

MITIGATION MONITORING AND REPORTING PLAN Water Right Application A030717 of David F. Jenks

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (California Public Resources Code section 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 A030717. The MMRP lists mitigation measures recommended in the IS/MND for the proposed project and specifies implementation and monitoring responsibilities. Pursuant to California 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 A030717.

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 applicant 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:

Application A030717 seeks to appropriate 3.81 acre feet (af) of water to storage. The project consists of a 3.81 acre-foot (af) reservoir previously constructed on a small unnamed swale that conveys water from Guntley Road and a vineyard area on the east side of Guntley Road, via two culverts under Guntley Road. The unnamed swale connects with another downstream unnamed stream a short distance from the reservoir. The second unnamed stream is tributary to Floodgate Creek thence the Navarro River. Water is to be used to irrigate 1.5 acres of vineyard and the remaining 18.5 acres of landscape vegetation around the main house and the guest house of Jenks' property. Additional uses include frost protection, recreation, heat protection and wildlife enhancement.

The project includes modification of the diversion facility and the installation of a conveyance system around the existing reservoir to ensure that a minimum bypass flow equal to the February median flow (0.013 cubic feet per second) during the diversion season, and all water outside the diversion season will be bypassed for protection of aquatic resources and habitat.

APPLICATION: A030717 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
Hydrology and Water Quality			
<p>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.</p>	Permittee	During Construction and Ongoing	Division of Water Rights; Compliance and Licensing
Biological Resources/Hydrology and Water Quality			
<p>The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 3.81 acre-feet per annum to be collected from December 15 of each year through March 31 of the succeeding year.</p>	Permittee	Ongoing	Division of Water Rights; Compliance and Licensing
<p>For the protection of fish and wildlife, under all bases of right, Permittee shall bypass a minimum of 0.013 cubic feet per second during the period from December 15 through March 31. Under all bases of right Permittee shall bypass the total stream flow from April 1 through December 14. The total stream flow shall be bypassed whenever it is less than 0.013 cubic feet per second.</p>	Permittee	Ongoing	Division of Water Rights; Compliance and Licensing
<p>Prior to the diversion and use of water under this permit, Permittee shall install a diversion and bypass structure in the Unnamed Stream upstream of the reservoir consistent with the "Bypass Flow Control Structure – Preliminary Design" on file with the Division of Water Rights for the purpose of diverting and directing bypass flows around the reservoir to the Unnamed Stream. The structure must be capable of passively bypassing the flows required by the conditions of this permit. To demonstrate compliance with this term, Permittee shall furnish evidence which substantiates that the bypass structure has been installed within sixty (60) days from the date of approval of this permit. If the bypass structure is rendered inoperative for any reason, all diversions shall cease until such time as it is restored to service. Said bypass structure shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application A030717.</p>	Permittee	Pre-diversion; Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
Biological Resources/Hydrology and Water Quality (continued)			

APPLICATION: A030717 Mitigation Monitoring and Reporting Matrix

Mitigation Measure

Implementation

Timing

**Monitoring/
Enforcement**

Biological Resources/Hydrology and Water Quality

For the protection of fish and wildlife and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, whenever the flow in the Navarro River is less than 325 cubic feet per second as measured at the United States Geological Survey Navarro River gage 11468000 located on the Navarro River. In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) must install and maintain an equivalent type gage, satisfactory to the Chief of the Division of Water Rights, as near as practicable to the present location of the United States Geological Survey Navarro River gage 11468000 or the Permittee must propose an alternative means of replacing the gage data, such as referencing another stream gage in the region that could be correlated with the Navarro River gage, that is satisfactory to the Chief of the Division of Water Rights. In the absence of such an equivalent gage or an approved alternative means of replacing the gage data, 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 A030717.

Permittee

Ongoing

Division of Water Rights; Compliance and Licensing

Permittee shall maintain records of operation and maintenance of the diversion and bypass structure to document compliance with permit conditions. Observations shall be recorded and photocopied annually for submittal to the Division of Water Rights prior to July 1 of each year. Records will document the following:

1. Date and time of installation and removal of flashboards in the diversion and bypass structure;
2. Date and time of all routine maintenance activities related to diversion and bypass facilities, including clearance of debris from weir, culverts, pipe and weir inlets and outfalls, and observations of bypass swale for evidence of erosion;
3. Weekly observations, with a maximum interval between observations of seven (7) days, of flow conditions at the diversion/bypass control structure during the diversion season, and general character of reservoir storage (not filling, filling, or spilling through outlet pipe);

Permittee

Ongoing

Division of Water Rights; Compliance and Licensing

APPLICATION: A030717 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
<p>4. Weekly flow observations of the United States Geological Survey Navarro River gage 11468000, beginning on December 14 or prior to diversion of flows to the reservoir and continuing until the end of the diversion season. When flow at the gage is less than 500 cubic feet per second, the gage flow data must be examined again within three (3) days. When flow at the gage is less than 400 cubic feet per second, the gage flow data must be examined again within one (1) day. Documentation of observations of the gage may be achieved by printing out a copy of downloaded gage flow data from the United States Geological Survey National Water Information System website at the time of observation, and collecting these copies in a binder; and,</p> <p>5. Monthly calibration of the diversion and bypass structure to ensure that it is functioning to bypass the amount of water specified in terms of this permit</p>			
<p>Biological Resources</p>			
<p>This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 205 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.</p>	<p>Permittee</p>	<p>Ongoing</p>	<p>Division of Water Rights; Permitting, Compliance and Licensing</p>
<p>In accordance with California Department of Fish and Game Code section 6400 and for the protection of fish and wildlife, the reservoir shall not be stocked with non-native fish or aquatic species, unless the Permittee has received written consent from the California Department of Fish and Game. A copy of the written consent shall be provided to the Chief of the Division of Water Rights prior to stocking the reservoir with non-native fish or aquatic species.</p>	<p>Permittee; California Department of Fish and Game</p>	<p>Ongoing</p>	<p>California Department of Fish and Game; Division of Water Rights; Compliance and Licensing</p>

APPLICATION: A030717 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
<p>Cultural Resources</p> <p>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 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 Chief of the Division of Water Rights shall be notified of the discovery and a professional archaeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of 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 Chief of the Division of Water Rights.</p>	<p>Permittee</p>	<p>Ongoing</p>	<p>Division of Water Rights; Permitting, Compliance and Licensing</p>
<p>If human remains are encountered, then the Permittee/Licensee 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 disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendant may make recommendations regarding the means of treating or disposing of the remains with appropriate dignity. 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 Chief of the Division of Water Rights.</p>	<p>Permittee</p>	<p>Ongoing</p>	<p>Division of Water Rights; Permitting, Compliance and Licensing</p>