range from 3,000 to 3,500 feet. The project site is located along McKinney Creek and Unnamed Stream which originates from several springs and is tributary to McKinney Creek, on the site. McKinney Creek is tributary to the Klamath River at river mile 154, approximately four miles west of the town of Klamath River.

The hydrology of the project area can be characterized as small tributary streams, fed by snow melt, rain and springs. The exact location and extent of groundwater basins which feed the springs in the area are largely unknown. Waters from the project vicinity area generally drain north and ultimately flow into the Klamath River. McKinney Creek is a perennial stream which may occasionally dry up in the late summer or fall of dry years. In 1936, McKinney Creek was declared “Fully Appropriated” by the State Water Board in Decision number 381 between March 1 and October 31 of each year. The critical area is described as “about 1-1/2 miles downstream from the point of diversion on McKinney Creek upstream”.³

Tsunami is highly unlikely to occur as the project site is not located in any proximity to an ocean. Likewise, the risk of seiche is remote as the nearest water body (Applegate Lake, about 21 miles to the northwest of the project site) is too far away to affect the project area. Mount Shasta, the nearest center of potential volcanic activity, is located approximately 45 miles to the southeast of the project site, minimizing the potential for mudflows associated with volcanic events to impact the project area.

Discussion:

a) and d) Less-Than-Significant Impact With Mitigation Incorporated. The proposed project does not involve ground disturbing activities which could adversely affect water quality. Current monthly testing for bacteria in the storage tanks, conducted to ensure safe drinking water, would indicate changes in bacteria levels, within or above the tanks but would not indicate changes in water quality downstream of the storage tanks. However, because the proposed project does not involve anything more than diverting slightly more water than under the current conditions, it is unlikely that water quality would be affected by the project.

b) No Impact. Natural fluctuations in spring production are expected, however the proposed project does not involve increasing or in any way affecting the rate or volume of water supplied from the groundwater aquifer via the springs. No change in groundwater recharge is expected.

c) No Impact. The proposed project would not alter any existing drainage patterns nor would it increase the rate or volume of surface runoff. Overflow from tanks must be maintained to sustain habitat created downstream. If further storage is needed in the future, additional tanks

should be placed near the present tanks such that the overflow is directed into the existing water course.

e) and f) No Impact. The proposed project does not include placing any structures within a 100-year flood hazard area. The proposed project does not place any structures or persons down gradient / downstream of the dam and would only cause minor flooding outside of human development if a dam failure were to occur; current development on the property is located upstream. Tsunami is highly unlikely to occur as the project site is not located in any proximity to an ocean. Likewise, the risk of seiche is remote as the nearest water body (Iron Gate Reservoir, 25 miles to the east of the project site) is too far away to affect the project area.

g) Less-Than-Significant Impact With Mitigation Incorporated. The proposed project would increase the amount of water diverted for consumptive use from Spring 1, and is not hydrologically connected from McKinney Creek. This diversion may result in dewatering of a wetland and impacts to special status species.

Mitigation:

In order to ensure that any potential water quality and hydrology impacts are mitigated, the following terms shall be included in any permits or licenses issued pursuant to Application 31808:

In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code section 13260 and shall comply with all waste discharge requirements imposed by the North Coast Regional Water Quality Control Board, or by the State Water Board.

Permittee shall obtain all necessary 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 Deputy Director for Water Rights.

No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

Prior to the diversion or use of water under this permit, Permittee shall obtain the appropriate permit from the U.S. Army Corps of Engineers (USACE) and file a copy with Division of Water Rights. If a permit from the USACE is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights with a letter from the USACE affirming that a permit is not needed.

Prior to the diversion or use of water under this permit, and only if a U.S. Army Corps of Engineers permit is required, Permittee shall obtain Clean Water Act section 401 Water Quality Certification from the State Water Board or the North Coast Regional Water Quality Control Board.

4. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The Department of Fish and Game (DFG) maintains the California Natural Diversity Data Base (CNDDDB), which lists positive sightings of special status plant and animal species. The data base is modeled after the United States Geological Survey 1:24,000 topographic quadrangles. The project site is covered in the Horse Creek quadrangle. A search of the CNDDDB indicates the potential presence of species that are considered threatened or endangered on the state and federal levels or included in a DFG or California Native Plant Society (CNPS) listing within the Horse Creek quadrangle and adjoining quadrangles (Table 1).

Discussion:

a) and b) Less-Than-Significant Impact With Mitigation Incorporated. Special status species which could inhabit the project area include the pallid bat, foothill and Sierra Nevada yellow-legged frogs, and bald eagles. The proposed project would have little to no effect on the bald eagles and pallid bats, but could potentially have a significant effect on habitat for foothill and Sierra Nevada yellow-legged frogs. Yellow-legged frogs are known to inhabit lakes, meadow streams, isolated pools, rocky streams and sunny riverbanks. If the current overflow from the storage tanks were not maintained a loss of habitat could potentially occur.

