



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams

*Secretary for
Environmental Protection*

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: Beckstoffer Vineyards Applications 29852, 30252, and 30253 and Petition for Change of Application 25630 (License 12902)

APPLICANT/PETITIONER: Beckstoffer Vineyards
c/o Napa Valley Vineyard Engineering
176 Main Street, Suite B
St. Helena, CA 94574

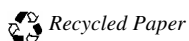
PROJECT LOCATION:

Beckstoffer Vineyards (Applicant) is located approximately 7 miles southwest of the City of Napa in Napa County, California, and is bounded on the north by Las Amigas Road and on the west by Huichica Creek. The project site consists of 296 acres of developed vineyard on gently rolling terrain, located at the southern end of the Huichica Creek watershed within the "Cuttings Wharf, California" U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle in projected Section 6 and Section 7 of Township 4N, Range 4W, Mt. Diablo Base and Meridian (MDB&M).

PROJECT DESCRIPTION:

Water Right Applications 29852, 30252, and 30253 were filed to request appropriation and storage of an additional 79 acre feet of water per year in three licensed reservoirs for irrigation of the existing vineyard. The additional 79 acre feet of water would be diverted from three existing Points of Diversion located on an Unnamed Stream tributary to Mud Slough, an Unnamed Stream tributary to Napa Slough, and Huichica Creek. The three storage reservoirs on the property (Cabral Reservoir #1, Cabral Reservoir #2, and Las Amigas Reservoir) exist under water right Licenses 11333 and 12902 (Applications 24493 and 25630). Cabral Reservoir #1 and Las Amigas Reservoir are onstream reservoirs. An Unnamed Stream has been routed around Cabral Reservoir #2 to create an offstream, pit-type reservoir. The reservoirs are located on the two separate unnamed streams, neither of which discharges into Huichica Creek. Las Amigas Reservoir is located on a watercourse that discharges into Mud Slough and Cabral Reservoir #1 is located on a watercourse that discharges into Napa Slough. Cabral Reservoir #2 was located downstream of Cabral Reservoir #1 on the Unnamed Stream discharging to Napa Slough prior to the stream being re-routed. The pending applications propose water diversion for use in vineyard irrigation throughout the 296 acres of developed

California Environmental Protection Agency



vineyard and expansion of Cabral Reservoir # 2 and Las Amigas Reservoir for additional water storage.

The Applicant also filed two petitions for change on License 12902 (Application 25630). The first petition was filed on February 26, 1993 and requests expansion of the Place of Use from 171 acres to 296 acres to account for a neighboring vineyard which was acquired by the Applicant. The second petition was filed on June 30, 1997 and requests addition of a Point of Rediversion at Cabral Reservoir #1 to accommodate Cabral Reservoir #2 as an offstream reservoir. The Point of Diversion associated with the original onstream dam of Cabral Reservoir #2 is to be abandoned as a result of routing the stream around the reservoir.

The project also involves removal and replacement of the existing pump structure located on the bank of Huichica Creek. The replacement would occur within a small footprint adjacent to the upland maintenance area, approximately 15 feet away from the bank.

DETERMINATION:

The State Water Resources Control 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:

Water Right Application 29852:

Source: Water is to be appropriated from one location on Huichica Creek tributary to Hudeman Slough, thence Napa Slough, thence Sonoma Creek, thence San Pablo Bay.

Point of Diversion: Point of Diversion to Offstream Storage is located North 1,842,491 and East 6,460,306, California Coordinate System 1983, Zone 2. Being within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of projected Section 6, Township 4N, Range 4W, MDB&M. Point of Rediversion (Cabral Reservoir #1) is located North 1,842,391 and East 6,461,806, California Coordinate System, Zone 2. Being within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of projected Section 6, Township 4N, Range 4W, MDB&M. Place of Offstream Storage (Cabral Reservoir #2) is located North 1,841,991 and East 6,461,756, California Coordinate System 1983, Zone 2. Being within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of projected Section 6, Township 4 N, Range 4W, MDB&M.

Amount and Season: Water appropriated shall not exceed 14 acre-feet per annum to be collected to storage in Cabral Reservoir # 2 between November 1 of each year to April 30 of the succeeding year. Maximum rate of diversion from Huichica Creek to offstream storage is 2 cubic feet per second. The combined maximum rate of diversion from Huichica Creek under Applications 25630, 29852, and 30253 shall not exceed 3 cubic feet per second.

