

# **General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region**

## **Attachment E: CEQA Mitigation Measures**

The following Mitigation Monitoring and Reporting Program (MMRP) summary table includes the mitigation measures identified in the California Regional Water Quality Control Board, North Coast Region (North Coast Water Board) draft environmental impact report (EIR) for the proposed Order project in accordance with the California Environmental Quality Act (CEQA). For each mitigation measure, this table identifies monitoring and reporting actions that must be carried out and the monitoring schedule.

Enrollees are responsible for complying with all mitigation measures in the final EIR and this MMRP summary table. Enrollees must determine whether their proposed activities (e.g., management practices) are subject to individual mitigation measures and, if applicable, take the necessary actions to ensure the mitigation measures are fully implemented. In some cases, this may involve hiring a professional (e.g., biologist, archaeologist) and becoming familiar with applicable laws and regulations.

Enrollees who enroll individually in the Order must report their compliance with mitigation measures in the Annual Compliance Report (ACR), which is submitted as part of their overall compliance reporting for the Order. The Coalition shall submit this information to the North Coast Water Board on behalf of its enrolled Enrollees. As the CEQA Lead Agency, the North Coast Water Board is ultimately responsible for ensuring compliance with the mitigation measures identified in the Final EIR. The North Coast Water Board will accomplish this through review of ACRs to confirm that reported actions fully meet the requirements of the applicable mitigation measures. The North Coast Water Board will also confirm mitigation measure compliance during periodic inspections of individual vineyards.

The MMRP will be made available to Enrollees, and they may use the checklist to help document their compliance with applicable mitigation measures. The North Coast Water Board may also use the MMRP checklist to confirm and document compliance.

**Mitigation, Monitoring and Reporting Program (MMRP) Summary Table**

<b>Mitigation Category</b>	<b>Mitigation Measure</b>	<b>Monitoring and Reporting Action and Schedule (Responsible Party in Parenthesis)</b>
Ag and Forestry Resources	N/A	N/A
Air Quality	N/A	N/A
Biological Resources: BIO-1	<p>Where construction in areas that may contain sensitive biological resources cannot be avoided using 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.</p> <p>When conducting maintenance or repair on facilities that may provide habitat for species, ensure that such activities will not disturb any special-status species that may be present. If conducting maintenance or repair activities during the nesting season (generally February 1 to August 31), inspect the facilities to ensure that nesting birds are not present within or adjacent to areas where such activities will occur. If nests or young are identified in such areas, conduct the activities outside of the nesting season.</p> <p>Where adverse effects on sensitive biological resources cannot be avoided, undertake additional CEQA review and develop a restoration or compensation plan in consultation with the California Department of Fish and Wildlife to mitigate the loss of the resources</p>	<p>Confirm that the least impactful effective management practice is selected to avoid impacts to biological resources. Schedule: During design of management practice(s). (Enrollee)</p> <p>Where areas potentially containing sensitive biological resources cannot be avoided, confirm performance of habitat and species assessment. Schedule: Prior to construction / installation of management practice(s), if applicable.(Enrollee)</p> <p>Confirm that maintenance or repair activities will not disturb any special-status species. Prior to undertaking proposed activity. (Enrollee)</p> <p>For activities proposed during nesting season, confirm performance of survey for nesting birds and avoidance of nests / young. Schedule: Prior to undertaking proposed activity, if applicable. (Enrollee)</p> <p>In the event avoidance of sensitive biological resources is not feasible, confirm additional CEQA review and appropriate consultation with CDFW. Schedule: Prior to undertaking any construction / installation or other activities that could adversely affect sensitive biological resources (Enrollee and NCRWQCB)</p>

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Biological Resources: BIO-2	<p>Riparian Habitat, Wetlands, and Lake and Streambed Alteration Notification Compliance.</p> <p>Culvert upgrades and replacement may be a management practice used to achieve the objective of Storm-Proofing Appurtenant Agricultural Roads for Surface Water Protection. Enrollees shall notify CDFW and comply with the Lake and Streambed Alteration Agreement, if issued. Enrollees shall obtain permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act, if applicable</p>	<p>CDFW shall be notified pursuant to Fish and Game Code section 1600 et seq. for Project activities affecting lakes or streams and associated riparian habitat and shall comply with the Lake and Streambed Alteration Agreement, if issued. Enrollees shall obtain permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act, if applicable (Enrollee)</p> <p>Schedule: Prior to construction of management practices.</p>

