

**State of California
Regional Water Quality Control Board
North Coast Region**

Resolution No. R1-2026-0036

**Certification of Environmental Impact Report,
California Environmental Quality Act Findings of Fact, and
Statement of Overriding Considerations**

for

**General Waste Discharge Requirements for Commercial Lily Bulb Operations in
the Smith River Plain**

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (hereafter North Coast Water Board), finds the following:

Introduction

1. The North Coast Water Board prepared an Environmental Impact Report (EIR) to evaluate environmental effects from implementation of General Waste Discharge Requirements for Commercial Lily Bulb Operations in the Smith River Plain (Project or Lily Bulb Order) including implementation of reasonably foreseeable Management Practices that could be taken to comply with the Lily Bulb Order. The North Coast Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR fulfills North Coast Water Board CEQA compliance requirements for issuance of the Lily Bulb Order.
2. The North Coast Water Board will consider adoption of the Lily Bulb Order to regulate non-point source discharges from Commercial Lily Bulb Operations, including fields cultivated for lily bulbs or similar bulb crops anytime within a sequential five-year period, and appurtenant field roads, greenhouses, and pesticide mixing areas. The purpose of the Project is to improve water quality conditions and protect and restore beneficial uses in the North Coast Region by preventing or minimizing discharges of waste from Commercial Lily Bulb Operations.
3. The EIR was prepared in accordance with CEQA, Public Resources Code, section 21000 et seq., as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 et seq. (CEQA Guidelines). The EIR evaluates the potential environmental impacts of the Order and two alternatives

to project requirements which presented a significant impact on agricultural resources: the Offsite Restoration Alternative and the Reduced Setback Alternative.

Public Notice and Engagement

4. In April 2024, the North Coast Water Board sent a formal notification of a decision to undertake a project and notification of consultation opportunity to California Native American tribes within the North Coast Region, including the Tolowa Dee-ni' Nation, in compliance with AB 52 (Statutes of 2014, Chapter 532). The Tolowa Dee-ni' Nation engaged in AB 52 consultation with the North Coast Water Board.
5. On October 10, 2024, the North Coast Water Board published a Notice of Preparation of an Environmental Impact Report and initiated a 30-day CEQA Scoping public comment period. An Initial Study was posted on the North Coast Water Board Agricultural Lands Lily Bulb Program webpage.
6. On October 22, 2024, North Coast Water Board staff held a hybrid (in-person and virtual) CEQA scoping meeting.
7. On January 30, 2026, the North Coast Water Board circulated the Draft EIR for public review and filed a Notice of Completion and Environmental Document Transmittal with the State Clearinghouse (SCH) (Cal. Code Regs., tit. 14, § 15085), initiating a 45-day public review and comment period for the Draft EIR. The State Clearinghouse provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
8. The North Coast Water Board provided Notice of Availability of the Draft EIR and Draft Lily Bulb Order to the public and posted the documents on the Agricultural Lands Lily Bulb Program webpage.
9. During the public review period, the North Coast Water Board held a hybrid (in-person and virtual) informational public workshop on the Draft EIR and Draft Lily Bulb Order in Crescent City, Del Norte County. At the public workshop, the North Coast Water Board directed staff to extend the public comment period for the Draft Lily Bulb Order and Draft EIR to a 60-day comment period closing on March 30, 2026.
10. Following the close of the Draft EIR public comment period, North Coast Water Board staff conducted additional public outreach in response to comments received on the Draft Lily Bulb Order and Draft EIR. This outreach included meetings with industry representatives, tribal representatives, and agency partners such as the California Department of Pesticide Regulation.

11. The North Coast Water Board has received and considered all comments timely submitted regarding the Draft EIR. The list of commenters, comments received on the Draft EIR, and responses to all substantive comments are provided in the Final EIR, Attachment B.
12. The Final EIR reflects minor changes made in consideration of the comments received on the Draft EIR. These changes to the EIR include clarifications, corrections, and other insignificant modifications that have been identified since circulation of the Draft EIR. The changes do not result in any new significant impacts to the environment, nor do the changes result in a substantial increase in the severity of an environmental impact.

