

APPENDIX D
MITIGATION MONITORING AND REPORTING PROGRAM

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MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE

The following mitigation monitoring and reporting program (MMRP) summary table includes the mitigation measures identified in the California Regional Water Quality Control Board, Central Coast Region's (CCWB) draft environmental impact report (DEIR) for the proposed Agricultural Order 4.0 project. For each mitigation measure, this table identifies monitoring and reporting actions that must be carried out and the monitoring schedule.

Agricultural Order 4.0 enrollees are responsible for complying with all mitigation measures in the DEIR and this MMRP summary table. Enrollees must determine whether their proposed activities (e.g., management practices) are subject to individual mitigation measures and, if applicable, take the necessary actions to ensure the mitigation measures are fully implemented. In some cases, this may involve hiring a professional (e.g., biologist, archaeologist) and becoming familiar with applicable laws and regulations.

Agricultural Order 4.0 enrollees must report their compliance with mitigation measures in the Annual Compliance Form (ACF), which is submitted as part of their overall compliance reporting for Agricultural Order 4.0. As the CEQA Lead Agency, CCWB is ultimately responsible for ensuring compliance with the mitigation measures identified in the DEIR. CCWB will accomplish this through review of ACFs to confirm that enrollees' reported actions fully meet the requirements of the applicable mitigation measures. CCWB will also confirm mitigation measure compliance during periodic inspections of individual ranches and/or operations.

The MMRP will be made available to enrollees and they may use the checklist to help document their compliance with applicable mitigation measures. CCWB staff may also use the MMRP checklist to confirm and document compliance.

ACRONYMS AND ABBREVIATIONS

ACF	Annual Compliance Form
BMPs	best management practices
CCWB	California Regional Water Quality Control Board, Central Coast Region
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
CRHR	California Register of Historical Resources
DEIR	draft environmental impact report
EIR	environmental impact report
ESA	Environmental Site Assessment
HRIR	Historic Resources Identification Report
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Program

NAHC	Native American Heritage Commission
PRC	Public Resources Code
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCR	tribal cultural resource

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials	
Agriculture and Forestry Resources				
None.				
Air Quality				
None.				
Biological Resources				
BIO-1	<p>Avoid and Minimize Impacts on Sensitive Biological Resources.</p> <p>Where construction/installation or routine maintenance and repair of management practices could impact sensitive vegetation communities (e.g., riparian habitat or wetlands adjacent to the construction area) and special-status species, as defined and listed in Section 3.3.3 and Appendix C, enrollees must use the least impactful effective management practice to avoid impacts to such species and habitat. Where discharge, receiving water, or application limits cannot be achieved without incurring potential impacts, individual enrollees, coalitions, or third-party representatives must implement the following measures to reduce potential impacts to levels that are less than significant.</p> <ul style="list-style-type: none"> ▪ Avoid and minimize disturbance of riparian and other sensitive vegetation communities. ▪ Avoid and minimize disturbance to areas containing special-status plant or animal species. 	<ol style="list-style-type: none"> 1. Confirm that the least impactful effective management practice is selected to avoid impacts to biological resources. (Enrollee) 2. Where areas potentially containing sensitive biological resources cannot be avoided, confirm performance of habitat and species assessment. (Enrollee) 3. Confirm that maintenance or repair activities will not disturb any special-status species. (Enrollee) 4. For activities proposed during nesting season, confirm performance of 	<ol style="list-style-type: none"> 1. During design of management practice(s). 2. Prior to construction / installation of management practice(s), if applicable. 3. Prior to undertaking proposed activity. 4. Prior to undertaking proposed activity, if applicable. 5. Prior to undertaking any construction / installation or other activities that could adversely affect sensitive biological resources. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<ul style="list-style-type: none"> ▪ Where construction in areas that may contain sensitive biological resources cannot be avoided through the use of alternative management practices, conduct an assessment of habitat conditions and the potential for presence of sensitive vegetation communities or special-status plant and animal species prior to construction. This may include the hiring of a qualified biologist to identify riparian and other sensitive vegetation communities and/or habitat for special-status plant and animal species. ▪ When conducting maintenance or repair on facilities such as sediment basins, denitrifying bioreactors, or other facilities that may provide habitat for species, ensure that such activities will not disturb any special-status species that may be present. If conducting maintenance or repair activities during the nesting season (generally February 1 to August 31), inspect the facilities to ensure that nesting birds are not present within or adjacent to areas where such activities will occur. If nests or young are identified in such areas, conduct the activities outside of the nesting season. ▪ Where adverse effects on sensitive biological resources cannot be avoided, undertake additional CEQA review and develop a restoration or compensation plan in consultation with the California Department of Fish and Wildlife to mitigate the loss of the resources. 	<p>survey for nesting birds and avoidance of nests / young. (Enrollee)</p> <p>5. In the event avoidance of sensitive biological resources is not feasible, confirm additional CEQA review and appropriate consultation with CDFW. (Enrollee & CCWB)</p>		