Table 1. Potentially Occurring Special Status Species

Quad. Name	Scientific Name	Common Name	Fed Status	CA Status	DFG	CNPS
Buckhorn Bally	Rana boylei	foothill yellow-legged frog	None	None	SSC	
Buckhorn Bally	Monadenia fidelis leonina	A terrestrial snail	None	None		
Buckhorn Bally	Ptilidium californicum	Pacific fuzzwort	None	None		4.3
Buckhorn Bally	Lomatium peckianum	Peck's lomatium	None	None		2.2
Buckhorn Bally	Epilobium oregonum	Oregon fireweed	None	None		1B.2
Condrey Mtn.	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Condrey Mtn.	Accipiter gentilis	northern goshawk	None	None	SSC	
Condrey Mtn.	Strix nebulosa	great gray owl	None	Endangered		
Condrey Mtn.	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
Condrey Mtn.	Ptilidium californicum	Pacific fuzzwort	None	None		4.3
Condrey Mtn.	Sedum oblancoelatum	Applegate stonecrop	None	None		1B.1
Condrey Mtn.	Horkelia hendersonii	Henderson's horkelia	None	None		1B.1
Dutch Creek	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Dutch Creek	Ptilidium californicum	Pacific fuzzwort	None	None		4.3
Dutch Creek	Saussurea americana	American saw-wort	None	None		2.2
Dutch Creek	Sedum oblancoelatum	Applegate stonecrop	None	None		1B.1
Dutch Creek	Epilobium siskiyouense	Siskiyou fireweed	None	None		1B.3
Dutch Creek	Viola howellii	Howell's violet	None	None		2.2
Dutch Creek	Abies amabilis	Pacific silver fir	None	None		2.3
Dutch Creek	Triteleia hendersonii	Henderson's triteleia	None	None		2.2
Hamburg	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Hamburg	Plethodon asupak	Scott Bar salamander	None	Threatened		
Hamburg	Ardea herodias	great blue heron	None	None		
Hamburg	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
Hamburg	Arabis aculeolata	Waldo rock-cress	None	None		2.2
Hamburg	Eriogonum hirtellum	Klamath Mountain buckwheat	None	None		1B.3
Horse Creek	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Horse Creek	Plethodon asupak	Scott Bar salamander	None	Threatened		
Horse Creek	Ardea herodias	great blue heron	None	None		
Horse Creek	Accipiter gentilis	northern goshawk	None	None	SSC	
Horse Creek	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
Indian Creek Baldy	Minuartia howellii	Howell's sandwort	None	None		1B.3
Indian Creek Baldy	Eriogonum ursinum var. erubescens	blushing wild buckwheat	None	None		1B.3
Indian Creek Baldy	Polemonium carneum	Oregon polemonium	None	None		2.2
Indian Creek Baldy	Calochortus persistens	Siskiyou mariposa-lily	Candidate	Rare		1B.2
McKinley Mtn.	Ardea herodias	great blue heron	None	None		
McKinley Mtn.	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
McKinley Mtn.	Eriogonum ursinum var. erubescens	blushing wild buckwheat	None	None		1B.3
McKinley Mtn.	Calochortus persistens	Siskiyou mariposa-lily	Candidate	Rare		1B.2
Russell Peak	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Russell Peak	Plethodon asupak	Scott Bar salamander	None	Threatened		
Russell Peak	Ardea herodias	great blue heron	None	None		
Russell Peak	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
Scott Bar	Plethodon stormi	Siskiyou Mountains sala.	None	Threatened		
Scott Bar	Ardea herodias	great blue heron	None	None		
Scott Bar	Pandion haliaetus	osprey	None	None	WL	
Scott Bar	Martes pennanti (pacifica) DPS	Pacific fisher	Candidate	None	SSC	
Scott Bar	Monadenia callipeplus	downy sideband	None	None		
Scott Bar	Eriogonum hirtellum	Klamath Mountain buckwheat	None	None		1B.3

STATUS CODES

FEDERAL: U.S. Fish and Wildlife Service and Marine Fisheries Service

FE – Federally Listed as Endangered; FT – Federally Listed as Threatened; FD Federally Delisted

STATE: California Department of Fish and Game

CE – State Listed as Endangered; CT – State Listed as Threatened; CSC State Species of Special Concern

