

California Environmental Protection Agency  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES  
CONTROL BOARD  
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DIV. OF WATER RIGHTS  
SACRAMENTO

**ENVIRONMENTAL INFORMATION**  
**FOR PETITIONS**

Petition for Change     Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

**1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED**

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The change requested is adding an additional point of diversion to storage. No construction activity will take place. A portable screen box and pump will be hand carried to the stream. No increase in water diversion will take place. No change in use will take place. The additional point will allow a 50 gal/min constant flow to the holding pond to reduce the surge flow from the existing diversion. This will provide additional protection to the stream by reducing stream level fluctuations.

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**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: \_\_\_\_\_ N/A \_\_\_\_\_ Date of contact:  
\_\_\_\_\_

Department: \_\_\_\_\_ Telephone:  
(\_\_\_\_) \_\_\_\_\_

County Zoning Designation:  
\_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning

General plan change  Other (explain):  
\_\_\_\_\_  
\_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management

Soil Conservation Service  Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board

Coastal Commission  State Lands Commission  Other (specify) \_\_\_\_\_ DFG 1600 \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

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d. Have you contacted the California Department of Fish and Game concerning your project?  YES  
 NO

If YES, name and telephone number of contact: (707) 944-5500 Greg Martinelli

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project?  YES  
 NO

If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

\_\_\_\_\_

If NO, check the appropriate box and explain below, if necessary:

The petitioner is a California public agency and will be preparing the environmental document.\*

I expect that the SWRCB will be preparing the environmental document.\*\*

I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency:  X  Dept of Fish and Game

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

YES  NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact:

c. What method of treatment and disposal will be used?

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⌚ See Attachment No. \_\_\_\_

## 6. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? ⌚ YES  NO

b. Will you be preparing an archeological report to satisfy another public agency? ⌚ YES  NO

c. Do you know of any archeological or historic sites located within the general project area? ⌚ YES  
 NO

b.

ENVIRONMENTAL INFORMATION FOR PETITIONS PET-ENV (10-04) -4- If YES, explain:

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## 7. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.



⌚ Along the stream channel immediately downstream from the proposed point(s) of diversion.

⌚ Along the stream channel immediately upstream from the proposed point(s) of diversion.

At the place(s) where the water is to be used.

### 8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 12/3/08 Signature:  

**Biological Impact Report**  
**Water Availability Evaluation**  
**Jim Steele, Biological Consultant**  
**Branscomb Farms LLC Diversion**  
**August 1, 2008**

**Site Description:**

Frenchmans Creek is located on the north side of the city of Half Moon Bay and crosses under Hwy 1. The area drained is ~2660+ acres and the creek length is ~4.5 miles in length depending on the line measured. The stream grade in this area is 0.5-1.0%. Riparian growth is dense near the channel edge and along the bank for the length of the stream. The width of the riparian growth is variable from several feet to tens of feet in some areas, providing shade cover to >90% in most locations near the diversion site.

The diversion method will be by portable pump with capacity of 50 gals/min. A 3/32" mesh screen (stainless steel) for the pump intake is proposed consistent with DFG fish screening recommendations for salmonid fry (drawing enclosed). An existing path will be used to transport the pump to the stream.

Water will be pumped to irrigate riparian ownership immediately adjacent to the stream during the summer months. A 7.5 acre/ft pond is available to store appropriate use water. The pond is setup to receive water via pipe from the Frenchmans Creek Water District (FCWD) flashboard dam located approximately ¼ mile upstream. The District was formed to distribute water to local farmers in circa 1946. Following summer diversion (June to Oct30) water will be pumped to fill the storage pond per SWRCB License 3220. The FCWD DFG 1600 permit requires a fish ladder and also restricts diversion in favor of the ladder, the portable pump will be used to reduce dependency on the dam and reduce pulse flows of water from the dam.