Total Annual Use: Not to exceed 14 acre-feet per annum.

Purpose of Use: Irrigation

Place of Use: Includes all of the following, located in Napa County:

17 Acres within NW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within NE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within SE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within NW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
31 Acres within NE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
40 Acres within SE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
14 Acres within NW ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
18 Acres within NE ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
296 Acres

Water Right Application 30252:

Source: Water is to be appropriated from two points of diversion located on two separate Unnamed Streams. One point of diversion is located at Las Amigas Reservoir on an Unnamed Stream tributary to Mud Slough, thence the Napa River, thence San Pablo Bay. Las Amigas Reservoir is also named as a Point of Rediversion. The other Point of Diversion is located at Cabral Reservoir #1 on an Unnamed Stream tributary to Napa Slough, thence Sonoma Creek, thence San Pablo Bay. Cabral Reservoir #1 serves as a Point of Diversion to Offstream Storage.

Points of Diversion: Point of Diversion / Rediversion and Place of Storage (Las Amigas Reservoir) is located North 1,844,041 and East 6,465,407 California Coordinate System 1983, Zone 2. Being within the SE ¼ of the NE ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Point of Diversion to offstream storage (Cabral Reservoir #1) is located North 1,842,391 and East 6,461,806 California Coordinate System 1983, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Place of Offstream Storage (Cabral Reservoir #2) is located North 1,841,991 and East 6,461,756, California Coordinate System 1983, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4 N, Range 4W, MDB&M.

Amount and Season: Water appropriated shall not exceed 65 acre-feet per annum to be collected to storage in Cabral Reservoir #2 and Las Amigas Reservoir between October 15 of each year to April 30 of the succeeding year.

Total Annual Use: Not to exceed 65 acre-feet per annum in combination with Applications 30253 and 24493.

Purpose of Use: Irrigation

Place of Use: Includes all of the following, located in Napa County:

17 Acres within NW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within NE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within SE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M

34 Acres within SW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within NW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
31 Acres within NE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
40 Acres within SE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
14 Acres within NW ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
18 Acres within NE ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
296 Acres

Water Right Application 30253:

Source: Water is to be appropriated from one location on Huichica Creek tributary to Hudeman Slough, thence Napa Slough, thence Sonoma Creek, thence San Pablo Bay.

Point of Diversion: Point of Diversion to Offstream Storage is located North 1,842,491 and East 6,460,306, California Coordinate System 1983, Zone 2. Being within the NW ¼ of the SW ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Point of Rediversion (Cabral Reservoir #1) is located North 1,842,391 and East 6,461,806, California Coordinate System, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Point of Rediversion and Place of Storage (Las Amigas Reservoir) is located North 1,844,041 and East 6,465,407, California Coordinate System Zone 2. Being within the SE ¼ of the NE ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Place of Offstream Storage (Cabral Reservoir #2) is located North 1,841,991 and East 6,461,756, California Coordinate System 1983, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4 N, Range 4W, MDB&M.

Amount and Season: Water appropriated shall not exceed 65 acre-feet per annum to be collected to storage in Cabral Reservoir 2 and Las Amigas Reservoir between October 15 of each year to April 30 of the succeeding year. Maximum rate of diversion from Huichica Creek to offstream storage is 3 cubic feet per second. Combined maximum rate of diversion from Huichica Creek under Applications 25630, 29852, and 30252 shall not exceed 3 cubic feet per second.

Total Annual Use: Not to exceed 65 acre-feet per annum in combination with Applications 30252 and 24493.

Purpose of Use: Irrigation

Place of Use: Includes all of the following, located in Napa County:

17 Acres within NW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within NE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within SE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within NW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
31 Acres within NE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
40 Acres within SE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M

Applications 29852, 30252, 30253
Petition to Change License 12902

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14 Acres within NW ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
18 Acres within NE ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
296 Acres

Petition to Change Water Right License 12902 (Application 25630):

Source: Water is to be appropriated from one location on Huichica Creek tributary to Hudeman Slough, thence Napa Slough, thence Sonoma Creek, thence San Pablo Bay and one location on an Unnamed Stream tributary to Napa Slough, thence Sonoma Creek, thence San Pablo Bay.

