



**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 32263B

PERMIT 21377

Right Holder: Monterey County Water Resources Agency  
P.O. Box 930  
Salinas, CA 93902

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **May 19, 2014**.

**Right holder is hereby granted a right to divert and use water as follows:**

1. Source of water: **Reclamation Ditch**

tributary to: **Tembladero Slough thence Old Salinas River thence the Pacific Ocean**

within the County of **Monterey**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 4	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>Reclamation Ditch</b> North 2,143,788 feet and East 5,777,677 feet	<b>SE ¼ of NW ¼</b>	<b>30</b>	<b>14S</b>	<b>3E</b>	<b>MD</b>

Location of place of storage

By California Coordinate System of 1983 in Zone 4	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>Adjudicated Seaside Groundwater Basin</b>	<b>Within the Adjudicated Seaside Groundwater Basin boundary being within Townships 15S and 16S, Ranges 1E and 2E, all within MDB&amp;M as shown on map filed on February 8, 2017 with the State Water Board.</b>				

3. Purpose of use	4. Place of use				
<b>Irrigation</b>	<b>Within Zone 2B (Salinas Valley) of the Monterey County Water Resources Agency service area boundary as shown on map.</b>	Township	Range	Base and Meridian	Acres
		<b>13S to 14S</b>	<b>1E to 3E</b>	<b>MD</b>	<b>12,043</b>
<b>Municipal</b>	<b>Within the California-American Water Company, Monterey Division service area boundary as shown on map.</b>				

The place of use is shown on map filed on February 8, 2017 with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **6 cubic feet per second** by direct diversion to be diverted and **2,000 acre-feet per year** by underground storage to be collected from January 1 to December 31 of each year. The total amount of water to be taken from the source (direct diversion plus collection to storage) for all uses shall not exceed **2,000 acre-feet per year**.

(000005E)
6. The maximum rate of diversion to underground storage shall not exceed **6 cubic feet per second**.

(000005J)
7. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2048.

(000009)
8. Based on the information in the Division's files, water has not been used under a claimed existing right on the place of use. If right holder exercises a claimed existing right on the place of use authorized by this right without prior approval from the State Water Board, right holder shall forfeit this water right.

(000021C)
9. If the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, right holder shall, at their own expense, have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in California Code of Regulations, title 23, sections 715 and 717 et seq. Said revision(s) or map(s) shall be submitted for approval by the Deputy Director for Water Rights.

(000030)
10. No water shall be diverted under this right unless the flow in Reclamation Ditch at the Point of Compliance located at USGS San Jon Gage (Gage No. 11152650) meets the following conditions:
  - a. At any point during the year when the flow is at or above an instantaneous rate of 30 cubic feet per second, no water shall be diverted until the flow subsides below an instantaneous rate of 20 cubic feet per second.
  - b. From December 1 of each year to February 28 of the succeeding year:
    - 1) If an instantaneous rate of 30 cubic feet per second has occurred since July 1, no water shall be diverted except flows above 2 cubic feet per second.
    - 2) If an instantaneous rate of 30 cubic feet per second has not occurred since July 1, no water shall be diverted except flows above 0.7 cubic foot per second.
  - c. From March 1 to May 31 of each year, no water shall be diverted except flows above 2 cubic feet per second.
  - d. From June 1 to June 30 of each year, no water shall be diverted except flows above 1 cubic foot per second.
  - e. From July 1 to November 30 of each year, no water shall be diverted except flows above 0.7 cubic foot per second.

The instantaneous flow rate shall be based on USGS real-time provisional mean daily stream flow data. Such provisional USGS data used to make flow-related diversion decisions may not always coincide with final published USGS data.

In the event that the USGS San Jon Gage (Gage No. 11152650) is no longer available for streamflow measurements, right holder shall within 15 days submit a plan, satisfactory to the Deputy Director for Water Rights, to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.

