

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

DIVISION OF WATER RIGHTS

ORDER WR 2021-0092-EXEC

In the Matter of License 9847 (Application 17913)

City of Santa Cruz

ORDER APPROVING TEMPORARY URGENCY CHANGE

SOURCE: Newell Creek tributary to San Lorenzo River

COUNTY: Santa Cruz County

BY THE EXECUTIVE DIRECTOR:

1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION

On September 1, 2021, the City of Santa Cruz (City or Petitioner) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of change to the subject license pursuant to California Water Code section 1435. Petitioner requests authorization to temporarily reduce the minimum bypass/release rate required by License 9847 from 1 cubic foot per second (cfs) to 0.25 cfs.

2.0 BACKGROUND

2.1 City of Santa Cruz's Water Rights

On December 12, 1957, Petitioner filed Application 17913, which was permitted on November 12, 1958, and then licensed on September 17, 1971. License 9847 authorizes Petitioner the right to divert up to 5,600 acre-feet (AF) of water per year from Newell Creek tributary to San Lorenzo River thence Monterey Bay. Petitioner is authorized to collect water for storage in Newell Creek Reservoir, formerly Loch Lomond Reservoir, with a storage capacity of 8,624 AF. The maximum withdrawal is up to 3,200 AF per year. The season of diversion is September 1 of each year through July 1 of the succeeding year, and the purposes of use are Municipal, Domestic, Industrial, Recreational and Fire Protection. In addition to License 9847, Petitioner holds Licenses

7200 and 1553 for diversion of water at its Tait Street Diversion Facility and Permits 16123 and 16601 for diversion of water at its Felton Diversion Facility, both from the San Lorenzo River. Petitioner also holds pre-1914 appropriative water rights on several small coastal streams.

License 9847 is subject to the terms of a Stipulation and Agreement, dated August 1, 1958, between the California Department of Fish and Wildlife (CDFW, formerly Fish and Game) and Petitioner (formerly Santa Cruz County Flood Control and Water Conservation District). The Stipulation and Agreement resolved a protest that had been filed by CDFW to the original application, and included the following term to protect and preserve fisheries and associated recreational resources of Newell Creek:

“Said applicant will at all times release or bypass from or through Newell Creek Reservoir Dam into the natural streambed of Newell Creek immediately below said dam a minimum of 1 cfs.”

License 9847 incorporates the terms of the Stipulation and Agreement by reference as follows:

“This license is subject to that certain stipulation and agreement entered into between the California Department of Fish and Game and the Santa Cruz County Flood Control and Water Conservation District, received by State Water Rights Board on September 15, 1958.”

Petitioner requests that the State Water Board temporarily reduce the bypass or release amount as provided in the Stipulation and Agreement to 0.25 cfs.

2.2 2021 Governor’s Proclamations of a Drought State of Emergency

California is experiencing severe to exceptional drought conditions across the state as Water Year 2021 is a second consecutive dry year and with record-breaking high temperatures. In response to California’s severe drought conditions this year, Governor Gavin Newsom proclaimed a regional drought state of emergency on April 21, 2021 for the Russian River Watershed, and on May 10, 2021 he signed a proclamation expanding the drought state of emergency to the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watersheds. On July 8, 2021, Governor Gavin Newsom signed a proclamation further expanding the regional drought state of emergency to include Santa Cruz County and 8 other counties where drought effects are increasingly severe or where state emergency response may be needed. The Governor’s drought Proclamations bring a total of 50 of the state’s 58 counties under the drought state of emergency.

The Governor's July 8, 2021 Proclamation states,

"since my May 10, 2021 Proclamation, California's water supplies continue to be severely depleted, and high temperatures are now increasing water loss from reservoirs and streams (especially north of the Tehachapi Mountains), and thus demands by communities and agriculture have increased, supplies of cold water needed for salmon and other anadromous fish that are relied upon by tribal, commercial, and recreational fisheries have been reduced, and risk has increased of drought impacts continuing in 2022 because of continued water loss from climate change-driven warming temperatures and less water available in reservoirs and streams from two years of below average precipitation."

The July 8, 2021 Proclamation directed the State Water Board to consider,

"modifying requirements for reservoir releases or diversion limitations to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, enhance instream conditions for fish and wildlife, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. The Water Board shall require monitoring and evaluation of any such changes to inform future actions."

