

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000**

INITIAL STUDY

I. BACKGROUND

PROJECT TITLE: McEvoy Ranch Applications to Appropriate Water, Petitions for Change of License and Permits, and Petitions for Extension of Time

APPLICATIONS: 31076, 31077; Petition for Change of License 6564 (Application 17596 (A017596); and Petitions for Change of Permits 20549, 20550, 20551, 20812 (Applications 25209, 25412, 26507, 30121 respectively)

APPLICANT: McEvoy Land, LLC.

APPLICANT'S CONTACT PERSON: Barry Epstein, Agent for Nan Tucker McEvoy
Fitzgerald Abbott & Beardsley LLP
PO Box 12867
Oakland, CA 94604-2867

General Plan Designation: Agricultural 1

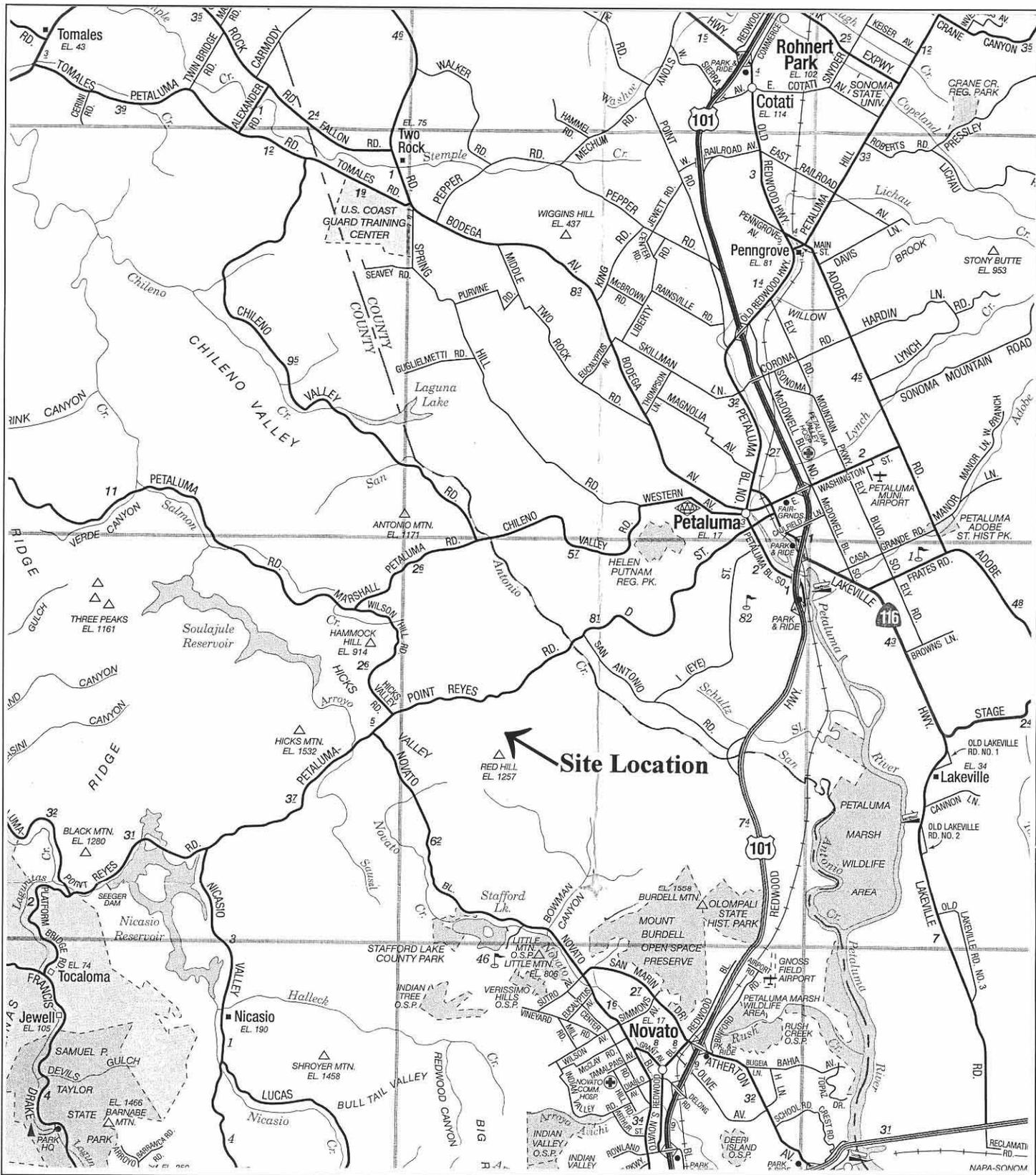
Zoning: Agriculture and Conservation (A60 District)

Introduction

On June 20, 2000 two water right applications for appropriative water rights, five Petitions for Change of existing (permitted and licensed) water rights, and four Petitions for Extension of Time were filed on behalf of Nan Tucker McEvoy (McEvoy). In addition to the two new water rights applications, McEvoy holds four existing permitted rights and one existing licensed right. Application 31076 (A031076) seeks an additional 3.4 acre-feet per annum (afa) of diversion and storage in Reservoir 2 (with rediversion into Reservoirs 3 and 4). Application 31077 (A031077) seeks an additional 1.6 afa of diversion and storage in Reservoir 3 (with rediversion into Reservoir 4). Water will be diverted from an Unnamed Stream tributary to San Antonio Creek, thence the Petaluma River. The project is situated on the McEvoy Ranch, which is in Marin County approximately five miles southwest of the City of Petaluma (Figure 1). The 550-acre property extends from the access road off Red Hill Road in the north to Red Hill in the south. This location can be found within Sections 30 and 31 of Township 4, Range 7, MDB&M shown on the Petaluma U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle (Figure 2).

Project Description

The project includes two water right Applications, several Petitions for Change of existing permitted and licensed water rights, and four Petitions for Extension of time for the McEvoy Ranch. A location map is included as Figure 1. Figure 2 shows the McEvoy Ranch property. Figure 3 shows the location of the existing reservoirs and the new places of use that are



