

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Lakeport's Disney's Boat Rental Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the Project.

The first column of the Table identifies the mitigation measure. The second column, entitled "Party Responsible for Implementing Mitigation," names the party responsible for carrying out the required action. The third column, "Implementation Timing," identifies the time the mitigation measure should be initiated. The fourth column, "Party Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Air Quality				
<p>AIR-1</p> <p>During construction activities, the following Best Management Practices (BMPs) shall be implemented to control dust:</p> <ul style="list-style-type: none"> • Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks shall be paved as priority. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by 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. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and 	Project Applicant/ Developer	During Construction	Project Applicant/City of Lakeport	

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<p>determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. 				
<p>Biological Resources</p>				
<p>BIO-1 Protect Clear Lake Hitch</p> <ol style="list-style-type: none"> To avoid impacts to Clear Lake Hitch, any work within the open water of Clear Lake shall occur only in the window of time from October 15 through December 31. In addition, the applicant shall implement the Revegetation Plan prepared by Graening and Associates (Attachment L) to reduce impacts to the Clear Lake Hitch as the revegetation plan will create habitat for the Clear Lake Hitch. <ol style="list-style-type: none"> To offset the loss of approximately 3 square feet of aquatic (lacustrine wetland) habitat, new wetland vegetation shall be installed onsite at a ratio of 3:1 prior to construction. The revegetation plan shall consist of the planting of native wetland vegetation in an area of at least 9 square feet in the boundary identified by the qualified biologist in consultation with CDFW. Tule rhizomes shall be the primary plants used for 	<p>Project Applicant/ Developer</p>	<p>Prior to/During Construction and for life of project</p>	<p>Project Applicant</p>	

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<p>revegetation. The planting density shall be, at the minimum, 1 propagule per square meter. Mesh cages may be constructed if deer browsing is an issue. Non-native vegetation weeding shall be performed by hand or line trimmer to suppress competition. Supplemental watering shall be employed when necessary, including in periods of drought or low-lake levels. When mortality occurs, new plantings shall be placed in those failed planting stations. The success rate shall be 80% at the end of 5 years and the revegetation effort shall be supervised by a qualified biologist or restoration ecologist.</p> <p>b. To offset the loss of approximately 508 square feet of riparian habitat, the revegetation plan prepared by Graening and Associates (Attachment L) shall be implemented. Riparian habitat shall be restored at a 3:1 ratio on-site in the restoration areas. The revegetation plan shall consist of the planting of native riparian species in an area of at least 1,524 square feet in the boundary identified by the qualified biologist in consultation with CDFW. The planting density shall be, at the minimum, 1 propagule per square meter.</p>				

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<p>Mesh cages may be constructed if deer browsing is an issue. Non-native vegetation weeding shall be performed by hand or line trimmer to suppress competition. Supplemental watering shall be employed when necessary, including in periods of drought or low-lake levels. When mortality occurs, new plantings shall be placed in those failed planting stations. The success rate shall be 80% at the end of 5 years and the revegetation effort shall be supervised by a qualified biologist or restoration ecologist.</p> <ul style="list-style-type: none"> i. Vegetation Removal Methods. Hand tools (e.g., trimmer, chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work site(s); larger equipment shall not be used for vegetation removal unless already described in the project description. ii. Vegetation Removal. Riparian vegetation removal, including Tules and willows, shall be conducted under the supervision of a qualified biologist. Cuttings and removed vegetation shall be incorporated into onsite 				

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<p>restoration activities or other restoration projects in the Clear Lake watershed. Tules and willow cuttings shall be made available to tribal and cultural partners within the Clear Lake watershed.</p> <p>c. Annual reports shall be documented and provided to CDFW and to the City of Lakeport for the revegetation plan.</p> <p>2. Stormwater and sediment controls, including silt containment fence and fiber rolls, shall be installed prior to any ground disturbing work to prevent sedimentation of potential spawning and rearing habitat for Clear Lake hitch.</p> <p>3. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 150 feet from riparian habitat or bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Equipment shall be checked daily for leaks prior to the initiation of construction activities.</p> <p>4. If it is not possible to schedule lakebed construction during work window (October 15 through December 31) a qualified biologist, in coordination</p>				

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<p>with CDFW's District Fisheries Biologist, shall determine if work outside this window is feasible. The qualified biologist shall provide written documentation to CDFW and to the City of Lakeport providing evidence that no impacts would occur to aquatic, plant, or wildlife species.</p> <p>a. If lakebed construction activities cannot be scheduled within the required window of October 15 through December 31, the applicant shall obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) through CDFW prior to initiating any work that may impact State-listed species, such as the Clear Lake hitch. The ITP will outline specific measures to minimize and mitigate potential impacts to these species.</p> <p>b. Before construction activities begin, a qualified biologist shall conduct a training session for all construction personnel working within 50 feet of Clear Lake. At a minimum, the training will include a description of Clear Lake hitch and its habitat, the specific measures that are being implemented to protect this species for the Project, and the boundaries within which the Project may be accomplished.</p>				

