

**CALENDAR ITEM
C01**

A 1
S 2

09/01/11
W 26460
M. Andersen

DREDGING LEASE

APPLICANT:

County of Lake
Department of Water Resources
255 North Forbes Street, RM 309
Lakeport, CA 95453

AREA, LAND TYPE, AND LOCATION:

Legislatively granted sovereign land, with minerals reserved to the State, in Clear Lake, near the city of Clearlake, Lake County.

AUTHORIZED USE:

Suction dredge hydrilla tubers from the top 12 inches of sediment from the bed of Clear Lake wherever actively growing hydrilla plants are discovered.

LEASE TERM:

Five years, beginning September 1, 2011.

CONSIDERATION:

No monetary consideration will be charged as the project will result in a public benefit. Dredged material may not be sold.

OTHER PERTINENT INFORMATION:

1. The Applicant is the Trustee of legislatively granted sovereign land, pursuant to Chapter 639, Statutes of 1973 and as amended, with minerals reserved to the State.
2. The County of Lake (County) has submitted an application to suction dredge hydrilla tubers from the top 12 inches of sediment of the bed of Clear Lake, wherever actively growing hydrilla plants are discovered, with the exception of the Clearlake Oaks arm. The County is looking to dredge affected areas as a means of permanently eliminating the hydrilla problem in Clear Lake, as the use of herbicides only controls the spreading of the aquatic plant.

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3. The hydrilla plant is an invasive species that grows on the surface of waterways forming dense mats that can potentially take over aquatic ecosystems, impede navigation and water-related recreation, and increase the risk of drowning. The plant reproduces not by seedling, but by small pieces of its stem that break apart and grow into new plants. Stems sprouting within the lake bed sediment are referred to as tubers and can survive up to seven years in sediment with little to no water present.
4. The County proposes to begin dredging activities as early as fall 2011. Removal will be performed via hydraulic suction dredge. Turbidity caused by the dredging activities will be contained within a turbidity skirt. All sediment will then be de-watered and delivered to a preapproved upland site. Dredging episodes will occur as needed over the course of the lease term to allow removal of newly discovered hydrilla plants.
5. A Mitigated Negative Declaration [*SCH #2011032004*] was prepared by the county of Lake and adopted on May 19, 2011, for this project. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the county of Lake, as contained in Exhibit C, attached herto.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et. seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

United States Army Corps of Engineers, California Department of Fish and Game, Central Valley Regional Water Quality Control Board.

EXHIBITS:

- A. Site and Location Map
- B. Legal Description
- C. Mitigation Monitoring Plan

CALENDAR ITEM NO. **C01** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration [SCH#20110032004] was prepared by the county of Lake and adopted on May 19, 2011, for this Project and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

