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State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

MITIGATION MONITORING AND REPORTING PLAN Water Right Applications 29910 and 29911 Richard Savoy

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 Applications 29910 and 29911. 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 Applications 29910 and 29911.

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:

Richard Savoy filed Applications 29910 and 29911 with the Division on March 4, 1991. Both applications were noticed for public review on June 23, 1995. Petitions for Change of the Place of Use (POU) named in both applications were received by the Division on May 1, 2004. Both petitions were noticed for public review on September 10, 2004.

Application 29910 seeks to divert to storage up to 55.6 afa, at a rate not to exceed 3 cubic feet per second (cfs), from December 15 to March 31. Stored water would be used for irrigation and frost protection of 44.25 net acres within 52.49 gross acres of existing vineyard, as named in the Petition for Change of Application 29910. Water would be diverted from a point of diversion (POD) located southwest of the project site, adjacent to the Navarro River, tributary to the

Pacific Ocean. At the POD, Navarro River underflow would be diverted by pumping from an existing offset well, and would be transported to an existing offstream 27.8 acre-foot (af) capacity pit-type reservoir.

Application 29911 seeks to directly divert up to 40 afa, at a rate not to exceed 3 cfs, from March 1 to March 31. Water would be diverted from the same POD described in Application 29910 and would be used for frost protection of the same 44.25 net acres of existing vineyard named in Application 29910, as named in the Petition for Change of Application 29911.

The total amount of water diverted under Applications 29910 and 29911 would not exceed 82.9 afa.

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
Hydrology and Water Quality			
<ul style="list-style-type: none"> Permittee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance from entering into or being placed where it may be washed by rainfall runoff into the waters of the State. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<ul style="list-style-type: none"> No water shall be used under this permit until Permittee has filed a report of waste discharge with the Regional Water Quality Control Board, North Coast Region, pursuant to Water Code section 13260, and the Regional Water Quality Control Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Water Quality Control Board or State Water Resources Control Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Water Quality Control Board or the State Water Resources Control Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260: <ol style="list-style-type: none"> the Regional Water Quality Control Board issues a waiver pursuant to Section 13269; or, the Regional Water Quality Control Board fails to act within 120 days of the filing of the report. No Permittee shall be required to file a report of waste discharge pursuant to Water Code section 13260 for percolation to groundwater of water resulting from the irrigation of crops. 	Permittee; North Coast Regional Water Quality Control Board; State Water Resources Control Board	Pre-Diversion	Division of Water Rights, Permitting and Enforcement Sections
(A029910 only) <ul style="list-style-type: none"> The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 55.6 acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
(A029910 only) <ul style="list-style-type: none"> The capacity of the reservoir covered under this permit shall not exceed 27.8 acre-feet. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> <i>The total combined quantity of water diverted any permits issued pursuant to Applications 29910 and 29911 shall not exceed 82.9 acre-feet per annum.</i> 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<ul style="list-style-type: none"> <i>The combined maximum simultaneous rate of diversion under any permits issued pursuant to Applications 29910 and 29911 shall not exceed 3 cubic feet per second.</i> 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<p>(A029910 only)</p> <ul style="list-style-type: none"> <i>Before storing water in the reservoir, Permittee shall install and properly maintain a staff gage in the reservoir, satisfactory to the Deputy Director for Water Rights, for the purpose of determining water levels in the reservoir. This staff gage must be maintained in operating condition as long as water is being diverted or used under this permit.</i> <p><i>Permittee shall record the staff gage readings on the last day of each month and on December 15 annually. Permittee shall record the maximum and minimum water surface elevations and the dates that these water levels occur each water-year between October 1 and September 30. Permittee shall maintain a record of all staff gage readings and shall submit these records with annual progress reports, and whenever requested by the Division of Water Rights.</i></p> <p><i>The State Water Resources Control Board may require the release of water that cannot be verified as having been collected to storage prior to October 1 of each year.</i></p>	Permittee	Pre-Diversion, Ongoing	Division of Water Rights, Permitting and Enforcement Sections
<p>(A029910 only)</p> <ul style="list-style-type: none"> <i>Prior to diversion or use of water under this permit, Permittee shall install and maintain an in-line flow meter satisfactory to the Deputy Director for Water Rights to measure the instantaneous rate and quantity of water diverted into the reservoir from Navarro River, and water released from or flowing out of the reservoir. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall maintain a record of the end-of-the-month readings and of the days of actual diversion, and shall submit these records with annual progress reports, and whenever requested by the Division.</i> 	Permittee	Pre-Diversion, Ongoing	Division of Water Rights, Permitting and Enforcement Sections

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

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Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> For the protection of fish and wildlife and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, under all bases of right, whenever the flow in the Navarro River is less than 594 cubic feet per second as measured at the United States Geological Survey Stream Gage No.11468000 on the Navarro River, California. In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage, satisfactory to the Deputy Director for Water Rights as near as practicable to the present location of United States Geological Survey Stream Gage No.11468000. In the absence of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 29910 and/or Application 29911. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<p>(A029911 only)</p> <ul style="list-style-type: none"> The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3 cubic feet per second to be diverted from March 1 to March 31 of each year. The maximum amount diverted under this permit shall not exceed 40 acre-feet per year. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<ul style="list-style-type: none"> Within six months of issuance of this permit, the 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: <ol style="list-style-type: none"> 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; A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity, including any necessary calibration; A time schedule for the installation of these facilities; A description of the frequency of data collection and the methods for recording bypass flows and storage levels; and, An operation and maintenance plan that will be used to maintain all facilities in good condition. 	Permittee	Pre-Diversion	Division of Water Rights, Permitting and Enforcement Sections