Point of Diversion: Point of Diversion to Offstream Storage is located North 1,842,491 and East 6,460,306, California Coordinate System 1983, Zone 2. Being within the NW ¼ of the SW ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Point of Diversion, Point of Rediversion, Place of Storage (Cabral Reservoir #1) is located North 1,842,391 and East 6,461,806, California Coordinate System, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4N, Range 4W, MDB&M. Place of Offstream Storage (Cabral Reservoir #2) is located North 1,841,991 and East 6,461,756, California Coordinate System 1983, Zone 2. Being within the NE ¼ of the SW ¼ of projected Section 6, Township 4 N, Range 4W, MDB&M.

Amount and Season: Water appropriated shall not exceed 45 acre-feet per annum to be collected to storage in Cabral Reservoir 1 and Cabral Reservoir 2 between November 1 of each year to April 30 of the succeeding year. Maximum rate of diversion from Huichica Creek to offstream storage is 1.66 cubic feet per second. Combined maximum rate of diversion from Huichica Creek under Applications 25630, 29852, and 30253 shall not exceed 3 cubic feet per second.

Total Annual Use: Not to exceed 45 acre-feet per annum.

Purpose of Use: Irrigation

Place of Use: Includes all of the following, located in Napa County:

17 Acres within NW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within NE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
37 Acres within SE ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of NE ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within NW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
31 Acres within NE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
40 Acres within SE ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
34 Acres within SW ¼ of SW ¼ of projected Section 6, T4N, R4W, MDB&M
14 Acres within NW ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
18 Acres within NE ¼ of NW ¼ of Section 7, T4N, R4W, MDB&M
296 Acres

PERMIT 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 Resources Control Board.

1. Prior to the start of construction Permittee shall submit a detailed Emission Control and Mitigation Plan to the Deputy Director for Water Rights. Permittee shall also submit a copy of the plan to the San Francisco Bay Area Air Quality Management District. The Emission Control and Mitigation Plan shall be consistent with the San Francisco Bay Area Air Quality Management District's Air Quality Guidelines and include a monitoring and reporting component to ensure that mitigation measures identified in the Emission Control and Mitigation Plan are implemented. Permittee shall provide evidence to verify implementation of measures identified in the Emission Control and Mitigation Plan within 30 days of completion of construction work to the Deputy Director for Water Rights. Permittee shall also provide a copy of the evidence to the San Francisco Bay Area Air Quality Management District upon request. Evidence may consist of, but is not limited to, photographs and construction records.
2. Permittee 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.
3. To prevent degradation of the quality of water during and after construction of the project, Permittee shall file a report of waste discharge 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, San Francisco Bay Region, or by the State Water Resources Control Board.
4. Before storing water in the reservoirs, Permittee shall install a staff gage in each reservoir satisfactory to the Deputy Director for Water Rights, for the purpose of determining water levels in each reservoir. The staff gages must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall record the staff gage readings on the last day of each month and on October 15 annually. Permittee shall record the maximum and minimum water surface elevations and the dates that these water levels occur each water-year between October 1 and September 30. Permittee shall maintain a record of all staff gage readings and shall submit these records with annual progress reports, and whenever requested by the Division of Water Rights.

The State Water Resources Control Board may require release of water that cannot be verified as having been collected under a valid basis of right.

5. Prior to diversion or use of water under this permit, Permittee shall install an in-line flow meter, satisfactory to the Deputy Director for Water Rights, that measures the

instantaneous rate and the cumulative amount of water diverted from Huichica Creek. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall maintain a record of the end-of-the month meter readings and the days and amounts of actual diversion, and shall submit these records with annual progress reports, and whenever requested by the Division of Water Rights.

6. Prior to the start of the diversion or use of water under this permit, the Permittee shall submit a Compliance Plan for approval by the Deputy Director for Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
 - a. A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes, etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.
 - b. A description of the gages and monitoring devices that will be installed or have been installed to measure streamflow and/or reservoir storage capacity, including any necessary calibration.
 - c. A time schedule for the installation and rating of these facilities.
 - d. A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
 - e. An operation and maintenance plan that will be used to maintain all facilities in good condition.
 - f. A description of the events that will trigger recalibration of the monitoring devices and the process that will be used to recalibrate.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

Permittee shall maintain all measurements and other monitoring required by this condition. Permittee shall provide measuring and monitoring records to the Deputy Director for Water Rights within 15 days upon request by the State Water Resources Control Board, the Deputy Director for Water Rights, or other authorized designees of the State Water Resources Control Board.

