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## State Water Resources Control Board

### MITIGATION MONITORING AND REPORTING PLAN Water Right Permit 20295 (Application 27758) Anderson Vineyards, Inc.

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 Permit 20295 (Application 27758). 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 Permit 20295 (Application 27758).

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, 2<sup>nd</sup> Floor  
1001 I Street  
Sacramento, CA 95814

#### PROJECT DESCRIPTION:

Permit 20295 (Application 27758) was issued December 29, 1988, by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). Permit 20295 allows for the diversion of 75 acre-feet of water from an Unnamed Stream tributary to Mill Creek thence the Navarro River to storage in an existing off-stream reservoir for the purposes of irrigation, frost protection, and heat control of 210 acres. The approved Petition for Change for Permit 20295 adds 36 acres to the POU, for a total of 246 acres. A portion of the amended

POU is located on a parcel adjacent to the property which the Petitioner is leasing. The entire 246-acre POU is currently developed in vineyard and includes vineyard avenues and turnspaces. No additional development would occur with the petition. No changes to the water diversion or purposes of use authorized by Permit 20295 are proposed.

**Application 27758 Mitigation Monitoring and Reporting Matrix**

Mitigation Measure	Implementation	Timing	Monitoring/ Enforcement
<b>Geology and Soils</b>			
<ul style="list-style-type: none"> <li><i>Within six months of the date of this permit, an erosion control plan shall be submitted to and approved by the Deputy Director for Water Rights. Said plan shall include measures to prevent sediment from leaving the place of use and entering waters of the State. Permittee shall provide the Division of Water Rights with evidence that substantiates that the erosion control measures contained in the plan are functioning properly every five years after installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.</i></li> </ul>	Permittee	Continuous	Division of Water Rights
<b>Hydrology and Water Quality</b>			
<ul style="list-style-type: none"> <li><i>The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 75 acre-feet per annum to be collected from November 1 of each year to June 1 of the succeeding year.</i></li> <li><i>This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.</i></li> <li><i>The maximum rate of diversion to offstream storage shall not exceed 1 cubic foot per second.</i></li> <li><i>Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2010.</i></li> <li><i>The State Water Board reserves jurisdiction to impose conditions to conform this permit to State Water Board policy on use of water for frost protection. Action by the State Water Board will be taken only after notice to interested parties and opportunity for hearing.</i></li> <li><i>No water shall be diverted to offstream storage under this permit unless Permittee is monitoring and reporting said diversion of water. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of continuous monitoring of the rate and quantity of water diverted and shall be properly maintained.</i></li> </ul> <p><i>Permittee shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Permittee shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every five years after device installation as an enclosure to the current annual report or whenever</i></p>	Permittee	Continuous	Division of Water Rights