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Cultural Resources: CUL-1	<p>Cultural Resources Inventory, Evaluation of Resources for Significance, and Implementation of Avoidance and/or Minimization Measures.</p> <p>For proposed actions or management practices that involve modifications to previously undisturbed soils (i.e., below the levels of current agricultural practices, or in areas that have not previously been cultivated or developed) or a structure that may qualify as a historical resource, the following steps must be taken to avoid and/or reduce potential impacts on significant cultural resources:</p> <p>The enrollee or third-party must retain an archaeologist who meets the U.S. Secretary of Interior's professional standards as an archaeologist to conduct a records search at the regional Information Center of the California Historical Resources Information System (CHRIS). The record search must determine if cultural resources have previously been identified in the proposed disturbance area and whether the proposed disturbance area has previously been subject to archaeological pedestrian survey.</p> <p>The professional archaeologist must contact the NAHC to request a search of the Sacred Lands files and a list of tribes with a traditional and cultural affiliation with the proposed disturbance area. The archaeologist must contact the tribes identified by the NAHC to request information about sites and resources that may not have been identified during the record search process, including TCRs, and whether the tribes have any concerns about the proposed action.</p>	<p>Confirm that the measure is included in contract documents, if any. Schedule: During preparation of contract and specifications (Enrollee)</p> <p>Confirm that construction workers are fully aware of all requirements pertaining to cultural resources and receive basic training on how to identify potential cultural resources. Schedule: Prior to construction / installation of applicable management practices. (Enrollee)</p> <p>For applicable activities, confirm retention of a qualified archaeologist to conduct a records search, contact tribes, and conduct pedestrian survey, as necessary. Schedule: Prior to construction / installation of applicable management practices.(Enrollee)</p> <p>Confirm any identified archaeological sites, and historic buildings and structures, are recorded on proper forms. Schedule: Prior to construction / installation of applicable management practices. (Enrollee)</p> <p>If historical resource(s) are identified within the proposed disturbance area, confirm avoidance of those resource(s) to the extent feasible. Schedule: Prior to construction / installation of applicable management practices. (Enrollee)</p> <p>If historical resource(s) cannot be avoided, confirm preparation of a data recovery plan and submittal to NCRWQCB. Schedule: Prior to construction / installation of applicable management practices. (Enrollee)</p>

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Cultural Resources: CUL-1 continued	<p>If a pedestrian survey has not previously been conducted on the property, a survey must be conducted by a qualified archaeologist. All identified archaeological sites and historic buildings and structures must be recorded on California Department of Parks and Recreation 523 Site Record forms. A Historic Resources Identification Report must be prepared to document the findings of the study; the report must be submitted to the NCRWQCB and the CHRIS Information Center. If the property has been subject to previous study, additional survey is not required if no cultural resources, including TCRs, were identified during the study and the age and adequacy of the report are considered sufficient by the consulting archaeologist for the purposes of the present project. The report from the previous survey can then be used to satisfy the CEQA requirements for historical resources. If the property has been subject to previous survey and a cultural resource has been identified within the proposed disturbance area, a qualified archaeologist must conduct a pedestrian survey to assess the current condition of the resource relative to the proposed action.</p>	See CUL-1.

