

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 Enrollee Members. 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 fields.

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

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Mitigation Category	Mitigation Measure	Monitoring and Reporting Action and Schedule (Responsible Party in Parenthesis)
Ag and Forestry Resources	N/A	N/A

<p>Biological Resources: BIO-1</p>	<p>Where construction/installation, maintenance and/or management practices could impact sensitive vegetation communities (e.g., riparian habitat or wetlands adjacent to the construction area) and special-status species, as defined and listed in Section VII and Appendix D, Enrollees must use the least impactful effective management practice to avoid impacts to such species and habitat. Enrollees of the General Order must implement the following measures to reduce potential impacts to levels that are less than significant.</p> <ul style="list-style-type: none"> • Avoid and minimize disturbance of riparian, wetlands, and other sensitive vegetation communities. • Avoid and minimize disturbance to areas containing special-status plant or animal species. • Where construction in areas that may contain sensitive biological resources and aquatic 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 (e.g., riparian and wetland habitat) 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 (e.g., conduct a biological assessment, and/or wetland delineation), and/or habitat for special-status plant and animal species. 	<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>Test accumulated sediments in control features with disposal at an appropriate facility, if warranted. 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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<p>Biological Resources: BIO-1 cont'd.</p>	<ul style="list-style-type: none">• When conducting maintenance or repair on facilities such as sediment basins, or other 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 September 15), 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.• Runoff management features should be designed and routinely maintained to minimize the spread and propagation of invasive species, such as reed canary grass (<i>Phalaris arundinacea</i>).• Accumulated sediments in control features shall be tested prior to removal, with disposal at an appropriate facility, if warranted. <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>	
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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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<p>Hydrology and Water Quality: HWQ-1</p>	<p>Implement Construction Best Management Practices for Erosion Control</p> <p>Enrollees must implement the following measures during construction activities for the implementation of the Proposed Project Management Practices for Water Protection under the General Order, or must implement alternative measures that are demonstrated to be equally or more effective:</p> <ul style="list-style-type: none"> • 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. • Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm drain inlet protection. • Where feasible, limit construction to dry periods. • Design practices and routinely maintain practices to minimize the spread and propagation of invasive species, such as reed canary grass (<i>Phalaris arundinacea</i>). • Revegetate disturbed areas. <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 Best Management Practices 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> <p>Confirm that BMPs are designed and routinely maintained to minimize the spread and propagation of invasive species, such as reed canary grass. Schedule: during construction and ongoing maintenance (Enrollee)</p>
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<p>Hazardous Materials: HAZ-1</p>	<p>Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities</p> <p>General Order enrollees or their contractors must maintain/implement the following:</p> <ul style="list-style-type: none"> • 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; • 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; • Standards for secondary containment of hazardous materials stored on site; • 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. • Test accumulated sediments in control features for hazardous materials prior to removal, with disposal at an appropriate facility, if warranted. 	<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> <p>Test accumulated sediments in control features prior to removal, with disposal at an appropriate facility, if warranted. Schedule: prior to removal of accumulated sediments (Enrollee)</p>
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<p>Cultural Resources: CUL-1</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 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>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.</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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<p>Cultural Resources: CUL-1 continued</p>	<p>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. The data recovery plan must be prepared and submitted to the Regional Water Board for approval, and the data recovery plan must be approved by Regional Water Board prior to any excavation taking place that may impact the resource(s). Regional Water Board must ensure that data recovery plans for Native American archaeological sites have the opportunity be reviewed by consulting tribes.</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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<p>Cultural Resources: CUL-1 continued</p>	<p>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 off- site 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>1)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 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>	<p>See CUL-1.</p>
<p>Cultural Resources: CUL-2</p>	<p>See Mitigation for CUL-1 above</p>	<p>See CUL-1.</p>

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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]).</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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<p>Cultural Resources: CUL-3</p>	<p>Pursuant to the provisions of PRC section 5097.98, the NAHC must identify a most likely descendent (MLD). No photographs will be taken of any human remains, unless required for identification purposes and with permission from Tribal representatives. There shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until the following occurs:</p> <ol style="list-style-type: none">1. The Permit Holder will immediately contact the Del Norte County Coroner (Coroner). Del Norte County Coroner 650 5th Street, Crescent City CA. 95531 Phone: 707-464-41912. If the Coroner determines the remains to be Native American:<ol style="list-style-type: none">a. The Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours.b. The NAHC will designate a Most Likely Descendant (MLD) [CCR 15064.5(e)(1)(B)].c. The designated MLD will meet with the Permit Holder as soon as feasible, to make a recommendation on the treatment of the remains and associated artifacts. <p>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>See CUL-3 above.</p>
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Tribal Cultural Resources: TCR-1	See Cultural Resources (CUL-1 through CUL-3) above.	
Tribal Cultural Resources: TCR-2	<p>Implement tribal cultural viewshed protection measures</p> <p>Low-profile design and naturalistic contours. Design above-ground elements (including berms and basin edges) to maintain low profiles, use naturalistic grading, and minimize visual contrast with surrounding landforms.</p> <p>Material and finish controls. Use non-reflective materials and finishes for any above-ground structures, appurtenances, or signage to minimize glare and visual contrast.</p> <p>Vegetation retention and screening. Retain existing screening vegetation where feasible and restore disturbed areas with native vegetation appropriate to the local setting. Where vegetation establishment is part of design or permitting compliance, prioritize revegetation methods that support both ecological function and the continuity of the TCL's visual setting.</p> <p>Lighting limitations. Avoid new permanent nighttime lighting associated with Management Practice implementation. If lighting is necessary for safety, use the minimum intensity required and fully shield fixtures to direct light downward and away from culturally important views.</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 the viewshed. Schedule: Prior to construction / installation of management practices or other activities involving ground disturbance. (Enrollee)</p>
Tribal Cultural Resources: TCR 3	See Mitigation Measures BIO-1, HWQ-1, and HAZ-1 above.	