ZANDER ASSOCIATES

Environmental Consultants

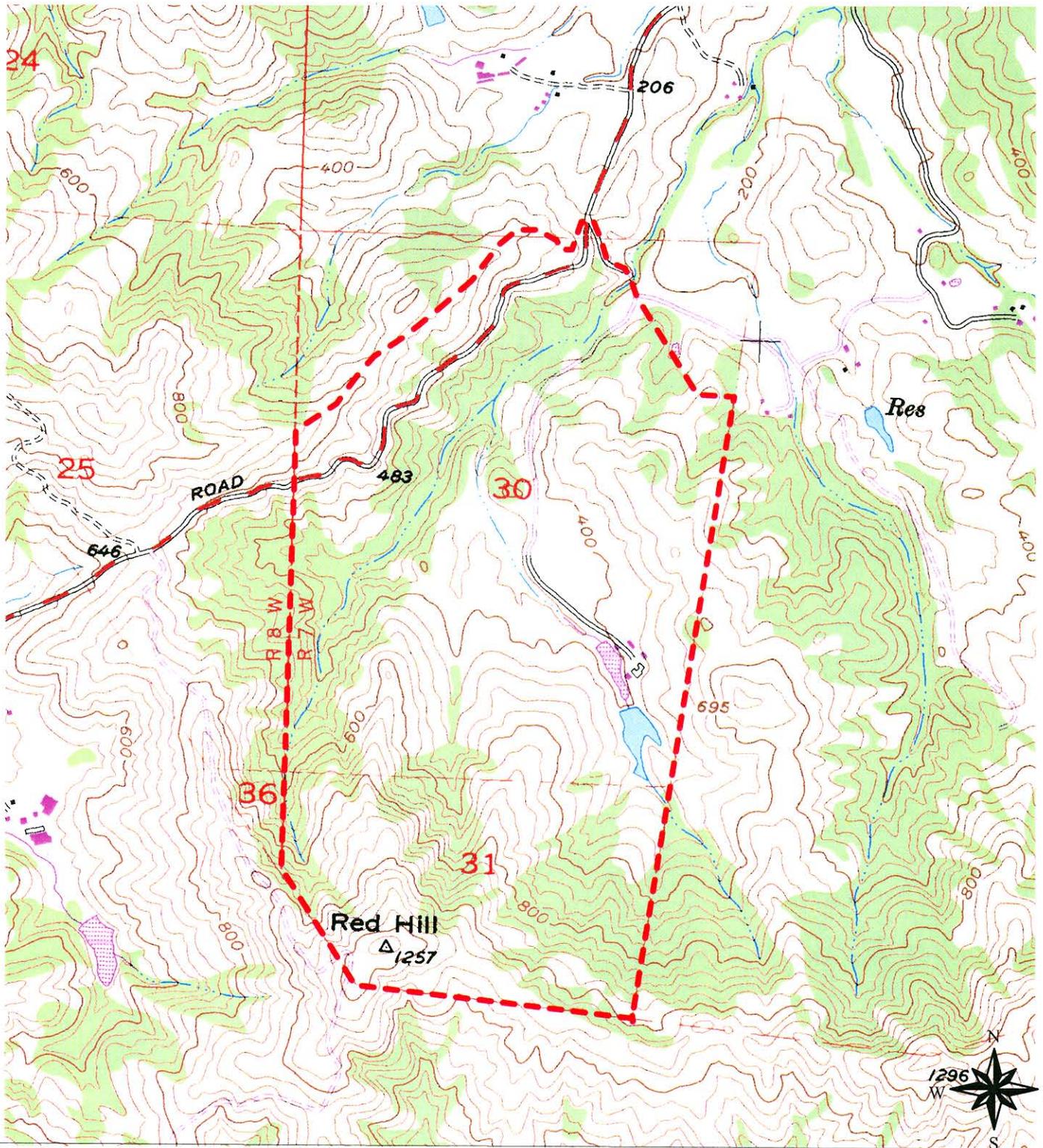
Site Location
McEvoy Ranch
 Marin County, California

Figure
1

JOB NUMBER
MCE1

REVIEWED BY
LZ

DATE
5/04

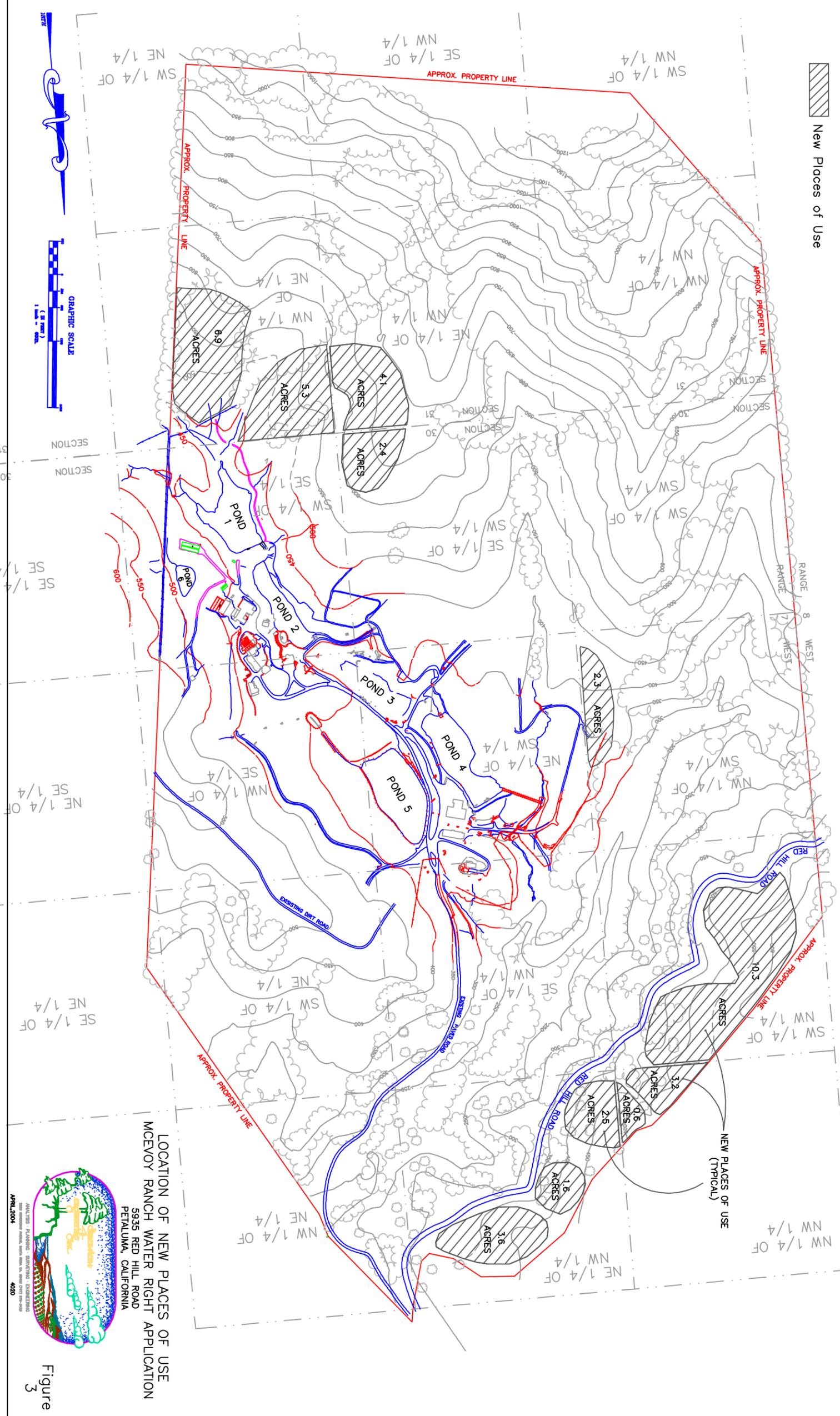


Property Boundary on USGS Base Map
McEvoy Ranch
Marin County, California

Figure
2

MAPPING NOTE:
 THIS MAP IS A COMPILATION OF A 1998 AERIAL MAP FLOWN FOR A PORTION OF THE MCEVOY RANCH AND A COPY OF AN OLDER (1987) TOPD MAP (SERIAL 7) OF THE WHOLE RANCH SUPPLIED BY THE PROPERTY OWNER. THE OLDER MAP IS OF UNKNOWN ORIGIN AND RESPONSIBILITY IS IMPLIED OF ASSIGNED FOR THE ACCURACY AND CURRENT CORRECTNESS OF THE FEATURES SHOWN ON THIS MAP.

 New Places of Use



LOCATION OF NEW PLACES OF USE
 MCEVOY RANCH WATER RIGHT APPLICATION
 5935 RED HILL ROAD
 PETALUMA, CALIFORNIA

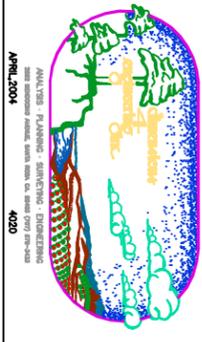


Figure 3

addressed in the applications and petitions. A summary of the existing and proposed water rights is provided in Table 1 followed by descriptions of the proposed applications and petitions.

