
State Water Resources Control Board

PROPOSED MITIGATION MONITORING AND REPORTING PLAN Water Right Application 32139 King Ridge Vineyards, LLC

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (Public Resources Code § 21081.6). The MMRP has been developed based on the information and mitigation measures contained in the Initial Study/Mitigated Negative Declaration (IS/MND) for Water Right Application 32139. The MMRP lists mitigation measures recommended in the IS/MND for the proposed projects and specifies implementation and monitoring responsibilities. Pursuant to Public Resources Code section 21081.6(b), each of the mitigation measures identified in the MMRP will be included as enforceable permit terms in any permit authorizing construction, diversion, or use of water pursuant to Water Right Application 32139.

Generally, the State Water Resources Control Board, Division of Water Rights (Division) Permitting Section staff will monitor mitigation measures requiring pre-construction actions or submittals. Construction and post construction mitigation measures will be monitored by Division staff as specified in the attached matrix. Implementation of mitigation measures is the sole responsibility of the Permittee. Interim compliance with mitigation measures will be assessed through the Division's routine compliance monitoring activities. Long-term compliance will be assessed when the Permit is subject to Licensing, at which time the Permittee will be required to demonstrate compliance with permit terms. Non-compliance with mitigation measures may be addressed through the Division's ongoing enforcement program on an as needed basis.

All documents and other information that constitute the public record for this project shall be maintained by the Division and shall be available for public review at the following address:

State Water Resources Control Board
Division of Water Rights, 2nd Floor
1001 I Street
Sacramento, CA 95814

PROJECT DESCRIPTION:

Water Right Application 32139 (Project) was filed on June 24, 2013 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). The Project proposes for the collection to storage of 12 acre-feet (ac-ft) and for direct diversion of two ac-ft from two Points of Diversion (POD 1 & 2). POD 1 will consist of a well that will be located adjacent to an unnamed stream (Unnamed Stream 1) tributary to Wild Cattle Canyon thence Marshall Creek thence South Fork Gualala River, and POD 2 will be at the proposed reservoir which is located on an unnamed stream (Unnamed Stream 2) which is tributary to Unnamed Stream 1. The Project proposed season of diversion would be from October 15 of each year to May 15 of the succeeding year. The requested purpose of use for the Project is for the irrigation of 42.5 acres of existing vineyards.

Application 32139 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
Air Quality			
During construction, right holder shall comply with the Dust Control and Mitigation Plan approved on April 15, 2014 by the Northern Sonoma County Air Pollution Control District.	Right Holder, NSCAPCD	Construction	Division of Water Rights
Hydrology and Water Quality			
No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.	Right Holder	Construction, Ongoing	Division of Water Rights
Prior to starting construction, right holder shall submit an erosion control plan for approval by the Deputy Director for Water Rights. Said plan shall include measures to prevent sediment from leaving the construction area and entering waters of the State before, during, and after construction.	Right Holder	Construction	Division of Water Rights
Within six months of the issuance date of this right, an erosion control plan shall be submitted to and approved by the Deputy Director for Water Rights. Said plan shall include measures to prevent sediment from leaving the place of use and entering waters of the State. Right holder shall provide the Division of Water Rights with evidence that substantiates that the erosion control measures contained in the plan are functioning properly every five years after installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.	Right Holder	Ongoing	Division of Water Rights
The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.22 cubic foot per second by direct diversion to be diverted and 12 acre-feet per year by storage to be collected from October 15 of each year to May 15 of the succeeding year. The total amount of water to be taken from the source (direct diversion plus collection to storage) for all uses shall not exceed 14 acre-feet per year.	Right Holder	Ongoing	Division of Water Rights
The maximum rate of diversion to offstream storage shall not exceed 0.22 cubic foot per second.	Right Holder	Ongoing	Division of Water Rights
No water shall be diverted under this right unless the flow in the Unnamed Stream is at or above 0.29 cubic foot per second, as determined at Point of Diversion 1.	Right Holder	Ongoing	Division of Water Rights