Description of the Order

13. The Lily Bulb Order creates a regulatory structure to minimize discharges of waste and to prevent adverse impacts to water resources resulting from the commercial cultivation of lily bulbs in the Smith River Plain. The purpose of the Lily Bulb Order is to:

Objective #1 – Protect and restore beneficial uses and achieve water quality objectives specified in the Basin Plan for areas in the Smith River Plain Hydrologic Subarea affected by Commercial Lily Bulb Operations by:

- a. Minimizing or preventing pesticide, nutrient, and sediment discharges to surface water.
- b. Minimizing or preventing nitrate and pesticide discharges to groundwater.
- c. Minimizing or preventing temperature impacts to surface water from loss of riparian shade.

Objective #2 – Effectively track and quantify achievement of the stated objectives over a specific, defined time schedule.

Objective #3 – Comply with the State Nonpoint Source Pollution Control Program, the State Antidegradation Policy, the precedential language in the Eastern San Joaquin Agricultural Order, the North Coast Basin Plan, and other relevant statutes and water quality plans and policies, including the Temperature Implementation Policy, the Sediment Total Maximum Daily Load (TMDL) Implementation Policy, and TMDLs in the North Coast Hydrologic Region.

14. Key elements of the Lily Bulb Order include the following:
 - a. Pesticide, Sediment and Erosion Management for Surface Water Protection,

- b. Streamside Area Requirements for Surface Water Protection,
- c. Irrigation and Nutrient Management for Groundwater Protection,
- d. Monitoring and Reporting Requirements, and
- e. Adaptive Management.

Findings Required Under California Environmental Quality Act

15. CEQA requires that the Lead Agency (North Coast Regional Water Quality Control Board) adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b).)
16. In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated.
17. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. There are three possible findings under Section 15091(a)::
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the General Waste Discharge Requirements for Commercial Lily Bulb Operations in the Smith River Plain Final Environmental Impact Report (NCRWQCB, 2026) (Final EIR).
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
18. In the Statement of Overriding Considerations found at the conclusion of these Findings, the North Coast Water Board identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that adoption and implementation of the Lily Bulb Order would cause.
19. These Findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, a full explanation of these environmental findings and conclusions are presented in the EIR and these findings hereby incorporate by reference the discussion and analysis in the EIR supporting the determination regarding the impacts of the Lily Bulb Order and mitigation measures designed to address those impacts. In making these findings, the North Coast Water Board ratifies, adopts and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.
20. The North Coast Water Board further adopts and incorporates all of the mitigation measures set forth in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) of the Lily Bulb Order to substantially lessen or avoid the potentially significant and significant impacts of the Lily Bulb Order. The North Coast Water Board adopts each of the mitigation measures proposed in the EIR to reduce or eliminate significant impacts resulting from the Lily Bulb Order. Accordingly, in the event a mitigation measure in the EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure(s) is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the EIR due to a clerical error, the language of the policies and implementation measures, as set forth in the EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the EIR.
21. For purpose of CEQA Guidelines section 15091, subdivision (e), the documents and other materials that constitute the record of proceedings upon which the North Coast Water Board bases its decision are held at by the North Coast Water Board at 5550 Skylane Boulevard, Santa Rosa, CA 95403 and available upon request.

Impacts Found to be Less Than Significant or No Impact Thus Requiring No Mitigation

22. Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be concluded with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the North Coast Water Board hereby finds that, based on substantial evidence in the whole of the record, the adoption of the General Order does not authorize any individual project, but it is reasonably foreseeable that Management Practices implemented in response permitted under the General Order would have either no impact or a less than significant impact to the following resource areas:

- Aesthetics
- Air Quality
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

23. Therefore, these impacts do not require mitigation. These issues have no potential for significant impacts and required no further environmental review or analysis beyond the discussion in the EIR. (CEQA Guidelines, § 15128.)
24. Although Hazards and Hazardous Materials and Hydrology and Water Quality are determined to be less than significant as standalone impact categories, Mitigation Measures HAZ-1 (Hazardous Materials Spill Prevention, Control, and Counter-Measures) and HWQ-1 (Construction Best Management Practices for Erosion Control) are adopted as supporting measures to reduce potential construction-related effects on Biological Resources and Tribal Cultural Resources, as described in the corresponding sections below.

