



State Water Resources Control Board

MITIGATED NEGATIVE DECLARATION
Pursuant to Section 21092
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: Petition to Change Water Right Licenses 11862 and 12206 of Peninsula Open Space Trust

PETITIONER: Peninsula Open Space Trust
222 High Street
Palo Alto, CA 94301

PROJECT LOCATION:

The project is located on the Johnston Ranch, an 862-acre property in San Mateo County situated directly south of the City of Half Moon Bay. The proposed point of diversion is located on the Arroyo Leon, tributary to Pilarcitos Creek, thence the Pacific Ocean.

PROJECT DESCRIPTION:

Pursuant to Licenses 11862 and 12206, water is collected from Arroyo Leon at two points of diversion (POD). Peninsula Open Space Trust filed a Change Petition with the State Water Resources Control Board (State Water Board) to obtain authorization to divert water at a new POD to storage in three existing tributary onstream reservoirs and to remove the two existing PODs.

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.

NEW LICENSE 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.

License 11862 only

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed a total of twenty-two and two tenths (22.2) acre-feet per annum to be collected from December 15 of each year to

March 31 of the succeeding year as follows: (1) 9.2 acre-feet per annum in Reservoir E and (2) 13 acre-feet per annum in Reservoir G. The maximum withdrawal in any one year shall not exceed 22.2 acre-feet.

The capacities of Reservoir E and Reservoir G covered by this license shall not exceed 9.2 acre-feet and 13 acre-feet, respectively.

License 12206 only

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed a total of forty-nine (49) acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year. The maximum withdrawal in any one year shall not exceed 49 acre-feet.

The capacity of Reservoir F covered by this license shall not exceed 49 acre-feet.

Both Licenses

The maximum instantaneous rate of diversion to offstream storage shall not exceed 1 cubic feet per second.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Licensee shall maintain devices, satisfactory to the Deputy Director for Water Rights, to measure water diverted into the reservoirs from Arroyo Leon and water released from or flowing out of the reservoirs. (0060046)

Licensee shall install and properly maintain staff gages in the reservoirs, satisfactory to the Deputy Director for Water Rights, for the purpose of determining water levels in the reservoirs. Licensee shall record the staff gage readings on or about the last day of each month. Such readings shall be supplied to the State Water Board with the next Report of Licensee by the Licensee. The State Water Board may require the release of water that cannot be verified as having been collected under a valid basis of right. (0070047)

For the protection of fish and wildlife in Arroyo Leon, Licensee shall during the period from December 15 of each year to March 31 of the succeeding year bypass a minimum of 4.2 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated rate. (0140060)

No water shall be diverted under this license unless the licensee has installed a device, satisfactory to the Deputy Director for Water Rights, which is capable of measuring the bypass flows required by the conditions of this license. The measuring device shall be properly maintained. In lieu of a measuring device and monitoring, Licensee can permanently set the intake of the pumping plant at an elevation above the natural stream channel which ensures continuous bypass of the flow required by this license. The flow measurements to establish the necessary elevation of the pump intake shall be made by a registered engineer and approved by the Deputy Director for Water Rights.

Within six months of the issuance of this license, Licensee 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 license. 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 stream flow and/or reservoir storage capacity;
- c. A time schedule for the installation 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; and
- f. A description of the events that will trigger recalibration of the monitoring devices, and the process that will be used to recalibrate.

Licensee 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. The monitoring data shall be maintained by the Licensee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request.

Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized. (000070)

This license is conditioned upon full compliance with the State Department of Fish and Game's (DFG) criteria for fish screens. When replacement of the fish screen required by this term becomes necessary, the new screen shall comply with the current screening criteria established by the DFG. If the fish screen required by this term is rendered inoperative for any reason, the licensee shall notify the Deputy Director for Water Rights immediately and shall restore the fish screen to service as soon as possible. (0000213)

No water shall be diverted under this license except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the State Department of Fish and Game to protect Steelhead trout (*Oncorhynchus mykiss*) and Coho salmon (*O. kisutch*), listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) and/or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). Construction, operation, and maintenance costs of the required facility are the responsibility of the licensee. (0000214)

| | |
|-------------------------------|--|
| Contact Person: Matt McCarthy | Telephone: (916) 341-5310 Email: mmccarthy@waterboards.ca.gov |
|-------------------------------|--|

APPROVED:

ORIGINAL SIGNED BY FEB 17 2012
PHILLIP CRADER FOR:

Barbara Evoy, Deputy Director Date
Division of Water Rights