Table 1: Summary of Existing and Proposed Water Rights

Application No.	Permit No.	License No.	Storage (acre-feet)	Place of Use ¹ (acres)		Purpose of Use	
				existing	proposed	existing	proposed
17596	11111	6564	15	-- ²	19.9	I,J,S,H	I,E,R,S
25209	20549	--	12.4	42	179.2	I,J,S,H	I,E,R,S
25412	20550	--	9.6	42	179.2	I,J,S,H	I,E,R,S
26507	20551	--	7.0	42	19.9	I,J,S,H	I,E,R,S
30121	20812	--	54	96	179.2	I,J,S,H	I,E,R,S
31076	--	--	3.4	--	179.2	--	I,E,R
31077	--	--	1.6	--	179.2	--	I,E,R
Totals			103	96	179.2		
¹ Places of use overlap and proposed change constitutes a net increase of 83.2 acres of which 42.8 would be converted to olive production or landscaping. ² Existing POU not expressed in acres for License 6564.							
E=fire protection, I=irrigation, J=industrial, H=fish culture, R= recreation, S= stockwatering							

Water Rights Applications

Application 31076 seeks an additional 3.4 afa of diversion and storage in Reservoir 2 (with rediversion into Reservoirs 3 and 4). Application 31077 (A031077) seeks an additional 1.6 afa of diversion and storage in Reservoir 3 (with rediversion into Reservoir 4).

The additional water right for Reservoir 2 is being sought because State Water Resources Control Board (State Water Board) staff determined that the actual maximum storage capacity is higher than the existing permitted water right. Permit 20550 (A025412) is for 9.6 afa. State Water Board staff concluded that the actual maximum storage capacity of Reservoir 2 is 12.7 afa. Based on these measurements compared to the existing permitted rights, McEvoy filed A031076 for an additional 3.4 afa for Reservoir 2.¹ The additional water right for Reservoir 3 is being sought to increase (by 1.6 afa) the quantity of diversion and storage in that reservoir.

The new applications seek a diversion season of November 1 through May 1. The purposes of use are for irrigation, fire protection, and recreation. The latter two uses are generally nonconsumptive uses of water in the respective reservoirs; the irrigation use is consumptive.

Irrigation would occur on 179.2 acres of the McEvoy Ranch (the “Orchard Area”) within the following quarter-quarter sections in the MDB&M:

¹ The additional right sought – 3.4 afa for Pond 2 - slightly exceeds the discrepancy between the actual pond capacity (as measured by the State Water Board staff) and the existing right by a total of approximately 0.3 afa. This was done because the State Water Board's original pond capacity measurements were rounded up.

Township 4N, Range 7W, Sec. 31:
4.1 acres -- NE ¼ of NW ¼,
12.2 acres -- NW ¼ of NE ¼

Township 4N, Range 7W, Sec. 30:
21.9 acres -- SE ¼ of SW ¼,
21.5 acres -- NE ¼ of SW ¼
2.3 acres -- NW ¼ of SW ¼
19.0 acres -- SW ¼ of SE ¼
28.0 acres -- NW ¼ of SE ¼
35.5 acres -- SW ¼ of NE ¼
3.0 acres -- SE ¼ of NE ¼
4.2 acres -- NW ¼ of NE ¼
5.7 acres -- SE ¼ of NW ¼
7.7 acres -- NE ¼ of NW ¼
3.8 acres -- NW ¼ of NW ¼
10.3 acres -- SW ¼ of NW ¼

Approximately 42.8 acres within the Orchard Area described above would be converted from grassland to olive production and/or landscaped areas. The remaining areas are already in cultivation or are landscaped.

Petitions

McEvoy Petitions request changes in the place of use (POU) and the purpose of use for the following existing permitted rights and the licensed right:

Water Right Permits:
20549 (A025209) - 12.4 afa
20550 (A025412) - 9.6 afa
20551 (A026507) - 7.0 afa
20812 (A030121) - 54 afa
Water Right License:
6564 (A017596) - 15 afa

The petitions also request the addition of points of diversion and rediversion for these rights (See Figure 3). Additionally Petitions for Extension of Time to complete the project and to put water to full beneficial use for Permits 20549, 20550, 20551, and 20812 (A02520, A025412, A026507, and A030121 respectively) were also filed as part of the proposed project.

Changes to Place of Use

McEvoy petitioned to expand the existing place of use to the entire 179.2-acre Orchard Area identified above, for three of the existing Permits 20549 (A025209), 20550 (A025412), and 20812 (A030121). These rights currently have POUs of between 42 and 96 acres (Table 1). The 179.2-acre Orchard Area subsumes the 42 - 96 acres of the POU specified in the existing permitted rights, so there is no acreage being removed from the POU of these rights under the Petitions for Change.

McEvoy has petitioned to reduce the POU, for Permit 20551 (A026507) and for the existing License 6564. The proposed POU is at Reservoir 1 and Reservoir 6 (for recreation and fire

protection purposes) and for landscape irrigation on 19.9 acres in the following areas (the "Landscape Area"):

Township 4N, Range 7W, Sec. 30:
4.5 acres -- SW ¼ of SE ¼
6.0 acres -- NW ¼ of SE ¼
6.2 acres -- NE ¼ of SW ¼
3.2 acres -- SE ¼ of NW ¼

Approval of the project will result in a 42.8-acre expansion of an existing olive orchard in the following undeveloped areas:

Township 4N, Range 7W, Sec. 30:
NE¼ of NW¼
NW¼ of NW¼
SW¼ of NW¼
NW¼ of SW¼
SE¼ of SW¼

Township 4N, Range 7W, Sec. 31:
NE¼ of NW¼
NW¼ of NE¼

Changes to Purpose of Use

The existing permitted rights all provide for irrigation use. In addition, three of the existing permitted rights provide for other consumptive and nonconsumptive uses (specifically industrial use, fish culture, and stockwatering). The Petitions for Change seek to continue the irrigation use, to delete all of the other existing permitted uses excepting stockwatering, and to add recreation and fire protection (nonconsumptive) uses for the existing permitted rights.

The existing License provides for irrigation use, as well as fish culture, industrial and stockwatering uses. The Petition for Change seeks to continue the irrigation use, to delete all of the other existing permitted uses, and to add fire protection and recreational uses.

Changes to and Additions of Points of Diversion and Rediversion

Under License 6564 (A017596), Reservoirs 2 and 3 are already authorized points of rediversion. Some of the existing permitted rights have already authorized points of rediversion in Reservoirs 2, 3, 4 and 5. The following changes are requested:

- For the existing license, McEvoy has petitioned to add Reservoirs 4, 5, and 6 as additional points of rediversion from Reservoir 1.
- For Permit 20549 (A026509), McEvoy has petitioned to add Reservoir 4 as a point of rediversion.
- For Permit 20550 (A025412), McEvoy has petitioned to add Reservoir 4 as an additional point of rediversion.
- For Permit 20551 (A026507), McEvoy has petitioned to redistribute a portion of the storage (1.9 afa) to Reservoir 6, to add Reservoir 6 as an additional point of

diversion, and to add Reservoir 6 as an additional point of rediversion from Reservoir 1. (Reservoir 6 is existing but is not currently an authorized point for off –stream storage or rediversion under the existing water rights). Also, Reservoirs 2, 3, 4, and 5 will be added as additional points of rediversion.

- For Permit 20812 (A030121), McEvoy proposes to add Reservoirs 3 and 4 as additional points of re-diversion and to add Reservoir 6 as a new point of diversion.

McEvoy's petitions also include technical corrections to the location of those reservoirs, based on re-surveying using more modern methods.

Extension of Time

McEvoy is seeking Petitions for Extension of Time for Permits 20549, 20550, 20551, and 20812 (A02520, A025412, A026507, and A030121 respectively). All of the reservoirs approved under these permits have been constructed and filled to the permitted capacity with water. The time extensions are needed so the authorized and expanded POU can be fully developed and the permitted quantity of water can be put to full beneficial use. Table 2 provides a summary of the time extension petitions filed as part of the proposed project.