Significant or Potentially Significant Impacts Reduced to a Less than Significant Impact Through Mitigation Measures

25. Significant or potentially significant impacts prior to the application of mitigation measures have been identified in the following areas: Biological Resources, Cultural Resources, and Tribal Cultural Resources.

Impact Category: Biological Resources

Description of Potential Effects

26. The Proposed Project is expected to have a largely beneficial effect on biological resources, including special-status species and habitat. However, there is potential for some adverse impacts to occur from construction-related effects from installation of certain Management Practices. This potential effect is speculative, since it cannot be known which Management Practices will be implemented and in which locations (site-specific factors are important in determining the location of Management Practices). If special-status plant or animal species were to occur within areas where construction of certain Management Practices (i.e., those involving ground disturbance) were to take place, this could result in direct impacts to those species (e.g., mortality or injury of individuals by being crushed by vehicles and/or heavy equipment or loss of an active nest or burrow). During construction of Management Practices involving ground disturbance, there would be potential for adverse effects on biological resources, including riparian and spawning habitat, and areas covered by conservation plans, through erosion and sedimentation caused by operation of heavy construction equipment and/or accidental releases or improper management of hazardous materials used during construction (e.g., fuel, oil, lubricants, etc.). If eroded soils or leaked hazardous materials were to wash off site to riparian areas, spawning habitat, areas covered by conservation plans, or sensitive natural

communities adjacent to agricultural areas, this could adversely impact these biological resources.

27. Additionally, culvert upgrades and replacements undertaken as Management Practices to comply with surface water protection requirements may affect lakes, streams, and associated riparian habitat, triggering notification requirements under Fish and Game Code section 1600 et seq. and may require permits from the North Coast Water Board and the U.S. Army Corps of Engineers pursuant to the Clean Water Act.
28. In general, it is assumed that the majority of construction activities related to implementation of Management Practices under the Proposed Project would occur on existing lily bulb operations. Based on the information available, construction-related effects are not likely to be substantial considering that many lily bulb operations have already implemented Management Practices contemplated by the Proposed Project. Additionally, existing Commercial Lily Bulb Operations are subjected to repeated disturbance and human activities, including tilling, harvesting, and pesticide application, and thus any plants or animals that may be present in such areas would be accustomed to such disturbance.

Findings

29. As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Lily Bulb Order that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of Mitigation Measures BIO-1 and BIO-2, together with supporting Mitigation Measures HWQ-1 and HAZ-1, would reduce potential impacts on Biological Resources to less than significant.

Mitigation Measures

Mitigation Measure BIO-1: Avoid and Minimize Impacts on Sensitive Biological Resources

30. Where construction/installation, maintenance and/or 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 the Biological Resources Chapter of the EIR and Appendix D (Special Status Species) of the Draft EIR, Enrollees must use the least impactful effective Management Practice to avoid impacts to such species and habitat. Enrollees must implement the following measures to reduce potential impacts to levels that are less than significant:

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- Avoid and minimize disturbance of riparian, wetlands, and other sensitive vegetation communities.
- Avoid and minimize disturbance to areas containing special-status plant or animal species.
- Where construction in areas that may contain sensitive biological resources and aquatic 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 (e.g., riparian and wetland habitat) 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 (e.g., conduct a biological assessment and/or wetland delineation) and/or habitat for special-status plant and animal species.
- When conducting maintenance or repair on facilities such as sediment basins 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 September 15), 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.
- Runoff management features shall be designed and routinely maintained to minimize the spread and propagation of invasive species, such as reed canary grass (*Phalaris arundinacea*).
- Accumulated sediments in control features shall be tested prior to removal, with disposal at an appropriate facility, if warranted.
- 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 (CDFW) to mitigate the loss of the resources.

Mitigation Measure BIO-2: Riparian Habitat, Wetlands, and Lake and Streambed Alteration Notification Compliance

31. Culvert upgrades and replacement may be a Management Practice used to achieve the objective of storm-proofing appurtenant agricultural roads for surface water protection. CDFW shall be notified pursuant to Fish and Game Code section 1600 et seq. for Project activities affecting lakes or streams and associated riparian habitat,

and Enrollees shall comply with the Lake and Streambed Alteration Agreement, if issued. Enrollees shall obtain permits from the North Coast Water Board and U.S. Army Corps of Engineers pursuant to the Clean Water Act, if applicable. Compliance shall occur prior to construction of Management Practices.