CNPS: California Native Plant Society

List 1B – Plants rare or endangered in California and elsewhere

List 2 – Plants rare or endangered in California, but more common elsewhere

List 3 – Plant about which more information is needed

A botanical survey was conducted at the McKinney Creek project site.⁴ Results from the survey indicate that the project site is situated within a *Quercus garryana* Woodland Alliance ecological community (Figure 1). The Oregon white oak (*Quercus garryana*) is the most abundant tree species on the project site followed by Douglas fir (*Pseudotsuga menziesii*), Jeffrey pine (*Pinus jeffreyi*) and California black oak (*Quercus kelloggii*). *Pinus jeffreyi* and *Quercus garryana* also populate the shrub layer, though creeping snowberry (*Symphoricarpos mollis*) is the most prevalent shrub species on the site. Blue bunchgrass (*Festuca idahoensis*) is the most abundant grass species on the project site followed by false oat-grass (*Arrhenatherum elatius*), pine bluegrass (*Poa secunda*), bulbous bluegrass (*Poa bulbosa*) and bedstraw (*Galium*).

The survey noted that one species of special importance, the Siskiyou Mariposa Lily (*Calochortus persistens*) could be potentially found in the region. The Siskiyou Mariposa Lily is designated as a species of concern federally and is considered rare by the state of California. The botanical survey did not locate any potential habitat for the Siskiyou Mariposa Lily in the project area, and no specimens were observed.

Although recognized by neither the federal or state government as a species of special importance, the Henderson's Triteleia (*Triteleia hendersonii*) was observed throughout the *Quercus garryana* Woodland Alliance community on the project site (Figure 5). This is a special status species listed by the California Native Plant Society, as it naturally occurs in a very narrow range. The population on the Tweed property was large and appeared to be quite stable. The reservoir is located outside of and will not affect this community, and thus **no impact** was determined to exist. However, increased water supply would be deleterious to Henderson's Triteleia should the Woodland Alliance community be developed as irrigated pastureland in future. Alternate beneficial uses of the portion of the property characterized by *Quercus garryana* woodland would be recommended in order to preserve suitable ecological conditions for Henderson's Triteleia habitat. As the irrigation use proposed under this Application will only affect the meadow through which Unnamed Stream runs, no impact on the woodland is expected.

c) and d) Less-Than-Significant Impact With Mitigation Incorporated. A wetland delineation was conducted at the McKinney Creek project site. Results from the delineation indicate that there appears to be approximately 1 acre of wetland within the project area (Figure 4). The proposed project will include material removal to be used in place as fill for the earthen dam. The location of the reservoir and the place of use may result in impacts to approximately 1 acre of wetland area.

e) and f) No Impact. The proposed project area is not included in any special conservation areas, or subject to any additional ordinances protecting trees or critical habitat.

Mitigation:

The proposed project may result in impacts to foothill and Sierra Nevada yellow-legged frogs. Potential mitigation may include maintaining the current overflow from all storage tanks such that the wetted areas and watercourses downstream of the tanks do not change in size or character. In addition, if additional storage tanks are needed in the future, these should be located near existing storage tanks and the overflow should be routed into the existing water courses as near to the existing overflow outlet locations as possible.

In order to ensure that any potential biological resource impacts are mitigated, including any potential impacts to foothill yellow-legged frog, the following term and the terms outlined in the

Hydrology and Water Quality section shall be included in any permits or licenses issued pursuant to Applications 31808:

*For the protection of habitat for the foothill yellow-legged frog (*Rana boylei*) and to allow for the growth of riparian vegetation, Permittee shall:*

- a. establish and maintain, undisturbed, a 150-foot-wide [exact width subject to negotiation] strip of natural upland vegetation around the water storage reservoir;*
- b. obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Game prior to any reservoir dredging operations;*
- c. refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations; and,*
- d. restrict cattle and domestic stock access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs.*

These requirements shall remain in effect as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 31808.