Table 2: Summary of Petitions for Extension of Time

Application No.	Permit No.	Permitted Complete Use By	Place of Use (acres)		Water Use (acre-feet)	
			Permitted	Actual ¹	Permitted	Actual ¹
25209	20549	12/31/1994	42	70	12.4	4.3
25412	20550	12/31/1994	42	0	9.6	3.2
26507	20551	12/31/1994	42	6	7.0	0
30121	20812	12/31/1999	96	70	54	27.3
Totals					83	34.8

¹Estimated based on drawdown levels reported in 1999 progress reports and capacity curves developed for reservoirs 1-5 during a 1998 water right investigation.

Evaluation of Table 2 reveals that approximately 34.8 acre-feet of water had been put to beneficial use at the time the Petitions for Extension of Time were filed. Approval of the petitions would result in approximately 48.2 acre-feet of additional water use beyond that occurring at the time they were filed. Therefore, approval of the time extension petitions will amount to re-authorization of a significant portion of the project.

Physical and Operational Changes from Applications and Petitions

The McEvoy applications before the State Water Board would authorize the diversion of an additional five acre-feet of water from an Unnamed Stream tributary to San Antonio Creek, and the conversion of up to 42.8 acres of land for olive production and/or to landscaped areas. No new diversion structures would be constructed. A small wooden weir would be constructed within the existing spillway for Reservoir 3 to raise the water level approximately one foot. The weir will be constructed in the man-made spillway above the ordinary high water mark approximately 60 feet from the edge of the reservoir.

According to the applicant, the additional Orchard Area would not require an increase in the labor force or in the operation of equipment over current uses. McEvoy Ranch engages in

organic production and is certified by California Certified Organic Farmers (CCOF). It does not apply synthetic pesticides, herbicides or fertilizers. The ranch also operates under an Organic System Plan (Plan), as mandated under the United States Department of Agriculture (USDA) National Organic Program, and utilizes Best Management Practices (BMPs) to control stormwater discharge, and to prevent soil erosion, sediment transport, and other impacts from its olive production activities. The Plan will be applied to, and the BMPs will be utilized for, any new portions of the Orchard Area brought into olive production.

Project Background

On June 20, 2000 the applicant filed Applications 31076 and 31077 to Appropriate Water by Permit with the State Water Board for appropriative water rights and several Petitions for Change of existing permitted and licensed water rights. For three of the existing Permits, 20549 (A025209), 20550 (A025412), and 20812 (A030121), McEvoy petitioned to expand the existing POU to the entire 179.2-acre Orchard Area identified above. These rights currently have places of use (POUs) of between 42 and 96 acres. (The 179.2-acre Orchard Area subsumes the 42-96 acres of the POU specified in the existing permitted rights; therefore, no acreage is being removed from the POU of these rights under the Petitions for Change.)

On September 22, 2000, the State Water Board, Division of Water Rights (Division) noticed the applications as “minor” projects (less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 acre-feet per year by storage) as defined by Water Code section 1348. The National Marine Fisheries Service (NMFS) filed a protest on this project indicating concern about the possible effects of the project on Steelhead trout. The NMFS protest remains active, as it has not yet been resolved. Although Department of Fish and Game (DFG) staff provided input on this project they did not file a formal protest.

Environmental Setting

McEvoy Ranch is located in Marin County, approximately five miles southwest of the City of Petaluma (Figure 1). The 550-acre property extends from the access road off Red Hill Road in the north to Red Hill in the south and encompasses a series of rolling hills ranging in elevation from 290 feet to approximately 1,257 feet above sea level. The majority of the site is south of Red Hill Road, but a small portion is north of the road on southeast-facing slopes. Two unnamed ephemeral creeks flow through the property from south to north and are tributary to San Antonio Creek (Figure 2). The westernmost creek is vegetated with mixed oak/bay woodland in the upper reach and flows through open grasslands along the downstream reach. The easternmost creek meanders through the established orchards, landscaped areas and past the ranch residence. There are six existing reservoirs in and around the easternmost creek and the ranch residence. Reservoirs 1 – 4 are located on the easternmost creek on the ranch property and Reservoir 5 is a large holding pond located offstream and filled by winter runoff from a sub-drainage within the watershed of the Unnamed Stream. There is a small holding pond located offstream that is operated in conjunction with Reservoir 1. This pond (Reservoir 6) is not currently an authorized point of diversion or rediversion under the existing water rights. Emergent and submerged vegetation is found around some of the reservoirs and ornamental trees and shrubs are planted along Reservoir 2 adjacent to the ranch residence.

Currently, there are approximately 80 acres of olive orchard and 7 acres of landscaped area in cultivation within the POU. There are 42.8 acres designated as new places of use that would be converted to orchard with the project (Figure 3). The new places of use north of Red Hill Road are primarily blocks of open grassland areas surrounded by existing orchards. The new places

of use west of Red Hill Road are also open grassland areas consisting of a mixture of annual and perennial grasses and herbs. They are situated between steep draws that contain erosional gullies and woodland vegetation.

The ranch offices, mill, ranch residence and gardens are clustered around the easternmost drainage and the olive orchards are planted on the slopes above this area. The remaining portion of the ranch, outside the POU, consists of grasslands with oak woodlands along the drainages and within draws on the north- and east-facing slopes.

The ranch has been used for the production of olive oil since 1991 and has been certified organic since 1999.

Responsible and Trustee Agencies

The State Water Board is the lead agency under CEQA with the primary authority for project approval.

The California Department of Fish and Game is a trustee and responsible agency for this Project with jurisdiction over the fish and wildlife resources potentially affected by the Project. In particular, DFG is a trustee agency for any fishery resources in the Unnamed Stream and in San Antonio Creek, and for plant and animal species on the McEvoy Ranch. DFG staff has provided input into this Initial Study through consultations and a site visit. The Points of Interest (POIs) analyzed on San Antonio Creek and on the Unnamed Stream from which the project proposes to divert water were designated by DFG.

A DFG Lake or Streambed Alteration Agreement may be required for this project. No other government approvals are anticipated for the project.

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

III. EVALUATION OF ENVIRONMENTAL IMPACTS:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project will result in the conversion of approximately 20 acres west of Red Hill Road from grass-covered slopes to orchards. Some of these areas will be visible from Red Hill Road, but the existing oak trees associated with the drainages in that portion of the project site will remain and will screen the slope. The entire project area is zoned agricultural and the proposed use is consistent with that designation. No scenic resources have been designated in the project area. No trees will be removed for the additional orchard plantings. Development of additional vineyard will be visually compatible with the surrounding landscape. The project will not cause impacts to visual resources.

2. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The purpose of the proposed applications and petitions is to continue the current olive orchard operation and add additional grassland areas into cultivation. This use is consistent with the land use designations for the parcels. All parcels containing additional places of use are under Williamson Act contracts. There will be no impact to agricultural resources.

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The expanded area of the McEvoy Ranch and increased olive production activities will not utilize equipment or machinery that produces any additional air emissions, with the exception of very limited vehicle trips around the fields. Harvesting and other cultivation activities are primarily done by hand. Potential air quality impacts resulting from approval of the petitions and water right applications will therefore be less than significant.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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4. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

A water availability analysis and Cumulative Flow Impairment Index Report (WAA/CFII Report) was prepared for the project to determine if unappropriated water is available for appropriation and to assess the cumulative flow related impacts of approving the project on the aquatic resources. Several biological studies were also conducted to support environmental review of the project: a Bat Habitat Assessment Report was prepared by Wildlife Research Associates (October 21, 2002); Rana Resources conducted surveys for California red-legged frog along the

unnamed drainage and in the existing reservoirs within and adjacent to the drainage; Hagar Environmental conducted fisheries habitat assessments; and Zander Associates conducted surveys for special-status plant species in September 2002, and on April 15, 2004, and September 22, 2004 concurrent with a habitat assessment for the new places of use. Following is a summary of the findings with respect to specific issue areas.