(0140060)

11. Right holder shall submit a graph to the California Department of Fish and Wildlife and the National Marine Fisheries Service comparing the daily mean of water diverted at the point of diversion compared to the daily mean flow recorded at the USGS San Jon Gage (Gage No. 11152650) every three month by the 15<sup>th</sup> day of the following calendar month after each three-month period.

(0270300)

12. No water shall be diverted under this right unless right holder is measuring and reporting the bypass flow required by this right on an hourly basis. Measuring and reporting shall be conducted in a manner that is satisfactory to the Deputy Director for Water Rights. Right holder shall maintain a 10-year record of bypass flow measurements required under this right and the records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(0060062D)

13. No water shall be used under this right until right holder has filed a report of waste discharge with the Central Coast Regional Water Quality Control Board (Regional Water Board), pursuant to Water Code section 13260, and the Regional Water Board or State Water Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Water Board or State Water Board are being met.

(0290101)

14. No water shall be diverted to underground storage under this right unless right holder is monitoring and reporting the following: (1) the rate and quantity of water diverted from the point of diversion on an hourly basis; (2) the rate and quantity of water placed into storage at each injection point on a daily basis; and (3) the rate and quantity of water withdrawn from underground storage at each extraction point on a daily basis. Right holder shall monitor using measurement devices or methods satisfactory to the Deputy Director for Water Rights and that meets the requirements of chapter 2.8 of division 3 of title 23 of the California Code of Regulations. Right holder shall maintain a record of water diverted to underground storage, placed into underground storage and extracted from underground storage under this right. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(0080117)

15. An erosion control/revegetation plan and implementation schedule, prepared by a licensed civil engineer, shall be submitted to and approved by the Deputy Director for Water Rights, prior to the construction of the point of diversion and associated infrastructure. Right holder shall furnish evidence which substantiates that the erosion control/revegetation plan has been implemented prior to diversion of water. Evidence includes photographs showing the project area slopes, vegetation, and other erosion control measures in place.

(0000207)

16. No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. (0000208)
  17. No water shall be diverted under this right unless right holder is operating the water diversion facility with a fish screen satisfactory to the Deputy Director for Water Rights. The fish screen shall be designed and maintained in accordance with the screening criteria of the National Marine Fisheries Service and California Department of Fish and Wildlife. Right holder shall provide evidence that demonstrates that the fish screen is in good condition with the annual report and whenever requested by the Division of Water Rights. (0000213)
  18. No water shall be directly diverted under this right unless right holder is measuring and reporting the rate and quantity of water diverted from the point of diversion on an hourly basis. Measuring and reporting shall be conducted in a manner that is satisfactory to the Deputy Director for Water Rights and that meets the requirements of chapter 2.8 of division 3 of title 23 of the California Code of Regulations. (000000R)
  19. Right holder shall comply with the mitigation measures set forth in the Mitigation Monitoring and Reporting Plan (Attachment 1) adopted by the State Water Board. (0400500)
  20. Any recycled water produced by the advanced treatment facility from this right and subsequently injected into the Adjudicated Seaside Groundwater Basin for extraction by the California-American Water Company to service existing uses within the California-American Water Company service area may only be extracted to offset the unlawful diversions of the California-American Water Company from the Carmel River, until such time as consent is given from the State Water Board's Executive Director to apply the water to new service connections or to increased use at existing service addresses resulting from a change in zoning or use. (0360900)
  21. The State Water Board reserves jurisdiction to modify the terms and conditions of this right, including rate of diversion limitations and minimum flow requirements, or related criteria for the protection of fish and wildlife should unforeseen adverse impacts occur to fish or wildlife, water quality, or other instream beneficial uses. Such action will be taken only after notice to right holder and interested parties for the opportunity for hearing. (000000M)
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**THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.) (0000016)
- B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) (0000017)
- C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board. (0000018)
- D. Once the time to develop beneficial use of water ends under this permit, right holder is not authorized to increase diversions beyond the maximum annual amount diverted or used during the authorized development schedule prior to submitting a time extension petition and obtaining approval of the State Water Board. (0000019)
- E. The amount of water for consideration when issuing a license shall be limited to only the amount of water diverted and applied to beneficial use in compliance with the terms and conditions of this right, as determined by the State Water Board. (Wat. Code, § 1610.) (0000006)
- F. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use. (0000015)
- G. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right. (0000010)
- H. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan. (0000070)
- I. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - 1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - 2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;

3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(0000011)

- J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

(0000022)

- K. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

(0000025)

- L. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.