**Habitat Based Stream Assessment**

Sixteen special status species have potential occurrence near the diversion structure based on ranges that include the city of Half Moon Bay and coastal prairie habitats and streams in the county. Since there is no construction involved in the operation of the diversion, only species likely to be impacted from water use or path clearing are considered. No documented occurrence of sensitive plant species are known to the project area, particularly for riparian habitats. The path area lacks the micro habitat components considered necessary for listed plant species such as coastal dunes, coastal bluff scrub, coastal prairie, chaparral, marshes, swamps, vernal pools, serpentine soils, cismontane woodland, nor valley and foothill grasslands. Wildlife species likely to occur near this stream environment from the September 2007 CNDDDB database include: the San Francisco dusty footed woodrat (*Neotoma fuscipes annectens*), CA red-legged frog (*Rana aurora dratonii*), western pond turtle (*Actinemys marmorata*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and steelhead trout (*Oncorhynchus mykiss*).

**Dusty footed woodrat.** The woodrat could be affected if path clearing in the riparian area removes nests. The path to the pump site will be surveyed for nests prior to vegetation removal. A review of the

general area where the path would occur found no nests. Woodrat nests were found several hundred feet from the stream bank in more suitable habitat.

**Red-legged frog.** The life history of the red-legged frog requires slow moving water during the breeding season from December through April (generally). Basically it is a pond frog that can be found in certain stream environments. Eggs require 6 to 12 days before hatching from large egg masses attached to submerged or emergent vegetation. Metamorphosis occurs 3.5 to 7 months after hatching and juveniles do not travel far from aquatic habitats. The channel near the sidestream pump area is a three to four foot wide run environment with no pools. The proposed 3/32" stainless steel mesh screen covering the pump orifice is sufficient to exclude all stages of this species.

**Western pond turtle.** The western pond turtle inhabits permanent fresh water favoring deep pools with basking sites such as logs, rocks, matted vegetation or exposed shorelines. The year round flows and moderate depth (1-4') pools of Frenchmans Creek make pond turtles likely as do nearby farm ponds and coastal marshes. Because pond turtles nest away from water and young turtles (1-2") are too large to be impinged on 3/32" mesh making impacts unlikely.

**SF garter snake.** The SF garter snake is only found on the SF peninsula in San Mateo County and in northern Santa Cruz County. It occupies freshwater marshes, ponds, sloughs, and their associated riparian corridors. There are no documented sightings of SFGS in Frenchmans Creek system but the occurrence of red-legged frogs which are a prey item and a documented sighting along Pilarcitos Creek (~1mile away) make this species possible. The species breeds away from aquatic habitats and protecting its prey and the 3/32" mesh exclusion screen makes impacts unlikely.

**Steelhead trout.** A sea run population of steelhead trout is found in Frenchmans creek. All aquatic values, such as spawning, and rearing for fish, are sustained above the diversion. There is rearing habitat from the site to the confluence with the ocean (1/4 mile) with some gravel sites suitable for spawning. A stream walk in 2006 found evidence of a spawning redd ½ mile upstream of the diversion near a perched culvert. Issues to be reviewed that might cause impact are screen impingement, loss of habitat and passage from flow reduction.

The proposed 3/32" mesh screen size is derived from the DFG/NMFS joint screen recommendations for fry sized fish. The approach velocity recommended is not to exceed 0.40 fps so the surface area of the screen must be sufficient to reduce approach velocity. The total area of the screen (>1.0sq.ft.) is significantly larger than the recommended  $0.06\text{cfs}/0.40\text{fps}=0.15\text{ sq. ft.}$  The parallel to flow location of the screen provides sweeping velocities maximized to stream flow. Sweeping flows at double approach velocity (.30fps) is recommended. Stream flows near the opening are typically >1fps noted below ( $1.0/0.3=3\text{X}$ ) and would prevent fish impingement at all flows.