3.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Ordinarily, the State Water Board must comply with applicable requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) prior to issuance of any order approving a TUCP. (Cal. Code Regs., tit. 23, § 805.) However, the Governor's July 8, 2021 Drought Emergency Proclamation, ordering paragraph 12, suspended CEQA and regulations adopted pursuant to CEQA in the identified counties, to the extent necessary for the State Water Board to address drought-related impacts. Petitioner's request to temporarily lower the bypass/release requirement of Newell Creek Reservoir is for a project falling under the suspension in the Governor's July 8, 2021 Proclamation. In conjunction with approving this Order, the State Water Board will add the activities approved under this Order to its list of suspended CEQA projects on its website.

Petitioner filed a Notice of Exemption on August 24, 2021. Petitioner determined that the requested water right change is exempt from CEQA because it is an emergency project, it is carried out in accordance with the Governor's July 8, 2021 Drought Emergency Proclamation, it is consistent with the statutory exemption criteria for an emergency project, and it is consistent with a categorical exemption for existing facilities. (Pub. Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, § 15269, subd. (a) & (c), 15301.) The Petitioner's basis for claiming the exemptions is that its water situation continues to be dire, and that its only source of stored water for drought protection is being depleted and must be protected to mitigate the effects of the drought emergency declared by the Governor and to prevent worse effects. The State Water Board has reviewed the information submitted by the Petitioner and has made its

own independent finding that the requested changes are exempt from CEQA; the proposed change is exempt from the CEQA because it is an emergency project that is being carried out consistent with a state of emergency as proclaimed by the Governor on July 8, 2021. The State Water Board will issue a Notice of Exemption for the TUCP.

4.0 PROCEDURAL REQUIREMENTS CONCERNING THE TEMPORARY URGENCY CHANGE PETITION

On September 7, 2021, the State Water Board issued and delivered to the City a notice of the temporary urgency change petition pursuant to Water Code section 1438, subdivision (a). The Petitioner published the notice in *Santa Cruz Sentinel* on September 7, 2021, pursuant to Water Code section 1438, subdivision (b)(1). In addition, the State Water Board posted the notice of the TUCP on its website and distributed the notice through its electronic notification system. Any interested person could file an objection to a temporary urgency change before the end of the noticing period, which ended on September 22, 2021. (*Id.*, subd. (d).) The State Water Board must promptly consider any objections and may hold a hearing on any objections. (*Id.*, subd. (e).)

As of September 22, 2021, the State Water Board had received one objection from Mr. Richard Morat. Mr. Morat objected to the TUCP based on potential adverse impacts caused by the reduced bypass/release rate requested in the TUCP to fisheries downstream of the reservoir. Mr. Morat claimed that “the risks being taken for water supply are unreasonably out of balance with the risks being levied on fish for the next year or two.” Mr. Morat’s objection also questioned the Petitioner’s water management measures to mitigate the drought conditions. Mr. Morat requested that the following terms be included for an approval of the TUCP:

- 1) Prescribes a water management plan for future years that requires a projection of allowable deliveries (volume over a period of time), month by month tracking of use and enforcement of allowances such that use excess to the allowance has to be made up within the following month. Discretionary uses that do not fit in the overall protection of beneficial uses simply have to be denied; and,
- 2) The 180-day period of reduced minimum flows be conditioned to hydrology that ensues starting with rains this fall. Regulation should take this month-by-month and plan to rescind the change as soon as risks to water supply and fishery impacts are re-assessed and determined to be inappropriate and unreasonable for the moment.

The State Water Board has considered Mr. Morat’s objection, and addresses similar points, including impacts to fish and wildlife, urgency of the petition, and public interests, in Section 5 of this Order. In addition, this Order includes a condition that requires the Petitioner resume the bypass/release of 1 cfs as provided in the 1958 Stipulation and

Agreement and License 9847 if hydrological conditions improve and storage levels increase in Newell Creek Reservoir.

The State Water Board exercises continuing supervision over temporary urgency change orders and may modify or revoke temporary urgency change orders at any time. (Wat. Code, §§ 1439, 1440.) Temporary urgency change orders automatically expire 180 days after issuance, unless they are revoked, an earlier expiration date is specified, or they are renewed. (*Id.*, §§ 1440, 1441.)

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the water right may petition for a conditional temporary change order. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a TUCP, the State Water Board must make the following findings: (1) the right holder has an urgent need to make the proposed change; (2) the proposed change may be made without injury to any other lawful user of water; (3) the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and (4) the proposed change is in the public interest. (Wat. Code, § 1435, subd. (b)(1-4).)

A temporary change order does not result in the creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the Board. (Wat. Code, § 1440.)

5.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an “urgent need” means “the existence of circumstances from which the board may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented....”