Mitigation Measure HWQ-1: Implement Construction Best Management Practices for Erosion Control

32. Enrollees must implement the following measures during construction activities for the implementation of the Proposed Project Management Practices for Water Protection under the General Order, or must implement alternative measures that are demonstrated to be equally or more effective:

- Implement practices to prevent erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls.
- 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.
- Design practices and routinely maintain practices to minimize the spread and propagation of invasive species, such as reed canary grass (*Phalaris arundinacea*).
- Revegetate disturbed areas.
- 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 stormwater pollution prevention plan (SWPPP) requirements, as appropriate.

Mitigation Measure HAZ-1: Hazardous Materials Spill Prevention, Control, and Counter-Measures for Land Disturbance Activities

33. Enrollees or their contractors must maintain/implement the following:

- 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;
- Test accumulated sediments in control features for hazardous materials prior to removal, with disposal at an appropriate facility, if warranted.

Impact Category: Cultural Resources

Description of Potential Effects

34. Many of the activities that could occur under the Proposed Project would have no potential to adversely affect historical resources and/or unique archaeological resources. For example, reasonably foreseeable Management Practices such as applying less fertilizer, applying pesticides in accordance with label instructions, minimizing tillage and bare soils, etc., would not affect cultural resources. However, construction/installation of Management Practices that would involve new ground disturbance and excavation could potentially cause damage to, disrupt, or otherwise adversely affect historical resources and unique archaeological resources if they are present. By disturbing subsurface soils (particularly those soils that have previously been undisturbed), these activities could result in the loss of integrity of cultural deposits, loss of information, and the alteration of a site setting. Although the majority of Proposed Project activities are expected to occur within existing lily bulb operations (i.e., where soils have generally been repeatedly disturbed), it is possible that some Management Practices could be installed adjacent to existing lily bulb operation fields. For example, retention or detention basins could be installed on the periphery of existing Commercial Lily Bulb Operations in areas where previous soil disturbance has not occurred. Likewise, certain Management Practices that are installed within lily bulb operation fields could involve excavation to a depth of soil that has not previously been disturbed (e.g., a sediment basin or vegetated swale could require excavation to five feet deep, whereas prior tilling/ground disturbance has only occurred to two feet deep). These types of activities would have the potential to adversely affect buried historic or pre-historic archaeological resources that may be within such previously undisturbed soils, as well as previously undocumented human remains.

Findings

35. As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Lily Bulb Order that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of Mitigation Measures CUL-1, CUL-2, and CUL-3 would reduce potential impacts on Cultural Resources to less-than-significant.

Mitigation Measures

Mitigation Measure CUL-1: Cultural Resources Inventory, Evaluation of Resources for Significance, and Implementation of Avoidance and/or Minimization Measures

36. 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, including human remains:
37. The Enrollee or third party must retain an archaeologist who meets the U.S. Secretary of the 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 records 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.
38. The professional archaeologist must contact the Native American Heritage Commission (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 about sites and resources that may not have been identified during the records search process, including Tribal Cultural Resources (TCRs), and whether the tribes have any concerns about the proposed action.
39. 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 must be prepared to document the findings of the study; the report must be submitted to the North Coast Water Board 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.

40. If cultural resources are identified either by the records search or pedestrian survey, the qualified archaeologist must evaluate the significance of archaeological resources, per the State Water Resources Control Board guidelines (2019). Note that buildings that would be impacted by the proposed action would require evaluation for California Register of Historical Resources (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) so 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 the North Coast Water Board for approval, and the data recovery plan must be approved by the North Coast Water Board prior to any excavation taking place that may impact the resource(s). The North Coast Water Board 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.

41. 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 15064.5(f). If cultural resources 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.

Mitigation Measure CUL-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources

42. See Mitigation Measure CUL-1 above. The records search, tribal consultation, pedestrian survey, evaluation, avoidance, data recovery, and inadvertent discovery procedures described in CUL-1 apply equally to unique archaeological resources as defined in Public Resources Code section 21083.2.

