



State Water Resources Control Board

MITIGATION MONITORING AND REPORTING PLAN Water Right Permit 20295 (Application 27758) Anderson Vineyards, Inc

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 Permit 20295 (Application 27758). 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 Permit 20295 (Application 27758).

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 the Division Permitting Section, Enforcement Section, and/or Special Projects Section 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:

Permit 20295 (Application 27758) was issued December 29, 1988, by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). Permit 20295 allows for the diversion of 75 acre-feet (af) of water from an Unnamed Stream tributary to Mill Creek thence the Navarro River to storage in an existing off-stream reservoir for the purposes of irrigation, frost protection, and heat control of 210 acres. The pending Petition for

Change for Permit 20295 would add 36 acres to the POU, for a total of 246 acres. A portion of the proposed POU is located on a parcel adjacent to the property which the Petitioner is leasing. The entire 246-acre POU is currently developed in vineyard and includes vineyard avenues and turnspaces. No additional development would occur with the petition. No changes to the water diversion or purposes of use authorized by Permit 20295 are proposed.

Permit 20295 (Application 27758) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
Hydrology and Water Quality			
<i>The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 75 acre-feet per annum to be collected from November 1 of each year to June 1 of the succeeding year.</i>	Permittee	Ongoing	Division of Water Rights
<i>The maximum rate of diversion to off-stream storage shall not exceed 1 cubic feet per second.</i>	Permittee	Ongoing	Division of Water Rights
<i>Permittee shall install and properly maintain staff gages in the reservoirs, satisfactory to the Deputy Director for Water Rights, for the purpose of determining water levels in the reservoirs. Permittee shall record the staff gage readings on or about the last day of each month. Such readings shall be supplied to the State Water Board with the next progress report submitted to the State Water Board by Permittee. The State Water Board may require release of water that cannot be verified as having been collected under a valid basis of right.</i>	Permittee	Ongoing	Division of Water Rights
Biological Resources			
<p><i>Permittee shall compensate for the loss of 33 mature trees through planting of trees at a replacement ratio of 3:1.</i></p> <p><i>The tree replacement plantings shall be located within or adjacent to the existing mixed evergreen forest as identified in Figure 6 of the Initial Study on file for Application 27758. Trees planted should be contiguous to existing stands to facilitate colonization by birds and arboreal mammals. Proposed replacement trees shall be planted with 35 feet of separation between trunks. Permittee 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.</i></p> <p><i>Replacement tree plantings for the mitigation area shall be obtained from a combination of nursery stock grown on site, direct planting in proposed mitigation area from acorns and seeds collected on site, and/or trees obtained from a local native plant nursery or supplier. Plantings will consist of propagules derived from locally collected stock (native of Mendocino County) having a similar genetic origin to indigenous species on site. Permittee 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</i></p>	Permittee	Annually	Division of Water Rights

Permit 20295 (Application 27758) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
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<p><i>relocated.</i></p> <p><i>Permittee 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.</i></p> <p><i>Any diversion of water pursuant to this permit is unauthorized if survival of any of the replacement tree species falls below 75%. Permittee 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 Permittee annually.</i></p> <p><i>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.</i></p> <p><i>The initial monitoring report shall include documentation of:</i></p> <ul style="list-style-type: none"> <i>• planting locations (map)</i> <i>• species of each planting</i> <i>• size of each tree at planting (height and diameter at breast height if applicable)</i> <i>• statement identifying the origin of each replacement tree</i> <i>• photographic evidence documenting planted replacement trees.</i> <p><i>Subsequent annual reports shall be submitted annually to the Deputy Director for Water Rights and shall include documentation of:</i></p> <ul style="list-style-type: none"> <i>• size of each tree (height and diameter at breast height if applicable)</i> <i>• age of each tree</i> <i>• health status of each tree</i> <i>• photographic evidence documenting progress of replacement trees</i> <i>• 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.</i> 			
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Permit 20295 (Application 27758) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p><i>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:</i></p> <ul style="list-style-type: none"> <i>• location of each tree</i> <i>• size of each tree (height and diameter at breast height)</i> <i>• age of each tree.</i> <p><i>Permittee shall refrain from any activities which may impact the replacement plantings including but not limited to development and timber harvesting in the replanting area.</i></p>			
<p><i>For the protection of fish and wildlife, Permittee shall during the period from November 1 through June 1 bypass a minimum of 0.04 cubic feet per second. The total stream flow shall be bypassed whenever it is less than the designated amount.</i></p>	Permittee	Ongoing	Division of Water Rights
<p><i>Within six months of the issuance of this permit, Permittee shall submit a Compliance Plan for approval by the Deputy Director for Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:</i></p> <ul style="list-style-type: none"> <i>a) A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes, etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow;</i> <i>b) A description of the gages and monitoring devices that will be installed or have been installed to measure streamflow and/or reservoir storage capacity, including any necessary calibration;</i> <i>c) A time schedule for the installation and rating of these facilities;</i> <i>d) A description of the frequency of data collection and the methods for recording bypass flows and storage levels;</i> <i>e) An operation and maintenance plan that will be used to maintain all facilities in good condition; and,</i> <i>f) A description of the events that will trigger recalibration of the monitoring</i> 	Permittee	Ongoing	Division of Water Rights

Permit 20295 (Application 27758) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p><i>devices, and the process that will be used to recalibrate.</i></p> <p><i>Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan. The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request. Diversion or use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.</i></p>			
<p><i>For the protection of riparian habitat, Permittee shall maintain the existing setbacks as shown on the Habitat Map, dated June 18, 2010, on file with the Division of Water Rights. The setbacks shall range from a minimum of 25 to 50 feet wide along the intermittent and ephemeral drainages adjacent to the expanded place of use as measured from the top of the bank on both sides of the stream. No ground disturbing activities shall occur within the setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas, with the exception of occasional equipment access reasonably necessary for continued operation of the vineyard. Equipment access through the setback shall be limited to previously disturbed areas of the setback when possible and is only allowed when other means of access are not available. Equipment access through the setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the setback area is allowed. Permittee shall restrict cattle or other domestic stock access to the riparian area. These requirements shall remain in effect as long as water is being diverted under this permit.</i></p>	Permittee	Ongoing	Division of Water Rights
Cultural Resources			
<p><i>Should any buried archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archaeological indicators include: obsidian and chert flakes and flaked 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</i></p>	Permittee	Ongoing	Division of Water Rights

Permit 20295 (Application 27758) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p><i>Director for Water Rights and the Potter Valley Tribe shall be notified of the discovery and a professional archeologist shall be retained by the Permittee 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 Water Rights.</i></p>			
<p><i>If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e)(1) of the CEQA 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 Mendocino 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 for Water Rights.</i></p>	<p>Permittee</p>	<p>Ongoing</p>	<p>Division of Water Rights</p>