Fisheries and Aquatic Life

In 2002, NMFS and DFG developed Draft Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams (DFG-NMFS Draft Guidelines), dated June 17, 2002. (NMFS/DFG, 2002) The DFG-NMFS Draft Guidelines were recommended for use by permitting agencies (including the State Water Board), planning agencies, and water resources development interests when evaluating proposals to divert and use water from northern California coastal streams. The DFG-NMFS Draft Guidelines apply to projects located in the geographic area of Sonoma, Napa, Mendocino, and Marin Counties, and portions of Humboldt County. The DFG-NMFS Draft Guidelines recommend that terms and conditions be included in new water right permits for small diversions to protect fishery resources in the absence of site-specific biologic and hydrologic assessments. The DFG-NMFS Draft Guidelines, in large part, recommend:

- 1) assessing the cumulative impacts of multiple diversion projects on downstream fisheries habitat by calculating the Cumulative Flow Impairment Index (CFII) to estimate the cumulative effects of existing and pending projects in a watershed of interest;
- 2) limiting new water right permits to diversions during the winter period (December 15 through March 31) when stream flows are generally high;
- 3) providing a minimum bypass flow downstream of diversions not less than February Median Flow as calculated at the points of diversion; and
- 4) that new storage ponds be constructed offstream and that permitting of new or existing onstream storage ponds be avoided.

The WAA/CFII Report prepared for the project was submitted to the Division on February 7, 2005. On May 19, 2005 Division staff accepted the revised WAA/CFII Report, dated January 10, 2005. The February 2005 WAA/CFII Report estimated CFII's at points of interest (POIs) POI #1 and POI # 2, to be 28.4 and 14.9% respectively, which is in excess of the 5 to 10% (no impact) threshold established in the DFG-NMFS Draft Guidelines.

Additional fisheries habitat assessment was conducted to determine the nature and extent of the fishery in the waters downstream for which the 10% CFII threshold was exceeded. The WAA/CFII Report, a subsequent Entrix letter report analyzing the CFII at additional POIs in the reach of the Unnamed Stream downstream of McEvoy Ranch (June 24, 2005), and related fish studies (Hagar Environmental Science, September 20, 2005 and February 12, 2004) conclude that the reduction in flow from approval of additional new rights is below impact threshold levels in all reaches that could potentially support anadromous salmonids.

Specifically, the WAA/CFII Report and Entrix letter analyzed the CFII at eight POIs. The first POI is at the point of diversion (Reservoir 4) on the McEvoy Ranch and the remaining POIs encompass increasingly large portions of the San Antonio Creek watershed, with the last POI located just above the point of tidal influence near the confluence of San Antonio Creek with the

Petaluma River. The additional habitat assessment concluded that there is not anadromous salmonid habitat within stream reaches where CFII's exceed 5%, which is the threshold established by the DFG/NMFS Draft Guidelines. Additionally, the fisheries habitat assessment did not find any evidence of anadromous salmonids in the San Antonio Creek watershed between the project PODs and the point of tidal influence.

Allowance of a diversion from November 1 to May 1, for any permits issued pursuant to Applications 31076 and 31077, instead of December 15 through March 31 (as specified in the DFG-NMFS Draft Guidelines) should be approved based on the site-specific considerations described above and because the applicant currently holds a water right permit and a license that authorize a diversion season beginning on November 1. Moreover, an earlier diversion season will result in the reservoirs filling earlier in the season, followed by a return to unimpaired conditions (i.e., fill and spill) downstream of the project. The applicant holds three other permits with diversion seasons beginning on October 1, which will remain unchanged.

As indicated above, the DFG-NMFS Draft Guidelines recommend that permitting of onstream dams be avoided and that new water right permits be conditioned to require a bypass flow equal to the February Median Flow as calculated at the project POD(s). The proposed project will not result in approval of any new onstream reservoirs because construction of the existing onstream reservoirs was already authorized by the applicants existing water right permits and license.

Approval of the project will result in about 53.2 acre-feet of additional water use each year (5 acre-feet associated with Applications 31076 and 31077, and 48.2 acre-feet associated with the approval of the four Petitions for Extension of Time). After accounting for existing and proposed water diversions the seasonal impairment (CFII) immediately downstream of the project will be about 28.4%. DFG has indicated that San Antonio Creek supports non-game fish and aquatic life downstream of the project. DFG has also indicated that San Antonio Creek historically supported Steelhead and have recommended a bypass flow equivalent to the February Median Flow. (DFG, 2007) The WAA/CFII report and other available literature (Leidy et.al., 2005) also indicate that San Antonio Creek historically supported Steelhead. Steelhead trout are listed as a threatened species under the Endangered Species Act, and NMFS and DFG have both recommended that the project incorporate a flow bypass equal to the February median flow. Additionally, the DFG-NMFS Guidelines recommend application of a February median flow bypass for diversion projects for the protection of anadromous fish, even when CFII values are calculated to be less than 5% where fish are present. In other words, the DFG-NMFS Guidelines call for implementation of a February median flow bypass for the proposed project.

Other sensitive aquatic species have been identified in the vicinity of the proposed project (e.g., California red-legged frog and northwestern pond turtle), which could be adversely affected by reduced stream flows. The WAA/CFII report prepared for the project calculated the February Median Flow to be 0.5 cfs. Therefore, for the protection of fisheries and other aquatic resources, the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121).

- For the protection of fish, wildlife, and public trust resources, under all bases of right, Permittee shall, during the period October 1 through May 31, bypass a minimum of 0.5 cubic feet per second. Under all bases of right Permittee shall bypass the total streamflow from June 1 through September 30. The total streamflow shall be bypassed whenever it is less than the 0.5 cubic feet per second. Bypass flows shall be met downstream of Reservoir 4.

The following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 to ensure that the flow bypass terms are implemented.

- Within three months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of 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 stream flow 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.

The monitoring data shall be maintained by the Permittee and made available to the Chief of the Division of Water Rights, upon request.

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.

- No water shall be diverted or used under this permit until Permittee has installed devices, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained.
- No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a Lake or Streambed Alteration Agreement between the California Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a Lake or Streambed Alteration Agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the California Department of Fish and Game.

The following permit terms, substantially as follows, shall be included in any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209),

20550 (A025412), 20551 (A026507), and 20812 (A030121) to ensure that the flow bypass terms are implemented.

- Within three months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
 - g) 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.
 - h) 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, including any necessary calibration.
 - i) A time schedule for the installation and rating of these facilities.
 - j) A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
 - k) An operation and maintenance plan that will be used to maintain all facilities in good condition.
 - l) A description of the events that will trigger recalibration of the monitoring devices, and the process that will be used to recalibrate.

Permittee shall fully implement the compliance plan within six months of the Division's approval of the plan. Diversion or use of water is not authorized under this permit if the Permittee has not 1) implemented the compliance plan, or 2) installed devices satisfactory to the State Water Resources Control Board, which are capable of measuring the bypass flows required by the conditions of this permit within six months of the Division approval of the plan. Said measuring devices shall be properly maintained.

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.

The monitoring data shall be maintained by the Permittee and made available to the Chief of the Division of Water Rights, upon request.

