

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING – DIVISION OF WATER RIGHTS
JUNE 17, 2008**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR CHANGE IN PLACE OF USE AND EXTENSION OF TIME TO PUT WATER TO FULL BENEFICIAL USE UNDER PERMIT OF SLEEPY HOLLOW PROPERTIES

DISCUSSION

The State Water Board issued Permit 20636 to Sleepy Hollow Properties (Permittee) on September 9, 1992 pursuant to Application 29698. The proposed project is approval of a petition for change in place (POU) of use and a petition for extension of time, the order for which will be considered by the State Water Board at its June 17, 2008 meeting immediately upon adoption of the subject resolution.

On June 1, 2001, Permittee filed a petition for change in the POU and a petition for extension of time. The Permittee petitioned to convert the POU to a vineyard and increase the permitted acreage by 115 acres. Permittee also petitioned for a 20-year extension of time to make full beneficial use of the water authorized under Permit 20636.

Pursuant to State Water Board [Resolution No. 2007-0057](#), the State Water Board Deputy Director for Water Rights has delegation authority to take actions to comply with CEQA for all projects carried out or approved by the Deputy Director under delegated authority from the State Water Board in connection with the administration of its water right program. However, CEQA guidelines preclude a decision-making body from delegating the approval of a Negative Declaration prior to approving the project itself.

On March 16, 2007, the Division of Water Rights issued a notice of intent to adopt a Mitigated Negative Declaration for the project. An Initial Study and proposed Mitigated Negative Declaration were subsequently circulated for public review; no comments were received. Approval of the proposed resolution will certify the final Mitigated Negative Declaration prior to State Water Board consideration of an order approving the petition for change in place of use and a petition for extension of time.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends adoption of the proposed resolution.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

ADOPTION OF THE NEGATIVE DECLARATION FOR APPROVAL OF PETITION FOR CHANGE OF PLACE OF USE AND PETITION FOR EXTENSION OF TIME

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) in connection with its water right proceeding to consider approving a Petition for Change in Place of Use and a Petition for Extension of Time for water right Permit 20636 (Application 29698).
2. On March 16, 2007, the Division circulated a notice of intent to adopt a Mitigated Negative Declaration for the project, SCH No 2007032089. (Cal. Code Regs., tit. 14, § 15072.)
3. The public review period for the proposed Mitigated Negative Declaration closed on April 16, 2007.
4. No comments were received during the public review process for the proposed Mitigated Negative Declaration.
5. The final Mitigated Negative Declaration has been completed in compliance with CEQA.
6. The Mitigated Negative Declaration reflects the State Water Board's independent judgment. After considering the Mitigated Negative Declaration, the State Water Board hereby determines that the proposed project, with mitigation measures, will not have a significant effect on the environment.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the final Mitigated Negative Declaration for Petition for Change in Place of Use and Petition for Extension of Time for water right Permit 20636 (Application 29698).

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 17, 2008.

Jeanine Townsend
Clerk to the Board