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials	
Cultural Resources				
<p>CUL-1</p>	<p>Cultural Resources Inventory, Evaluation of Resources for Significance, and Implementation of Avoidance and/or Minimization Measures.</p> <p>For proposed actions or management practices that involve modifications to previously undisturbed soils (i.e., below the levels of current agricultural practices, or in areas that have not previously been cultivated or developed) or a structure that may qualify as a historical resource, the following steps must be taken to avoid and/or reduce potential impacts on significant cultural resources:</p> <ul style="list-style-type: none"> ▪ The enrollee or third party must retain an archaeologist who meets the U.S. Secretary of Interior’s professional standards as an archaeologist to conduct a records search at the regional Information Center of the California Historical Resources Information System (CHRIS). The record search must determine if cultural resources have previously been identified in the proposed disturbance area and whether the proposed disturbance area has previously been subject to archaeological pedestrian survey. ▪ The professional archaeologist must contact the NAHC to request a search of the Sacred Lands files and a list of tribes with a traditional and cultural affiliation with the proposed disturbance area. The archaeologist must contact the tribes identified by the NAHC to request information 	<ol style="list-style-type: none"> 1. Confirm that the measure is included in contract documents, if any. (Enrollee) 2. Confirm that construction workers are fully aware of all requirements pertaining to cultural resources and receive basic training on how to identify potential cultural resources. (Enrollee) 3. For applicable activities, confirm retention of a qualified archaeologist to conduct a records search, contact tribes, and conduct pedestrian survey, as necessary. (Enrollee) 4. Confirm any identified archaeological sites, and historic buildings and structures, are recorded on proper forms. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. Prior to construction / installation of applicable management practices. 3. Prior to construction / installation of applicable management practices. 4. Prior to construction / installation of applicable management practices. 5. Prior to construction / installation of applicable management practices. 6. Prior to construction / installation of applicable management practices. 7. Prior to commencement of any excavation activities. 8. During and potentially after construction / installation, if applicable. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<p>about sites and resources that may not have been identified during the record search process, including TCRs, and whether the tribes have any concerns about the proposed action.</p> <ul style="list-style-type: none"> ▪ If a pedestrian survey has not previously been conducted on the property, a survey must be conducted by a qualified archaeologist. All identified archaeological sites and historic buildings and structures must be recorded on California Department of Parks and Recreation 523 Site Record forms. A Historic Resources Identification Report (HRIR) must be prepared to document the findings of the study; the report must be submitted to the CCWB and the CHRIS Information Center. If the property has been subject to previous study, additional survey is not required if no cultural resources, including TCRs, were identified during the study and the age and adequacy of the report are considered sufficient by the consulting archaeologist for the purposes of the present project. The report from the previous survey can then be used to satisfy the CEQA requirements for historical resources. If the property has been subject to previous survey and a cultural resource has been identified within the proposed disturbance area, a qualified archaeologist must conduct a pedestrian survey to assess the current condition of the resource relative to the proposed action. 	<ol style="list-style-type: none"> 5. If historical resource(s) are identified within the proposed disturbance area, confirm avoidance of those resource(s) to the extent feasible. (Enrollee) 6. If historical resource(s) cannot be avoided, confirm preparation of a data recovery plan and submittal to CCWB. (Enrollee) 7. Confirm that submitted data recovery plan adequately provides for recovery of scientifically important information about historical resource(s) to be impacted, and that consulting tribes are provided opportunity to review. (CCWB) 8. If approved, confirm that data recovery plan is properly and fully implemented. (Enrollee) 9. In the event that cultural resources are 	<ol style="list-style-type: none"> 9. During construction / installation, if necessary. 10. During construction / installation, if necessary. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<ul style="list-style-type: none"> ▪ If cultural resources are identified either by the record search or pedestrian survey, the qualified archaeologist must evaluate the significance of archaeological resources, per the State Water Resources Control Board (SWRCB) guidelines¹. Note that buildings that would be impacted by the proposed action would require evaluation for CRHR eligibility by a qualified architectural historian. If the cultural resource(s) are determined to be historical resource(s) (i.e., listed or eligible for listing in the CRHR), the enrollee or third party, in coordination with the qualified archaeologist, must avoid impacting the resource(s) to the extent feasible. This would include relocating or redesigning proposed management practice(s) such as to avoid the resource or leaving structures in place in setback areas or otherwise preserving structure(s) that are listed or eligible for listing. If the historical resource(s) cannot be completely avoided, the qualified archaeologist must develop and implement a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource(s) that may be impacted by the proposed activity. The data recovery plan must be prepared and submitted to 	<p>encountered, ensure that work stops immediately. (Enrollee)</p> <p>10. Ensure all accidentally discovered cultural resources are evaluated for inclusion in the CRHR and that avoidance measures or appropriate mitigation measures are implemented for historical resources. (Enrollee)</p>		