In this case, an urgent need exists for the proposed change in the reservoir release/bypass requirement from Newell Creek Reservoir. As indicated in the petition, the City is experiencing critically dry conditions for water year (WY) 2021. WY 2020 was also a dry year, which puts water supply at risk as the City is dependent on local rainfall

for municipal water supply. The petition states that cumulative river runoff for the San Lorenzo River was only slightly better than WY 2014, one of the driest years on record. Currently, upstream tributaries have all gone nearly dry and the flows in the mainstem of Newell Creek are substantially reduced. Current inflow to the Reservoir is only 0.16 cfs. As of September 16, 2021, the elevation of Newell Creek Reservoir was 552.4 feet, with a storage of 1,622 million gallons (MG) at 57% of reservoir capacity; the 10-year average from 2010 to 2020 for mid-September is 84% of capacity. The City states that the reservoir's operable storage does not include the lowest 1,000 MG of storage, which leaves only an operable storage of 622 MG in the reservoir. The City indicates that the 622 MG operable storage only equals to about 88 days of water supply based on the City's average daily demand of 7.1 MG per day.

Although the City holds other water right permits and licenses for surface water diversions, its primary source of water, the San Lorenzo River, is currently near its lowest flow levels, which limits the City's ability to divert at its Felton Diversion and Tait Diversion facilities. The City's pre-1914 rights to divert from coastal streams are also constrained due to fishery protection considerations and the very low flows. In addition, the City's access to water from Majors Creek became unavailable due to infrastructure damage from a landslide.

During normal years, the City does not require withdrawal from Newell Creek Reservoir until the summer months. Because of the critical dry weather pattern and needs for instream flow bypasses, the City started withdrawals from Newell Creek Reservoir much earlier than usual this year and reservoir storage levels are substantially below average as a result. Maintaining the required release of 1 cfs from Newell Creek Reservoir at current inflow levels from upstream will reduce reservoir storage further and put the City's only currently reliable source of water at higher risk. If this drought continues into the next water year, the City may be required to withdraw water from Newell Creek Reservoir for municipal supply in the coming winter months, which would further decline storage levels in the Reservoir and potentially pose a serious water-supply risk to the City.

Absent significant precipitation events and the relief from the bypass and release requirement from Newell Creek Reservoir, Petitioner's water supply will approach a dangerously low level for supplying essential human health and safety needs.

Pending long-term petitions

Petitioner filed a petition for change on January 29, 2019 (amended on August 5, 2020 and January 22, 2021) for License 9847 along with petitions on the City's other water right permits and licenses for diversion from the San Lorenzo River. Petitioner's long-term petitions seek approval to consolidate the City's water rights licenses and permits and to increase operational flexibility of its water supply system. Along with proposed changes in point of diversion, method of diversion, purpose of diversion, and place of use of its water rights, Petitioner requests to modify the existing fishery bypass requirements. Petitioner requests to include mutually agreeable streamflow

requirements (Agreed Flows) that it has negotiated with the National Marine Fisheries Services (NMFS) and CDFW. The Agreed Flows are developed to set bypass requirements for different hydrological conditions from driest to very wet.¹ The Agreed Flows proposed for the long-term change petition for diversion from the Newell Creek Dam under License 9847 sets release/bypass requirements under all hydrological conditions including drought as following:

- 1) 1 cfs for hydrologic condition 1 (very wet) through hydrologic condition 5 (driest);
or
- 2) An exception minimum of 0.25 cfs when storage at Newell Creek Reservoir falls below the following level: 2,000 MG during January through June, 1,800 MG during July, 1,500 MG during August through November, or 1,700 MG during December.

Water Code section 1435, subdivision (c) states that the State Water Board shall not find a petitioner's need to be urgent if it concludes that the petitioner has not exercised due diligence either in petitioning for a change pursuant to provisions other than a TUCP or in pursuing that petition for change. In this case, Petitioner has submitted petitions pursuant to Water Code section 1701 et seq. to modify its water rights, including but not limited to modifying the bypass/release requirements under License 9847. Petitioner continues to work on its pending long-term petitions, including efforts to meet the requirement of CEQA and to develop fish habitat conservation plans for the San Lorenzo River watershed. Given the circumstances discussed in this Order, the State Water Board finds that Petitioner has exercised due diligence to this point and that there is an urgent need for the petitioned temporary change to License 9847.