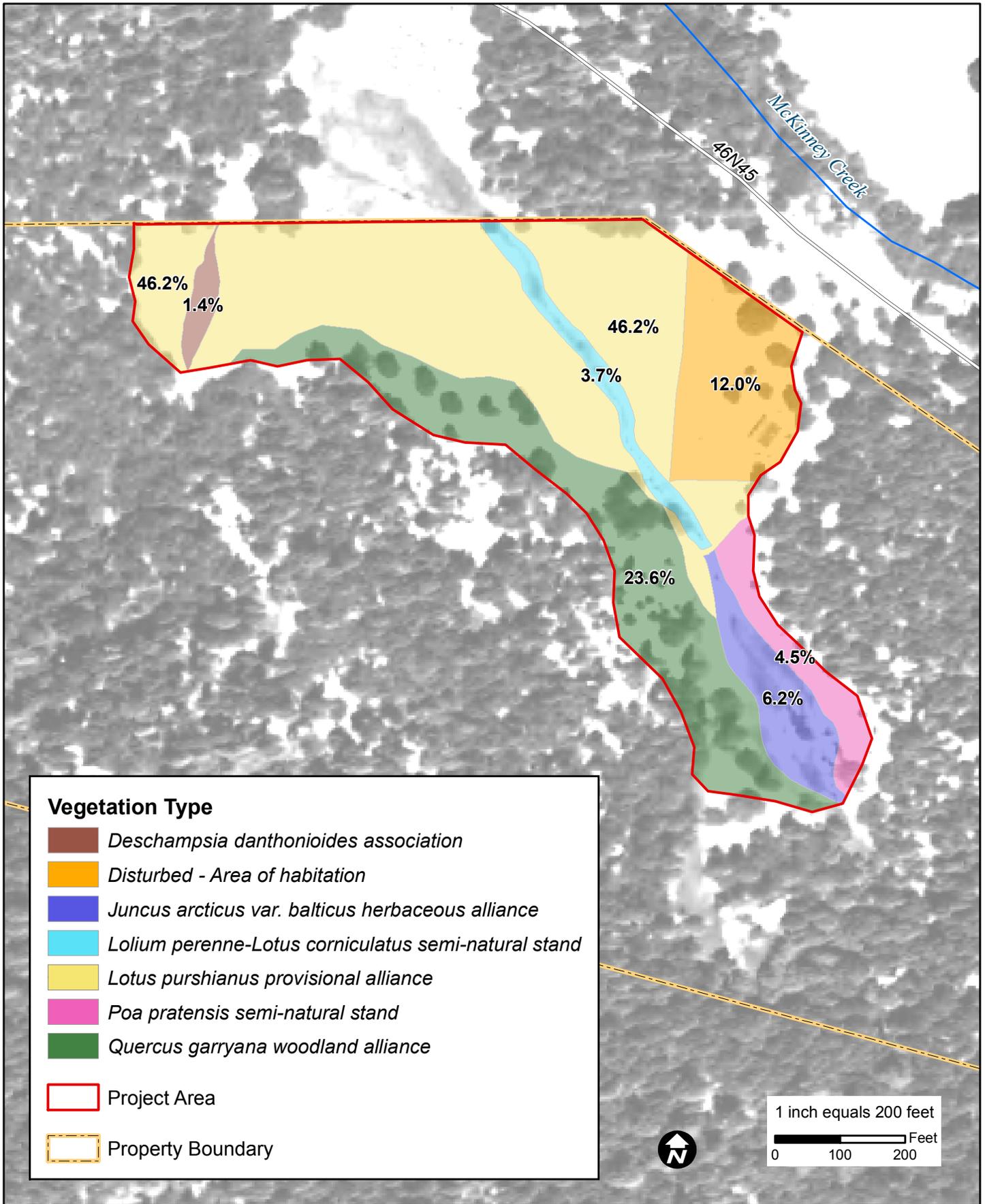


Figure 3: Vegetation
 McKinney Creek Property
 Siskiyou County

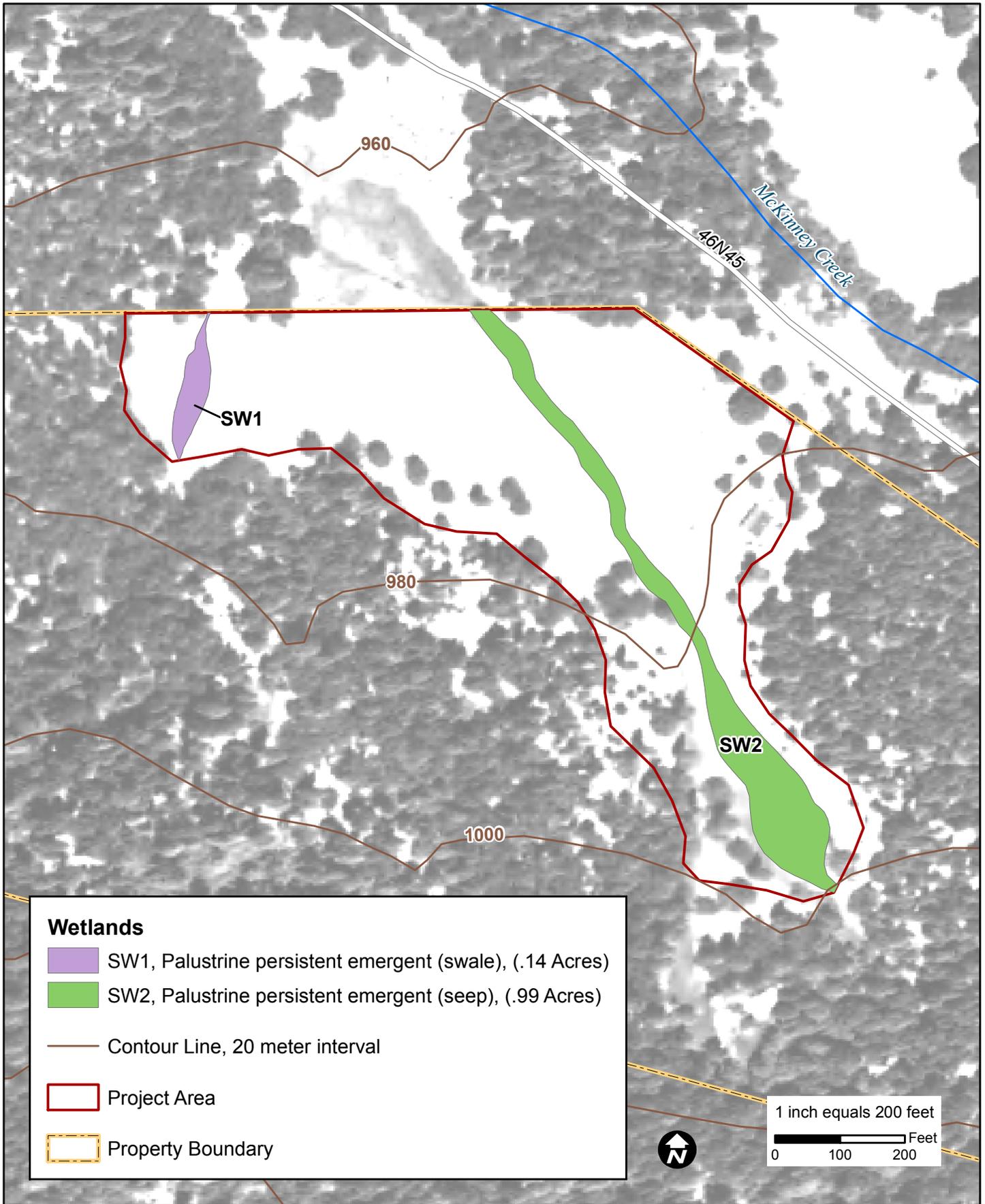


Figure 4: Wetland Delineation

*McKinney Creek Property
Siskiyou County*

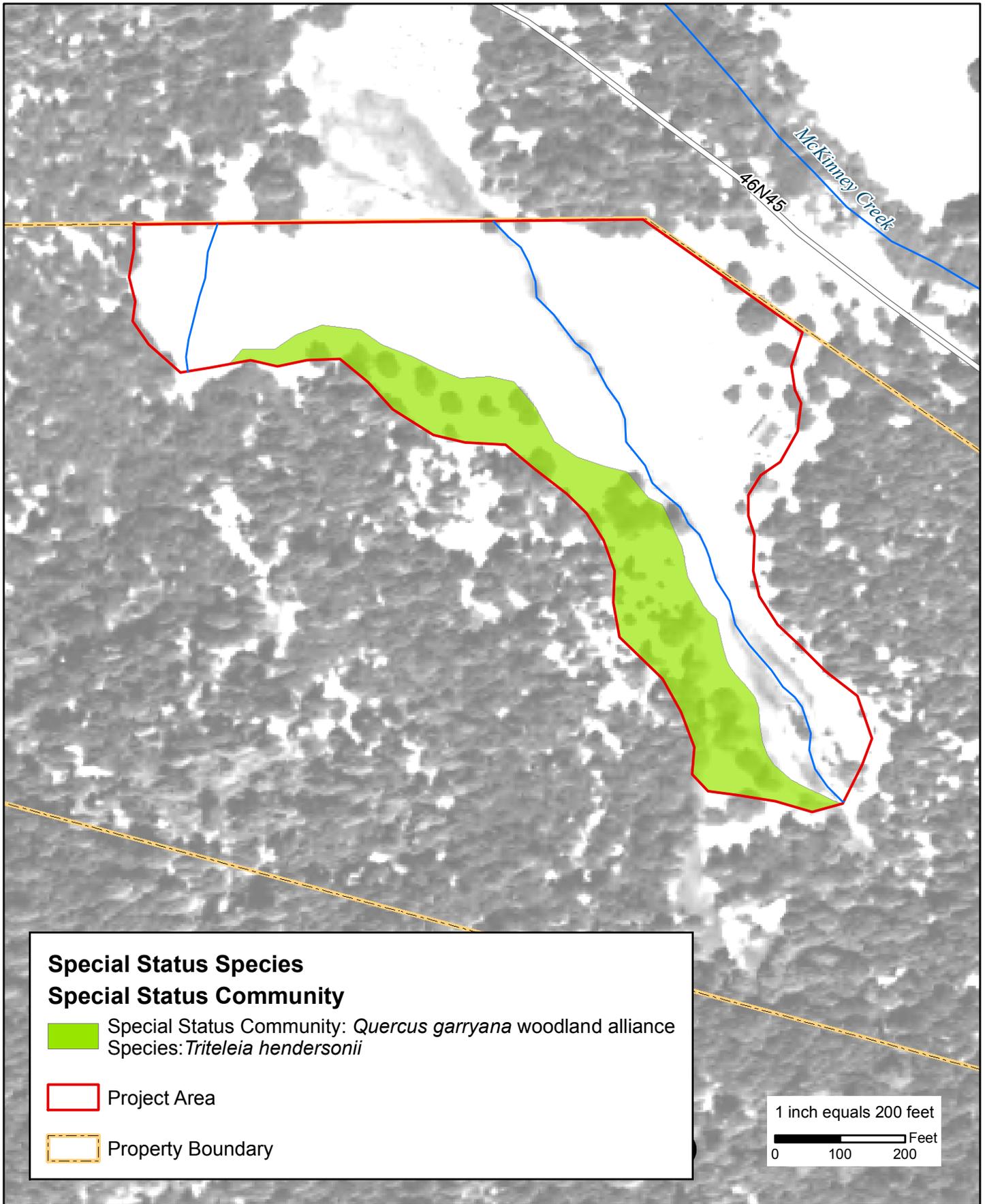


Figure 5: Special Status Species
 McKinney Creek Property
 Siskiyou County

5. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project area is located 9 miles southwest of the town of Klamath River and is surrounded by the Klamath National Forest. Soils in the project area are not suitable for agricultural purposes besides forest production and grazing. The botanical survey indicates that seasonal cattle grazing occurs on the subject property. No logging operations are occurring on the subject project.

Discussion:

a) through c) **No Impact.** The project will not convert existing farmland to non-agricultural uses. There is no conflict with existing zoning for agricultural use or a Williamson Act contract since the site is hedged by the Klamath National Forest.

Mitigation:

No mitigation is necessary.

6. NOISE. Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Sound refers to anything that is or may be perceived by the ear. Noise is usually defined as unwanted sound and consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep. Noise impacts can be described in three categories. The first is audible impacts that refer to increases in noise levels noticeable to humans, which generally refers to a change of 3.0 decibels (dB) or greater since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB that are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant. The existing noise environment in the area of the proposed project is typical of rural inhabited areas, with occasional noise from McKinney Creek Road.