**Water availability.** Few flow measurements are available in Frenchmans Creek. Flows measured for the Frenchmans Creek Water District ¼ mile upstream of the Branscomb diversion are applicable. No diversion was taking place at the FCWD site when measured and no diversions are between the two sites. The channel width is approximately the same at the two sites at 4'. Flows taken at this site using a Global Flow Probe are 5/16/06=6.6CFS, 6/04/06=4.69CFS, 7/01/06=3.89CFS, 7/08/06=3.46CFS,

08/09/06=2.99CFS, 8/27/06=2.57CFS, 9/09/06=2.05CFS, 9/11/06=1.64CFS, 9/29/06=1.35CFS, 10/23/06=0.94CFS, 11/13/06=1.03CFS (first rain). The diversion rate of 0.11CFS is 1.0% of the highest flow, 12.0% of the lowest flow and 4% of the mean flow at 2.86CFS. A diversion rate of 0.11CFS is not sufficient to expose (or measure the effect of) any critical passage crossover gavel bar.

No measurements are available during February or other winter flow periods. But the likelihood of flows in winter less than those measured above (during the same season) are minimal. All bypass flows from such a small diversion rate are sufficient to protect instream values on its face based on the evidence available. The diversion rate is basically at a de minimus level.

**Water Rights and Cumulative impacts.** The applicant has used summer period riparian water and appropriative water from Frenchmans Creek since before 1946 through the FCWD flashboard dam diversion. The only basis of riparian right required is the riparian ownership of the applicant (map attached). Other users in the watershed include the landowners receiving water from the FCWD. Although there are several records in the WRIMS data files maintained by the SWRCB for Frenchmans Creek.

For the purpose of determining impacts, only those records that divert during the summer season apply to this applicant:

#S009363- 0.75CFS	May 1 to October 1
#S009385- 0.75CFS	s/a
#S009386- 0.75CFS	s/a

During stream surveys in 2004 and 2006, no pumping during the summer months (06-10) was observed in Frenchmans Creek indicating that the above diverters may be inactive. In practice, wells are now being used by several previous summer diverters (e.g. Silva flowers; largest grower). It is also probable that many former growing fields have been converted to other uses (housing, horse ranches) which need less water or have other sources. The total summer diversion found in records was 2.25CFS if all diverters were active. Based on instream measurements (above) substantial flows remain in Frenchmans creek during May through October even if these diverters were active during the growing season and not observed. The applicant's diversion would increase this to 2.31CFS or a 2.4% increase. The cumulative impact of this increase would not be measurable against the flows measured as available in the stream.

J. Plummer is downstream of the applicant and known to have an application to DFG for 50/gal/min. Another possibility is that the FCWD could begin diverting by permit at the proposed rate of 20% or less of stream flow. FCWD would reduce the available flows to a mean of 2.5CFS using the available measurements and a reduction in flow from the proposed diversion of 2.4%. The same diminishing chance of diversion logic applies for protection for instream resources as noted above. Basically, the diversions in Frenchmans creek have diminished over the years from subdivision growth and alternative water supplies. At the noted diversion levels an argument for cumulative impact is not supported by the available evidence.



## References

- Brode, J. 1990 Five year Status Report. San Francisco garter snake, Endangered Species Project. Inland Fisheries Division, CA DFG.
- Bulger, J. et al. 2003. Terrestrial Activity and Conservation of Adult Red-legged Frogs. In Coastal Forests and Grasslands. *Bio-Conservation* 110:85-95
- Bury, R., D. Holland. 1993. Western Pond Turtle. In Conservation Biology of Freshwater Turtles, IUCN Special Publication.
- CA Department of Fish and Game, 2007. CA natural diversity database, CA DFG, Sacramento Ca.
- CA Fish and game code. 2007 sec 6022 Water for Bypass; Requirements (a).
- Green, J. Frenchmans Creek Water District. 2006. Water Records Pers. Com.
- Stebbins, R. 2003. A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Co. Boston MA.
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