

## **Notice of Determination**

To: Office of Planning and Research,  
1400 Tenth Street Room 113, Sacramento, California 95814

From: State Water Resources Control Board, Division of Water Rights,  
Post Office Box 2000, Sacramento, California 95812-2000

Subject: Filing of Notice of Determination in compliance with  
Public Resources Code section 21108

## **Public Agency Information**

Public Agency: State Water Resources Control Board, Division of Water Rights,  
Post Office Box 2000, Sacramento, CA 95812-2000

Public Agency Contact: Matthew McCarthy

Public Agency Phone: (916) 341-5310

Is the Public Agency also the Lead Agency? Yes

## **Project Information**

Project Title: Black Oak Ranch Water Conservation Project

Project Applicant: Black Oak Ranch Limited Partnership

Project Location: Five miles north of Laytonville in Mendocino County

Project Description: The project involves the approval of an application and a petition. The application requests to divert up to 14 acre-feet of water per year during the wet season and the petition requests to dedicate water made available by the wet season storage for instream use during the dry season. The project involves the construction of new diversion, transmission, and storage facilities as well as ongoing water diversion and use activities. More information is available in the attachment.

State Clearinghouse Number: 2019100230

## **Lead Agency Determinations**

This is to advise that the State Water Resources Control Board as Lead Agency has approved the above-described project on July 19, 2024 and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of the California Environmental Quality Act.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A Statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of the California Environmental Quality Act.

This is to certify that the final Environmental Impact Report with comments and responses and record of project approval is available to the general public at the California Environmental Protection Agency Headquarters, 1001 I Street, Sacramento, California, as well as online at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2022](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2022)

Signature:

Name: Amanda Montgomery

Title: Environmental Program Manager

Date: July 24, 2024

# **Attachment to Notice of Determination for Black Oak Ranch Water Conservation Project**

## **Project Background**

The Black Oak Ranch Water Conservation Project is located five miles north of the town of Laytonville in Mendocino County. The project area consists of a youth camp and actively managed farmland, which are currently served with water diverted under a claim of riparian right that is reported under statement of water diversion and use (statement) S015602. Diverted water is used for domestic use at the camp and farmland, and irrigation and dust control uses on 12.2 acres of land. The project is intended to increase dry season instream flows by developing wet season diversion and storage capacity and dedicating water currently diverted during the dry season that will be made available with the addition of stored water. The project proponent, Black Oak Ranch Limited Partnership (Black Oak Ranch), has filed application A033365 to appropriate water by permit to allow for wet season diversion and storage of up to 14 acre-feet of water per year. Black Oak Ranch has also filed a petition for the riparian right reported under statement S015602 to dedicate up to 1.1 acre-feet of water per year to instream use during the dry season from May through September.

The project includes: 1) installing a Coanda box in an Unnamed Tributary for diversion; 2) constructing a small pond to store the water diverted by the Coanda box; 3) upgrading an existing point of diversion on Streeter Creek to increase pumping capacity and improve the streambank; 4) augmenting the existing storage tank system to increase capacity; and (5) constructing multiple trenches for water pipes and electrical lines for the new and upgraded water distribution system.

## **State Restoration General Order Programmatic Environmental Impact Report**

By Resolution 2022-0029 dated August 26, 2022, the State Water Board adopted Order WQ 2022-0048-DWQ for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Statewide Restoration General Order or SRGO) and certified a Program Environmental Impact Report (PEIR, State Clearinghouse No. 2019100230) developed in support of the Statewide Restoration General Order to comply with the California Environmental Quality Act (CEQA). The SRGO established a streamlined permit process for specific types of environmentally beneficial restoration activities throughout the state that would restore aquatic or riparian resource functions and/or services to help the State of California achieve its habitat restoration, species recovery, and water quality improvement goals.

On December 28, 2023, Black Oak Ranch submitted a Notice of Intent to comply with the terms of the SRGO. On June 25, 2024, the State Water Board issued a Notice of Applicability (NOA) that enrolled the project associated with the application and petition in the SRGO. The avoidance and protection measures identified in the NOA have been adopted as terms of the permit and petition approval. Black Oak Ranch must implement

the measures to mitigate significant impacts to environmental resources and conduct the required reporting and monitoring of those measures.

The State Water Board is the Lead Agency under CEQA for approval of the application and petition. The State Water Board reviewed and considered the PEIR as required by CEQA Guidelines sections 15168 subsections (c)(1) and (2) and concluded that the project is within the overall scope of the PEIR, the activities will not result in environmental effects that were not examined in the PEIR, and none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report have occurred. As the State Water Board is incorporating the Mitigation Monitoring and Reporting Program (MMRP) from the PEIR, Black Oak Ranch must implement the applicable mitigation measures listed in the MMRP (Appendix J, PEIR).