



State Water Resources Control Board



Linda S. Adams

*Secretary for
Environmental Protection*

Division of Water Rights

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Arnold Schwarzenegger

Governor

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: Smith Family Trust

APPLICANT: Smith Family Trust
c/o Patricia B. Smith, Trustee
1703 Countryside Drive
Vista, CA 92081

PROJECT LOCATION:

The proposed project site is located approximately ten miles southwest of the City of Sacramento, less than a quarter of a mile from the intersection of Twin Cities Road and Interstate 5, in Sacramento County, California. The project site is within Township 5N, Range 5E, Sections 16 and 17 on the "Bruceville, CA" 7.5-minute U.S. Geological Service quadrangle. The project site includes portions of 11 parcels, including the approximately 58.1-acre Smith Family Trust property and the Department of Water Resources (DWR) property.

PROJECT DESCRIPTION:

There are a number of actions pending on License 2805 (Application 10068). The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) is processing requests to split the water right, based on land ownership. Some properties that were in the original place of use, but are no longer served under the license will be removed from the licensed place of use, and the water right quantity will be adjusted accordingly. In addition, the original point of diversion was taken out of service when Interstate 5 was constructed. To remedy the fact that alternate points of diversion are now in use, the following actions have occurred: (1) on April 19, 2002, the Department of Water Resources (DWR) filed a change petition to add existing pump locations and an Unnamed Stream (aka Reclamation District 1002 Drainage Canal) to the license, (2) on December 19, 2005, Tom Stokes filed a petition to change to add his existing pump location to the license, (3) on February 2, 2007, the Smith Family Trust filed a change petition to add a proposed new pump location and source (the same drainage canal requested in the DWR petition) to the license. DWR and Tom Stokes moved their pumps prior to 1980; these changes are part of the baseline for the California Environmental Quality Act (CEQA) evaluation of the Smith Family Trust petition.

California Environmental Protection Agency

The project proposes to relocate an existing point of diversion (POD) approximately 600 feet eastward from DWR-owned land to land owned by Smith Family Trust. The POD is located in the northwestern corner of the project site in the drainage canal, which is tributary to Dredger Cut, also referred to as Lost Slough, which is a tributary to Snodgrass Slough. Relocation of the POD would involve removal of an existing pump and placement of the same or similar type of new pump. The new pump would be located on the southern side of the drainage canal, similar to the existing pump. A power line with a transformer exists at the existing pump location. Sacramento Municipal Utility District (SMUD) intends to extend power from existing power lines by adding three poles along the northern bank of the drainage canal and extending aerial lines over the ditch channel to transfer power to the new pump. A new pipeline would be extended from the proposed pump approximately 500 feet southeast across an existing agricultural field and connected to an existing pipeline. The relocation of the POD would not change the other PODs identified in the license and the DWR and Stokes petitions, the authorized place of use, and the amount of water diverted under this license.

DETERMINATION:

The 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.

PERMIT CONDITIONS:

Source: Water is to be appropriated from Dredger Cut (aka Lost Slough) tributary to Snodgrass Slough in Sacramento County.

Point of Diversion: Water will be diverted from Dredger Cut (aka Lost Slough) tributary to Snodgrass Slough, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 18, T5N, R5E, MDB&M.

Amount and Season: A direct diversion rate of 1.05 cubic foot per second from March 1 to December 1 of each year.

Purposes of Use: Irrigation and stockwatering

Place of Use:

Use Within	Section	Township	Range	B & M	Approximate Acreage
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	5N	5E	MD	24
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	5N	5E	MD	13.2
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	17	5N	5E	MD	7.1
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	18	5N	5E	MD	10.6
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	5N	5E	MD	3.2
Total					58.1

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. No construction shall be commenced and no water shall be diverted or used under this right until all necessary federal, state and local approvals have been obtained for the construction of the project facilities.
2. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, Licensee shall file a report pursuant to Water Code Section 13260 prior to commencement of construction and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.
3. Licensee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance from entering into or being placed where it may be washed by rainfall runoff into the waters of the State.
4. A pre-construction survey should be conducted by a qualified biologist acceptable to the Deputy Director for Water Rights for western pond turtle no more than two weeks prior to commencement of construction activities.
5. Licensee shall not conduct construction activities within 50 feet of drainages from October 16 of each year to April 30 of the succeeding year to reduce the likelihood of the presence of western pond turtles in construction areas. If a western pond turtle is encountered during construction, Licensee shall cease construction and ground-disturbing activities in areas within 250 feet of the location where the western pond turtle is present and shall contact the California Department of Fish and Game for avoidance measures. Prior to restarting construction activities, Licensee shall submit to the Chief of the Division of Water Rights evidence of California Department of Fish and Game approval to continue construction.
6. This license does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 205 - 2097) or the Federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.
7. Construction activities within the drainage canal shall occur during the active season for giant garter snake (May 1 to October 1).
8. A biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall be present during land clearing activities to ensure that no take of this species occurs.

9. Prior to land clearing or construction activities, a biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall conduct a training session for construction field crews to inform them of the possible presence of giant garter snakes and western pond turtles, to describe their appearance and to explain actions to be taken if they are encountered during construction.
10. Work in the drainage canal shall occur from December 1 through July 31 for the protection of Delta smelt.
11. If tree removal activities are to occur between February 1 and September 30, 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 tree removal. The pre-construction survey shall include all potential nesting habitat within 500 feet of 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, the Licensee shall notify the California Department of Fish and Game. 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.
12. Best management practices (BMP) shall be prepared by a licensed civil engineer and submitted to and approved by the Deputy Director for Water Rights, prior to starting construction. BMPs for controlling erosion may include, but are not limited to the following: vegetation removal shall be limited to the minimum amount necessary to accommodate installation of the sump pump; temporary erosion control measures, such as silt fences, staked straw bales, and temporary revegetation, shall be installed in disturbed areas; and sediment shall be retained onsite by sediment basins, traps, siltation barriers or other appropriate measures as needed.
13. No work shall commence and no water shall be diverted at the point of diversion on the Licensee's property under this license until a signed copy of a Streambed Alteration Agreement between the California Department of Fish and Game and the Licensee is filed with the State Water Resources Control Board, Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Licensee. If a Streambed Alteration Agreement is not necessary for this project, the Licensee shall provide the Division of Water Rights a copy of a waiver signed by the California Department of Fish and Game.
14. Should any buried archaeological 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 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

Steven Herrera, Manager Date
Water Rights Permitting Section

APPROVED:

Victoria A. Whitney Date
Deputy Director for Water Rights

NFP: DCC: 09/23/09

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