¹ Guidelines for Applicants and their Consultants on Preparing Historic Property Identification Reports for the Clean and Drinking Water State Revolving Fund Programs. Revised 9/12/19. While these guidelines were developed for other SWRCB programs, they provide protocols that can generally be applied to other programs where cultural resources must be addressed.

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<p>CCWB for approval, and the data recovery plan must be approved by CCWB prior to any excavation taking place that may impact the resource(s). CCWB must ensure that data recovery plans for Native American archaeological sites have the opportunity to be reviewed by consulting tribes. Archaeological sites known to contain human remains must be treated in accordance with the provisions of Section 7050.5 of the Health and Safety Code (see Mitigation Measure CUL-3). For any artifacts removed during project excavation or testing, the professional archaeologist must provide for the curation of such artifact(s). For structure(s) evaluated as a historical resource(s) that cannot be avoided, reconstruction of the structure(s) at an off-site location, consistent with the Secretary of the Interior’s Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, may be an appropriate minimization measure that may be implemented in addition to, or as part of, the data recovery plan.</p> <ul style="list-style-type: none"> ▪ Provisions must be made by the enrollee or third party for the accidental discovery of historical or unique archaeological resources during construction of applicable management practices, pursuant to CEQA Guidelines 			

	Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
	<p>15064.5(f). If cultural resources² are uncovered during construction, work must immediately cease within 50 feet of the finds and the materials must be evaluated by a qualified archaeologist. If the finds are determined to be a historical or unique archaeological resource, avoidance measures or appropriate mitigation (e.g., data recovery, documentation, and curation) must be implemented.</p>			
<p>CUL-2</p>	<p>Comply with State Laws Pertaining to the Discovery of Paleontological Resources. If any items of paleontological interest are discovered during construction of management practices or other activities (e.g., installation of monitoring wells), work must be immediately suspended within 50 feet of the discovery site, or to the extent needed to protect the site. Discovered paleontological resources must be evaluated by a qualified paleontologist who meets the Society for Vertebrate Paleontology’s professional requirements. If it is determined that the activities could damage a unique paleontological resource, mitigation must be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the State CEQA Guidelines. If avoidance is not feasible, the paleontologist must</p>	<ol style="list-style-type: none"> 1. Confirm that the measure is incorporated into contract documents, if any. (Enrollee) 2. Confirm that construction workers are fully aware of all requirements pertaining to the discovery of paleontological resources and receive basic training on how to identify potential paleontological resources. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. Prior to construction / installation of management practices or other activities involving ground disturbance. 3. During construction / installation of management practices or other ground-disturbing activities. 	

² Native American archaeological materials or indicators may include, but are not limited to, arrowheads 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, fire affected stones, shellfish, or other dietary refuse. Historic era archaeological materials may include, but not be limited to: adobe or fired brick; metal objects such as nails, hinges, machine parts, etc.; household wares such as pottery or glass artifacts or shards; tin cans; milled lumber, etc.

