



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Lakeport, California 95453
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COUNTY OF LAKE
MITIGATION AND MONITOR REPORTING PLAN
FOR
EASTLAKE SANITARY LANDFILL EXPANSION
GENERAL PLAN OF CONFORMITY, GPC 20-01
INITIAL STUDY, IS 20-53

Pursuant to the approval of the Lake County Planning Commission on May 22, 2020, there is hereby granted to **Lake County Department of Public Services** a Mitigation and Monitoring Plan with the following conditions of approval. This Mitigation and Monitoring Plan shall authorize the **expansion of Eastlake Sanitary Landfill** located at **16015 Davis Avenue, Clearlake, CA** further described as APNs: **010-053-11, -12, -13, -14, 010-008-03, -35, -39, -41, 041-224-40, 041-234-27, and 041-244-18**, subject to the following terms and conditions.

A. GENERAL:

The use hereby permitted shall substantially conform to the *Project Description and Sites Plans* and any conditions of approval imposed by the General Plan of Conformity and Review Authority to allow *the expansion of the Eastlake Sanitary Landfill*. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. Applicant shall be in substantial conformance with the following:

1. Contracts issued by the Lake County Department of Public Services for the project shall require the referencing and implementation of these mitigation measures.
2. The project shall be consistent with the applicable Performance Standards of Article 41 of the Lake County Zoning Ordinance.
3. Within 90 days of the completion of the project, the Public Services Department shall report to the Board of Supervisors on compliance with these mitigation measures.
4. These mitigation measures do not abridge or supersede the regulatory powers or permit requirements of any federal, state, or local agency, or special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. Lake County Department of Public Services shall obtain permits as may be required from each agency.

B. AIR QUALITY:

Landfill operators shall follow the following specifications to reduce short-term air quality impacts attributable to the onsite cell construction activities.

1. Equipment idling times shall be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
2. Construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
3. Idling time of diesel powered construction equipment shall be limited to a maximum of two minutes.
4. Off-road equipment (more than 50 horsepower) to be used in cell construction (i.e., owned, leased, and subcontractor vehicles) shall achieve a project wide fleet-average 20 percent NOx reduction compared to the most recent ARB fleet average. Acceptable options for

reducing emissions may include the use of late model engines, low-emission diesel products, and/or other options as such become available.

5. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx.
6. All landfill equipment shall meet CARB's most recent certification standard for off-road heavy duty diesel engines.
7. Work practices shall minimize vehicular and fugitive dust during the onsite cell construction activities. Management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. Vehicle speeds shall be limited to 15 miles per hour.
8. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines. The applicant shall contact the Lake County Air Quality Management District for details.

C. BIOLOGICAL RESOURCES:

1. Vegetation removal shall be conducted between September 1 and October 15. If vegetation removal cannot occur between September 1 and October 15, a bat survey shall be conducted by a qualified biologist within one week prior to initiation of work. The survey report shall be provided to the CDFW. Should bats be encountered during the survey, work in that area shall be postponed and the following measures shall be implemented:
 - a. A qualified bat biologist (one possessing a Memorandum of Understanding with CDFW for work with bats) shall either conduct, or supervise, the humane eviction of bats from the onsite structures.
 - b. Humane bat eviction shall only be conducted within seasonal periods of bat activity during which specific temperature and precipitation criteria are met. Eviction may be conducted between about March 15th (or after evening temperatures rise above 45°F) and April 30th, or between August 15th and about October 1st (or before evening temperatures fall below 45°F); no eviction work shall be conducted if more than ½-inch of rainfall has occurred within the preceding 24 hours.
2. Project-related vegetation clearing should occur outside the bird nesting season, which is generally considered to be March 15 through August 15. If project-related brush clearing or structural work on buildings within the vicinity of nesting bird habitat must occur during the breeding season, nesting bird surveys should be performed in those locations by a qualified biologist one week prior to initiation of work to ensure that active nests are not destroyed. If active nests are present, work within 500 feet of the nest(s) shall be postponed until the young have fledged, unless a smaller nest buffer zone is authorized by the CDFW and USFWS. The survey report shall be provided to the CDFW.
3. Removal of the 7.79 acres of oak woodland shall be mitigated through the establishment of a conservation easement, planting additional oak woodland, and restoration of existing oak woodland at a minimum 2:1 mitigation ratio as follows:
 - a. The planting and establishment of additional oak woodland shall occur within a suitable location to support the development of oak woodland, such as the County-owned parcel immediately adjacent to the landfill east of the operations and recycling buildings. This area is currently characterized by non-native grassland and has soils suitable for the support of oak woodland establishment. A total of 7.8 acres of oak woodland would be replanted as part of the mitigation for this project.
 - b. A total of 7.8 acres of existing oak woodland shall be placed into a conservation easement as mitigation in addition to the 7.8 acres of oak woodland planting. Over eight acres of mature oak woodland exists on parcels adjacent to the landfill,

specifically the parcels immediately east of the operations and recycling buildings. Placing these oak woodlands into a conservation easement will serve to protect oak woodlands in the vicinity of the project from further disturbance.