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Cultural Resources: CUL-2	<p>If cultural resources are identified either by the record search or pedestrian survey, the qualified archaeologist must evaluate the significance of archaeological resources, per the State Water Board guidelines<sup>1</sup>. Note that buildings that would be impacted by the proposed action would require evaluation for California Register of Historical Resources (CRHR) eligibility by a qualified architectural historian. If the cultural resource(s) are determined to be historical resource(s) (i.e., listed or eligible for listing in the CRHR), the enrollee or third-party, in coordination with the qualified archaeologist, must avoid impacting the resource(s) to the extent feasible. This would include relocating or redesigning proposed management practice(s) such as to avoid the resource or leaving structures in place in setback areas or otherwise preserving structure(s) that are listed or eligible for listing. If the historical resource(s) cannot be completely avoided, the qualified archaeologist must develop and implement a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource(s) that may be impacted by the proposed activity.</p>	<p>Confirm that submitted data recovery plan adequately provides for recovery of scientifically important information about historical resource(s) to be impacted, and that consulting tribes are provided opportunity to review. Schedule: Prior to commencement of any excavation activities.(NCRWQCB)</p> <p>If approved, confirm that data recovery plan is properly and fully implemented. Schedule: During and potentially after construction / installation, if applicable. (Enrollee)</p> <p>In the event that cultural resources are encountered, ensure that work stops immediately. Schedule: During construction / installation, if necessary. (Enrollee)</p> <p>Ensure all accidentally discovered cultural resources are evaluated for inclusion in the CRHR and that avoidance measures or appropriate mitigation measures are implemented for historical resources. Schedule: During construction / installation, if necessary. (Enrollee)</p>

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Cultural Resources: CUL-2 cont'd.	<p>The data recovery plan must be prepared and submitted to NCRWQCB for approval, and the data recovery plan must be approved by NCRWQCB prior to any excavation taking place that may impact the resource(s). NCRWQCB must ensure that data recovery plans for Native American archaeological sites have the opportunity to be reviewed by consulting tribes. Archaeological sites known to contain human remains must be treated in accordance with the provisions of section 7050.5 of the Health and Safety Code (see Mitigation Measure CUL-3). For any artifacts removed during project excavation or testing, the professional archaeologist must provide for the curation of such artifact(s). For structure(s) evaluated as a historical resource(s) that cannot be avoided, reconstruction of the structure(s) at an offsite location, consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, may be an appropriate minimization measure that may be implemented in addition to, or as part of, the data recovery plan.</p> <p>Provisions must be made by the enrollee or third- party for the accidental discovery of historical or unique archaeological resources during construction of applicable management practices, pursuant to CEQA Guidelines 15064.5(f). If cultural resources<sup>2</sup> are uncovered during construction, work must immediately cease within 50 feet of the finds and the materials must be evaluated by a qualified archaeologist. If the finds are determined to be a historical or unique archaeological resource, avoidance measures or appropriate mitigation (e.g., data recovery, documentation, and curation) must be implemented.</p>	See CUL-2.

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<p>Cultural Resources: CUL-3</p>	<p>Comply with State Laws Pertaining to the Discovery of Human Remains.</p> <p>If human remains are discovered during construction, the requirements of Health and Safety Code section 7050.5 must be followed. Potentially damaging excavation must halt on the construction site within a minimum radius of 100 feet of the remains, and the county coroner must be notified. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the NAHC must be contacted by phone within 24 hours of making that determination (California Health and Safety Code section 7050[c]). Pursuant to the provisions of PRC section 5097.98, the NAHC must identify a most likely descendent (MLD). The MLD designated by NAHC must have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The enrollee must work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect. Ground disturbing activities must not resume until these requirements are met.</p>	<p>Confirm that measure is incorporated in contract documents, if any. Schedule: During preparation of contract and specifications.(Enrollee)</p> <p>Confirm that construction workers are fully aware of all requirements pertaining to human remains. Schedule: Prior to construction / installation of management practices or other activities involving ground disturbance. (Enrollee)</p> <p>In the event that human remains are encountered, confirm that work is stopped immediately and California Health and Safety Code requirements are followed and the county coroner is contacted. Schedule: During construction / installation, if applicable. (Enrollee)</p> <p>Confirm that any discoveries of human remains are evaluated and addressed properly as outlined in the measure. Schedule: During construction / installation, if applicable (Enrollee)</p>