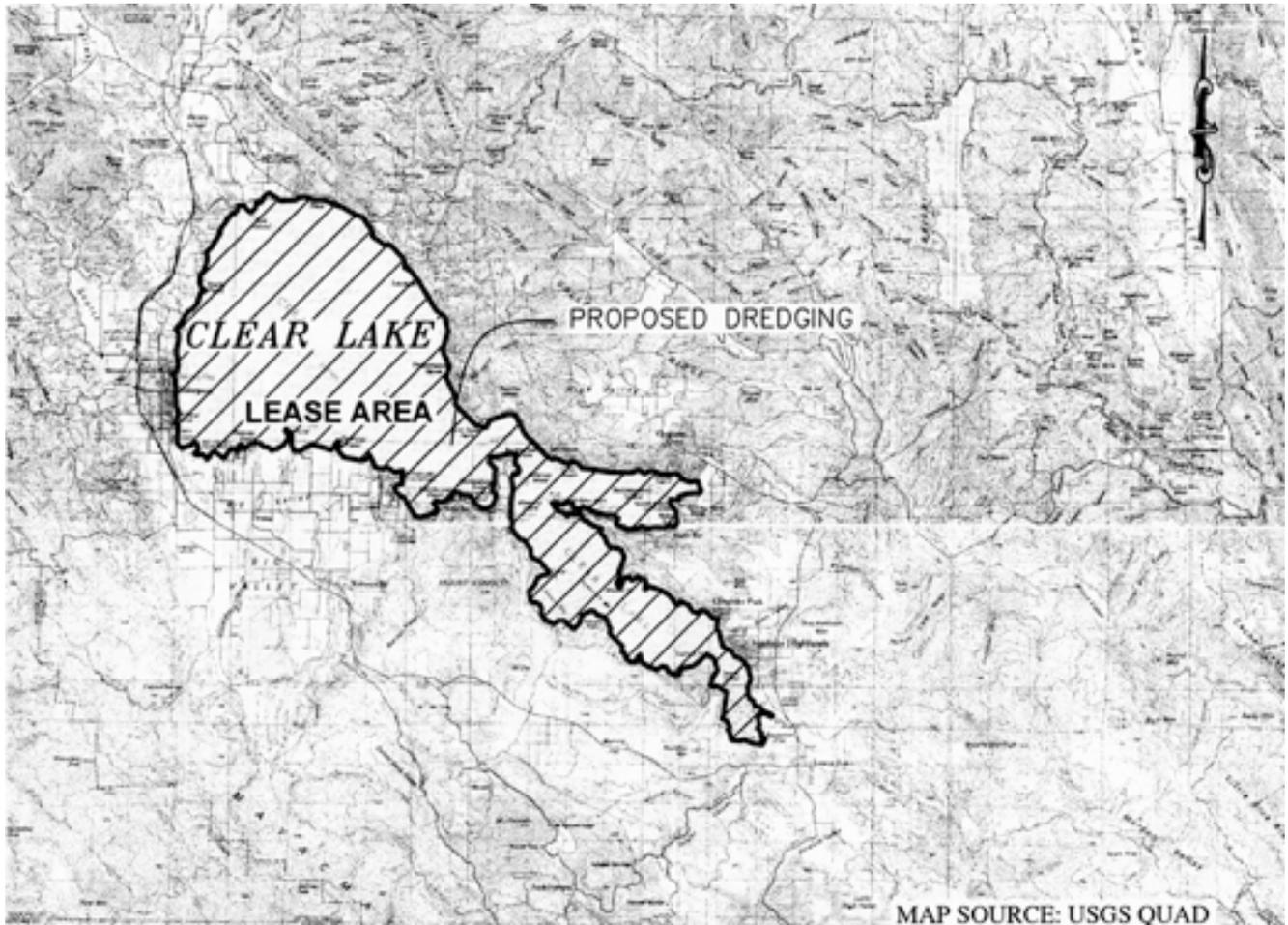
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize the Issuance of a Dredging Lease to the County of Lake beginning September 1, 2011, for a term of five years, to suction dredge hydrilla tubers from the bed of Clear Lake as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; such permitted activity is contingent upon Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State and local governments; no monetary consideration will be charged as the project will result in a public benefit; dredged material may not be sold.

NO SCALE

SITE

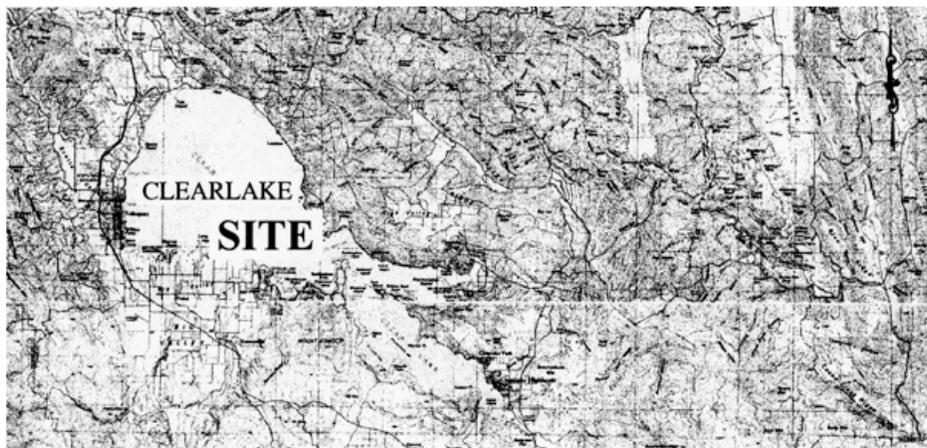


MAP SOURCE: USGS QUAD

CLEARLAKE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26460
 COUNTY OF LAKE
 DREDGING LEASE
 LAKE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

DJF 07/26/11

EXHIBIT B

W 26460

LAND DESCRIPTION

All that parcel of submerged lands lying in the bed of Clear Lake granted to the County of Lake pursuant to Chapter 639 of Statutes 1973, approved September 21, 1973 and filed with the Secretary of State September 21, 1973, County of Lake, State of California.

END OF DESCRIPTION

Prepared 7/28/2011 by the California State Lands Commission Boundary Unit.



