

## EXHIBIT D

# MONTEREY AMENDMENT TO THE STATE WATER PROJECT CONTRACTS (INCLUDING KERN WATER BANK TRANSFER) AND ASSOCIATED ACTIONS AS PART OF A SETTLEMENT AGREEMENT (MONTEREY PLUS)

## MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

### INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development.

CEQA *Guidelines* Section 15091(d) states:

When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

CEQA *Guidelines* Section 15097(a) states:

This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to assure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

The final EIR for the proposed project includes mitigation measures to reduce the potential environmental effects of the proposed project. Findings were made in Exhibit B as required under the CEQA *Guidelines* Section 15091(a)(1) which include mitigation measures. Following the Department's certification of the final EIR and approval of the Findings, of the proposed project and of this MMRP, the mitigation measures that are within the jurisdiction and responsibility of the Department that have been required in, or incorporated into the approved project, will be monitored in the manner specified by this MMRP.

The Findings for the proposed project (Exhibit B) identified some potentially significant impacts that could arise from future operations on the KWB Lands and made findings under Section 15091 (a)(2) that changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the Final EIR are within the responsibility and jurisdiction of KWBA and not DWR, and such changes or alterations have been adopted by KWBA. These measures are outlined in the Initial Study and Addendum to the Monterey Agreement EIR of the KWBA, Kern Water Bank HCP/NCCP. The KWBA is legally required to follow specific mitigation measures described in the DEIR either because they are part of the KWB HCP/NCCP or because the KWBA committed to carry them out pursuant to the Initial Study and Addendum/Findings and Mitigation Measures. Since these mitigation measures are within the responsibility and jurisdiction of KWBA, and not the Department the measures are not part of this MMRP. In addition, mitigation measures for potentially significant impacts that were identified on Plumas County, Kern County and Kings County lands are within the responsibility

and jurisdiction of the individual counties and not the Department and are not included in this MMRP. Therefore, Mitigation Measures 7.4-2, 7.4-3, 7.13-2, 7.13-3, 7.13-6, 10.1-3, 10.1-19, and 10.1-20 (for Plumas County) are not included in this MMRP.

**MITIGATION MONITORING AND REPORTING PLAN MATRIX**

The following MMRP Matrix includes the applicable mitigation and monitoring information for the proposed project.

MITIGATION MONITORING AND REPORTING PLAN FOR THE MONTEREY PLUS EIR				
Mitigation Measure	Monitoring or Reporting Action	Monitoring or Reporting Entity	Timing	Enforcement Entity*
<b>7.3 Fisheries Resources</b>				
7.3-5 The Department shall continue to operate the SWP Delta export facilities in compliance with requirements of federal and State agencies in effect at the time of operation to avoid, reduce, or minimize potential impacts on the Delta aquatic environment including water quality, listed species and other aquatic resources caused by SWP pumping attributable to the proposed project.	Verify and report, as required, that operation of SWP facilities is in compliance with all the latest federal and state regulations and requirements	Department	Ongoing	Department CDFG, SWRCB NMFS, USFWS, USBR, and USACOE
<b>7.4 Biological Resources</b>				
7.4-6 a) Baseline Studies - A surface and groundwater hydrology study shall be conducted to determine what water source is maintaining the riparian habitat. In addition, a qualified biologist shall conduct a complete habitat assessment of the riparian habitat documenting the size of the habitat, and all wildlife and plant species that use this habitat, including any special-status species. Protocol-level surveys for species known or expected to occur in the riparian habitat (i.e. least Bell's vireo) shall be conducted. A certified arborist shall evaluate the health of the trees and prepare an arborist report.  b) Annual Monitoring - Once a baseline is established, annual monitoring will be required to determine changes in hydrologic activities, changes in the health of the riparian habitat, and changes in the use of said habitat by special-status and other wildlife species.  Should a prolonged drawdown (longer than one year) occur, an irrigation system shall be installed to water the riparian habitat or the existing irrigation system shall be maintained and operated (assuming it is successful in maintaining riparian vegetation during the seismic repairs). In addition, monthly monitoring shall occur to document any changes in the riparian habitat and allow for a timely adjustment of the watering schedule.	Have a hydrologist, a qualified biologist, and a certified arborist review baseline studies.	Department	Immediately	Department
	Have a hydrologist, qualified biologist, and certified arborist review annual monitoring studies.	Department	Annually	Department
	Have a hydrologist, qualified biologist, and certified arborist review installation and operation of irrigation system and review monthly monitoring, changes in the riparian habitat and adjustments.	Department	During prolonged drawdown	Department
<b>7.9 Recreation</b>				
7.9-1 a) The Department shall notify the public at the onset of the loss of recreational resources due to Article 54 drawdowns at Perris Lake and Castaic Reservoir. Notification shall be made until the withdrawal is repaid through local media outlets including, but not limited to, newspapers and radio, local parks and recreation departments, and on the CDP's website. If the maximum amount in Article 54 is withdrawn from either reservoir, then the Department shall use television advertisements to inform the public of the severity and duration of the Article 54 drawdown.  b) To the extent feasible, the Department shall install, extend, or upgrade existing facilities (including lifeguard towers and emergency assistance equipment) to allow safe access to lower lake levels during multi-year drawdowns.	Verify that public has been notified of onset of the loss of recreational resources due to Article 54 drawdown	Department	At the onset of the loss of recreational resources due to Article 54 drawdown	Department
	Verify that facilities have been installed, extended, or upgraded to allow safe access or document infeasibility	Department	During multi-year drawdowns	Department