<p><i>requested by the Division of Water Rights.</i></p> <p><i>Permittee shall maintain a record of all diversions under this right that includes the date, time, rate of diversion at time intervals of one hour or less, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.</i></p> <ul style="list-style-type: none"> <li><i>No water shall be diverted under this permit unless Permittee is monitoring and reporting the water surface elevation in the reservoir. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring water surface elevations from the maximum water line to the minimum water line known to exist for the reservoir and shall be properly maintained.</i></li> </ul> <p><i>Permittee shall provide the Division of Water Rights with evidence that the device has been installed and the mark or reading corresponding to the maximum water line of the reservoir with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.</i></p> <p><i>Permittee shall maintain a record of water surface elevations. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights. The State Water Board may require release of water held in storage that cannot be verified by monthly records. Failure to maintain or submit the required records may result in the requirement to release the entire content of the reservoir's storage.</i></p> <ul style="list-style-type: none"> <li><i>No water shall be diverted under this permit unless the flow in the Unnamed Stream is at or above 0.04 cubic feet per second, as measured at the Point of Diversion.</i></li> <li><i>No water shall be diverted under this permit unless Permittee is bypassing the flow required by this permit by use of a passive bypass device.</i></li> </ul> <p><i>Permittee shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Permittee shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every year after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights. Evidence required by this condition shall include current photographs of</i></p>	<p>Permittee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>
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<p><i>the system in place and a statement, signed by the Permittee, certifying that the system is still operating as designed.</i></p>			
<p><b>Biological Resources</b></p>			
<ul style="list-style-type: none"> <li>• <i>For the protection of riparian habitat, Permittee shall maintain the existing setbacks as shown on the Habitat Map, dated June 18, 2010, on file with the Division of Water Rights. The setbacks shall range from a minimum of 25 to 50 feet wide along the intermittent and ephemeral drainages adjacent to the expanded place of use 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.</i></li>   <li>• <i>Permittee shall compensate for the loss of 33 mature trees through planting of trees at a replacement ratio of 3:1.</i></li> </ul> <p><i>The tree replacement plantings shall be located within or adjacent to the existing mixed evergreen forest as identified in Figure 6 of the Initial Study on file for Application 27758. Trees planted should be contiguous to existing stands to facilitate colonization by birds and arboreal mammals. Proposed replacement trees shall be planted with 35 feet of separation between trunks. Permittee shall provide a map showing the location of each replacement planting within one year of the date of permit issuance and provide updates to the map with subsequent monitoring reports if changes occur.</i></p> <p><i>Replacement tree plantings for the mitigation area shall be obtained from a combination of nursery stock grown on site, direct planting in proposed mitigation area from acorns and seeds collected on site, and/or trees obtained from a local native plant nursery or supplier. Plantings will consist of propagules derived from locally collected stock (native of Mendocino County) having a similar genetic origin to indigenous species on site. Permittee shall provide a written statement within one year of permit issuance disclosing the origin of each of the replacement plantings and</i></p>	<p>Permittee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>

<p><i>updates to the written statement with subsequent monitoring reports if failed plantings are replaced or relocated.</i></p> <p><i>Permittee shall provide photographic evidence to document the tree replacement plantings within one year of the date of permit issuance and update photographs with subsequent reports if failed plantings are replaced or relocated.</i></p> <p><i>Any diversion of water pursuant to this permit is unauthorized if survival of any of the replacement tree species falls below 75%. Permittee shall maintain replacement plantings such that survival rate of each species is not less than the identified thresholds. Survival rate shall be documented and submitted by Permittee annually.</i></p> <p><i>Annual monitoring reports shall be prepared by a biologist or certified arborist whose qualifications are acceptable to the Deputy Director for Water Rights. The initial monitoring report shall be submitted to the Deputy Director for Water Rights within one year of the date of permit issuance.</i></p> <p><i>The initial monitoring report shall include documentation of:</i></p> <ul style="list-style-type: none"> <li><i>• planting locations (map)</i></li> <li><i>• species of each planting</i></li> <li><i>• size of each tree at planting (height and diameter at breast height if applicable)</i></li> <li><i>• statement identifying the origin of each replacement tree</i></li> <li><i>• photographic evidence documenting planted replacement trees.</i></li> </ul> <p><i>Subsequent annual reports shall be submitted annually to the Deputy Director for Water Rights and shall include documentation of:</i></p> <ul style="list-style-type: none"> <li><i>• size of each tree (height and diameter at breast height if applicable)</i></li> <li><i>• age of each tree</i></li> <li><i>• health status of each tree</i></li> <li><i>• photographic evidence documenting progress of replacement trees</i></li> <li><i>• locations (updated map), initial size measurement (height and diameter and breast height), photographic evidence and statement of origin for new plantings, if necessary to replace failed plantings.</i></li> </ul>	<p>Permittee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>
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<p><i>These reports shall be filed annually for a minimum of five years until at least 75% of each species has survived five years. At this time a final report shall be filed that provides written and photographic documentation of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>location of each tree</i></li> <li>• <i>size of each tree (height and diameter at breast height)</i></li> <li>• <i>age of each tree.</i></li> </ul> <p><i>Permittee shall refrain from any activities which may impact the replacement plantings including but not limited to development and timber harvesting in the replanting area.</i></p>	<p>Permittee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>
<p><b>Cultural Resources</b></p>			
<ul style="list-style-type: none"> <li>• <i>Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological 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 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></li> <li>• <i>If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources 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 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.</i></li> </ul>	<p>Permittee</p>	<p>Continuous</p>	<p>Division of Water Rights</p>