MITIGATION MONITORING PLAN

Water Resources Department
Clear Lake
Hydrilla Tuber Dredging Project

In compliance with the California Environmental Quality Act (CEQA), the following Mitigation Monitoring Plan is adopted on **April 20, 2011**, by the **Lake County Water Resources Department**, 255 N. Forbes Street, Lakeport, CA, **for the suction dredging of hydrilla tubers from the top twelve inches (12") of sediment of the Clear Lake bottom, wherever actively growing hydrilla plants are discovered in Clear Lake, with the exception of the Clearlake Oaks arm. The hydrilla containing sediment is to be delivered to a site permitted to accept this material and approved by the Lake County Water Resources Department and the Lake County Community Development Department.** These conditions shall serve as the mitigation measures required to avoid or reduce environmental impacts to a level less than significant. These mitigations shall allow the project to receive a Mitigated Negative Declaration CEQA determination. Adoption of the Mitigation Monitoring Plan for this project is subject to the following terms and conditions:

Findings:

1. All of the findings of §30-22.1 of the Lake County Grading Ordinance have been made.
2. The project is compatible with surrounding land uses.
3. The project is consistent with the Lake County General Plan, Shoreline Ordinance, Integrated Aquatic Plant Management Program Ordinance, Non Native Aquatic Plants Ordinance and Zoning Ordinance.
4. The project is within the scope of the Program EIR prepared for the Clear Lake Integrated Aquatic Plant Management Plan.
5. An initial study has been performed pursuant to CEQA requirements and a mitigated negative declaration has been filed.

A. General Conditions:

1. The use hereby permitted shall substantially conform to the project as described in the Community Development Department Planning Division Application dated April 6, 2011. Minor alterations which do not result in increased environmental impacts may be approved in writing by the Community Development Director.
2. This permit does not abridge or supercede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. This approval shall not become effective, operative, vested or final until the California Department of Fish and Game filing fee required or authorized by Section 711.4 of the Fish and Game Code is submitted by the property owner to the County Clerk. Said fee shall be paid by thirty (30) days after approval. Failure to pay said fee by the specified deadline shall result in this project automatically becoming null and void.
4. In the absence of a permitted site to accept the dredged material, a grading permit shall be obtained from the Building and Safety Division of the Community Development Department, County of Lake for the importation of the dredged material. No dredging activities are allowed to begin without a permitted site to accept the dredged material.

5. Prior to the issuance of a grading permit, the Building Division may require further modifications of the plans to insure that the project is consistent with County Code. The Lake County Grading Ordinance allows the permit holder two years from the date of issuance to complete the grading project and finalize the permit. A one year extension may be granted by the administrative official. The permit holder shall contact the Building Division (707-263-2382) for an inspection after every major phase of the project including the installation of erosion control features. The permit holder is responsible for contacting the Building Division to arrange inspections until the Building Division has finalized the permit.
6. Field modifications of the approved plans are acceptable if such modifications do not increase erosion, the scope of the project, or any environmental impact. Field modifications that reduce erosion at a greater level than the approved plan or reduce other environmental impacts are encouraged. Approval by the Community Development Department, Planning Division of proposed field modifications is required prior to implementation.
7. The permit holder is responsible for insuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.

B. Air Quality

1. The permit holder shall prevent fugitive dust from leaving the spoil site by keeping the material damp and/or covering the material with straw/mulch. This material shall be seeded and revegetated to prevent fugitive dust, due to wind erosion.
2. Motorized equipment shall be well maintained, in good running order and in compliance with State emission requirements.

C. Biological/Cultural Resources

1. The permit holder shall obtain approvals to dredge from the State Lands Commission, California Department of Fish and Game, Army Corp of Engineers and Central Valley Regional Water Quality prior to project start.
2. The permit holder shall not begin dredging and the transporting of the hydrilla material without approval from the California Department of Food and Agriculture (CDFA), as they are the responsible agency for the eradication of hydrilla on Clear Lake.
3. California Department of Food and Agriculture (CDFA) may impose conditions regarding harvesting, transporting and dewatering that are separate from any other agency's permit conditions.
4. A staff member or representative of the Lake County Water Resources Department shall be present to supervise and/or monitor all dredging activities.
5. The dredging activities will use the best possible dredging methods not to remove tulle plants described in the PIER Cultural Resource Section, as having a cultural significance to Lake County Native American Tribes. However, if tuelles are removed during dredging operations, the tuelles shall be replanted.
6. The importation of the material to the dewatering site shall not occur without first obtaining approval from the Lake County Water Resources Department and the Lake County Community Development Department.
7. Any vessel used for the dredging operation shall be inspected for Quagga/Zebra (Dreissenid) Mussels. Prior to entering the waters of Clear Lake the vessels shall be Quagga/Zebra (Dreissenid) Mussel free and obtain an authorized inspection sticker for each vessel. Dredging vessels that leave Lake County shall be screened and Quagga/Zebra (Dreissenid) Mussel free prior to resuming dredging activities.

8. Dredging activities shall not take place in identified zones of concern that are of a high degree of sensitivity to tribal members. In order to ensure that cultural resources are not disturbed within these sites, hydrilla finds shall continue to be treated chemically.
9. If cultural, archaeological or paleontological resources are encountered during activities authorized by this permit, all activity in the immediate area of the find(s) shall cease until a qualified archaeologist is retained to determine the significance of the resource and recommend mitigations to be completed by the permit holder, if necessary, subject to the approval of the California State Lands Commission and the Community Development Department.
10. Approved permits from the Army Corps of Engineers' for a Nationwide Permit and an approved 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board shall be issued prior to any dredging activities.