Discussion:

a) through f) No Impact. The proposed project would not create or lead to the creation of noise or vibrations. The project will not expose persons to, or increase the ambient noise level above the existing conditions. Noise levels on the project site will not exceed designated county decibel level requirements during the grading and construction of the dam and reservoir. There are no sensitive receptors in the vicinity. The project area is not located within an airport land use plan area, nor is it within two miles of a public or private airport.

Mitigation:

No mitigation is necessary.

7. LAND USE AND PLANNING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The site is located in a rural area, approximately 9 miles from the town of Klamath River. Along McKinney Creek Road, there are only a few parcels of private property delimited by the Klamath National Forest.

Discussion:

a) through c) No Impact. The proposed project would not divide any community, or be in conflict with the established land use and conservation plans.

Mitigation:

No mitigation is necessary.

8. MINERAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Siskiyou County is an area of mineral and geothermal significance. A considerable portion of Siskiyou County lies in the rugged mountains, and many of the mineral bearing regions are considered inaccessible for mineral development although deposits of barite, chromite, clay, coal, copper, gems, gold, graphite, lead, limestone, manganese, marble, potash, pumice, silver and quicksilver are found within the county (Hamilton, 1921). Areas within and near stream and river corridors were extensively mined for gold for beginning prior to 1900.

Several sites in the project vicinity have been mined at some point over the past 100 years and multiple defunct mining features are present near the site, although no mining is known to have occurred on the project site.

Discussion:

a) and b) No Impact. The proposed project would not affect the availability of known mineral resources or resource extraction sites in the vicinity of the project, or on the project site.

Mitigation:

No mitigation is necessary.

9. HAZARDS and HAZARDOUS MATERIALS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project site is located among moderate to steep slopes of the central Klamath Mountains and is accessed by McKinney Creek Road, or by following one of numerous forest service roads in the project vicinity. McKinney Creek Road is an unpaved road which sees low levels of use in the project vicinity.

The potential for future wildland fires is very high in the project area, with brushy vegetation and conifers present. The California Department of Forestry and Fire Protection (CAL-FIRE) has statutory responsibility for wildfire protection of private lands in California. The Siskiyou Unit is administratively responsible for fire protection of public and private lands in Siskiyou County. Fire protection for all other fire emergencies, structure, vehicle, etc. is the responsibility of the local fire agency.