(0000212)

- M. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

(0000203)

- N. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, supplying more than

50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

(000029D)

- O. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this right and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution, article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(000012)

- P. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(000013)

- Q. This right does not authorize any act which results in the taking of a candidate, threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(000014)

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*This right is issued and right holder takes it subject to the following provisions of the Water Code:*

*Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer .*

*Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).*

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY, FOR

*Leslie F. Grober, Deputy Director  
Division of Water Rights*

Dated: MAR 17 2017



# **Attachment 1**

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**Mitigation and Monitoring Reporting Plan for Permits 21376 and 21377 (Applications 32263A and 32263B)**

Impact: Direct or indirect modifications of habitat for endangered or threatened fish species due to construction at Blanco Drain and Reclamation Ditch.		
	Mitigation Measures:	<p>MM-01: For Blanco Drain and Reclamation Ditch, the Monterey County Water Resources Agency (MCWRA) shall assure that all construction of diversion facilities, including the directional drilling under the Salinas River, to be conducted during periods of low flow outside of the South Central California Coast steelhead migration periods. For Blanco Drain, construction of diversion facilities, including the directional drilling under the Salinas River, shall be limited to the period from June 1 to November 30. For Reclamation Ditch, construction of diversion facilities shall be limited to the period from July 1 to September 30.</p> <p>MM-02: For Reclamation Ditch, MCWRA shall assure that preconstruction surveys are conducted to determine whether steelhead are present, and, if so, shall ensure consultation with CDFW and NMFS on a program to halt construction until the steelhead move out of the construction area, a program to capture and relocate the steelhead to suitable habitat outside of the work area during construction, or to implement other equally effective measures that NMFS and CDFW proscribe. Pre-construction surveys shall be consistent with requirements and approved protocols from the NMFS, CDFW, or other applicable resource agencies and performed by a qualified fisheries biologist. MCWRA shall assure submission of the name(s) and credentials of biologists who would conduct activities specified in this measure to applicable regulatory agencies.</p> <p>MM-03: For Blanco Drain and Reclamation Ditch, MCWRA shall assure compliance with the federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA) by assuring compliance with any determination or approval given to the MCWRA by NMFS and CDFW.</p>
	Level of Impact Before and After Mitigation:	<p>Before: Potentially Significant                  After: Less than Significant with mitigation incorporation</p>
	Timing of Implementation, Monitoring, and Implementation Responsibility:	Prior to and during project construction by MCWRA
	Timing in Reporting on Implementation and Monitoring:	<p>Within 30 days after conducting pre-construction surveys, MCWRA shall submit the pre-construction surveys to the Deputy Director for the Division of Water Rights with a summary of compliance for MM-02.</p> <p>Within 60 days after construction is completed, MCWRA shall submit a summary of compliance for MM-01 and MM-03 to the Deputy Director for the Division of Water Rights including the dates of when construction activities occurred and verification of compliance with any approvals required by NMFS and CDFW as a result of construction activities.</p>
Impact: Direct or indirect modifications of habitat for special-status plant and wildlife species and their habitat due to project construction.		
	Mitigation Measures:	<p>MM-04: MCWRA shall commit MRWPCA to implement the following best management practices during all identified phases of construction (i.e., pre-, during, and post) to reduce impacts to special-status plant and wildlife species:</p> <p style="margin-left: 40px;">a. A qualified biologist must conduct an Employee Education Program for</p>

