

Berglund Family Vineyards – License 13860 (Application 25765) Mitigation Monitoring and Reporting Matrix

Mitigation Measure	Implementation	Timing	Monitoring /Enforcement
Air Quality			
To ensure the protection of air quality, Licensee shall be responsible for complying with all applicable regulations from the Napa County Agricultural Commissioner’s Office for the use of soil stabilizers, pesticides, herbicides, and other regulated chemicals on the place of use.	Licensee Napa County	Ongoing	Division of Water Rights, Enforcement Section
Hydrology and Water Quality			
To further ensure the protection of water quality during operation of the project, Licensee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance to enter into or be placed where it may be washed by rainfall runoff into the waters of the State.	Licensee	Ongoing	Division of Water Rights, Enforcement Section
Biological Resources			
No water shall be diverted under this license unless licensee has installed a device on Burton Creek, satisfactory to the State Water Board, which is capable of measuring the flows required by the conditions of this license. In lieu of installing a measuring device, Licensee may satisfy this requirement through use of a U.S. Geological Survey (USGS) stream gage. Should the USGS stream gage device be abandoned or discontinued in the future, Licensee shall notify the Deputy Director within seven days of the discontinuance, and within 180 days of the discontinuance, Licensee shall either identify an alternative USGS stream gage device for use, or install and maintain a measuring device on Burton Creek.	Licensee	Ongoing	Division of Water Rights, Enforcement Section
<p>The bypass may be measured at the USGS stream gage located on Putah Creek near Guenoc (USGS 11453500). If this measurement site is utilized, the gage shall read as follows to document compliance with the above bypass requirement:</p> <ul style="list-style-type: none"> a. 96.7 cfs from December 1 through February 28 (4 cfs in Burton Creek) b. 24.2 cfs from March 1 through April 30 (1 cfs in Burton Creek) c. 12.1 cfs from May 1 through May 15 and November 1 through November 30 (0.5 cfs in Burton Creek) <p>To verify the accuracy of using the Guenoc gage, within 180 days of issuance of the amended water right, (a) Permittee shall take measurements to compare</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section

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<p>real-time site-specific data to the Guenoc gage data. A minimum of two measurements shall be taken below the confluence of the Unnamed Stream (source of point of diversion) on Burton Creek to make this comparison, and (b) Permittee shall document that the substitute gage provides accurate information for this site. Any future correlations must be completed within 30 days of request by Division staff.</p> <p>In the absence of such documentation, Permittee shall measure bypass below the confluence of the Unnamed Stream (source of point of diversion) on Burton Creek.</p>			
<p>For the protection of threatened and endangered species and their habitat, this license 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 & G. Code, §§ 2050-2097) 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 Licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section
<p>The Licensee shall maintain a 50-foot-wide setback around the reservoirs as shown on Setback Map No. SB-01 dated March 13, 2008 on file with the Division of Water Rights. No new ground disturbing activities shall occur within the setback area, with the exception of occasional equipment access necessary for continued operation of the reservoir. Equipment access within the setback area shall be limited to only activities necessary for the ongoing management of the setback area and operation of the reservoir and shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Natural vegetation shall be preserved and protected within the setback area. Planting of native riparian vegetation within the setback area is allowed.</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section
<p>The Licensee shall obtain approval of the United States Fish and Wildlife Service (USFWS), Sacramento Endangered Species Office, and the California Department of Fish and Game (DFG) prior to any future reservoir dredging</p>	Licensee USFWS	Ongoing	Division of Water Rights, Enforcement Section

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<p>operations. Licensee shall submit to the Deputy Director for Water Rights evidence of agencies approval prior to any future reservoir dredging operations. The Licensee shall refrain from disturbing emergent (wetland) vegetation in the reservoir during dredging operation.</p>			
<p>For the continued protection of created wetlands, no ground disturbing activities shall occur within the wetland area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas. Planting, maintenance, and irrigation of native wetland vegetation within the setback area are allowed.</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section
Cultural Resources			
<p>For the protection of archaeological resources, the archaeological sites CA-Nap-21, CA-Nap-387, CA-Nap-389 and CA-Nap-388 located in the reconnaissance report by Archaeological Consulting and Research Services, Inc. shall be excluded from the place of use. These sites shall not be otherwise impacted by any developments related to the proposed water storage, distribution and use. Such impacts would include dams, dikes, storage locations, pipelines, canals or ditches, and any other surface or subsurface disturbance related to the proposed water use.</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section
<p>The archaeological sites identified as CA-Nap-21, CA-Nap-387, CA-Nap-388 and CA-Nap-389 shall not be impacted by any subsurface disturbances (e.g., ripping, trenching, grading, or installation of buried pipelines). Discing of the archaeological deposits will continue to be allowed. Further development of these archaeological sites may be allowed following the completion of a cultural resources mitigation program, the expense of which would be entirely borne by the applicant. The mitigation program would have to be designed and completed by a professional archaeologist and subject to approval by the Deputy Director for Water Rights.</p> <p>In order to protect the three archaeological sites identified as CA-NAP-21, CA-NAP-387, and CA-NAP-389/803 in the report titled Limited Archaeological Investigations at the Berglund Property, Pope Valley, California by Eileen Barrow, B.A. and Thomas M. Origer, M.A. dated October 24, 2008, revised December 19, 2008, Licensee shall be subject to the following restrictions for</p>	Licensee	Ongoing	Division of Water Rights, Enforcement Section

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<p>ongoing agricultural operations and any activities involving replanting of vines on the archaeological sites within the Place of Use pursuant to Permit 17941 (Application 25765):</p> <p>Vine removal shall be done as non-invasively as possible, by pulling the vines either vertically or roughly horizontally using a tractor and chain, as demonstrated in the video titled Vine Removal, accompanying the above referenced report. Vine removal shall occur only while the soil is moist down to six inches, and vines shall be replanted in the same location as the vines which were removed;</p> <p>No trenching, or other mechanical disturbance, including ripping below the disc zone shall be allowed;</p> <p>Cultivation (discing) is allowed for weed control and general vineyard maintenance; and</p> <p>No artifacts or other materials shall be removed from the sites.</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 Deputy Director for Water Rights shall be notified of the discovery, and a professional archaeologist shall be retained by the Licensee 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.</p>	<p>Licensee</p>	<p>Ongoing</p>	<p>Division of Water Rights, Enforcement Section</p>

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<p>If human remains are encountered, the 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 disturbances 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 to identify the most-likely descendants of the deceased Native Americans. 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 Deputy Director for Water Rights.</p>	<p>Licensee</p>	<p>Ongoing</p>	<p>Division of Water Rights, Enforcement Section</p>

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