5.2 No Injury to Any Other Lawful User of Water

According to the State Water Board's records, the downstream right holders consist of seven riparian claims reflected in Statements of Water Diversion and Use, and the Permits and Licenses held by the City. Water being released from storage in Newell Creek for environmental purposes would not be available for diversion under the seven riparian claims. Therefore, the requested reduction in reservoir release/bypass flow would not cause injury to other lawful user of water downstream of Newell Creek Reservoir.

¹ More details for the Agreed Flows and hydrologic condition types can be found in the change petition filed for License 9847 on January 22, 2021 and the Draft Environmental Impact Report for Santa Cruz Water Rights Project dated June 2021.

5.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses

Prior to approval of a TUCP, the Board must find that the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In addition, the State Water Board has an independent obligation to consider the effect of approval of the City's petition on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal. 3d 419 [189 Cal. Rptr. 346].) Public trust resources may include, but are not limited to, wildlife, fish, aquatic dependent species, streambeds, riparian areas, tidelands, and recreation in navigable waterways, as well as fisheries located in non-navigable waterways. It is also the policy of this state that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall use their authority in furtherance of the purposes of the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). State agencies should not approve projects that would jeopardize the continued existence of any endangered species or threatened species if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat that would prevent jeopardy. (Fish & G. Code, §§ 2053 & 2055.)

Petitioner has indicated that it has consulted with representatives of both NMFS and CDFW, and neither agency presented any objection regarding the Petitioner's proposal to reduce the bypass/release requirement to 0.25 cfs. By email dated September 20, 2021, CDFW requested that the City continue to coordinate with CDFW in the monitoring of Newell Creek conditions following the monitoring plan developed during the previous drought in 2014 and submitted on February 28, 2014. NMFS also indicated it did not object to the TUCP. The requested reduced flow of 0.25 cfs is included in the Agreed Flows negotiated among the City, NMFS, and CDFW, and was included in the long-term petitions to address exceptionally dry conditions. Although the current storage level at Newell Creek Reservoir has not triggered the 0.25 cfs exception minimum flow from the Agreed Flows, the reduced flow of 0.25 cfs is granted to address the current critical drought conditions and preserve stored water in case currently dry hydrological conditions persist or worsen.

Absent the releases from Newell Creek Reservoir, natural conditions downstream of the dam would be dry, as they are today in the stream reaches upstream of the reservoir. Fish are currently unable to migrate up to this stream reach to spawn due to historically low flows on the lower San Lorenzo River, so maintenance of rearing in pools for juvenile fish already in the system is the primary consideration during the term of this TUCP, or until hydrologic conditions change substantially to the extent that adult migration is possible downstream. Per monitoring reports submitted for the 2014-2015 drought, the City reported that the reduction in bypass/release from 1 cfs to 0.2 cfs during the last drought did not result in discontinuous reaches of Newell Creek nor impact passage conditions at critical riffles.

This Order contains conditions that require the Petitioner to monitor Newell Creek conditions following the February 28, 2014 monitoring plan during the period of the TUCP to: (1) identify areas where hydrologic continuity does not exist and (2) conduct thalweg depth surveys at critical riffles. In the event that conditions in Newell Creek downstream of Newell Creek Reservoir result in isolated pools or stranded fish, the Petitioner is required to take all necessary steps to avoid harm to any fish currently present in Newell Creek.

To minimize potential impacts of the TUCP to fish passage conditions when the hydrological conditions improve in the area, this Order also includes a condition that requires the Petitioner resume the bypass/release of 1 cfs as provided in the 1958 Stipulation and Agreement and License 9847 if hydrological conditions improve and storage levels at Newell Creek Reservoir are at or above 2,000 MG of storage between January 1 and the end of the period of this Order. Resumption of the bypass requirement when hydrologic conditions improve will reduce impacts of the TUCP to fish and wildlife and is also consistent with the thresholds in the Agreed Flows.

With the conditions imposed by this Order, including ongoing monitoring and reporting of conditions by Petitioner, the State Water Board finds that granting the proposed TUCP will not have an unreasonable effect on fish, wildlife, or other instream beneficial uses and protects public trust resources to the extent feasible. The State Water Board will continue to evaluate conditions in the watershed throughout the duration of this Order and consider other actions that may further the protection for fish, wildlife, and other instream beneficial uses.