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Geology: GEO-1	<p>Comply with State Laws Pertaining to the Discovery of Paleontological Resources.</p> <p>If any items of paleontological interest are discovered during construction of management practices or other activities (e.g., installation of monitoring wells), work must be immediately suspended within 50 feet of the discovery site, or to the extent needed to protect the site. Discovered paleontological resources must be evaluated by a qualified paleontologist who meets the Society for Vertebrate Paleontology's professional requirements. If it is determined that the activities could damage a unique paleontological resource, mitigation must be implemented in accordance with PRC section 21083.2 and section 15126.4 of the State CEQA Guidelines. If avoidance is not feasible, the paleontologist must develop a treatment plan in consultation with NCRWQCB. Work must not be resumed until authorization is received from NCRWQCB and any recommendations received from the qualified paleontologist are implemented.</p>	<p>Confirm that the measure is incorporated into contract documents, if any. Schedule: During preparation of contract and specifications. (Enrollee)</p> <p>Confirm that construction workers are fully aware of all requirements pertaining to the discovery of paleontological resources and receive basic training on how to identify potential paleontological resources. Schedule: Prior to construction / installation of management practices or other activities involving ground disturbance. (Enrollee)</p> <p>In the event paleontological resources are identified during excavation and related activities, confirm that work stops immediately. Schedule: During construction / installation of management practices or other ground-disturbing activities. (Enrollee)</p> <p>If needed, confirm that a qualified paleontologist is retained to evaluate discovered resources. Schedule: Prior to resuming work activities in affected area (Enrollee)</p> <p>If unique paleontological resource(s) are identified and may be impacted, confirm that qualified paleontologist implements appropriate mitigation and/or develops a treatment plan in consultation with NCRWQCB, as appropriate. Schedule: Prior to resuming work activities in affected area. (Enrollee)</p> <p>Confirm treatment plan and mitigation approach are appropriate and sufficiently avoid or minimize impacts to unique paleontological resource(s). Schedule: Prior to resuming work activities in affected area (NCRWQCB)</p>

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Greenhouse Gas Emissions	N/A	N/A
Hazards and Hazardous Materials: HAZ-1	<p>Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities.</p> <p>Enrollees or their contractors must maintain/implement the following:</p> <p>A list of hazardous materials present on site during construction, to be updated as needed along with product safety data sheets and other information regarding storage, application, transportation, and disposal requirements;</p> <p>A hazardous materials communication plan, which lists contacts for emergency services, hazardous materials spill response agencies, and wildlife agencies, as well as protocols for communication in the event of a spill;</p> <p>Standards for secondary containment of hazardous materials stored on site;</p> <p>Spill response procedures based on product and quantity. The procedures must include spill response/clean-up materials to be used, location of such materials within the construction site, and disposal protocols.</p>	<p>Confirm that measure is included in contract documents, if any. Schedule: During preparation of contract and specifications. (Enrollee)</p> <p>Confirm list of hazardous materials, standards for secondary containment, and spill response procedures are on site/documented. Schedule: Prior to land disturbance activities. (Enrollee)</p> <p>Confirm preparation of a hazardous materials communication plan that includes all information identified in the mitigation measure. Schedule: Prior to land disturbance activities. (Enrollee)</p>

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<p>Hazards and Hazardous Materials: HAZ-2</p>	<p>Review Proximity to Existing Known Hazardous Materials Cleanup Sites and Conduct an Environmental Site Assessment if Proposed Activity Is Located on or in Close Proximity to an Area of Hazardous Materials Contamination.</p> <p>Enrollees proposing construction/installation of management practices involving excavation or ground disturbance must evaluate the proximity of proposed management practices to existing known hazardous material cleanup sites. Prior to final design, enrollees, or their contractors, must review the planned management practice footprint in relation to records of hazardous materials sites in the State Water Board's GeoTracker database and the California Department of Toxic Substances Control's EnviroStor database.</p> <p>If the proposed management practice is located on or within 100 feet of a documented hazardous material contamination site, for which cleanup activities have not been completed or been successful, the enrollee or its contractor must commission a Phase I environmental site assessment (ESA) to more fully characterize the past land uses and potential for soil and/or groundwater contamination to occur at or in close proximity to the site.</p>	<p>For applicable activities, confirm applicable databases (i.e., GeoTracker and EnviroStor) are consulted prior to final design. Schedule: Prior to final design of management practices involving excavation or ground disturbance. (Enrollee)</p> <p>If applicable, confirm Phase I and/or Phase II ESAs are commissioned, per requirements identified in this measure. Schedule: Prior to final design of applicable management practices.(Enrollee)</p> <p>Confirm that construction is conducted in accordance with recommendations of the Phase II ESA, if applicable. Schedule: During construction / installation of applicable management practices. (Enrollee)</p> <p>Confirm proper disposal of contaminated soil/hazardous materials during construction, per applicable laws. Schedule: During construction / installation of applicable management practices. (Enrollee)</p>