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<p>develop a treatment plan in consultation with CCWB. Work must not be resumed until authorization is received from CCWB and any recommendations received from the qualified paleontologist are implemented.</p>	<ol style="list-style-type: none"> 3. In the event paleontological resources are identified during excavation and related activities, confirm that work stops immediately. (Enrollee) 4. If needed, confirm that a qualified paleontologist is retained to evaluate discovered resources. (Enrollee) 5. If unique paleontological resource(s) are identified and may be impacted, confirm that qualified paleontologist implements appropriate mitigation and/or develops a treatment plan in consultation with CCWB, as appropriate. (Enrollee) 6. Confirm treatment plan and mitigation approach are appropriate and sufficiently avoid or minimize impacts to unique paleontological resource(s). (CCWB) 	<ol style="list-style-type: none"> 4. Prior to resuming work activities in affected area. 5. Prior to resuming work activities in affected area. 6. Prior to resuming work activities in affected area. 	

Mitigation Measure		Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
CUL-3	<p>Comply with State Laws Pertaining to the Discovery of Human Remains.</p> <p>If human remains are discovered during construction, the requirements of Health and Safety Code Section 7050.5 must be followed. Potentially damaging excavation must halt on the construction site within a minimum radius of 100 feet of the remains, and the county coroner must be notified. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the NAHC must be contacted by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). Pursuant to the provisions of PRC Section 5097.98, the NAHC must identify a most likely descendent (MLD). The MLD designated by NAHC must have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The enrollee must work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect. Ground disturbing activities must not resume until these requirements are met.</p>	<ol style="list-style-type: none"> 1. Confirm that measure is incorporated in contract documents, if any. (Enrollee) 2. Confirm that construction workers are fully aware of all requirements pertaining to human remains. (Enrollee) 3. In the event that human remains are encountered, confirm that work is stopped immediately and California Health and Safety Code requirements are followed and the county coroner is contacted. (Enrollee) 4. Confirm that any discoveries of human remains are evaluated and addressed properly as outlined in the measure. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. Prior to construction / installation of management practices or other activities involving ground disturbance. 3. During construction / installation, if applicable. 4. During construction / installation, if applicable. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials	
Greenhouse Gas Emissions				
None.				
Hazards and Hazardous Materials				
HAZ-1	<p>Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities.</p> <p>For Agricultural Order 4.0 land disturbance activities that are not subject to the Construction General Permit, Agricultural Order 4.0 enrollees or their contractors must maintain/implement the following:</p> <ul style="list-style-type: none"> ▪ A list of hazardous materials present on site during construction, to be updated as needed along with product safety data sheets and other information regarding storage, application, transportation, and disposal requirements; ▪ A hazardous materials communication plan, which lists contacts for emergency services, hazardous materials spill response agencies, and wildlife agencies, as well as protocols for communication in the event of a spill; ▪ Standards for secondary containment of hazardous materials stored on site; ▪ Spill response procedures based on product and quantity. The procedures must include spill response/clean-up materials to be used, location of such materials within the construction site, and disposal protocols. 	<ol style="list-style-type: none"> 1. Confirm that measure is included in contract documents, if any. (Enrollee) 2. Confirm list of hazardous materials, standards for secondary containment, and spill response procedures are on site/documented. (Enrollee) 3. Confirm preparation of a hazardous materials communication plan that includes all information identified in the mitigation measure. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. Prior to land disturbance activities. 3. Prior to land disturbance activities. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<p>HAZ-2 Review Proximity to Existing Known Hazardous Materials Cleanup Sites and Conduct an Environmental Site Assessment if Proposed Activity Is Located on or in Close Proximity to an Area of Hazardous Materials Contamination.</p> <p>Agricultural Order 4.0 enrollees proposing construction/installation of management practices involving excavation or ground disturbance must evaluate the proximity of proposed management practices to existing known hazardous material cleanup sites. Prior to final design, Agricultural Order 4.0 enrollees, or their contractors, must review the planned management practice footprint in relation to records of hazardous materials sites in the SWRCB’s GeoTracker database and the California Department of Toxic Substances Control’s EnviroStor database.</p> <p>If the proposed management practice is located on or within 100 feet of a documented hazardous material contamination site, for which cleanup activities have not been completed or been successful, the enrollee or its contractor must commission a Phase I environmental site assessment (ESA) to more fully characterize the past land uses and potential for soil and/or groundwater contamination to occur at or in close proximity to the site.</p> <p>If the Phase I ESA demonstrates a reasonable likelihood that contamination remains within the management practice’s area of disturbance, the enrollee or its contractor must commission a Phase II ESA, including soils testing, to characterize the extent of the</p>	<ol style="list-style-type: none"> 1. For applicable activities, confirm applicable databases (i.e., GeoTracker and EnviroStor) are consulted prior to final design. (Enrollee) 2. If applicable, confirm Phase I and/or Phase II ESAs are commissioned, per requirements identified in this measure. (Enrollee) 3. Confirm that construction is conducted in accordance with recommendations of the Phase II ESA, if applicable. (Enrollee) 4. Confirm proper disposal of contaminated soil/hazardous materials during construction, per applicable laws. (Enrollee) 	<ol style="list-style-type: none"> 1. Prior to final design of management practices involving excavation or ground disturbance. 2. Prior to final design of applicable management practices. 3. During construction / installation of applicable management practices. 4. During construction / installation of applicable management practices. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials	
<p>contamination and develop ways to avoid the contaminated areas during management practice design and construction. The enrollee and/or its contractor must follow all recommendations of the Phase II ESA and, to the extent feasible, design the management practice to avoid areas of contamination. In the event that it is not feasible to avoid all areas of contamination, the enrollee and/or its contractor must follow all applicable laws regarding management of hazardous materials and wastes. This includes proper disposal of any contaminated soil in a hazardous waste landfill and ensuring that workers are provided with adequate personal protective equipment to prevent unsafe exposure.</p>				
Hydrology and Water Quality				
HWQ-1	<p>Implement Construction Best Management Practices for Erosion Control.</p> <p>Where construction of management practices would not be subject to the Construction General Permit or local grading ordinance, Agricultural Order 4.0 enrollees must implement the following measures during construction of the improvements, or must implement alternative measures that are demonstrated to be equally or more effective:</p> <ul style="list-style-type: none"> ▪ Implement practices to prevent erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls. 	<ol style="list-style-type: none"> 1. Confirm that BMPs are included in contract documents, if any. (Enrollee) 2. Confirm that all BMPs are implemented fully, and that erosion control measures use the best available technology that is economically achievable. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. During construction / installation of applicable management practices. 	

