



State Water Resources Control Board

PROPOSED
MITIGATED NEGATIVE DECLARATION
Pursuant to Section 21080(c)
Public Resources Code

To: Office of Planning & Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044
From: State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

PROJECT TITLE: Water Right Application 32139 of King Ridge Vineyards, LLC

APPLICANT: King Ridge Vineyards, LLC
c/o Guadalupe G. Chavarria
P.O. Box 812
Windsor, CA 95492

PROJECT LOCATION:

The project associated with Application 32139 of King Ridge Vineyards is located approximately 10 miles northwest of the town of Cazadero in Sonoma County, CA. The project site is within the NE 1/4, NW 1/4, and SW 1/4 of projected Section 19, all within Township 9n, Range 12W of the "Fort Ross, CA" U.S. Geological Survey 7.5 minute topographic quadrangle.

PROJECT DESCRIPTION:

Application 32139 requests for the collection to storage of 12 acre-feet (ac-ft) and for direct diversion of two ac-ft from two Points of Diversion (POD 1 & 2). POD 1 will consist of a well that will be located adjacent to an unnamed stream (Unnamed Stream 1) tributary to Wild Cattle Canyon thence Marshall Creek thence South Fork Gualala River, and POD 2 will be at a proposed reservoir which is located on an unnamed stream (Unnamed Stream 2) which is tributary to Unnamed Stream 1. The Project proposed season of diversion would be from October 15 of each year to May 15 of the succeeding year. The requested purpose of use for the Project is for the irrigation of 42.5 acres of existing vineyards.

DETERMINATION:

The State Water Resources Control Board (State Water Board) has determined that the above-described project will have a less than significant effect on the environment for the reasons specified in the Initial Study prepared for this project.

WATER RIGHT TERMS:

Mitigation measures have been incorporated into the project to avoid potential significant environmental impacts. Specific terms reflecting the mitigation measures, written substantially as follows, will be included in any permits, licenses, or orders issued by the State Water Board.

1. During construction, right holder shall comply with the Dust Control and Mitigation Plan approved on April 15, 2014 by the Northern Sonoma County Air Pollution Control District.
2. A biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall be present during any construction work within the stream channel to ensure that no take of foothill yellow-legged frog (*Rana boylei*) occurs. If foothill yellow-legged frogs are encountered during construction, right holder shall cease construction and ground disturbing activities within 250 feet of the location where foothill yellow-legged frogs are present and shall contact the California Department of Fish and Wildlife. Prior to restarting construction activities, right holder shall submit to the Deputy Director for Water Rights evidence of approval by the California Department of Fish and Wildlife to continue construction.
3. No water shall be diverted under this right unless right holder is operating in accordance with a mitigation plan satisfactory to the Deputy Director for Water Rights. The mitigation plan shall address eradication of non-native species. Right holder shall submit a report on mitigation plan activities in accordance with the time schedule contained in the mitigation plan, and whenever requested by the Division of Water Rights. The Deputy Director for Water Rights may require modification of the mitigation plan upon a determination that the plan is ineffective or unsuccessful, or provide relief from this term upon a determination that the mitigation plan is no longer required.
4. If construction and/or tree removal activities are to occur between March 15 to August 15, a biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall conduct a pre-construction survey for the purpose of identifying nesting bird species prior to construction and/or tree removal. The pre-construction survey shall include all potential nesting habitat within 500 feet of the proposed tree removal activities. The survey shall be conducted no more than 14 days prior to the beginning of tree removal activities. If an active raptor or migratory bird nest is found during the pre-construction survey, right holder shall notify the Deputy Director for Water Rights. If an active raptor nest is found during the pre-construction survey, a 500-foot no-disturbance buffer shall be established and maintained around the nest until all young have fledged. If an active nest of any other migratory or non-migratory bird is found, a 250-foot buffer shall be established around the nest until all young have fledged. Right holder shall report to the Deputy Director for Water Rights the results of the survey prior to any construction in the place of use.
5. Right holder shall plant 11 oak trees. The tree replacement plantings shall be located within or adjacent to the existing vegetation. Right holder shall provide a map showing the location of each replacement planting within one year of the date of permit issuance and provide updates to the map with subsequent monitoring reports if changes occur.

Replacement tree plantings will consist of propagules derived from locally collected stock (native of Sonoma County) having a similar genetic origin to indigenous species on site. Right holder shall provide a written statement within one year of permit issuance disclosing the origin of each of the replacement plantings and updates to the written statement with subsequent monitoring reports if failed plantings are replaced or relocated. Right holder shall provide photographic evidence to document the tree replacement plantings within one year of the date of permit issuance and update photographs with subsequent reports if failed plantings are replaced or relocated.

Any diversion of water pursuant to this permit is unauthorized if survival of any of the replacement tree species falls below 75%. Right holder shall maintain replacement plantings such that survival rate of each species is not less than the identified thresholds. Survival rate shall be documented and submitted by right holder annually. Annual monitoring reports shall be prepared by a biologist or certified arborist whose qualifications are acceptable to the Deputy Director for Water Rights. The initial monitoring report shall be submitted to the Deputy Director for Water Rights within one year of the date of permit issuance. The initial monitoring report shall include documentation of:

- planting locations (map)
- species of each planting
- size of each tree at planting (height and diameter at breast height if applicable)
- statement identifying the origin of each replacement tree
- photographic evidence documenting planted replacement trees.

Subsequent annual reports shall be submitted annually to the Deputy Director for Water Rights and shall include documentation of:

- size of each tree (height and diameter at breast height if applicable)
- age of each tree
- health status of each tree
- photographic evidence documenting progress of replacement trees
- locations (updated map), initial size measurement (height and diameter and breast height),
- photographic evidence and statement of origin for new plantings, if necessary to replace failed plantings.

These reports shall be filed annually for a minimum of five years until at least 75% of each species has survived five years. At this time a final report shall be filed that provides written and photographic documentation of the following:

- location of each tree
- size of each tree (height and diameter at breast height)
- age of each tree.

Right holder shall refrain from any activities which may impact the replacement plantings including but not limited to development and timber harvesting in the replanting area.

6. 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.

7. Prior to starting construction, right holder shall submit an erosion control plan for approval by the Deputy Director for Water Rights. Said plan shall include measures to prevent sediment from leaving the construction area and entering waters of the State before, during, and after construction.
8. Within six months of the issuance date of this right, an erosion control plan shall be submitted to and approved by the Deputy Director for Water Rights. Said plan shall include measures to prevent sediment from leaving the place of use and entering waters of the State. Right holder shall provide the Division of Water Rights with evidence that substantiates that the erosion control measures contained in the plan are functioning properly every five years after installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.
9. No water shall be diverted under this right unless the flow in the Unnamed Stream is at or above 0.29 cubic foot per second, as determined at Point of Diversion 1.
10. The maximum rate of diversion to offstream storage shall not exceed 0.22 cubic foot per second.
11. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.22 cubic foot per second by direct diversion to be diverted and 12 acre-feet per year by storage to be collected from October 15 of each year to May 15 of the succeeding year. The total amount of water to be taken from the source (direct diversion plus collection to storage) for all uses shall not exceed 14 acre-feet per year.

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