		<p>the construction crew prior to any construction activities. A qualified biologist must meet with the construction crew at the onset of construction at the site to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor will examine the area and agree upon a method which would ensure the safety of the monitor during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that will be incorporated into the construction effort; 5) the general provisions and protections afforded by the USFWS and CDFW; and 6) the proper procedures if a special-status species is encountered within the site.</p> <ul style="list-style-type: none"><li>b. Trees and vegetation not planned for removal or trimming shall be protected prior to and during construction to the maximum extent possible through the use of exclusionary fencing, such as hay bales for herbaceous and shrubby vegetation, and protective wood barriers for trees. Only certified weed-free straw shall be used, to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.</li><li>c. Protective fencing shall be placed prior to and during construction to keep construction equipment and personnel from impacting vegetation outside of work limits. A biological monitor shall supervise the installation of protective fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.</li><li>d. Following construction, disturbed areas shall be restored to pre-construction contours to the maximum extent possible and revegetated using locally-occurring native species and native erosion control seed mix, per the recommendations of a qualified biologist.</li><li>e. Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer, or erosion control specialist, and shall utilize standard erosion control techniques to minimize erosion and sedimentation to native vegetation (pre-, during, and post-construction).</li><li>f. All food-related and other trash shall be disposed of in closed containers and removed from the project area at least once a week during the construction period, or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area.</li><li>g. To protect against spills and fluids leaking from equipment, the project proponent shall require that the construction contractor maintains an on-site spill plan and on-site spill containment measures that can be easily accessed.</li></ul>
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		<p>and these areas shall be outside of riparian and wetland areas to the extent practicable.</p> <p>f. Complete work activities between April 1 and November 1, to the extent practicable. Should the project proponent demonstrate a need to conduct activities outside this period, the project proponent may conduct such activities after obtaining USFWS approval.</p> <p>g. Completely screen intakes with wire mesh not larger than five millimeters (mm) to prevent CRLF from entering the pump system if a work site is to be temporarily dewatered by pumping. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.</p> <p>h. Follow the Declining Amphibian Populations Task Force's Fieldwork Code of Practice to minimize the possible spread of chytrid fungus or other amphibian pathogens and parasites.</p>
	<p>Level of Impact Before and After Mitigation:</p>	<p>Before: Potentially Significant                  After: Less than Significant with mitigation incorporation</p>
	<p>Timing of Implementation, Monitoring, and Implementation Responsibility:</p>	<p>Prior to, during, and after project construction by MCWRA</p>
	<p>Timing in Reporting on Implementation and Monitoring:</p>	<p>Within 60 days after construction is completed, MCWRA shall submit a summary of compliance for MM-04, MM-05, MM-06, MM-07, and MM-08 to the Deputy Director for the Division of Water Rights including verifying implementation of best management practices with dates when such activities occurred, activities conducted by a qualified biologist and the dates of when such activities occurred, the extent of activities conducted to reduce the spread of non-native, invasive species in the project area, and verification of activities implemented to reduce impacts to CRLF.</p>
<p><b>Impact: Adverse impacts to sensitive habitats (including riparian, wetlands, and/or other sensitive natural communities) within the project area from project construction.</b></p>		
	<p>Mitigation Measures:</p>	<p>MM-09: MCWRA shall assure that site and design project features avoid impacts to the riparian and wetland habitats, including direct habitat removal and indirect hydrology and water quality impacts, to the greatest extent feasible while taking into account site and engineering constraints. To protect this sensitive habitat during construction, the following measures shall be implemented:</p> <p>a. Place construction fencing around riparian and wetland habitat (i.e., areas adjacent to or nearby the project construction) to be preserved to ensure construction activities and personnel do not impact this area.</p> <p>b. All proposed lighting shall be designed to avoid light and glare into the riparian and wetland habitat. Light sources shall not illuminate these areas or cause glare.</p>

