

FINAL MITIGATION MONITORING PLAN
Water Right Application 31771
BH Farming

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 Application 31771. 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 Application 31771.

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:

On May 18, 2009, BH Farming, LLC (applicant) filed water right Application 31771 to appropriate water from the Burch Creek watershed in Tehama County. The applicant owns a 1,420-acre walnut and almond farm and proposes to irrigate with water collected to storage in a reservoir on an unnamed ephemeral stream (No-Name Creek) tributary to Burch Creek. The applicant also proposes to divert water from Burch Creek to off-stream storage in the reservoir. The reservoir site consists of 128 acres and will store a combined total maximum of 2,000 acre feet (af) of water from No-Name Creek and Burch Creek. Water will be diverted from November 1 of each year through April 30 of the succeeding year and will mainly be used for irrigation as well as frost protection, recreation, stockwatering and wildlife enhancement.

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<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>	<p>During construction and ongoing</p>	<p>Division of Water Rights; Permitting, Compliance Tehama County</p>
<p>Permittee shall implement the following BMPs during construction of the project: The project will be implemented under permits and review of the Department of Water Resources, Division of Dam Safety; Tehama County Grading permit; Department of Fish and Game 1600 permit; USACE 404 permit; and State Water Board General Construction Permit. The General Construction Permit will require preparation of a Storm Water Pollution Prevention Plan (SWPPP), which will include all BMPs to be implemented during project construction. The construction will likely be a Level 2 construction project. The BMPs that may be included at the discretion of the Qualified SWPPP Developer/Practitioner include the following, taken from the most recent California Stormwater BMP Construction Handbook:</p> <p>Erosion Control EC-1 Scheduling EC-2 Preservation of Existing Vegetation EC-3 Hydraulic Mulch EC-4 Hydroseeding EC-5 Soil Binders EC-6 Straw Mulch EC-7 Geotextiles and Mats EC-8 Wood Mulching EC-9 Earth Dikes and Drainage Swales EC-10 Velocity Dissipation Devices EC-11 Slope Drains EC-12 Streambank Stabilization EC-13 Reserved EC-14 Compost Blankets EC-15 Soil Preparation/Roughening EC-16 Non-Vegetative Stabilization</p>	<p>During construction</p>	<p>Division of Water Rights; Permitting, Compliance Tehama County</p>

Application 31771 Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Timing	Monitoring /Enforcement
<p>Sediment Control SE-1 Silt Fence SE-2 Sediment Basin SE-3 Sediment Trap SE-4 Check Dam SE-5 Fiber Rolls SE-6 Gravel Bag Berm SE-7 Street Sweeping and Vacuuming SE-8 Sandbag Barrier SE-9 Straw Bale Barrier SE-10 Storm Drain Inlet Protection SE-11 Active Treatment Systems SE-12 Temporary Silt Dike SE-13 Compost Socks and Berms SE-14 Biofilter Bags</p> <p>Wind Erosion Control WE-1 Wind Erosion Control</p> <p>Tracking Control TC-1 Stabilized Construction Entrance/Exit TC-2 Stabilized Construction Roadway TC-3 Entrance/Outlet Tire Wash</p>		
<p>The maximum rate of diversion to offstream storage from POD 2 shall not exceed 40 cubic feet per second (cfs).</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
<p>The capacity of the reservoir covered under this permit shall not exceed 2,000 acre-feet (af).</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
<p>The water appropriated from No-Name Creek and Burch Creek shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of 2,000 af to be collected from November 1 of each year to April 30 of the succeeding year.</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
<p>Before storing water in the reservoir, permittee shall install and properly maintain a staff gage in the reservoir, satisfactory to the State Water Board, for the purpose of determining water levels in the reservoir. Permittee shall record the staff gage readings monthly from November 1 until April 30 of every year. Such readings</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing

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Mitigation Measure	Timing	Monitoring /Enforcement
shall be supplied to the State Water Board with each progress report submitted to the Board by permittee.		
Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe to the Deputy Director for Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
Permittee shall install and maintain a device satisfactory to the State Water Board to measure the rate and quantity of water diverted into the reservoir from Burch Creek. Prior to diversion, permittee shall also develop a method for measuring the diversions from the No-Name Creek. The measuring methodology shall be subject to review and approval of the Deputy Director for Water Rights. All in-line flow meters or other measuring devices must be maintained in operating condition as long as water is being diverted or used under this permit.	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
The State Water Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the State Water Board concerning availability of water and the protection of beneficial uses of water in the Sacramento River. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing.	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the State Water Board, made after notice to interested parties and opportunity for hearing.	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing

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Mitigation Measure	Timing	Monitoring /Enforcement
<p>No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental project water by the Central Valley Project or the State Water Project.</p> <p>a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and project carriage water are specifically excluded from the definition of inbasin entitlements.</p> <p>b. Supplemental project water is defined as that water imported to the basin by the project plus water released from project storage which is in excess of export diversions, project carriage water, and project inbasin deliveries. The State Water Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental project water provided by the project operators.</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing
<p>For the protection of fish and wildlife, permittee shall bypass a minimum of 1 cfs at the point of diversion on Burch Creek. The total streamflow shall be bypassed whenever it is less than 1 cfs. Prior to diversion, the permittee shall submit a compliance plan, satisfactory to the Deputy Director for Water Rights, which describes how the bypass flows required by the conditions of this permit will be measured and maintained.</p>	Ongoing	Division of Water Rights; Permitting, Compliance, and Licensing