Future diversion of water under riparian right in combination with diversion of water under Applications 31076 and 31077 could result in streamflow impairments beyond those identified in the WAA/CFII report, which in turn could lead to potentially significant impacts to fisheries or other aquatic life. To ensure that future diversion under claim of riparian right does not result in potential impacts to aquatic resources, the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- Based on the information contained in the Division's files, riparian water has not been used on the place of use. Diversion of water is not authorized under this permit if in the future the Permittee diverts water under riparian right. With the Chief of the Division's approval, Permittee may use water under basis of riparian right on the authorized place of use,

provided that Permittee submits reliable evidence to the Chief of the Division 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 Chief of the Division 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.

Approval of the McEvoy Ranch applications and petitions, as conditioned, will not result in significant flow related impacts to anadromous salmonids or aquatic habitat.

Bat Habitat Assessment

Wildlife Research Associates conducted a bat habitat assessment for the entire 179.2-acre POU on September 9, 2002. The assessment concluded that suitable tree foraging habitat exists throughout the POU as well as the remainder of the property. The majority of the structures on the site are designed and constructed in a way that prevents use by bats. Only one structure showed evidence of use by bats - the "Country Kitchen" building located in the main cluster of buildings within the POU. The olive orchards may provide bat foraging habitat but probably do not provide day-roosting or night-roosting habitat. The reservoirs within the POU are suitable foraging habitat for pallid bats as well as many other bat species.

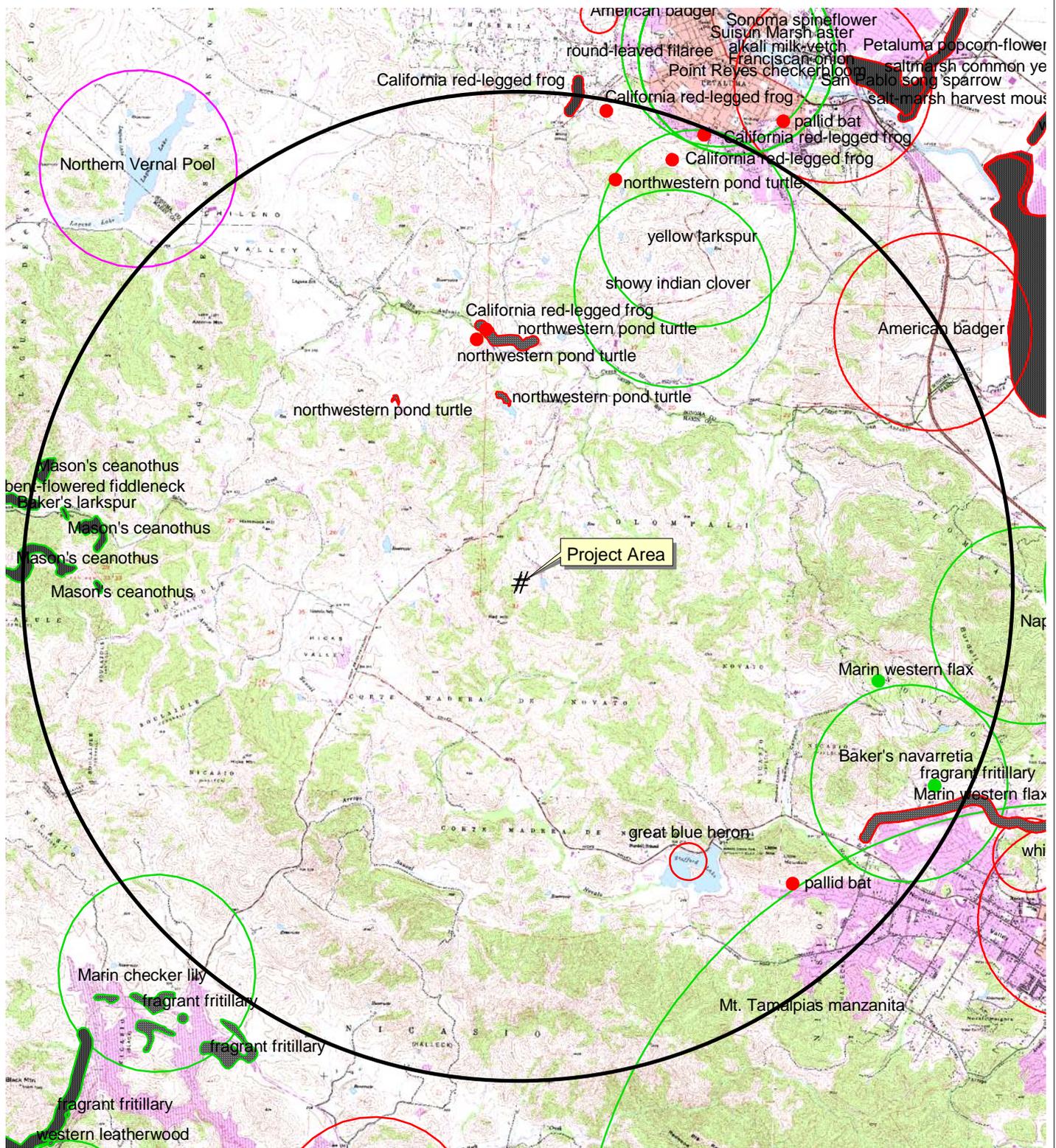
Wildlife Research Associates concluded that the project would remove potential foraging habitat for bats that forage in open grasslands with the conversion of these areas to orchards. This would occur primarily in the new places of use north of Red Hill Road because orchards already surround the other areas. The loss of this habitat is not a significant adverse impact because suitable foraging habitat would remain around the reservoirs, in the woodlands and even in the orchards, but the composition of bat species using the area may change.

McEvoy Ranch encourages bat foraging and roosting on the property as a component of its organic farming approach. Several bat houses are located throughout the site for this purpose. Wildlife Research Associates provides recommendations for maintaining some open grassland within the areas north of Red Hill Road when they are put into cultivation. These are not required mitigation measures because the impacts to bat foraging habitat are less than significant.

Special-Status Species

A search of the California Natural Diversity Database revealed the presence of California red-legged frogs within five miles of the project site (Figure 4). Therefore, Dr. Mark Jennings and Gretchen Padgett-Flohr of Rana Resources conducted protocol-level surveys for California red-legged frog within the POU. No California red-legged frogs were observed within any of the reservoirs in the POU. Rana Resources also concluded that habitat within the reservoirs and drainages is not suitable for foothill yellow-legged frogs but they did observe several pond turtles in the reservoirs. The western pond turtle (*Actinemys marmorata*) is a California Species of Special Concern. Approval of the project is not expected to adversely affect the western pond turtle and therefore no mitigation is required.

Zander Associates completed appropriately timed surveys for special-status plant species in April and September 2004. The surveys were conducted following the *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*. (DFG December 9, 1983; Revised May 8, 2000) No special-status plant species were observed within the designated study area, which included the entire 179.2-acre POU.



Zander Associates
 Environmental Consultants
 150 Ford Way, Suite 101
 Novato, CA 94945

California Natural Diversity Database
 5 Mile Radius
 McEvoy Ranch
 Novato, California

Figure
 4

For the protection of threatened and endangered species, the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- 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 & 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.

Based on the surveys conducted and the conditions evaluated at the project site, the proposed project is not expected to have a potentially significant adverse effect on any species identified as a candidate, sensitive, or special status species. Inclusion of the permit term above will provide assurance that future operation of the project will not adversely affect these resources.

Habitat Conversion

The McEvoy Ranch applications and petitions allow the conversion of the new places of use to cultivated or landscaped areas. This would result in the conversion of up to approximately 42.8 acres of grasslands to cultivated/landscaped areas. Based on personal communications with Jeff Creque, agricultural ecologist for the ranch, no landscaping is proposed within the new places of use and no additional orchard plantings would occur in oak woodlands. It is ranch policy that no oak trees be removed to develop the ranch orchards. The ranch installs new olive trees by digging individual pits within the native habitat; there is no furrowing of the orchard. This allows for the existing grassland to remain in the understory. Currently, the ranch is working to re-establish native perennial bunchgrasses as the main soil cover within the orchards. Considering the methods that would be employed in converting the existing grasslands to orchards, the 42.8 acres is an overestimate of the habitat that would be lost. Grasslands would remain as the main soil cover and would be managed such that the native perennial species continue to thrive.

