

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**ATTACHMENT C TO ORDER NO. R5-XXXX-XXXX
CEQA MITIGATION MEASURES**

**WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR
RICE GROWERS IN THE SACRAMENTO VALLEY**

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I. Cultural Resources

A. Mitigation Measure CUL-MM-1: Avoid Impacts to Cultural Resources

The measure described below will reduce the severity of impacts on significant cultural resources, as defined and described in Sections 5.3.1 and 5.3.3 of the PEIR¹. Avoidance of such impacts also can be achieved when Growers choose the least impactful management practices that will meet quality improvement goals and objectives of Waste Discharge Requirements General Order for Rice Growers in the Sacramento Valley, Order R5-2013-XXXX (hereafter referred to as "Order"). Note that these mitigation measures may not be necessary in cases where no ground-disturbing activities would be undertaken as a result of the Order.

Although cultural resource inventories and evaluations typically are conducted prior to preparation of a CEQA document, the size of the Order's coverage area and the lack of specificity regarding the location and type of management practices that would be implemented following adoption of the Order rendered conducting inventories prior to release of the draft Order untenable. Therefore, where the Order's water quality improvement goals cannot be achieved without modifying or disturbing an area of land or existing structure to a greater degree than through previously employed farming practices, individual Growers (or third-party representatives) will implement the following measures to reduce potential impacts to less-than-significant levels:

- Where construction within areas that may contain cultural resources cannot be avoided through the use of alternative management practices, conduct an assessment of the potential for damage to cultural resources prior to construction; this may include the hiring of a qualified cultural resources specialist to determine the presence of significant cultural resources.
- Where the assessment indicates that damage may occur, submit a non-confidential records search request to the appropriate California Historical Resources Information System (CHRIS) center(s).
- Implement the recommendations provided by the CHRIS information center(s) in response to the records search request.
- Where adverse impacts to cultural resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the Board subject to additional CEQA.

In addition, California state law provides for the protection of interred human remains from vandalism and destruction. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and the disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of the discovered human remains until the County Coroner has been notified, according to California Public Resource Code (PRC) section 5097.98, and can determine whether the remains are those of Native American

¹ ICF International. 2011. *Irrigated Lands Regulatory Program Final Program Environmental Impact Report*. Final and Draft. March. (ICF 05508.05) Sacramento, CA. Prepared for: Central Valley Regional Water Quality Control Board, Sacramento, CA

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origin. If the coroner determines that the remains are of Native American origin, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Health and Safety Code section 7050[c]). The NAHC will identify and notify the most likely descendant (MLD) of the interred individual(s), who will then make a recommendation for means of treating or removing, with appropriate dignity, the human remains and any associated grave goods as provided in PRC section 5097.98.

PRC section 5097.9 identifies the responsibilities of the project proponent upon notification of a discovery of Native American burial remains. The project proponent will work with the MLD (determined by the NAHC) and a professional archaeologist with specialized human osteological experience to develop and implement an appropriate treatment plan for avoidance and preservation of, or recovery and removal of, the remains.

Growers implementing management practices should be aware of the following protocols for identifying cultural resources:

- If built environment resources or archaeological resources, including chipped stone (often obsidian, basalt, or chert), ground stone (often in the form of a bowl mortar or pestle), stone tools such as projectile points or scrapers, unusual amounts of shell or bone, historic debris (such as concentrations of cans or bottles), building foundations, or structures are inadvertently discovered during ground-disturbing activities, the land owner should stop work in the vicinity of the find and retain a qualified cultural resources specialist to assess the significance of the resources. If necessary, the cultural resource specialist also will develop appropriate treatment measures for the find.
- If human bone is found as a result of ground disturbance, the landowner should notify the County Coroner in accordance with the instructions described above. If Native American remains are identified and descendants are found, the descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the discovery of the Native American remains. The descendants may recommend to the owner or the person responsible for the excavation work means for treating or disposing of the human remains and any associated grave goods, with appropriate dignity. The descendants will make their recommendation within 48 hours of inspection of the remains. If the NAHC is unable to identify a descendant, if the descendants identified fail to make a recommendation, or if the landowner rejects the recommendation of the descendants, the landowner will inter the human remains and associated grave goods with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

II. Vegetation and Wildlife

A. Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources

Implementation of the following avoidance and minimization measures would ensure that the construction activities related to implementation of management practices and installation of monitoring wells on rice lands will minimize impacts on sensitive vegetation communities (such as riparian habitat and wetlands adjacent to the construction area) and special-status plants and wildlife species as defined and listed in Section 5.7.3 of the PEIR. In each instance where particular management practices could result in impacts on the biological resources listed above, Growers should use the least impactful effective management practice to avoid such impacts. Where Order's water quality improvement

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goals cannot be achieved without incurring potential impacts, individual Growers will implement the following measures to reduce potential impacts to less-than-significant levels:

- Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species.
- Avoid and minimize disturbance of riparian and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where adverse impacts on sensitive biological resources cannot be avoided, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the Board subject to additional CEQA review.

III. Fisheries

A. Mitigation Measure FISH-MM-1: Avoid and Minimize Impacts to Fish and Fish Habitat

This mitigation measure incorporates all measures identified in Mitigation Measure BIO-MM-1: Avoid and Minimize Impacts on Sensitive Biological Resources. In each instance where particular management practices could result in impacts to special-status fish species (see "Regulatory Classification of Special-Status Species" in Section 5.8.2 of the PEIR), Growers should use the least impactful effective management practice to avoid such impacts. When the Order's water quality improvement goals cannot be achieved without incurring potential impacts, individual Growers, or third-party representatives will implement the following measures to reduce potential impacts to less-than-significant levels. Note that these measures may not be necessary in many cases and are dependent on the location of construction in relation to water bodies containing special-status fish:

- Where construction in areas that may contain special-status fish species cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of special-status fish species prior to construction; this may include the hiring of a qualified fisheries biologist to determine the presence of special status fish species.
- Based on the species present in adjacent water bodies and the likely extent of construction work that may affect fish, limit construction to periods that avoid or minimize impacts to special-status fish species.
- Where construction periods cannot be altered to minimize or avoid impacts on special-status fish, the grower's coverage under this Order is not authorized. The grower must then apply for its own individual waste discharge requirements. Issuance of individual waste discharge requirements would constitute a future discretionary action by the Board subject to additional CEQA review.

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IV. Climate Change

A. Mitigation Measure CC-MM-1: Apply Applicable Air District Mitigation Measures to Reduce Construction and Operational GHG Emissions

Several of the standard mitigation measures provided by Central Valley local air districts to reduce criteria pollutant emissions would also help to minimize GHG emissions (see section 5.6.5 of the PEIR). Measures to reduce vehicle trips and promote use of alternative fuels, as well as clean diesel technology and construction equipment retrofits, should be considered by rice operations under the Order.

B. Mitigation Measure CC-MM-2: Apply Applicable California Attorney General Mitigation Measures to Reduce Construction and Operational GHG Emissions

A 2008 report by the California Attorney General's office entitled *The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level* identifies various example measures to reduce GHG emissions at the project level (California Department of Justice 2008). The following mitigation measures and project design features were compiled from the California Attorney General's Office report. They are not meant to be exhaustive but to provide a sample list of measures that should be incorporated into future project design. Only those measures applicable to the Rice Order are included.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers.
- Recover by-product methane to generate electricity.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low- or zero-emission vehicles, including construction vehicles.

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