

To:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812
Street Address: 1400 Tenth St. Sacramento, CA 95814

County Clerk
County of:
Address:

From:

State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814
Contact: Amber Villalobos
Phone: (916) 323-9389

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2012062074

Project Title: Peter Michael Tributary 3 Bypass Facility

Project Location (include county): Approximately 6 miles northwest of the town of Calistoga and approximately 15 miles east of the town of Healdsburg in Sonoma County, California.

Project Description: To protect fish and wildlife, Peter Michael Winery (Applicant) will construct the Tributary 3 Bypass Project (Project) in Tributary 3, roughly 40 feet upstream of the confluence with the lower reservoir. During the period from December 15 through March 31, the Applicant shall bypass a minimum of 0.56 cfs from Tributary 3 or the total streamflow if flow is less than 0.56 cfs. From April 1 through December 14, the Applicant shall bypass the total streamflow. The bypassed streamflow will flow through a 12-inch diameter pipeline (bypass pipeline) buried along the eastern side of the lower reservoir under the existing gravel path. The bypass flow will be released into Tributary 5 by connecting the bypass pipeline to an existing 12-inch diameter storm drain pipeline that originates near the toe of the lower reservoir dam and empties into Tributary 5, and subsequently Kellogg Creek.

This is to advise that the State Water Resources Control Board (Lead Agency) has approved the above described project on OCT 16 2012 and has made the following determinations regarding the above described project:

- 1. The project [ ] will [x] will not] have a significant effect on the environment.
2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[x] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [x] were [ ] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [x] was [ ] was not] adopted for this project.
5. A statement of Overriding Considerations [ ] was [x] was not] adopted for this project.
6. Findings [x] were [ ] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: State Water Resources Control Board, Division of Water Rights, 1001 I Street, 14th Floor, Sacramento, CA 95814.

Signature (Public Agency): [Handwritten Signature] Title: Executive Director

Date 10/16/2012 Date Received for filing at OPR [RECEIVED]

Reference Section: 21000-21174, Public Resources Code.

OCT 17 2012
STATE CLEARING HOUSE