



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
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PROJECT TITLE: Rodney Carley Application 31360 to Appropriate Water

APPLICANT: Rodney Carley
c/o Daniel Gamer
55 Professional Center Parkway, Suite H
San Rafael, CA 94903-2729

PROJECT LOCATION: The project is located in Round Valley, Mendocino County approximately three miles southeast of the town of Covelo. The project is located on the Jamison Ridge, California, U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle map within the NW¼ of NW¼ of Section 29, T22N, R12W, MDB&M.

PROJECT DESCRIPTION:

On July 19, 2002, Rodney Carley filed water right Application 31360 with the State Water Resources Control Board, Division of Water Rights. A reservoir inundating approximately 2.5 surface acres with an 18-foot high dam is currently in place and impounding 10 acre-feet of water as authorized under Small Domestic Use Registration Certificate R603 (Application D31221R). Application 31360 seeks to authorize an additional 9 acre-feet of water for a total of 19 acre-feet to storage per year.

Water is diverted from an Unnamed Stream tributary to Turner Creek thence Mill Creek thence the Middle Fork Eel River thence the Eel River thence the Pacific Ocean from January 1 to April 1 of each year. Water will be used for irrigation of two acres to enhance wildlife habitat, domestic use, and fire control.

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.

California Environmental Protection Agency

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.

- *The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 19 acre-feet per annum to be collected from January 1 to April 1 of each year.*
- *The total capacity of the reservoir authorized by this permit shall not exceed 19 acre-feet.*
- *In order to prevent degradation of the quality of water during and after construction of the project, Permittee shall file a report pursuant to Water Code section 13260 prior to commencement of diversion or use of water under this permit and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, North Coast Region, or by the State Water Resources Control Board.*
- *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.*
- *For the protection of fish and wildlife, under all bases of right, Permittee shall during the period January 1 through April 1 bypass a minimum of 0.62 cubic feet per second (cfs). Under all bases of right Permittee shall bypass the total streamflow from April 2 through December 31. The total streamflow shall be bypassed whenever it is less than 0.62 cfs.*
- *No water shall be diverted or used under this permit until Permittee has installed devices, satisfactory to the Chief of the Division of Water Rights, which are capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained in operating condition as long as water is being diverted or used under this permit.*
- *As long as water is being diverted, stored, or used under this permit, the outlet pipe riser invert in the reservoir shall be maintained at 95 feet in elevation, corresponding to 10 acre-feet of dead storage.*
- *Before storing water in the reservoir, Permittee shall install a staff gage in the reservoir, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. This staff gage must be maintained in operating condition as long as water is being diverted, stored, or used under this permit.*

Permittee shall record the staff gage readings on the first day of each month. 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.

- *Permittee shall not divert water until the water surface is equal to or greater than 95 feet in elevation and the amount of water held in storage is equal to or greater than 10 acre-feet. Permittee may use well water to augment storage in the reservoir.*
- *Permittee shall monitor and record reservoir stage on a daily basis beginning October 1 each year until the onset of inflow to the reservoir. 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. For the purpose of compliance with this permit the onset of inflow to the reservoir is defined as the first increase in reservoir stage that occurs after October 1 each year.*

At the onset of inflow to the reservoir, Permittee shall open the outlet pipe valve to allow 0.62 cfs to drain from the pond by gravity. The outlet pipe shall remain open (allowing a minimum discharge of 0.62 cfs or natural inflow) until January 1 and until the reservoir is full. The outlet pipe shall be closed after January 1, when the reservoir is full, and any natural inflow would spill to the downstream channel. For purpose of compliance with this permit the reservoir is full when the water surface elevation is equal to or greater than 100 feet.

- *Permittee shall not withdraw water from the reservoir between October 1 and May 31 of the succeeding year.*
- *Prior to diversion or use of water under this permit, Permittee shall install an in-line flow meter on the outlet pipe, satisfactory to the Chief of the Division of Water Rights that measures the instantaneous rate and the cumulative amount of water discharged from the reservoir to the downstream channel. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. On a weekly basis, Permittee shall record the instantaneous rate and the cumulative amount of water discharged from the reservoir while the outlet pipe valve is open. Permittee shall maintain a record of all flow meter readings and shall submit these records with annual progress reports, and whenever requested by the Division.*
- *Any non-compliance with the terms of the permit shall be reported by the Permittee to the Chief of the Division of Water Rights within 3 days of identification of the violation.*
- *This permit does not authorize any act that results in the taking of a threatened, endangered or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 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 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.*
- *Prior to withdrawing water from the reservoir, Permittee shall install an in-line flow meter, satisfactory to the Chief of the Division of Water Rights that measures the instantaneous*

rate and the cumulative amount of water withdrawn from the Reservoir. 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 of the days of actual diversion, and shall submit these records with annual progress reports, and whenever requested by the Division.

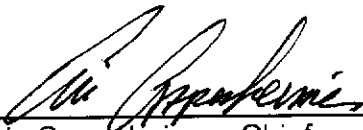
- Permittee shall not stock and shall not allow others to stock fish or other non-native species in the reservoir.
- The prehistoric site identified as the Carley Grassland Site, by William Cull, in the report titled "Archaeological Surface Survey Report For The Carley State Water Control Board Application Number: 31360" shall be avoided during project development and operation. The site shall not be impacted by any of the features of the proposed project (e.g., water diversion, storage-reservoir, and distribution facilities, including installation of buried pipelines; and ripping, trenching, grading, or planting related to conversion and maintenance of the place of use-grassland management activities). An archeologist who has been approved by the California Historical Information System to work in the area, and who is acceptable to the staff of the Division of Water Rights, shall determine the boundaries of the site. The site shall be demarcated and avoided. Any future project-related activities or developments at the location of the above listed site may be allowed only if an archeologist who has been approved by the California Historical Information System to work in the area, and who is acceptable to the staff of the Division of Water Rights is retained to determine the significance of the site. If mitigation is determined to be necessary, then the archeologist shall design, conduct, and complete an appropriate mitigation plan that must be approved by the Chief of the Division of Water Rights prior to any activities related to any new developments. Permittee shall be responsible for all costs associated with the cultural resource related work.
- 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; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of 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 Chief of the Division of 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 Chief of the Division of Water Rights.
- 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

Application 31360
Rodney Carley

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Contact Person: Eric Oppenheimer	Telephone: (916) 341-5384 email: eioppenheimer@waterboards.ca.gov
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APPROVAL OF THE ABOVE IS RECOMMENDED BY:


Eric Oppenheimer, Chief 10/21/08
Russian River Watershed Unit Date


Steven Herrera, Chief 10/23/08
Water Rights Permitting Section Date

APPROVED:

Victoria A. Whitney, Chief Date
Division of Water Rights