D. Geology/Soils/Hydrology/Water Quality and Recreation

1. Dredged material shall not be placed into Clear Lake or any other water body or wetlands.
2. The applicant is required to take pre hydrilla dredging sediment samples for the first five (5) hydrilla sites. If the sample analysis for "DDD" returned from a certified laboratory show no hazardous levels (currently "DDD" one (1 ppb) part per billion using U.S. EPA Analytical Method, EPA 8081 guidelines from US Department of Health and Human Services, Toxic Substances and Disease Registry, 2002), the sampling for sediment contamination shall be discontinued. However, if sampling results reach above hazardous levels in any of the first five sites all remaining sites shall be sampled for "DDD". Hydrilla dredging shall not be conducted at sites that are above current hazardous levels.
3. The applicant is required to take pre hydrilla dredging sediment samples for the first five (5) hydrilla sites. If the sample analysis for "Total Mercury" returned from a certified laboratory show no hazardous levels (currently "Total Mercury zero point five (0.5ppm) part per million using U.S. EPA Analytical Method, EPA 7471 guidelines from US Department of Health and Human Services, Toxic Substances and Disease Registry, 2002), the sampling for sediment contamination shall be discontinued. However, if sampling results reach above hazardous levels in any of the first five sites all remaining sites shall be sampled for "Total Mercury". Hydrilla dredging shall not be conducted at sites that are above current hazardous levels.
4. Water quality sampling shall take place prior to dredging and post dredging to sample pH, conductivity and dissolved oxygen. All water quality sampling results shall be made available to the Water Resources Department.
5. Temporary turbidity shall be contained within a turbidity skirt. The skirt shall not be removed until turbidity at a two foot depth from the lake bottom has been restored to pre-dredging value measured with a turbidity meter in ntu units.
6. The permit holder shall protect stormwater drainage courses from polluting runoff with the implementation of Best Management Practice (BMPs) principles. The permit holder shall ensure that no silt, sedimentation or other materials be allowed back into the lake or into a county stormwater drainage from any disturbed area. BMPs may include the placement of straw, mulch, seeding, straw wattles, silt fencing on the spoils areas. The sites shall be monitored and maintained until the BMP methods used insure that all erosion and sediment control measures are effective for preventing sediment from flowing into the lake or county stormwater drainage courses during storm events.
7. In the event that it is determined by the Community Development Department that significant erosion is occurring at the spoils site, additional erosion control measures may be required to be implemented by the permit holder.

8. All dredging activities shall only take place during the active grading season and no dredging activities shall take place during the winter rainy season (October 15 to April 15).

E. Hazards and Hazardous Materials/Noise

1. All motorized equipment shall be well maintained and not pose a hazard due to fluid leaks. No vessel refueling activities shall take place on the water. If it is necessary to refuel a vessel it shall be hauled to a location on land. In the event of a spill the site can be cleaned and the contaminated material removed to a site permitted to handle such material.
2. Refueling of portable equipment may occur on the deck of the dredging vessel if, the refueling is done in an area that can contain a spill, is easily decontaminated and not enclosed. Material used for any spill clean up shall be placed in an appropriate container to prevent further contamination and disposed of properly.
3. The project shall not take place within an area extending from the Sulfur Bank Super Fund site up to a distance of three (3) miles within the Oaks Arm of Clear Lake as shown on the "Oaks Arm Not To Be Dredged" map.
4. Activities authorized by this permit shall be confined to the hours of 7:00 A.M. to 7:00 P.M. Monday through Saturday. All motorized equipment shall have adequately muffled exhaust systems to minimize noise impacts to adjacent parcels. If substantiated complaints are received, a noise control plan, approved by the Community Development Department shall be implemented, including limiting the hours of operation. Any other project related activities that may produce loud noises are also limited to this time period. If valid complaints are received, the Department may further limit operation times.

F. Mitigation Monitoring and Expiration:

1. The permit holder shall permit the County of Lake or representatives or designee 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.
2. Pursuant to County Ordinance 2464 or a replacement ordinance, the permit holder shall pay a yearly mitigation monitoring fee (currently \$127.00), until all mitigations are complete. The first payment is due upon the issuance of a grading permit.
3. The Planning Commission may revoke the permit if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort and welfare of the public, or constitutes a nuisance.

Richard Coel
Community Development Director

By: Danae Bowen
Danae Bowen, Office Assistant III

Acceptance

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

Date: 5/19/11

Carolyn E. Rutan
Signature of applicant or authorized agent

CAROLYN E. RUTAN
Printed name of applicant or authorized agent