Mitigation Measure CUL-3: Comply with State Laws Pertaining to the Discovery of Human Remains

43. 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]).
44. Pursuant to the provisions of Public Resources Code section 5097.98, the NAHC must identify a Most Likely Descendant (MLD). No photographs will be taken of any human remains, unless required for identification purposes and with permission from tribal representatives. There shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains, until the following occurs:
- The Enrollee will immediately contact the Del Norte County Coroner at 650 5th Street, Crescent City, CA 95531; phone (707) 464-4191.
 - If the Coroner determines the remains to be Native American: (a) the Coroner will contact the NAHC within 24 hours; (b) the NAHC will designate an MLD pursuant to CCR 15064.5(e)(1)(B); and (c) the designated MLD will meet with the Enrollee

as soon as feasible to make a recommendation on the treatment of the remains and associated artifacts.

45. The MLD designated by the 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.

Impact Category: Tribal Cultural Resources

Description of Potential Effects

46. Construction/installation of reasonably foreseeable Management Practices that involve ground disturbance (e.g., sediment basins, vegetated filter strips, etc.) could potentially uncover buried Tribal Cultural Resources. Additionally, the Tribal Cultural Landscape, including viewsheds and the animal and plant species that contribute to the significance of the Tribal Cultural Landscape, is also considered a Tribal Cultural Resource. Above-ground Management Practice components (such as basin embankments, berms, and appurtenant structures) have the potential to affect the visual setting of the Tribal Cultural Landscape if not appropriately designed.
47. It is assumed that the majority of Management Practices and other activities (e.g., installation of new monitoring wells) under the Proposed Project would occur within existing lily bulb operations. In general, these areas are subject to repeated disturbance (e.g., tilling, harvesting) and thus Proposed Project activities disturbing the top soil layers in these areas would not be expected to uncover any buried TCRs or other cultural resources; however, activities in undisturbed soils carry a higher potential for encountering such resources.

Findings

48. As specified in Section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the Lily Bulb Order that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3 would reduce potential impacts on Tribal Cultural Resources to less than significant.

Mitigation Measures

Mitigation Measure TCR-1: Tribal Cultural Resources Inventory and Discovery Protocols

49. See Mitigation Measures CUL-1, CUL-2, and CUL-3 above. The records search, NAHC Sacred Lands File search, tribal consultation, pedestrian survey, evaluation, avoidance, data recovery, inadvertent discovery, and human remains procedures described in CUL-1 through CUL-3 apply to Tribal Cultural Resources as defined in Public Resources Code section 21074.

Mitigation Measure TCR-2: Implement Tribal Cultural Viewshed Protection Measures

50. To minimize visual impacts to the Tribal Cultural Landscape from above-ground Management Practice components, Enrollees shall implement the following measures:

- Low-profile design and naturalistic contours. Design above-ground elements (including berms and basin edges) to maintain low profiles, use naturalistic grading, and minimize visual contrast with surrounding landforms.
- Material and finish controls. Use non-reflective materials and finishes for any above-ground structures, appurtenances, or signage to minimize glare and visual contrast.
- Vegetation retention and screening. Retain existing screening vegetation where feasible and restore disturbed areas with native vegetation appropriate to the local setting. Where vegetation establishment is part of design or permitting compliance, prioritize revegetation methods that support both ecological function and the continuity of the Tribal Cultural Landscape's visual setting.
- Lighting limitations. Avoid new permanent nighttime lighting associated with Management Practice implementation. If lighting is necessary for safety, use the minimum intensity required and fully shield fixtures to direct light downward and away from culturally important views.

Mitigation Measure TCR-3: Supporting Construction-Related Mitigation for Tribal Cultural Resources

51. See Mitigation Measures BIO-1, HWQ-1, and HAZ-1 above. These supporting measures reduce construction-related effects (sensitive resource disturbance, erosion and sedimentation, and accidental hazardous materials releases) that could otherwise adversely affect Tribal Cultural Resources and the Tribal Cultural Landscape.