Mitigation Measure	Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
<ul style="list-style-type: none"> ▪ Minimize soil disturbance areas. ▪ Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm drain inlet protection. ▪ Where feasible, limit construction to dry periods. ▪ Revegetate disturbed areas. <p>The performance standard for these erosion control measures is to use the best available technology that is economically achievable. These measures may be included in SWPPP requirements, as appropriate.</p>			
<p>HWQ-2 Place Management Practices that Involve Retention and/or Treatment of Surface Runoff Outside of 100-Year Floodplains or Tsunami or Seiche Inundation Zones.</p> <p>To the extent feasible, Agricultural Order 4.0 enrollees must place structural management practices that involve retention or treatment of runoff outside of Federal Emergency Management Agency-designated 100-year floodplains or identified tsunami or seiche inundation zones. Where seiche inundation zones have not been mapped, enrollees should use good judgment in not placing structural management practices for sediment retention in areas immediately adjacent to large standing waterbodies that could be inundated during a seiche event.</p>	<p>1. Confirm that applicable management practices are not located within 100-year floodplains, tsunami or seiche inundation zones. (Enrollee)</p>	<p>1. During design of applicable management practices.</p>	

Mitigation Measure		Monitoring and Reporting Action (Responsible Party)	Monitoring Schedule	Completion Date and Initials
Noise and Vibration				
NOI-1	<p>Reduce Noise Generated by Pumps or Other Stationary and Permanent Noise-Generating Equipment.</p> <p>If well or irrigation system pumps or other stationary and permanent noise-generating equipment is proposed to be installed, enrollees or third-party members must ensure that such facilities are enclosed or located behind barriers such that noise does not exceed applicable local noise standards or limits specified in the applicable county ordinances and general plan noise elements.</p>	<ol style="list-style-type: none"> 1. Confirm that measure is included in contract documents, if any. (Enrollee) 2. Confirm equipment contains proper enclosures/barriers and is in good operating condition. (Enrollee) 3. Confirm that noise does not exceed local standards and/or applicable ordinances. (Enrollee) 	<ol style="list-style-type: none"> 1. During preparation of contract and specifications. 2. Prior to and during construction or installation, and during routine maintenance or repair. 3. Prior to operation. 	
Tribal Cultural Resources				
CUL-1	See Cultural Resources above.			
CUL-3	See Cultural Resources above.			
Wildfire				
None.				