		<p>In the event that full avoidance is not possible and a portion or the entire riparian and wetland habitat would be impacted, the following minimization measures shall be implemented:</p> <p>c. Permanently impacted riparian and wetland habitat shall be mitigated at no less than a 2:1 replacement-to-loss ratio through restoration and/or preservation. The final mitigation amounts for both temporary and permanent impacts to riparian and wetland habitat shall be determined during the design phase but cannot be less than 2:1 for permanent impacts and 1:1 for temporary impacts, and must be approved by the relevant permitting agencies. The preserved mitigation land shall be managed to improve wetland and riparian conditions compared to existing conditions. It is expected that the mitigation can occur within the Locke Paddon Lake watershed, along the Tembladero Slough, and within the Salinas River corridor near the Blanco Drain near where impacts may occur. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared by a qualified biologist to mitigate for any unavoidable impacts to riparian and wetland habitat. The HMMP shall outline the details of a riparian and wetland habitat restoration plan, including but not limited to, planting plan, success criteria, monitoring protocols to determine if the success criteria have been met, adaptive management protocols in the case that the success criteria are not met, and funding assurances. Plantings and revegetation conducted in compliance with this mitigation measure shall be monitored for a minimum of three years after project completion.</p> <p>MM-10: MCWRA shall assure preparation and implementation of a Frac-Out Plan to avoid or reduce accidental impacts resulting from horizontal directional drilling (HDD) beneath the Salinas River. The Frac-Out Plan shall address spill prevention, containment, and clean-up methodology in the event of a frac out. The proposed HDD component of the Blanco Drain diversion shall be designed and conducted to minimize the risk of spills and frac-out events. The Frac-Out Plan shall be prepared and submitted to USFWS, CDFW, NMFS, and State Water Board for approval prior to commencement of HDD activities for the Blanco Drain Diversion construction.</p>
	<p>Level of Impact Before and After Mitigation:</p>	<p>Before: Potentially Significant                  After: Less than Significant with mitigation incorporation</p>
	<p>Timing of Implementation, Monitoring, and Implementation Responsibility:</p>	<p>Prior to, during, and after project construction by MCWRA</p>
	<p>Timing in Reporting on Implementation and Monitoring:</p>	<p>Within 60 days after construction is completed, MCWRA shall submit a summary of compliance for MM-09 to the Deputy Director for the Division of Water Rights including the extent of fencing around riparian vegetation with photo documentation and verification of avoidance of riparian habitat or implementation of a Habitat Mitigation and Monitoring Plan in the event permanent impacts occurred to riparian habitat.</p> <p>Prior to conducting horizontal directional drilling for the Blanco Drain diversion, MCWRA shall submit the final Frac-Out Plan as approved by USFWS, CDFW,</p>

		NMFS, and State Water Board to the Deputy Director for the Division of Water Rights with a summary of compliance for MM-10. In the event of a Frac-Out, MCWRA shall immediately inform the Deputy Director for the Division of Water Rights, and within 2 weeks shall prepare a report to the Deputy Director for the Division of Water Rights demonstrating compliance with the plan, and any deviations therefrom. MCWRA shall supply the Deputy Director with additional information to evaluate compliance with the plan upon request.
Impact: Adverse impacts to water quality due to rapid water fluctuation from diversion at the Reclamation Ditch which could induce erosion and sedimentation in downstream waters.		
	Mitigation Measure:	MM-11: MCWRA shall ensure operation of the Reclamation Ditch Diversion pumps to minimize erosion on exposed or unvegetated banks or ones that are otherwise susceptible to erosion. This will be accomplished by operating the pumps at an appropriate flow rate, in conjunction with commencing operation of the pumps only when suitable water levels or flow rates are measured in the water body. Proper control shall be implemented to ensure that mobilized sediment would not impair downstream habitat values and to prevent adverse impacts due to water/soil interface adjacent to the Reclamation Ditch. During planned routine maintenance at the Reclamation Ditch Diversion, maintenance personnel shall inspect the diversion structures within the channel for evidence of any adverse fluvial geomorphological processes (for example, undercutting, erosion, scour, or changes in channel cross-section). If evidence of any substantial adverse changes is noted, MCWRA shall notify the State Water Board, NMFS, and CDFW of the changes and consult with these agencies regarding the adverse changes. In the event that the operation and/or diversion facility necessitates a redesign, any new design or modifications shall be made in consultation with the State Water Board, NMFS, and CDFW.
	Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
	Timing of Implementation, Monitoring, and Implementation Responsibility:	During project operation by MCWRA
	Timing in Reporting on Implementation and Monitoring:	Within the annual Report of Permittee for Permit 21377, MCWRA shall include as an attachment to the report photographs documenting the conditions of the channel banks downstream of the Point of Diversion at the Reclamation Ditch and an evaluation of whether there are any erosional impacts due to the operation of the diversion.
Impact: Changes in stream flows that may interfere with fish migration in the Salinas River and Reclamation Ditch due to project operation.		
	Mitigation Measures:	MM-12: For Blanco Drain, from April 1 to October 31 of each year, if the conditions in (a) are met, then no water shall be diverted under this right unless the bypass flow in (b) is implemented and condition (c) is implemented when applicable: <ul style="list-style-type: none"> <li>a. The Salinas River Diversion Facility has not operated during this period of time under the terms of water right licenses 7543 and 12624 and permit 21089 (applications 16124, 16761, and 30532, respectively), the sandbar is not open between the Salinas River Lagoon and the ocean, and, during each of the previous seven consecutive days, either of the following conditions are met:</li> </ul>