Significant and Unavoidable Impacts

Impact Category: Agriculture and Forestry Resources

Description of Potential Effects

52. The Lily Bulb Order would require Commercial Lily Bulb Operations to implement Streamside Management Area setbacks from planted areas (including lily bulb field edges and seasonal agricultural roads) based on the type of waterbody or implement an offsite riparian restoration alternative. Setback requirements under the Lily Bulb Order may result in conversion of Prime Farmland or land zoned for agricultural use by Del Norte County to non-agricultural use. As analyzed in the Final EIR, up to approximately 28 acres of the Baseline Cultivation Area and 132 acres of Potential Cultivation Areas in the Smith River Plain could potentially be converted to non-agricultural uses due to the Streamside Area setback requirements. This equates to a potential conversion of approximately one percent of the Baseline Cultivation Area and less than two percent of the Potential Cultivation Area. While land could be taken out of production under the Lily Bulb Order due to the Streamside Management Area setback requirements, it is important to note that it would be converted to riparian vegetation (which is generally considered beneficial for water quality and the ecosystem) and not urban land uses.

Findings

53. Through Resolution No. R1-2014-0006 Amending the Water Quality Control Plan for the North Coast Region to include the Policy for the Implementation of the Water Quality Objectives for Temperature, and Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds, the North Coast Water Board made CEQA findings under California Code of Regulations, title 14, section 15091(a)(3) that certain compliance measures such as riparian buffers have a potentially significant and unavoidable impact on agricultural resources from conversion of Prime Farmland to a non-agricultural use and adopted a statement of overriding considerations pursuant to California Code of Regulations, title 14, section 15093. No feasible mitigation was identified to reduce these adverse effects.

54. The majority of agricultural land conversion would occur to allow natural succession of riparian vegetation to provide shade, reduce discharges of sediment, pesticides, and nutrients to surface waters, and reduce stream bank erosion. The potential conversion of agricultural land to non-agricultural use would not be expected to occur immediately after Order adoption or all at the same time; rather, the period of conversion would depend on individual operation compliance schedules and enrollment timelines following Order adoption. No feasible mitigation was identified

to reduce or avoid the potential conversion of Prime Farmland to a non-agricultural use. Therefore, this impact is significant and unavoidable. This impact is overridden by project benefits as set forth in the Statement of Overriding Considerations below.

Alternatives

55. The North Coast Water Board considered alternative methods for reducing potentially significant impacts associated with the setback requirements, analyzing the Reduced Streamside Area Setback Alternative and the Offsite Riparian Restoration Alternative (the Alternatives Analysis Chapter of the EIR).
56. The Reduced Setback Alternative (50 percent reduction in setbacks) would reduce but not eliminate the environmental impact to Agricultural Resources, and it would not achieve some of the Proposed Project's water quality protections. The Reduced Setback Alternative would not achieve the same level of reductions in sediment discharges and temperature impacts compared to the Proposed Project and would not fully comply with Riparian Management provisions of the North Coast Water Board's Policy for the Implementation of the Water Quality Objectives for Temperature (Temperature Implementation Policy) to implement site-specific potential effective shade.
57. An Offsite Restoration Alternative would reduce but not eliminate the environmental impact to Agricultural Resources. In this alternative, Commercial Lily Bulb Operations would be given the option to mitigate only the incremental difference between existing riparian conditions and the Riparian Vegetation Area required under the Proposed Project. Mitigation would be accomplished through the restoration and long-term protection of riparian vegetation at an alternative location within the same HUC-12. Mitigation sites would have to be in a location not already subject to waste discharge requirements or another regulatory action. The Proposed Project was changed to incorporate the Offsite Restoration Alternative, which is named the Riparian Vegetation Area Restoration Alternative in the Proposed Order.
58. While the flexibility of Streamside Area setback compliance options could be helpful for some existing lily bulb operations, it is not possible to predict with any certainty whether the considered alternatives would sufficiently mitigate the agricultural land conversion that could occur under the Proposed Project. The alternatives considered would not be sufficient to reduce the impact to Agricultural Resources to less than significant.

Findings Regarding Certification of the Final EIR

59. The North Coast Water Board finds that, on the basis of the whole record, the Project as described in the Order, with implementation of the mitigation measures described in the Final EIR would result in a significant and unavoidable effect on Agricultural Resources, with all other potentially significant effects reduced to less than significant through mitigation.
60. The Final EIR was presented to the North Coast Water Board, and the North Coast Water Board reviewed and considered the information contained in the Final EIR prior to adopting the Order.
61. The Final EIR has been completed in compliance with CEQA.
62. The Final EIR, findings herein, and MMRP, reflect the independent judgment and analysis of the North Coast Water Board.
63. The North Coast Water Board considered all testimony and evidence at a public hearing and good cause was found to certify the Final EIR.
64. The Final EIR and the record of proceedings are available at the North Coast Water Board's office and webpage, or by request.
65. In accordance with Title 14 of the California Code of Regulations, section 15094, the North Coast Water Board will file a Notice of Determination with the State Clearinghouse within five working days after deciding to adopt the Order.