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Hazards and Hazardous Materials: HAZ-2 cont'd:	If the Phase I ESA demonstrates a reasonable likelihood that contamination remains within the management practice's area of disturbance, the enrollee or its contractor must commission a Phase II ESA, including soils testing, to characterize the extent of the contamination and develop ways to avoid the contaminated areas during management practice design and construction. The enrollee and/or its contractor must follow all recommendations of the Phase II ESA and, to the extent feasible, design the management practice to avoid areas of contamination. In the event that it is not feasible to avoid all areas of contamination, the enrollee and/or its contractor must follow all applicable laws regarding management of hazardous materials and wastes. This includes proper disposal of any contaminated soil in a hazardous waste landfill and ensuring that workers are provided with adequate personal protective equipment to prevent unsafe exposure.	See HAZ-2.

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Hydrology and Water Quality: HWQ-1	<p>Implement Construction Best Management Practices for Erosion Control.</p> <p>Where construction of management practices would not be subject to the Construction General Permit or local grading ordinance, enrollees must implement the following measures during construction of the improvements, or must implement alternative measures that are demonstrated to be equally or more effective:</p> <p>Implement practices to prevent erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls. Minimize soil disturbance areas.</p> <p>Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm drain inlet protection.</p> <p>Where feasible, limit construction to dry periods.</p> <p>Revegetate disturbed areas.</p> <p>The performance standard for these erosion control measures is to use the best available technology that is economically achievable. These measures may be included in SWPPP requirements, as appropriate.</p>	<p>Confirm that BMPs are included in contract documents, if any. Schedule: During preparation of contract and specifications. (Enrollee)</p> <p>Confirm that all BMPs are implemented fully, and that erosion control measures use the best available technology that is economically achievable. Schedule: During construction / installation of applicable management practices. (Enrollee)</p>

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Hydrology and Water Quality: HWQ-2	<p>Place Management Practices that Involve Retention and/or Treatment of Surface Runoff Outside of 100-Year Floodplains or Tsunami or Seiche Inundation Zones.</p> <p>To the extent feasible, Enrollees must place structural management practices that involve retention or treatment of runoff outside of Federal Emergency Management Agency-designated 100-year floodplains or identified tsunami or seiche inundation zones. Where seiche inundation zones have not been mapped, enrollees should use good judgment in not placing structural management practices for sediment retention in areas immediately adjacent to large standing waterbodies that could be inundated during a seiche event.</p>	Confirm that applicable management practices are not located within 100-year floodplains, tsunami or seiche inundation zones. Schedule: During design of applicable management practices (Enrollee)
Tribal Resources: TRI-1	See Cultural Resources (CUL-1 through CUL-3) above.	

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- <sup>1</sup> Guidelines for Applicants and their Consultants on Preparing Historic Property Identification Reports for the Clean and Drinking Water State Revolving Fund Programs. While these guidelines were developed for other State Water Board programs, they provide protocols that can be applied to other programs where cultural resources must be addressed.
- <sup>2</sup> Native American archaeological materials or indicators may include, but are not limited to, arrowheads 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, fire affected stones, shellfish, or other dietary refuse. Historic era archaeological materials may include, but not be limited to: adobe or fired brick; metal objects such as nails, hinges, machine parts, etc.; household wares such as pottery or glass artifacts or shards; tin cans; milled lumber, etc.