The conversion of grasslands to orchards could impact species that typically forage in open grassland areas such as birds and several species of bats (see discussion above). This is only an issue in the area west of Red Hill Road where there are large, open, contiguous grassland areas. The other new places of use are smaller patches that are already surrounded by orchard or woodland. Although approximately 22 acres west of Red Hill Road could be converted to orchard, the ranch will continue to maintain large open grassland areas outside of the POU that could be used for foraging by certain species. Therefore, conversion of these grassland areas would not substantially reduce available foraging habitat for species that use open grasslands.

The stockpond in the northern portion of the area west of Red Hill Road is a seasonal wetland that is likely subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act. It is also a "waters of the state" as defined by the State Water Board. The organic farming operations and commitment to fostering the natural ecosystem process that McEvoy

Ranch employs will avoid any indirect impacts to this pond when the area is put into cultivation. No changes to the seasonal stockpond are proposed.

The request for an additional 1.6 afa for Reservoir 3 would result in an approximate one-foot increase in the water surface elevation of the reservoir. This increase would only occur with rain events during the diversion season (November through April) and drawdown would be quick once irrigation commences. The water would be retained by a small weir structure installed in the existing spillway. This structure would be placed at the highest point in the spillway, which is about 60 feet from the ordinary high water mark of the reservoir. There are currently several large, old trees rooted around the edge of Reservoir 3; four yellow willows, five coast live oak, two valley oak and one planted redwood. The trunks of all of the oak trees are more than a foot above the current high water elevation of the reservoir, but the willows and the redwood tree are just at the water edge. Raising the water elevation in the reservoir would not inundate the trunks of the oak trees, but it could increase the duration of time the trunks of the willows and the redwood tree are in the water. Willows are adapted to this type of inundation and therefore would not be impacted by the increased duration. The single planted redwood tree may be affected by the increased inundation and could be lost as a result. The loss of this tree would not be significant as it appears to have been planted and would be replaced by smaller native oak trees that are growing on the slopes above it.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In 2002, Cassandra Chatton of Archeological Resource Service prepared a report documenting a cultural resource survey of the reservoir peripheries, points of diversion, and POU; an area including approximately 179.2 acres for the McEvoy Ranch Applications 31076, 31077 and Petitions for Change of License 6564 and Permits 20549, 20550, 20551 and 20812. A Division staff Archeologist reviewed the report in August 2002. (Memorandum from Donna J. Sheeders to Ross Swenerton August 22, 2002). Based on review of the report, State Water Board staff recommended cultural resource clearance for the project. While potentially significant impacts would not occur and no resource-specific measures are warranted, the following mitigation

measures are recommended as conditions of project approval to further reduce the level of impact.

Based on review of the report, and since there is the possibility that subsurface archeological deposits could be present and accidental discovery could occur the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- 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.

There is also the possibility that an unanticipated discovery of human remains could occur. The following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- If human remains are encountered, then the Permittee/Licensee 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. 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 Chief of the Division of Water Rights.

Inclusion of the permit terms described above will ensure that the project will not result in any potentially significant impacts to cultural resources.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY and SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A geotechnical investigation was conducted in 1999 for a hillside above the McEvoy Ranch residence within the current POE. (Settgast 1999) The purpose of the investigation was to evaluate hillside stability in a relatively steep area to be planted with olive trees. Robert Settgast of Geoengineering, Inc. conducted the study and concluded that the hillside could be cultivated for olive trees with only minimal slippage that would be within acceptable limits.

Precautionary measures were recommended to minimize water infiltration to bedrock, which is the prime cause of earth slides. Specifically, the study recommended: (1) cutting pits for individual trees in lieu of continuous cross-furrowing; (2) minimizing the depths of the cuts as much as feasible; and (3) maintaining uniform slopes and avoiding depressed areas to facilitate runoff during the winter season. These recommendations are consistent with best management practices already followed by the applicant on McEvoy Ranch. Therefore, for the protection of geological and soil resources, the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- Cultivation of the new places of use, as shown on New Place of Use Map No. 01, on file with the Division of Water Rights, within the following areas:

N $\frac{1}{2}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T4N, R7W, MDB&M, and
 NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T4N, R7W, MDB&M

shall be conducted in accordance with the following recommendations as specified in the September 7, 1999, geotechnical evaluation prepared for this project:

- cutting pits for individual trees instead of continuous cross furrowing;
- minimizing the depths of cuts as much as feasible; and
- maintaining uniform slopes and avoiding depressed areas to facilitate runoff.

For the purposes of this permit term cultivation shall include site preparation, planting, installation of irrigation systems, and all other activities associated with establishment and maintenance of new orchards. Prior to issuance of a license for this permit, Permittee shall submit evidence, for approval by the Chief of the Division of Water Rights, which demonstrates that cultivation has occurred in accordance with this term. Evidence shall include certification by a Registered Geologist.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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7. HAZARDS and HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

McEvoy Ranch engages in organic production and is certified by California Certified Organic Farmers (CCOF). It does not apply synthetic pesticides, herbicides or fertilizers. The ranch also operates under an Organic System Plan (Plan), as mandated under the USDA National Organic Program. The project is not within ¼ mile of an existing or proposed school and is not located on a site, which is included on a list of hazardous materials sites compiled pursuant to

Government Code §65962.5. Additionally, the project is not located within two miles of a public airport or private airstrip.

Under the new applications and the petitions, all McEvoy Ranch water rights would provide that stored water is available for fire protection purposes. Irrigated orchards reduce fire danger associated with open grasslands.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. HYDROLOGY & WATER QUALITY.

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site, including through alteration of the course of a stream or river, or substantially increase the rate or volume of surface runoff in a manner that would: | | | | |
| i) result in flooding on- or off-site | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) provide substantial additional sources of polluted runoff | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) result in substantial erosion or siltation on-or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Place housing or other structures, which would impede or re-direct flood flows within a 100-yr. flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				
i) as a result of the failure of a dam or levee?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) from inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Would the change in the water volume and/or the pattern of seasonal flows in the affected watercourse result in:				
i) a significant cumulative reduction in the water supply downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) a significant reduction in water supply, either on an annual or seasonal basis, to senior water right holders downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) a significant reduction in the available aquatic habitat or riparian habitat for native species of plants and animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) a significant change in seasonal water temperatures due to changes in the patterns of water flow in the stream?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) a substantial increase or threat from invasive, non-native plants and wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

McEvoy Ranch engages in organic production and is certified by California Certified Organic Farmers (CCOF). It does not apply synthetic pesticides, herbicides or fertilizers. The ranch also operates under an Organic System Plan (Plan), as mandated under the USDA National Organic Program, and utilizes Best Management Practices (BMPs) to control stormwater

discharge, and to prevent soil erosion, sediment transport, and other impacts from its olive production activities. The Plan will be applied to, and the BMPs will be utilized for, any new portions of the Orchard Area brought into olive production. For the protection of water quality during construction and operation of the project, the following permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Applications 31076 and 31077 and any licenses, orders or amended permits issued for approval of the Petitions for Change of Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121):

- Permittee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance to enter into or be placed where it may be washed by rainfall runoff into the waters of the State.

The project as designed and mitigated is not expected to result in a violation of a water quality standard or in substantial water quality and/or erosion related impacts.

Groundwater withdrawal is not part of the proposed project, and there will not be potentially significant impacts to groundwater resources.