5.4 The Proposed Change is in the Public Interest

Approval of the TUCP to temporarily reduce reservoir release will help conserve stored water in Newell Creek Reservoir to meet human health and safety needs if the current drought conditions continue into the next water year. Petitioner states that the City is currently in Stage 1 of its Water Shortage Contingency Plan, with an already low per-capita use rate of 48 gallons per person per day (gpcd) in its residential sector as compared to the statewide average. The City's Stage 1 plan seeks to achieve a 10% reduction of the City's demand. Petitioner indicates that if the drought conditions worsen and the City has to move to Stage 2 of its plan, it would impose mandatory water allocations to all customers to achieve a 20% reduction. Petitioner states that it would be seeking to reduce use to an average of 38 gpcd under Stage 2. It is in the public interest to preserve water supplies for these beneficial uses given the extreme hydrologic circumstances and reduced water supplies.

This Order includes a condition that requires the City consider more stringent conservation measures and prepare to move to a higher stage of its Water Shortage Contingency Plan if drought conditions persist into 2022 and the storage levels at Newell Creek Reservoir remain below 2,000 MG on March 1, 2022. The City is also required to provide a summary of and the results of the actions it has taken pursuant to

the Operating Action described for any applicable stage of its Water Shortage Contingency Plan.

Should the conditions that support the approval of this Order change, whether in alterations to water supply or identification of additional impacts to aquatic habitat, water quality, or other matters within the public interest, the State Water Board has the authority to revoke this approval or modify the terms and conditions of this Order as necessary to promote the interests of the public.

6.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435, subdivision (b).

I conclude that, based on the available evidence:

1. The right holder has an urgent need to make the proposed change;
2. The proposed change will not operate to the injury of any other lawful user of water;
3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petition filed by the City of Santa Cruz for a temporary urgency change in License 9847 is approved and effective from the date of this Order through a period of 180 days.

All existing terms and conditions of the subject license remain in effect, except as temporarily amended by the following terms:

1. Notwithstanding the provisions of the Stipulation and Agreement received by the State Water Board on September 15, 1958 and in effect between the California Department of Fish and Wildlife and the City of Santa Cruz, Petitioner shall at all times release or bypass from or through Newell Creek Reservoir Dam into the natural streambed of Newell Creek immediately below said dam the following minimum amounts:

- 1) 0.25 cubic foot per second; and,

- 2) 1 cubic foot per second whenever the storage levels at Newell Creek Reservoir are at or above 2,000 MG of storage between January 1 and the end of the period of this Order.
2. Petitioner shall monitor the effects of the amended release or bypass amount on fisheries resources and shall take the following steps to avoid harm to fisheries in Newell Creek:
 - 1) Weekly at Site 1 (bedrock sheet adjacent to City gate) and Site 2 (first riffle under the bridge on Glen Arbor Road)² for first month after the release/bypass is reduced, then every two weeks:
 - Measure stage at temporary staff plates to monitor change in pool depth.
 - Take photos at photo monitoring sites.
 - Measure thalweg depth from tail to head of critical riffles.
 - Visually inspect for continuity.
 - Measure flow (at Site 2 only).
 - 2) Weekly at release/bypass site:
 - Record meter reading from bypass valve.
 - Take notes on operations/changes (routine maintenance, other adjustments).
 - 3) If it is deemed that 0.25 cfs would result in interruption to hydraulic continuity, then bypass shall be adjusted incrementally until hydraulic continuity is no longer interrupted.
 - 4) Reports of findings shall be submitted electronically to NMFS, CDFW, and the State Water Board within 2 weeks after data are collected.
 3. If hydrological conditions do not improve during the period of this Order and the storage level at Newell Creek Reservoir remains below 2,000 MG as of March 1, 2022, Petitioner shall begin preparations to declare at least Stage 2 or a higher stage of its Water Shortage Contingency Plan, and shall declare a Stage 2 or a higher stage of its Water Shortage Contingency Plan prior to expiration of this Order unless Newell Creek Reservoir reaches 2,000 MG prior to the expiration of this Order.

Within 30 days of the expiration of this Order, Petitioner shall provide a summary of and the results of the actions it has taken pursuant to the Operating Action described for any applicable stage of its February 2021 Water Shortage Contingency Plan.

² Specific locations of monitoring sites are provided in the Petitioner's monitoring plan submitted on February 28, 2014.

4. Petitioner shall immediately notify the State Water Board if any significant change in storage conditions in Newell Creek Reservoir occurs that warrants modification of this Order.
5. This Order does not authorize any act that results in the taking of a candidate, 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 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 Order, Petitioner shall obtain authorization for an incidental take permit prior to operation of the project. Petitioner shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency changes authorized under this Order.
6. The State Water Board reserves jurisdiction to supervise the temporary urgency changes under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

OCTOBER 20 2021

Date

ORIGINAL SIGNED BY:

Eileen Sobeck
Executive Director