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Biological Resources

<p>A biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall be present during any construction work within the stream channel to ensure that no take of foothill yellow-legged frog (<i>Rana boylei</i>) occurs. If foothill yellow-legged frogs are encountered during construction, right holder shall cease construction and ground disturbing activities within 250 feet of the location where foothill yellow-legged frogs are present and shall contact the California Department of Fish and Wildlife. Prior to restarting construction activities, right holder shall submit to the Deputy Director for Water Rights evidence of approval by the California Department of Fish and Wildlife to continue construction.</p>	<p>Right Holder, CDFW</p>	<p>Construction</p>	<p>Division of Water Rights</p>
<p>No water shall be diverted under this right unless right holder is operating in accordance with a mitigation plan satisfactory to the Deputy Director for Water Rights. The mitigation plan shall address eradication of non-native species. Right holder shall submit a report on mitigation plan activities in accordance with the time schedule contained in the mitigation plan, and whenever requested by the Division of Water Rights. The Deputy Director for Water Rights may require modification of the mitigation plan upon a determination that the plan is ineffective or unsuccessful, or provide relief from this term upon a determination that the mitigation plan is no longer required.</p>	<p>Right Holder</p>	<p>Ongoing</p>	<p>Division of Water Rights</p>
<p>If construction and/or tree removal activities are to occur during the period March 15 to August 15, a biologist, whose qualifications are acceptable to the Deputy Director for Water Rights, shall conduct a pre-construction survey for the purpose of identifying nesting bird species prior to construction and/or tree removal. The pre-construction survey shall include all potential nesting habitat within 500 feet of the proposed tree removal activities. The survey shall be conducted no more than 14 days prior to the beginning of tree removal activities. If an active raptor or migratory bird nest is found during the pre-construction survey, right holder shall notify the Deputy Director for Water Rights. If an active raptor nest is found during the pre-construction survey, a 500-foot no-disturbance buffer shall be established and maintained around the nest until all young have fledged. If an active nest of any other migratory or non-migratory bird is found, a 250-foot buffer shall be established around the nest until all young have fledged. Right holder shall report to the Deputy Director for Water Rights the results of the survey prior to any construction in the place of use.</p>	<p>Right Holder, CDFW</p>	<p>Construction</p>	<p>Division of Water Rights</p>

Application 32139 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
<p>Right holder shall plant 11 oak trees. The tree replacement plantings shall be located within or adjacent to the existing vegetation. Right holder shall provide a map showing the location of each replacement planting within one year of the date of permit issuance and provide updates to the map with subsequent monitoring reports if changes occur.</p> <p>Replacement tree plantings will consist of propagules derived from locally collected stock (native of Sonoma County) having a similar genetic origin to indigenous species on site. Right holder shall provide a written statement within one year of permit issuance disclosing the origin of each of the replacement plantings and updates to the written statement with subsequent monitoring reports if failed plantings are replaced or relocated. Right holder shall provide photographic evidence to document the tree replacement plantings within one year of the date of permit issuance and update photographs with subsequent reports if failed plantings are replaced or relocated.</p> <p>Any diversion of water pursuant to this permit is unauthorized if survival of any of the replacement tree species falls below 75%. Right holder shall maintain replacement plantings such that survival rate of each species is not less than the identified thresholds. Survival rate shall be documented and submitted by right holder annually. Annual monitoring reports shall be prepared by a biologist or certified arborist whose qualifications are acceptable to the Deputy Director for Water Rights. The initial monitoring report shall be submitted to the Deputy Director for Water Rights within one year of the date of permit issuance. The initial monitoring report shall include documentation of:</p> <ul style="list-style-type: none"> • planting locations (map) • species of each planting • size of each tree at planting (height and diameter at breast height if applicable) • statement identifying the origin of each replacement tree • photographic evidence documenting planted replacement trees. <p>Subsequent annual reports shall be submitted annually to the Deputy Director for Water Rights and shall include documentation of:</p>	<p>Right Holder, CDFW</p>	<p>Construction</p>	<p>Division of Water Rights</p>

Application 32139 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
<ul style="list-style-type: none"> • size of each tree (height and diameter at breast height if applicable) • age of each tree • health status of each tree • photographic evidence documenting progress of replacement trees • locations (updated map), initial size measurement (height and diameter and breast height), • photographic evidence and statement of origin for new plantings, if necessary to replace failed plantings. <p>These reports shall be filed annually for a minimum of five years until at least 75% of each species has survived five years. At this time a final report shall be filed that provides written and photographic documentation of the following:</p> <ul style="list-style-type: none"> • location of each tree • size of each tree (height and diameter at breast height) • age of each tree. <p>Right holder shall refrain from any activities which may impact the replacement plantings including but not limited to development and timber harvesting in the replanting area.</p>			
<p>Cultural Resources</p> <p>Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the right holder to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for</p>	<p>Right Holder</p>	<p>Construction</p>	<p>Division of Water Rights</p>

Application 32139 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
Water Rights.			
<p>If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (2011) can assess the nature and importance of the find and recommend appropriate treatment. The Division of Water Rights will also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Division of Water Rights.</p>	Right Holder	Construction	Division of Water Rights
<p>If human remains are encountered, then the right holder shall comply with Section 15064.5(e) of the California Environmental Quality Act Guidelines and the Health and Safety Code Section 7050.5. All project-related ground disturbances within 100-feet of the find shall be halted until the Sonoma County Coroner has been notified. If the Coroner determines that the remains are Native American, the Coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director of Water Rights.</p>	Right Holder	Construction	Division of Water Rights