Discussion:

a) and b) No Impact. There is minimal potential for a spill hazard to occur along McKinney Creek Road, which is in close proximity to the project site. In addition, the transportation of hazardous materials is strictly regulated by various state and federal agencies. Thus, the possibility of a spill or leak at any given time is low. Response to a hazardous waste spill varies according to the circumstances under which it is released. Hazardous materials spills on state and federal highways are the responsibility of California Department of Transportation and the California Highway Patrol (CHP), which provide on-scene management of the spill site and coordinate with the Environmental Health Department, Office of Emergency Services, and the local fire department and Plumas National Forest. Depending upon the type and extent of the leak or spill, remediation action would be taken. However, the proposed project does not involve the transportation or storage of hazardous materials, nor does it involve significant levels of transportation by employees or contractors, therefore there is **no impact**.

c) No Impact. The proposed project area is not located within ¼ mile of schools, hospitals or other sensitive receptors; there is **no impact** as a result of the project.

d) No Impact. The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List. The website maintained by the California State DTSC Hazardous Waste and Substances Sites List (Cortese List) indicates that there are no sites listed within 10 miles of the project site, resulting in **no impact**.

e) and f) No Impact. The project area is not located within an airport land use plan area, nor is it within two miles of a public or private airport, thus resulting in **no impact**.

g) No Impact. The implementation of the proposed project would not impair or otherwise impede any emergency evacuation or emergency response plans or activities, resulting in **no impact**.

h) No Impact. The proposed project does not involve any new structures or residences, and therefore would not increase the risk to people or structures from fire. One stated use of the stored water is fire protection, which could aid in firefighting activities in the project vicinity resulting in **no impact**.

Mitigation:

No mitigation is necessary.

10. POPULATION AND HOUSING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project is located in a rural portion of Siskiyou County, California. The nearest town, Klamath River, is located about nine miles northeast of the project site. The population of Klamath River in the 2000 census was 374 people in approximately 170 households. Approximately five residences are scattered along McKinney Creek including the subject site.

Discussion:

a) No Impact. Water diverted from McKinney Creek would be used only for irrigation, fire protection, recreational (swimming) and hydro-power generation purposes and would not induce population growth in the project vicinity.

b) and c) No Impact. The proposed project would not displace existing housing or people, nor would it necessitate the construction of housing elsewhere. Therefore, **no impact** on population and housing would occur.

Mitigation:

No mitigation is necessary.

11. TRANSPORTATION / CIRCULATION. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (<i>i.e.</i> , result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially increase hazards due to a design feature (<i>e.g.</i> , sharp curves or dangerous intersections) or incompatible uses (<i>e.g.</i> , farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies supporting alternative transportation (<i>e.g.</i> , bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project is located in a rural portion of Siskiyou County. Access to the project vicinity is via unpaved roads. Access to the project site is controlled by the property owner. The site has unimproved access to the proposed points of diversion, storage and use.

Discussion:

a) through g) No Impact. The project area has adequate internal access capability. The existing network of highways and roads will not be altered in any way as a result of this project. The project will not result in the creation of any transportation design feature hazards, and no incompatible uses will be generated as a result of the proposed project. The proposed project will not affect emergency access to the McKinney Creek watershed, project site, surrounding properties, or surrounding roads. No public or private rights-of-way will be altered by this project. The proposed project would not cause parking shortages since private parking areas on the project would not be altered. The project will not result in an individual or cumulative impact to service to Siskiyou County level-of-service standards since no public or private roads will be altered by the project. The proposed project will not impact any plans, policies, or programs aimed at supporting alternative transportation, or level of service of existing features as no right-of-ways will be altered by this project. The proposed project will not cause any changes in air traffic patterns.

Mitigation:

No mitigation is necessary.

12. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Fire protection is the responsibility of CAL FIRE and police protection is provided by the Siskiyou County Sheriff. School-age children must travel to the town of Klamath River or Yreka for public education. Domestic water is provided by an on-site well, and two active on-site septic tanks receive waste water; one at the house and one at the cabin. An additional septic tank is located on site if needed. Electricity is generated from diverted stream water and solar panels. Public lands surround the project site but developed facilities are few and far between in this area of Siskiyou County.

Discussion:

a) through e) **No Impact.** The proposed project is not expected to increase demand for civil services within the community. This project is located on private property and would not increase the demand public service usage beyond current levels, resulting in **no impact.**

Mitigation:

No mitigation is necessary.

13 .UTILITIES AND SERVICE SYSTEMS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Domestic water is provided by an on-site well, and three on-site septic tanks receive waste water; one at the house, one at the cabin and one extra. Stormwater is controlled by natural watercourses, creeks and streams.