The project will not place structures (with the exception of a weir structure installed in the existing spillway of Reservoir 3) within a 100-year flood plain. Reservoir 3 is too small to be within the jurisdiction of the Division of Dam Safety even at its enlarged capacity. The increase in water storage (1.6 acre-feet) will not present an additional risk to people or downstream structures and there are no occupied areas immediately downstream of Reservoirs 2 and 3. The Water Availability Analysis (WAA)/Cumulative Flow Impairment Index (CFII) Report (Entrix, January 10, 2005) prepared for the proposed project concludes that unappropriated water is available to satisfy the two new applications without impacting existing downstream water users. A discussion of potential impacts of water withdrawal on aquatic dependant resources and mitigation measures is contained in the Biological Resources Section above.

Increased solar insolation of water stored in onstream reservoirs could potentially result in increased water temperatures downstream of the proposed project. All of the reservoirs on-site already exist and no new reservoirs are proposed. Approval of the project will result in an increase in storage capacity, which in turn would decrease streamflow and thermal loading capacity downstream of the project. The physical and operational changes proposed; however, are not expected to result in potentially significant changes in water temperature since total authorized storage capacity would only be increased by approximately 1.6%.

To ensure water is diverted and used in accordance with the conditions of any permits associated with this project, and in turn protect senior water right holders and instream uses, the following terms, substantially as written, will be included in any water right permits or licenses issued pursuant to Applications 31076 and 31077 and any orders or amended permits issued for approval of the Petitions for Extension of Time for Permits 20549 (A025209), 20550 (A025412), 20551 (A026507), and 20812 (A030121).

- Permittee shall install staff gages or other measuring devices in the reservoirs, satisfactory to the Chief of the Division of Water Right, for the purpose of determining water levels in the reservoir. The measuring devices must be maintained in operating condition as long as water is being diverted or used under this permit.

Permittee shall record the water surface elevation readings on the last 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 water surface elevation readings and shall submit these records with annual progress reports, and whenever requested by the Division.

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

- Prior to diversion or use of water under this permit, Permittee shall install and maintain in-line flow meters, satisfactory to the Chief of the Division of Water Rights that measure the instantaneous rate and the cumulative amount of water withdrawn from each Reservoir and consumptively used. Permittee shall maintain a record of the end-of-the-month meter readings and of the days of actual water withdrawal for consumptive use, and shall submit these records with annual progress reports, and whenever requested by the Division.

Irrigation ponds can provide habitat for non-native species (e.g., Bullfrogs). Approval of the project will not significantly increase the threat of invasive species because all on-site reservoirs already exist.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The applications will allow for continued use of the property as an olive orchard, a use consistent with the Agricultural land use designation for the parcels in the Marin Countywide Plan (August 2005). There are no habitat conservation plans or natural community conservation plans covering lands within the project area.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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10. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will not have any affect on mineral resources.

11. NOISE. Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will not result in an increase in the use of farm equipment or other noise-generating machinery above current uses.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. POPULATION AND HOUSING. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project is not expected to result in a substantial increase in the number of workers on the McEvoy Ranch. No new housing is proposed for this project and no infrastructure improvements are necessary. The project will not induce population growth or the need for new housing on or off site.

13. PUBLIC SERVICES. Would the project

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- | | | | | |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project will not result in the need for an increase in public services.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The reservoirs adjacent to the existing ranch house are used for casual recreation. Guests and workers at the ranch can fish, swim or boat on the ponds. No increase in this activity is anticipated with the project and the project will not increase the demand for offsite recreation. Therefore, the proposed project will not have any affect on recreation.

15. TRANSPORTATION / CIRCULATION.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (<i>i.e.</i> , result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially increase hazards due to a design feature (<i>e.g.</i> , sharp curves or dangerous intersections) or incompatible uses (<i>e.g.</i> , farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies supporting alternative transportation (<i>e.g.</i> , bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Approval of the project will not substantially increase operations at McEvoy Ranch over existing levels. Therefore, no potentially significant increase in vehicle trips is anticipated.

16. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

McEvoy Ranch is currently on a septic system and no improvements to that system are anticipated with this project. The two applications for additional appropriative water rights are for an additional 5 afa to be used for consumptive and nonconsumptive uses. An analysis of the cumulative effects of this appropriation concludes that water is available for the additional water sought in the two new applications without impacting existing downstream water diversions (see also Hydrology and Water Quality section above).

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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17. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

As discussed in the preceding sections, the proposed project has a potential degrade the quality of the environment by adversely impacting geological resources, hydrology and water quality, biological resources, and cultural resources. However, with implementation of the identified permit terms, potential impacts would be reduced to a less than significant level. The proposed project has a potential to result in adverse environmental impacts. These impacts in combination with the impacts of other past, present, and future projects, could contribute to cumulatively significant effects on the environment. However, with implementation of the identified permit terms, the proposed project would avoid or minimize potential impacts and would not result in cumulatively considerable environmental impacts. No potentially significant adverse affects to humans have been identified.

IV. DETERMINATION

On the basis of this initial evaluation

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared By:

Leslie Zander

3/18/08

Leslie Zander
Zander Associates

Date

Reviewed By:

Eric Oppenheimer, Sr. Environmental Scientist Date
Water Rights Permitting Section

Steve Herrera, Chief Date
Water Rights Permitting Section

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

Information Sources:

- Water Availability Analysis / Cumulative Flow Impairment Index Report. Entrix, Inc. January 10, 2005.
- Memorandum from Mitchell Katzel of Entrix, Inc. to Barry Epstein re: Results of CFII at Additional Points of Interest Downstream of McEvoy Ranch. June 24, 2005.
- Fisheries Habitat Assessments prepared by Hagar Environmental Science. February 12, 2004.
- Technical Memorandum from Hagar Environmental to Leslie Zander re: Additional Fisheries Habitat Assessment. September 20, 2005.
- Bat Habitat Assessment Report prepared by Wildlife Research Associates. October 21, 2002, Revised January 25, 2006.
- Letter from Gretchen Padgett-Flohr of Rana Resources to Zander Associates re: California red-legged frog Survey Results. December 3, 2002.
- Results of Surveys for Special-Status Plant Species on McEvoy Ranch Applications prepared by Zander Associates. September 2004.
- Habitat Assessment for the New Places of Use, McEvoy Ranch Applications prepared by Zander Associates. January 2006.
- California Natural Diversity Database, 2002 and 2005.
- Letter from Robert Settgast of Geoengineering, Inc. to Nan McEvoy re: Geotechnical Evaluation, Hillside Stability, Proposed Olive Grove Area East of Main Complex, McEvoy Ranch. September 7, 1999
- Report by Cassandra Chatton of Archeological Resource Service titled: A Cultural Resources Evaluation of the McEvoy Ranch, Applications 31076, 31077 and Petitions To Change Permits 20549 (Application 26507(sic) A025209), 201812(sic) 20812, (Application 30121), and License 6564 (Application 17596) to the State Water Resources Control Board. June 19, 2001.
- Memorandum from Donna J. Sheeders, Environmental Specialist - Archeologist, State Water Resources Control Board, Division of Water Rights, to Ross Swenerton re: McEvoy Ranch Applications. August 22, 2002.
- Marin County Soil Survey. U.S. Department of Agriculture, Soil Conservation Service. March 1985.
- Marin Countywide Plan. August 24, 2005.
- DFG, Electronic Mail dated March 1, 2007 from Linda Hanson, Staff Environmental Scientist. California Department of Fish and Game.
- Leidy, R.A., G.S. Becker, B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in streams of the San Francisco Estuary, California. Center for Ecosystem Management and Restoration, Oakland, CA.

Personal Communications:

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Dana Heinrich, Counsel, State Water Resources Control Board.
Bob Murphy, Dimensions 4 Engineering, Inc.