MITIGATION MONITORING AND REPORTING PLAN FOR THE MONTEREY PLUS EIR				
Mitigation Measure	Monitoring or Reporting Action	Monitoring or Reporting Entity	Timing	Enforcement Entity*
<p>c) The Department shall monitor water quality during drawdown periods and when swimming is allowed using the current full-body contact criteria and laboratory methods adopted by the California Department of Public Health or the U.S. Environmental Protection Agency, as applicable.</p> <p>d) The Department shall prepare and provide funding for a management plan to control invasive plant species that could expand into recreational areas during extended drawdown periods.</p>	<p>Monitor water quality during drawdown periods for potential full-body contact hazards</p> <p>Verify that the management plan to control invasive species has been prepared and funding provided for implementation of the management plan.</p>	<p>Department</p> <p>Department</p>	<p>During Article 54 drawdown</p> <p>Immediately for preparation of the management plan. During extended drawdown for implementation of the plan.</p>	<p>Department</p> <p>Department</p>
<b>7.13 Cultural Resources</b>				
<p>7.13-4 Implement Mitigation Measures</p> <p>a) An analysis to identify the potential presence of archaeological resources on the project site shall be conducted. The analysis shall include, at a minimum, a records check and literature survey from the appropriate California Historic Resources Information System (CHRIS) center and a Phase I Cultural Resources Investigation by an archaeologist listed on the Register of Professional Archaeologists (RPA). If resources are known to exist on a project site, the analysis shall include an assessment of the resource and shall include measures for the in-situ protection, or the recovery, preservation, study, and curation of the resource, as appropriate. The analysis and the measures developed shall be consistent with the practices and intent described in Section 21083.2 et seq. of the Public Resources Code, as well as Sections 15064.5 et seq. and 15126.4(b) of Title 14 of the California Code of Regulations, and shall be consistent with current professional archaeological standards.</p> <p>The archaeologist shall prepare a report of the results of any study prepared, following accepted professional practice. Copies of the report shall be submitted to the Lead Agency and to the appropriate CHRIS information center.</p> <p>The Lead Agency shall also consult, as appropriate, with the Native American Heritage Commission and appropriate Native American tribal representatives to address Native American cultural values with respect to archaeological contexts.</p>	<p>Verify that an archeologist listed on the Register of Professional Archeologists (RPA) prepared the required reports; verify that copies of the reports were given to the Department and appropriate CHRIS information center and that there was appropriate consultation with Native American Heritage Commission</p>	<p>Department</p>	<p>During Article 54 drawdown</p>	<p>Department</p>

MITIGATION MONITORING AND REPORTING PLAN FOR THE MONTEREY PLUS EIR				
Mitigation Measure	Monitoring or Reporting Action	Monitoring or Reporting Entity	Timing	Enforcement Entity*
<p>b) An analysis to identify the potential presence of paleontological resources on the project site shall be conducted. If resources are known to exist on a project site, the analysis shall include an assessment of the resource and shall include measures for the in-situ protection or recovery, preservation, study, and curation of the resource, as appropriate. The analysis and measures developed shall be consistent with the practices and intent described in the Conformable Impact Mitigation Guidelines developed by the Society of Vertebrate Paleontology (News Bulletin No. 163, 1995) and shall be consistent with current professional paleontological standards.</p> <p>c) In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Lead Agency immediately shall notify the County Coroner of the find and comply with the provisions of PRC Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.</p>	<p>Have a paleontologist review analysis and confirm that it is consistent with applicable and current professional paleontological standards</p>	Department	During Article 54 drawdown	Department
	<p>Report discovery of burial, human bone, or suspected human bone to County Coroner. Monitor protection of area until find is identified. Have an archeologist monitor compliance with PRC Section 5097.</p>	Department	During Article 54 drawdown	Department, County Coroner
<b>10.1 Cumulative Impacts</b>				
10.1-2 Implement Mitigation Measure 7.3-5	See Mitigation Measure 7.3-5 above	Department	Ongoing	Department, CDFG, NMFS, USFWS, SWRCB, and USACOE
10.1-6 Implement Mitigation Measure 7.4-6	See Mitigation Measure 7.4-6	Department	Annually and during prolonged drawdown	Department
10.1-15 Implement Mitigation Measure 7.9-1(a) through (d)	See Mitigation Measure 7.9-1(a) through (d), above	Department	During Article 54 drawdown	Department
10.1-20 Implement Mitigation Measures 7.13-2(a) through (c) for Castaic Lake and Lake Perris.	See Mitigation Measure 7.13-4, above	Department	During Article 54 drawdown	Department and County Coroner

\*The Department is the enforcement agency responsible for assuring compliance with actions it has required in, or incorporated into, the proposed project. Other entities may have specific enforcement responsibilities based upon requirements included in permits or other regulatory actions. This MMRP does not create new rights or responsibilities for entities other than the Department.