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## State Water Resources Control Board

### Proposed Mitigation Monitoring and Reporting Plan

#### Garden Highway Mutual Water Company Winter Water Rights Application A031911

This Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with the California Environmental Quality Act (Pub. 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 application A031191. The MMRP lists mitigation measures recommended in the IS/MND for the proposed project and specifies implementation and monitoring responsibilities. Pursuant to Public Resources Code section 21081.6, subdivision (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 application A031191.

Generally, the State Water Resources Control Board, Division of Water Rights (Division) staff will monitor mitigation measures requiring pre-construction actions or submittals. Implementation of mitigation measures is the sole responsibility of the right holder. Compliance with mitigation measures will be assessed through the Division's routine compliance monitoring activities. 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:**

Shareholders of the Garden Highway Mutual Water Company own property located west of the Feather River, between the Sutter Bypass to the west and State Route 99 to the east, approximately three miles northwest of the small community of Nicolaus in Sutter County, California. The purpose of the proposed project is to use the water requested under Application A031191 to flood rice fields during the season of diversion for rice straw decomposition and incidental irrigation of food and cover crops. Water would be taken at a maximum direct diversion rate of 86 cfs. The total amount of water taken by diversion would be 4,320 acre-feet per diversion season. The season of diversion would be from October 1 of each year to March 31 of the succeeding year.

Mitigation Measure	Implementation	Timing	Monitoring / Enforcement
<b>Biological Resources</b>			
<p><b>Mitigation Measure BIO-1a: Rate of Diversion</b></p> <p>The Garden Highway Mutual Water Company (GHMWC or Permittee) shall not divert water under the proposed permit for Application A031191 unless a fish guidance system is installed and in working order at POD#1 under that permit. Permittee agrees to limit the rate of diversion under this Permit to 50 cfs during the months of January, February, and March. If the Permittee has reasonably determined the fish deflector to be effective, and CDFW has not contacted the Permittee within three years from the date of issuance of the proposed permit for Application A031191 with evidence that the fish deflector may not prevent fish from entering the diversion channel from the Feather River, the limitation on the rate of diversion during January, February, and March may be removed and the Permittee may exercise the maximum permitted diversion rate of 86 cfs. The Permittee shall notify CDFW in writing at such time that the Permittee determines the fish deflector to be effective, and that the Permittee intends to exercise the maximum permitted diversion rate of 86 cfs. Permittee agrees to cooperate with CDFW efforts to evaluate fish deflector efficacy when compatible with Permittee operations, and when CDFW resources permit evaluation efforts.</p>	Right Holder	Ongoing	Right Holder and Division of Water Rights

Mitigation Measure	Implementation	Timing	Monitoring / Enforcement
<p><b>Mitigation Measure BIO-1b: Minimum Flow Requirements</b></p> <p>For the protection of fisheries in the Feather River, diversion under this permit shall be subject to maintenance of minimum instream flows in the Feather River at Boyd’s Landing above Star Bend. No water shall be diverted under this permit at times when the flow in the Feather River at Boyd’s Landing above Star Bend is less than, or diversions under this permit would cause the flow to be less than, the sum of the following:</p> <ul style="list-style-type: none"> <li>• Minimum flow in the Oroville High Flow Channel as required by the Federal Energy Regulatory Commission license conditions for FERC Project #2100</li> <li>• Minimum flow required at Marysville by State Water Resources Control Board Decision 1644</li> <li>• Water right diversions between the FSB gage and GHMWC’s point of diversion.</li> </ul> <p>For the purposes of this term, the flow in the Feather River below Boyd’s Landing above Star Bend is the three-day or 72-hour average of the flows posted by the Department of Water Resources on its California Data Exchange Center website for the Feather River at Boyd’s Landing above Star Bend, Station ID FSB. To ensure compliance with this condition, by April 30 of each year Permittee shall file a report with the Deputy Director for Water Rights, containing the following information:</p> <ul style="list-style-type: none"> <li>• Dates during the previous period of October 1 to March 31 of the succeeding year when water was diverted under this permit; and</li> </ul>	<p>Right Holder</p>	<p>Ongoing</p>	<p>Right Holder and Division of Water Rights</p>