Statement of Overriding Considerations

66. Pursuant to the requirements of CEQA (Pub. Resources Code §§ 21002, 21002.1, 21081) and State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15093), the North Coast Water Board finds that adoption of the Lily Bulb Order, whose potential environmental impacts have been evaluated in the Final EIR, and as indicated in the above findings, will result in the occurrence of significant effects which are not avoided or substantially lessened, as described in the above findings. These significant effects include:
 - Conversion of Prime Farmland to non-agricultural use; and
 - Conflict with existing zoning for agricultural use.
67. Pursuant to Public Resources Code Section 21081(b), specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects. The specific reasons to support this approval, given the potential for significant unavoidable adverse impacts, are based on the following:

Social and Economic Benefits

68. The water quality improvements expected to occur in the Smith River Plain as a result of implementing the Lily Bulb Order are expected to create social and economic benefits for residents of the State and the local community. Although these benefits are difficult to quantify, they include: (1) reduced drinking water treatment costs associated with improvements in water quality for municipal and domestic water supplies, which are sensitive to nitrate contamination; (2) protection of the Smith River's cold freshwater habitat beneficial uses, which support recreational, commercial, and subsistence fishing of Chinook salmon, coho salmon, and steelhead; (3) reduction in copper, pesticide, and nutrient loading to ecologically sensitive receiving waters including Tillas Slough and Delilah Creek; and (4) support for the long-term recovery of threatened and endangered species including Southern Oregon/Northern California coho salmon, tidewater goby, and eulachon, which are culturally significant to the Tolowa Dee-ni' Nation.

Consistency with NPS Policy and State Water Board Resolution 68-16 (Antidegradation Policy)

69. Waste discharges from Commercial Lily Bulb Operations have the potential to affect surface and groundwater quality. Tillas Slough and Delilah Creek are listed on the Section 303(d) list of impaired water bodies for copper, and synthetic pesticides continue to be detected at downstream monitoring locations. State policy and law requires that the North Coast Water Board institute requirements that will implement Water Quality Control Plans (California Water Code Sections 13260, 13263), the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy), and applicable antidegradation requirements (State Water Board Resolution 68-16). The Lily Bulb Order is a necessary component of the North Coast Water Board's efforts to be consistent with State policy and law through its regulation of discharges from Commercial Lily Bulb Operations to surface waters and groundwater. The adoption of the Lily Bulb Order will ensure that the regulation of discharges to surface water and groundwater from Commercial Lily Bulb Operations is implemented. Improvements in surface water and groundwater quality will occur, whereas failure to adopt the Lily Bulb Order will result in continued degradation of surface water and groundwater quality, since no water quality control program would be in place for Commercial Lily Bulb Operations. After balancing the above benefits of the Lily Bulb Order against its unavoidable environmental risks, the specific economic, legal, and social benefits of the proposal outweigh the unavoidable adverse environmental effects, and these adverse environmental effects are considered acceptable, consistent with the Lily Bulb Order approval contained in North Coast Water Board Resolution R1-2026-0036.

70. Accordingly, the North Coast Water Board concludes that the Lily Bulb Order benefits outweigh and override its unavoidable significant impacts for the reasons detailed above. The North Coast Water Board reached this decision after having done all of the following: (1) adopted all feasible mitigation measures, (2) rejected alternatives that do not fully meet the Project objectives or are infeasible, (3) recognized all significant, unavoidable impacts, and (4) balanced the benefits of the Project against its significant and unavoidable impacts.

THEREFORE, be it resolved that the North Coast Water Board hereby certifies the Environmental Impact Report with a Statement of Overriding Considerations for the Lily Bulb Order.

I, Valerie Quinto, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on August 6, 2026.

Valerie Quinto

Executive Officer

Signature:

Email: