
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: Application 31808 to Appropriate Water by Permit

APPLICANTS: Steven & Cecilia Tweed
14511 Cypress Point Terrace
Valley Center, CA 92082

PROJECT LOCATION:

The proposed project is located in Siskiyou County, approximately nine miles southwest of the town of Klamath River. This location can be found within the northwest quarter of Section 4, Township 45 North, Range 9 West of the Mount Diablo Base and Meridian, on the "Horse Creek" U.S. Geological Survey 7.5-minute topographic quadrangle.

PROJECT DESCRIPTION:

This project consists of the development of an onstream reservoir that would divert water from a spring. Water from this reservoir would be used for recreation, fire protection, and irrigation of 10 acres of pasture.

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. *An erosion control/revegetation plan and implementation schedule, prepared by a licensed civil engineer or registered geologist, shall be submitted to and approved by the Deputy Director for Water Rights, prior to starting construction. Before storing water in the reservoir, Permittee shall furnish evidence which substantiates that the erosion control/revegetation plan has been implemented. Evidence includes photographs showing the project area vegetation and slopes.*
2. *In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code section 13260 and shall comply with all waste discharge requirements imposed by the North Coast Regional Water Quality Control Board, or by the State Water Board.*
3. *Permittee shall obtain all necessary 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.*
4. *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.*
5. *Prior to the diversion or use of water under this permit, Permittee shall obtain the appropriate permit from the U.S. Army Corps of Engineers (USACE) and file a copy with Division of Water Rights. If a permit from the USACE is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights with a letter from the USACE affirming that a permit is not needed.*
6. *Prior to the diversion or use of water under this permit, and only if a U.S. Army Corps of Engineers permit is required, Permittee shall obtain Clean Water Act section 401 Water Quality Certification from the State Water Board or the North Coast Regional Water Quality Control Board.*
7. *For the protection of habitat for the foothill yellow-legged frog (*Rana boylei*) and to allow for the growth of riparian vegetation, Permittee shall:*
 - a. *establish and maintain, undisturbed, a 150-foot-wide [exact width subject to negotiation] strip of natural upland vegetation around the water storage reservoir;*
 - b. *obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Game prior to any reservoir dredging operations;*
 - c. *refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations; and,*
 - d. *restrict cattle and domestic stock access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs.*

These requirements shall remain in effect as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 31808.

8. *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 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.*
9. *If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources 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.*

Contact Person: Mark Matranga	Telephone: (916) 327-3112 Email: mmatranga@waterboards.ca.gov
-------------------------------	--