Mitigation Measure	Implementation	Timing	Monitoring / Enforcement																									
<ul style="list-style-type: none"> <li>Flows measured in the Feather River at Boyd's Landing above Star Bend</li> <li>Water diverted under this permit during the same period</li> </ul> <p>Below is a summary table of the minimum flow requirements identified above:</p> <table border="1" data-bbox="191 581 1192 1003"> <thead> <tr> <th>Month</th> <th>RD 1644 - Marysville Gage Min Flows (CFS)</th> <th>FERC - Oroville Min Flows (CFS)</th> <th>Water Right Diversions (CFS)</th> <th>Total Minimum Flow Requirement (CFS)</th> </tr> </thead> <tbody> <tr> <td>Oct 1-14</td> <td>250</td> <td>1,700 / 1,200</td> <td>167</td> <td>1,617 - 2,117</td> </tr> <tr> <td>Oct 15- Oct 31</td> <td>500 / 400</td> <td>1,700 / 1,200</td> <td>167</td> <td>1,767 - 2,367</td> </tr> <tr> <td>Nov 1- February</td> <td>500 / 400</td> <td>1,700 / 1,200</td> <td>130</td> <td>1,730 - 2,330</td> </tr> <tr> <td>March</td> <td>500 / 400</td> <td>1,700 / 1,000</td> <td>130</td> <td>1,530 - 2,130</td> </tr> </tbody> </table> <p>For additional information regarding these values, refer to Appendix A, <i>Biological Resources Evaluation</i>.  Source: <i>Planning Partners, 2023</i>.</p>	Month	RD 1644 - Marysville Gage Min Flows (CFS)	FERC - Oroville Min Flows (CFS)	Water Right Diversions (CFS)	Total Minimum Flow Requirement (CFS)	Oct 1-14	250	1,700 / 1,200	167	1,617 - 2,117	Oct 15- Oct 31	500 / 400	1,700 / 1,200	167	1,767 - 2,367	Nov 1- February	500 / 400	1,700 / 1,200	130	1,730 - 2,330	March	500 / 400	1,700 / 1,000	130	1,530 - 2,130			
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<p><b>Mitigation Measure BIO-1c: Alternative Gauging Station</b></p> <p>If at any time after the issuance of a permit, any federal, State or local agency establishes a stream gage between Boyd’s Landing and the water right holder’s point of diversion, upon request by the CDFW, the compliance location for the minimum flow requirements may be moved to the location of the newly established gaging station if:</p> <ul style="list-style-type: none"> <li>• The newly established stream gage is operated and maintained in accordance with the Department of Water Resources standards for stream gages; and</li> <li>• A federal, State or local agency establishes and maintains a stream flow rating for the new gage in accordance with industry recognized standards; and</li> <li>• The records of daily flows are posted on the California Data Exchange Center website and are accessible and available to the water right holder at a frequency that allows for operations to occur on a real-time basis consistent with the permit terms.</li> </ul> <p>Implementation of these mitigation measures would ensure that the fish guidance system is in good working order, and that it is effective in excluding fish from the Pump Intake Channel. The identified impact would be reduced to a less-than-significant level.</p>	<p>Right Holder</p>	<p>Ongoing</p>	<p>Right Holder and Division of Water Rights</p>

Mitigation Measure	Implementation	Timing	Monitoring / Enforcement
<b>Hydrology and Water Quality</b>			
<p><b>Mitigation Measure HYD-1:</b></p> <p>Implement Mitigation Measures BIO-1a, 1b, and 1c.</p> <p>Implementation of Mitigation Measure BIO-1a would ensure that the POD fish screen and fish guidance system are installed and in good working order to minimize the potential for fish to enter the pump intake channel. Mitigation Measures 1b and 1c would ensure that minimum bypass flows are maintained in the Feather River below POD #1 to protect sensitive fish species in the river. Together, implementation of these measures would reduce the identified impacts to a less-than-significant level.</p>	Right Holder	Ongoing	Right Holder and Division of Water Rights