Discussion:

a) through g) No Impact. The proposed project would not result in an increase in wastewater generation or treatment capacity. No new stormwater drainage facilities would need to be constructed as a part of the proposed project, nor would existing facilities need to be expanded. The proposed project will not increase the demand for water supplies above the amount requested in the water rights permit. The proposed project will not result in increased generation of solid waste. Thus, local landfills will not be affected.

Mitigation:

No mitigation is necessary.

14. AESTHETICS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Scenic vistas in the project vicinity are limited due to the presence of mountains, valleys and forest areas. Long distance vistas are not generally available. McKinney Creek Road is not designated as a Scenic Highway, although the Bigfoot Scenic Byway passes approximately five miles north of the project site.

Discussion:

a) through d) No Impact. There are few scenic vistas in the project vicinity, with the nearest designated scenic highway passing five miles north of the project site. The proposed project will not alter, degrade or have adverse effects on the character and quality of existing vistas in the area. The project would not require the installation of additional light sources. There are no plans associated with the project that would create new light sources within the project area.

Mitigation:

No mitigation is necessary.

15. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project area's topography is affected by stream downcutting, which causes erosion and insignificant amounts of soil deposition. Thus, remnants of buried cultural artifacts and remains are not expected within the area. The region has significant evidence of historical mining, agricultural and logging operations. A cultural resources survey of the property did not indicate evidence of historic or prehistoric resources, though the area is considered sensitive for potential historic sites.⁵ In accordance with the Advisory Council on Historic Preservation's (ACHP) Section 106 Consultation standards, a Request for Sacred Lands Search was submitted to the Native American Heritage Commission (NAHC). No records were found which indicated the existence of Native American cultural resources in the vicinity of the site. Request for Comment letters were delivered to a list of individuals and organizations recommended by the NAHC, as well as the Siskiyou County Historical Society. The Karuk Tribe responded to request a site visit. Their survey did not reveal any cultural resources on the project site.

Discussion:

a) through d) No Impact. An archaeological surface survey did not demonstrate the presence of Native American cultural resources. The Karuk tribe made a site visit to the project site and confirmed that no evidence of Native American cultural resources are present within the project area. No prehistoric or historic resources or archaeological sites were located within a half mile radius of the project site. There are several mining features including a ditch one quarter-mile northeast of the project site across the opposite side of McKinney Creek. No archaeological or historic features could be found within the scope of the project area.

Mitigation:

The proposed project may result in impacts to cultural resources due to ground disturbing activities related to reservoir construction and other development. In order to ensure that any cultural resource impacts are mitigated, the following terms shall be included in any permits or licenses issued pursuant to Applications 31808:

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.

If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources 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.

16. RECREATION. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project site is surrounded by the Siskiyou National Forest, and is located in a rural portion of Siskiyou County. There are no public park facilities in the proximate area. Public uses of the national forest and Klamath River include hiking, biking, horseback riding, fishing, swimming, whitewater rafting, and off-highway vehicle use.

Discussion:

a) and b) No Impact. The proposed project is not expected to result in an increase in use of existing parks or other recreational facilities resulting in **no impact** to this resource.

Mitigation:

No mitigation is necessary.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Less-Than-Significant With Mitigation Incorporated. Without mitigation, the proposed project has the potential to have short-term significant impacts on biological resources. Mitigation measures have been developed to address these concerns. Implementation of these measures will reduce potential short-term impacts.

b) No Impact. The project does not have potentially negative cumulative impacts. The project will take place in an extremely remote area that seldom experiences development. No past, present or future projects are foreseen to interact with the project or create an individually limited but cumulatively considerable impact.

c) Less-Than-Significant With Mitigation Incorporated. The development of the project as proposed would not cause any substantial adverse environmental effects on human beings either directly or indirectly. All potentially adverse environmental effects which may be associated with the proposed project will be mitigated through the implementation of the mitigation measures identified in this document.

III. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared By:

Original Signed By

March 12, 2012

John Lane, Principal Scientist
Chico Environmental Science & Planning

Date

Reviewed By:

Original Signed By

March 15, 2012

Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

Date

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

IV. INFORMATION SOURCES

¹ Wagner, D.L., and Saucedo, G.J., 1963. Geological Map of the Weed Quadrangle, California. California Division of Mines and Geology, Scale 1:250,000.

² Rowland Hickel, personal communication June 18, 2009. Associate Planner at Siskiyou Planning Department.

³ State Water Board. 1998. Order WR 98-08, Order Revising Declaration of Fully Appropriated Stream Systems. Accessed on February 14, 2011 from http://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/1998/wro98-08.pdf

⁴ Nielson, H. 2011. Botanical Survey for Water Rights Application 31808. Submitted December 30, 2011.

⁵ Shasta CRM. 2011. Cultural Resources Survey for Water Rights Application 31808. Submitted August 31, 2011.