- c. Part of the mitigation for oak woodland loss shall include the restoration of these woodlands and the permanent protection of these areas from vehicular travel using fencing, boulders, and signage. Native herbaceous vegetation shall be used for planting in this area.
 - d. At a minimum, the oak woodland mitigation planting and restoration area shall also be monitored for seven years, as required by the Oak Woodland Conservation Act.
4. Prior to issuance of a grading permit affecting any jurisdictional waters, including wetlands, as identified in the project wetland delineation, the County shall obtain the following resource agency permits from the ACOE, CDFW, RWQCB, or any other applicable agency (i.e., USFWS) identified through the permitting process:
- a. Prior to any discharge of dredged or fill material into “waters of the U.S.,” including wetlands, authorization under a Nationwide Permit or Individual Permit shall be obtained from the ACOE. For any features determined to not be subject to the ACOE jurisdiction during the verification process, authorization to discharge (or a waiver from regulation) shall be obtained from the RWQCB. For fill requiring an ACOE permit, water quality certification shall be obtained from the RWQCB prior to discharge of dredged or fill material.
 - b. Prior to any activities that would obstruct the flow of, or alter the bed, channel, or bank of any intermittent or ephemeral creeks, notification of streambed alteration shall be submitted to the CDFW; and, if required, a 1602 streambed alteration agreement shall be obtained by the County.
 - c. The County shall achieve the mitigation for the permanent loss of streams, wetlands, and other waters through the purchase of mitigation credits at an agency-approved mitigation bank at a minimum 1:1 ratio, or through onsite/offsite habitat restoration at a minimum 3:1 ratio.
 - i. Should onsite habitat restoration be pursued by the County, the highly degraded and eroded seasonal drainage within the County-owned parcel immediately east of the operations and recycling buildings would allow over 1,000 feet of restoration. This restoration would allow for a minimum 3:1 replacement ratio for the loss of 330 feet of onsite jurisdictional waters.
 - ii. Should the County move forward with onsite restoration, a detailed mitigation plan, including success criteria, monitoring, maintenance, and reporting as required by the regulatory agencies (i.e., ACOE, CDFW, RWQCB) shall be submitted for review and approval. The affected regulatory agency shall identify when measures shall be implemented and completed for those activities impacting streams, wetlands, or other waters.
 - iii. All measures contained in the permits or associated with any agency approvals shall be implemented to the satisfaction of the lead regulatory agency.

D. CULTURAL RESOURCES:

1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)).
2. Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the material and offered recommendations for further action.

3. If In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5) The Lake County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

E. TRIBAL CULTURAL RESOURCES:

1. A minimum of seven calendar days prior to the initiation of ground-disturbing activities, the County or its designee shall send a written notice to the Elem Indian Colony with an initial start date, safety protocols, and contact information for the facility to provide the tribe with the opportunity to send a tribal representative to observe, at its own discretion, liability, and expense, any or all ground-disturbing activity throughout the lifetime of the facility's operations. Should the tribe choose not to send an observer, facility activities may continue as scheduled, as long as the initial notification was made and documented.
2. If any potential tribal cultural resources, such as unusual amounts of bone or shell, artifacts, or human remains, are encountered during ground disturbing activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the County representative, who shall immediately notify the Elem Indian Community. If the find includes human remains, or remains that are potentially human, the County shall also immediately notify the Lake County Coroner so that the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097.98 of the Public Resources Code, are followed. The County shall consult with the Elem Indian Community and Most Likely Descendent, if identified by the California Native American Heritage Commission for human remains (if applicable), to develop, document, and implement appropriate and feasible management recommendations, should potential impacts to newly discovered tribal cultural resources be found by the County to be significant. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the County) preservation in place. The facility operator shall implement any measures deemed by County staff to be necessary and feasible to avoid, minimize, or mitigate significant effects to the Tribal Cultural Resources.

F. MONITORING AND TIMING

1. All grading shall occur between April 15 and October 15 of any given year, unless an extension is granted by the Community Development Director based on dry weather conditions.
2. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
3. This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

Scott DeLeon
Interim Community Development Director

By: _____
Sateur Ham, Assistant Planner I

Acceptance

I have read and understand the foregoing Conditionals of Approval and agree to each and every term and condition thereof.

Date: _____

Signature of applicant or authorized agent

Printed name of applicant or authorized agent