Diversion or use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized (This term is not for use in permits, licenses, or orders issued pursuant to Application 30252).

7. Permittee shall not use more water under the basis of riparian right on the place of use authorized by this permit than Permittee would have used absent the appropriation authorized by this permit.

Based on the information in the Division of Water Rights files, riparian water has not been used on the Place of Use. Therefore, consistent with this term, Permittee may not divert any additional riparian water for use on the Place of Use authorized by this permit under basis of riparian right. With the Deputy Director of Water Rights approval, this information may be updated, and Permittee may use water under basis of riparian right on the authorized Place of Use, provided that Permittee submits reliable evidence to the Deputy Director for Water Rights quantifying the amount of water that Permittee likely would have used under the basis of riparian right absent the appropriation authorized by this permit. The Deputy Director for Water Rights is hereby authorized to approve or reject any proposal by Permittee to use water under the basis of riparian right on the Place of Use authorized by this permit. Permittee shall report any non-compliance with the terms of the permit to the Deputy Director for Water Rights within three days of identification of the violation.

8. For the protection of habitat for the California red-legged frog along the reservoirs and to allow for the growth of riparian vegetation, Permittee shall:
 - a. Establish and maintain, undisturbed, a 50-foot-wide strip [exact width subject to negotiation with U.S. Fish and Wildlife Service and Department of Fish and Game] of natural upland vegetation around each water storage reservoir. During replanting, no vines shall be replanted within a 50-foot-wide strip to establish the natural vegetation buffer.
 - b. Obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and California Department of Fish and Game prior to any reservoir dredging operation. Permittee shall submit to the Deputy Director of the Division of Water Rights evidence of agency approval prior to any future reservoir dredging operations;
 - c. Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations;
 - d. Make no introduction of non-native fish species into the reservoir; and
 - e. Consult with the U.S. Fish and Wildlife Service and California Department of Fish and Game should any bullfrogs or non-native fish be discovered at or near the reservoir to develop and implement an acceptable bullfrog eradication program. The eradication program may require periodic draining of the reservoirs.

These requirements shall remain in effect as long as water is being diverted under any permit or license issued pursuant to Applications 25630, 29852, 30252, or 30253.

9. This permit 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 and Game Code section 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the

Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

10. For the protection of riparian habitat along Huichica Creek, Permittee shall establish a setback of at least 30 feet along the creek for any new vineyard planting or vineyard replant. The stream setback shall be measured from the top of the bank on both sides of the stream. In areas where existing riparian vegetation extends beyond 30 feet from the top of bank, the setback shall be extended to the riparian vegetation dripline as shown in Figure 3 of the Initial Study document. Figure 3 establishes a minimum setback requirement which may be extended or otherwise altered per any Department of Fish and Game approved restoration plan associated with Applications 25630, 29852, 30252, and/or 30253. No activity shall occur within the setback area, including, but not limited to, grading, herbicide spraying, paved roads, fencing, storage areas, and irrigation, with the exception of occasional equipment access necessary for continued operation of the vineyard. Permitted equipment access shall be limited to only necessary activities with efforts to minimize disturbance of vegetation and soils. Additionally, annual mowing of grasses to reduce fire hazard will be allowed in a 20-foot wide area adjacent to vineyards, provided that rooted vegetative cover is maintained year-round in mowed areas. The setback area shall be protected from disturbance to promote and encourage the recruitment of native riparian shrub and tree species. Planting of native riparian species is also encouraged to provide additional protection to the stream system.

For areas where existing agriculture encroaches on the buffer, the Permittee shall develop and implement an erosion control plan designed to stabilize stream banks and the adjacent corridor to minimize erosion potential and sediment inputs into the stream channels. Prior to diversion and use of water, Permittee shall submit an erosion control plan, approved by the County of Napa, to the Deputy Director for Water Rights.

11. No work shall commence and no water shall be diverted, stored, or used under this permit until a copy of a Lake and Streambed Alteration Agreement between the California Department of Fish and Game and Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of Permittee. If a Lake and Streambed Alteration Agreement is not necessary for this permitted project, Permittee shall provide the Division of Water Rights a copy of a waiver signed by the California Department of Fish and Game.
12. In order to off-set impacts from expansion of the existing reservoirs on the unnamed tributaries, Permittee shall provide a restoration plan to California Department of Fish and Game for review and concurrence prior to diversion or use of water. The restoration plan shall include, at a minimum, 1,000 linear-feet of bank restoration, including but not limited to, activities such as invasive species removal, riparian planting

and bank stabilization using bioengineering techniques. The plan shall include potential locations within the Napa Slough, Mud Slough, or Huichica Creek watersheds. Areas of restoration shall be managed and protected in perpetuity.

13. The Permittee shall obtain all necessary federal (including USACE Section 404), state, and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.
14. No water shall be diverted under this permit except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the California Department of Fish and Game and the National Marine Fisheries Service to protect Steelhead Trout, Coho Salmon, and Chinook Salmon listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code section 2050 to 2098) and the federal Endangered Species Act (16 U.S.C.A. section 1531 to 1544). Construction, operation, and maintenance costs of the required facility are the responsibility of the Permittee (This term is not for use in permits, licenses, or orders issued pursuant to Application 30252).
15. All project construction activities shall be conducted between 7:00 a.m. and 7:00 p.m.
16. To minimize overall construction noise, construction equipment shall be properly maintained and equipped with appropriate noise control features, such as mufflers, in accordance with manufacturers' specifications.
17. 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; 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.
18. If human remains are encountered, then the Permittee shall comply with Section 15064.5(e)(1) of the CEQA Guidelines and the Health and Safety Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground

disturbance in the vicinity of the find shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director for Water Rights.

Specific for Application 29852:

19. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 14 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows: 14 acre-feet per annum in Cabral Reservoir #2.
20. The maximum rate of diversion from Huichica Creek Point of Diversion #5 to offstream storage shall not exceed 2.0 cubic feet per second. The combined maximum diversion rate from Huichica Creek Point of Diversion #5 to offstream storage under Applications 25630, 29852, and 30253 shall not exceed 3.0 cubic feet per second.
21. For the protection of fish and wildlife, under all bases of right, Permittee shall:
 - a) during the period from November 1 to April 30, bypass a minimum of 15.5 cubic feet per second as measured downstream on Huichica Creek at the stream gage located adjacent to the California Department of Fish and Game refuge, as shown on the Natural Resource Conservation Service map on file with the Division of Water Rights;
 - b) bypass the total streamflow whenever it is less than 15.5 cubic feet per second; and
 - c) bypass the total streamflow from May 1 to October 31.

Specific for Application 30252:

22. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 65 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year for storage in Cabral Reservoir #2 and Las Amigas Reservoir.
23. The total quantity of water collected to storage under Applications 30252, 30253, and 24493 shall not exceed 65 acre-feet per year.

Specific for Application 30253:

24. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 65 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year for storage in Cabral Reservoir #2 and Las Amigas Reservoir.

25. The total quantity of water collected to storage under Applications 30252, 30253, and 24493 shall not exceed 65 acre-feet per year.
26. The maximum rate of diversion from Huichica Creek Point of Diversion #5 to offstream storage shall not exceed 3.0 cubic feet per second. The combined maximum diversion rate from Huichica Creek Point of Diversion #5 to offstream storage under Applications 25630, 29852, and 30253 shall not exceed 3.0 cubic feet per second.
27. For the protection of fish and wildlife, under all bases of right, Permittee shall:
 - a) during the period from October 15 to April 30, bypass a minimum of 15.5 cubic feet per second as measured downstream on Huichica Creek at the stream gage located adjacent to the California Department of Fish and Game refuge, as shown on the Natural Resource Conservation Service map on file with the Division of Water Rights;
 - b) bypass the total streamflow whenever it is less than 15.5 cubic feet per second; and
 - c) bypass the total streamflow from May 1 to October 14.

Specific for Application 25630:

28. For the protection of fish and wildlife, under all bases of right, Permittee shall:
 - a) during the period from November 1 to April 30, bypass a minimum of 15.5 cubic feet per second as measured downstream on Huichica Creek at the stream gage located adjacent to the California Department of Fish and Game refuge, as shown on the Natural Resource Conservation Service map on file with the Division of Water Rights;
 - b) bypass the total streamflow whenever it is less than 15.5 cubic feet per second; and
 - c) bypass the total streamflow from May 1 to October 31.
29. The maximum rate of diversion from Huichica Creek Point of Diversion #5 to offstream storage shall not exceed 1.66 cubic feet per second. The combined maximum diversion rate from Huichica Creek Point of Diversion #5 to offstream storage under Applications 25630, 29852, and 30253 shall not exceed 3.0 cubic feet per second.

