

Darcy

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 18337 and)
24616)
CITY OF SANTA CRUZ)
Applicant)
DEPARTMENT OF FISH AND GAME, ET AL.)
Protestants)

Order: WR 81-3
Sources: Zayante Creek
County: Santa Cruz

ORDER GRANTING EXTENSION OF
TIME TO COMPLETE ENVIRONMENTAL IMPACT REPORT

BY THE BOARD:

The City of Santa Cruz having filed proposed completed Application 18337 (a State filing) and Application 24616 for permits to appropriate unappropriated water; the Department of Fish and Game (Department) having filed protests against approval of such applications; the State Water Resources Control Board (Board) having duly notified the applicant that preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act, is required before a hearing can be held; the City having requested an extension of time to complete the EIR and now having requested another extension of time to complete studies and the EIR; the Board, having considered all the evidence relevant to said request, finds as follows:

1. On November 7, 1967, the City petitioned the Board for assignment of State filing Application 18337 and filed proposed completed Application 18337 in support thereof. Application 24616 was filed on June 6, 1974 for additional water necessary for the project. The applications are for permits to divert a total of 24,500 acre-feet of water per annum by storage in the proposed Zayante Reservoir for municipal purposes. Water released from the reservoir will be pumped to the Graham Hill Water Treatment Plant for distribution to the

City of Santa Cruz. Resulting sewage will be treated in the Santa Cruz Water Pollution Control Plant and then discharged into the Pacific Ocean. In accordance with their National Pollutant Discharge Elimination System permit.

2. The Department protested the applications and petitioned the Board for extensions of time to complete studies required to propose specific dismissal terms to the City. The City objected to the time extensions but they were granted by the Board. The Department finally offered its terms to the City on May 8, 1978. A copy was filed with the Board.

3. The City immediately started an analysis of the Department's dismissal terms and the fishery study upon which the terms were based. On October 5, 1978, the City informed the Board that it could not agree to the inclusion of certain of the proposed terms in any permits issued but stated that they would negotiate with the Department to resolve the differences.

4. On March 21, 1979 the City requested an extension of time to December 1980 to complete a final EIR and submitted a time schedule for the various steps. The request pointed out that previous delay was caused by the Department in conducting its studies. On May 17, 1979 the Board adopted Order WR 79-9, which allowed the City an extension of time to December 31, 1980.

5. The City has retained the services of an aquatic biologist to perform an extensive study and investigation of background biotic condition of Zayante Creek. The study has since been expanded to include an in-depth analysis of fishery requirements.

6. On July 11, 1980 the City requested another extension of time to July 31, 1983 to complete the EIR. The City indicated that additional time was needed to (1) conduct studies necessary for determining instream flow requirements satisfactory to the Department of Fish and Game, (2) explore the feasibility of involving other districts in participating in the project, and

(3) investigate alternative groundwater supply sources which could affect the scheduling of the Zayante project. Studies by the City's consultants on the fishery, sedimentation, and hydrology have been completed recently and reports have been submitted to the Department. The Department is reviewing the reports.

7. The City has been diligent in proceeding with the project.

It is concluded from the foregoing findings that further extension of time to July 31, 1983 is justified.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Time to submit a final Environmental Impact Report is extended to July 31, 1983.

Dated: March 19, 1981

/s/ CARLA M. BARD
Carla M. Bard, Chairwoman

/s/ L. L. MITCHELL
L. L. Mitchell, Vice-Chairman

/s/ JILL B. DUNLAP
Jill B. Dunlap, Member

/s/ F. K. ALJIBURY
F. K. Aljibury, Member