		<ol style="list-style-type: none"><li>1) The Salinas River Lagoon surface level has been below 3.0 feet National Geodetic Vertical Datum 29 (NGVD 29); or,</li><li>2) The slide gate between the Salinas River Lagoon and Old Salinas River Channel has been closed.</li></ol> <p>b. A minimum flow of 2 cfs (or the entire flow when the flow is less than 2 cfs) shall be bypassed at Blanco Drain as measured at the point of diversion until the Salinas River Lagoon surface level reaches a minimum of 3.2 feet NGVD 29.</p> <p>c. If condition described by (a)(2) is met, MCWRA shall adjust the slide gate between the Salinas River Lagoon and the Old Salinas River Channel to allow 0.5 cfs to 1.0 cfs of Salinas River Lagoon water to flow into the Old Salinas River Channel until the Salinas River Lagoon surface level reaches a minimum of 3.2 feet NGVD 29.</p> <p>MM-13: For Reclamation Ditch, No water shall be diverted under this right unless the flow in Reclamation Ditch at the Point of Compliance located at USGS San Jon Gage (Gage No. 11152650) meets the following conditions:</p> <ol style="list-style-type: none"><li>a. At any point during the year when the flow is at or above an instantaneous rate of 30 cubic feet per second, no water shall be diverted until the flow subsides below an instantaneous rate of 20 cubic feet per second.</li><li>b. From December 1 of each year to February 28 of the succeeding year:<ol style="list-style-type: none"><li>1) If an instantaneous rate of 30 cubic feet per second has occurred since July 1, no water shall be diverted except flows above 2 cubic feet per second.</li><li>2) If an instantaneous rate of 30 cubic feet per second has not occurred since July 1, no water shall be diverted except flows above 0.7 cubic foot per second.</li></ol></li><li>c. From March 1 to May 31 of each year, no water shall be diverted except flows above 2 cubic feet per second.</li><li>d. From June 1 to June 30 of each year, no water shall be diverted except flows above 1 cubic foot per second.</li><li>e. From July 1 to November 30 of each year, no water shall be diverted except flows above 0.7 cubic foot per second.</li></ol> <p>The instantaneous flow rate shall be based on USGS real-time provisional mean daily stream flow data. Such provisional USGS data used to make flow-related diversion decisions may not always coincide with final published USGS data.</p> <p>In the event that the USGS San Jon Gage (Gage No. 11152650) is no longer available for streamflow measurements, MCWRA shall within 15 days submit a</p>
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		plan, satisfactory to the Deputy Director for Water Rights, to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.
	Level of Impact Before and After Mitigation:	Before: Potentially Significant After: Less than Significant with mitigation incorporation
	Timing of Implementation, Monitoring, and Implementation Responsibility:	During project operation by MCWRA
	Timing in Reporting on Implementation and Monitoring:	As required by conditions 11 and 12 in Permits 21376 and 21377.