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p><i>The 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.</i></p> <p><i>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. Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Deputy Director for Water Rights.</i></p> <p><i>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>			
<ul style="list-style-type: none"> <i>Permittee shall not use more water under a claim of riparian right on the place of use authorized by this permit than Permittee would have used absent the appropriation authorized by this permit. Based on the information contained in the Division of Water Rights files, approximately 20 acre-feet per year of riparian water has been used on 22.75 acres of the place of use. Therefore, consistent with this term, Permittee may not divert any additional riparian water for use on the place of use authorized by this permit under basis of riparian right. With the Deputy Director for Water Rights' approval, this information may be updated, and Permittee may use water under basis of riparian on the authorized place of use, provided that Permittee submits reliable evidence to the Deputy Director for Water Rights quantifying the amount of water that Permittee likely would have used under a claim of riparian right absent the appropriation authorized by this permit. The Deputy Director for Water Rights is hereby authorized to approve or reject any proposal by Permittee to use water under a claim of riparian right on the place of use authorized by this permit.</i> 	Permittee	Ongoing	Division of Water Rights, Permitting and Enforcement Sections
<ul style="list-style-type: none"> <i>Permittee shall report any non-compliance with the terms of the permit to the Deputy Director for Water Rights within three days of identification of the violation.</i> 	Permittee	Ongoing	Division of Water Rights, Enforcement Section

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<p>Biological Resources (A029910 only)</p> <ul style="list-style-type: none"> • <i>For the protection of habitat for the California red-legged frog along the reservoirs and to allow for the growth of riparian vegetation, Permittee shall:</i> <ul style="list-style-type: none"> <i>a. Establish and maintain, undisturbed, a 50-foot-wide strip [exact width subject to negotiation with United States Fish and Wildlife Service and Department of Fish and Game] of natural upland vegetation around each water storage reservoir. During replanting, no vines shall be replanted within a 50-foot-wide strip to establish the natural vegetation buffer;</i> <i>b. Obtain approval of the United States Fish and Wildlife Service, Sacramento Endangered Species Office, and Department of Fish and Game prior to any reservoir dredging operation. Permittee shall submit to the Deputy Director for Water Rights evidence of agency approval prior to any future reservoir dredging operations;</i> <i>c. Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations;</i> <i>d. Make no introduction of non-native fish species into the reservoir; and,</i> <i>e. Consult with the United States Fish and Wildlife Service and Department of Fish and Game should any bullfrogs or non-native fish be discovered at or near the reservoir to develop and implement an acceptable bullfrog eradication program. The eradication program may require periodic draining of the reservoirs.</i> <p><i>These requirements shall remain in effect as long as water is being diverted under any permit or license issued pursuant to Application 29910.</i></p>	<p>Permittee; United States Fish and Wildlife Service; California Department of Fish and Game</p>	<p>Ongoing; Before any dredging activities; If any bull frogs or non-native fish species are observed.</p>	<p>Division of Water Rights, Enforcement Section</p>

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. 	Permittee; California Department of Fish and Game	Pre-Diversion	Division of Water Rights, Permitting and Enforcement Sections
<ul style="list-style-type: none"> For the protection of riparian habitat, Permittee shall establish a setback as shown on Setback Map No. SB-01, dated July 2, 2008 on file with the Division of Water Rights. The setback shall be at least 25 feet wide along the onsite ephemeral drainage 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. 	Permittee	Ongoing	Division of Water Rights, Enforcement Section
<ul style="list-style-type: none"> Prior to the diversion or use of water under this permit, Permittee shall obtain the appropriate permit from the U.S. Army Corps of Engineers (USACE) and file a copy with Division of Water Rights. If a permit from the USACE is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights with a letter from the USACE affirming that a permit is not needed. 	Permittee; U.S. Army Corps of Engineers	Pre-Diversion	Division of Water Rights, Permitting and Enforcement Sections

Applications 29910 and 29911 Mitigation Monitoring and Reporting Matrix

All mitigation measures apply to both applications unless otherwise specified.

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<ul style="list-style-type: none"> <i>Prior to the start of construction or diversion or use of water under this permit, and only if a USACE permit is required, Permittee shall obtain Clean Water Act section 401 Water Quality Certification from the State Water Resources Control Board or the North Coast Regional Water Quality Control Board.</i> 	Permittee; State Water Resources Control Board; North Coast Regional Water Quality Control Board	Pre-Diversion	Division of Water Rights, Permitting and Enforcement Sections
<ul style="list-style-type: none"> <i>The Permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.</i> 	Permittee	Pre-Diversion, Ongoing	Division of Water Rights, Permitting and Enforcement Sections
Cultural Resources			
<ul style="list-style-type: none"> <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 Director for Water Rights 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> 	Permittee	Ongoing	Division of Water Rights, Enforcement Sections
<ul style="list-style-type: none"> <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,</i> 	Permittee	Ongoing	Division of Water Rights, Enforcement Sections

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Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
<i>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>			