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<p>c. Immediately prior to all construction activities within 50 feet of Clear Lake, a qualified biologist, in coordination with CDFW's District Fisheries Biologist, shall conduct a visual pre-construction survey for Clear Lake hitch 200 feet north and 200 feet south from the lakebed construction on the shoreline. The qualified biologist shall then monitor all construction activities within 50 feet of Clear Lake to ensure impacts to Clear Lake hitch and its habitat are avoided. The qualified biologist shall stop work if Clear Lake hitch behavior is affected by Project activities. In such cases, work may need to be redirected to other areas or postponed until Clear Lake hitch is no longer present in the reach of Clear Lake potentially affected by Project activities.</p> <p>5. The applicant shall conduct project activities in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species from one work site and/or water body to another. Prior to entering the project area, the applicant shall inspect equipment for invasive species and, if any signs of invasive species are found, the equipment shall be cleaned to remove those species. All visible soil/mud, plant materials, and animal remnants on equipment will be</p>				

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<p>removed prior to entering and exiting the work site and/or between each use in different water bodies. The applicant shall notify CDFW immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting CDFW's Invasive Species Program by email at Invasives@wildlife.ca.gov.</p>				
<p>BIO-2 Protect Wildlife and Nesting Birds</p> <ol style="list-style-type: none"> 1. During construction, wildlife exclusion fencing shall be erected between construction areas and aquatic resources (Intermittent stream and lake shoreline) to prevent animals from migrating into work areas. This fencing shall be combined with erosion control measures. 2. Prior to construction, a pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present. If any species are detected, construction shall be delayed, and appropriate wildlife agencies (CDFW and/or USFWS) shall be consulted and project impacts and mitigation measures shall be reassessed. 3. If construction activities occur during the nesting season (February through August), a pre-construction survey the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid 	<p>Project Applicant/ Developer</p>	<p>Prior to and During Construction</p>	<p>Project Applicant</p>	

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<p>"take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds would be reduced to a less-than-significant level.</p> <p>4. The applicant shall apply for a Lakebed Alteration Agreement through the California Department of Fish and Wildlife before any disturbance to riparian (or lacustrine) habitat occurs. The Lakebed Alteration Agreement will dictate any required avoidance or restoration measures in addition to the implemented mitigation measures of this Environmental Review.</p>				
Cultural				
<p>CUL - 1</p> <p>If previously unidentified cultural resources are encountered during project implementation, any persons on-site shall avoid altering the materials and their stratigraphic context. A qualified professional archaeologist shall be contacted to evaluate the situation. Project personnel shall not collect cultural resources. [Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human</p>	Project Applicant/ Developer	Prior to and During Construction	Project Applicant	

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<p>burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.]</p>				
<p>CUL-2 If human remains are encountered on-site, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission (NAHC) must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.</p>	<p>Project Applicant/ Developer</p>	<p>Prior to and During Construction</p>	<p>Project Applicant</p>	
<p>CUL-3 A cultural monitor from the Scotts Valley Band of Pomo Indians shall be present on-site for any and all ground disturbance to be completed under the Project. The Project contractor shall consult with the Tribe at least three weeks prior to the start of any ground disturbing activities and shall also provide the Tribe with the anticipated construction schedule and plans.</p>	<p>Project Applicant/ Developer</p>	<p>Prior to and During Construction</p>	<p>Project Applicant</p>	
<p>CUL-4</p>	<p>Project</p>	<p>Prior to and</p>	<p>Project</p>	

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<p>All ground disturbance activities and materials storage shall take place outside the Cultural Resources Prehistoric Site Boundary. If construction activities are proposed to encroach onto the mapped site area, a plan shall be developed prior to construction and shall be submitted and approved by the City of Lakeport, the qualified Archaeologist, and the local affiliated Tribe, to accommodate the preservation of the site during the construction process. As recommended by the Cultural Study, the Plan shall incorporate the requirements outlined in Section 21083.2 [b] of the CEQA Guidelines.</p>	Applicant/ Developer	During Construction	Applicant	
<p>Geology and Soils</p>				
<p>GEO-1</p> <p>In the event that fossils or fossil-bearing deposits are discovered during Project construction, the contractor shall notify a qualified paleontologist to examine the discovery and excavations within 50 feet of the find and work shall be temporarily halted or diverted. The area of discovery shall be protected to ensure that fossils are not removed, handled, altered, or damaged until the site is properly evaluated, and further action is determined. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding</p>	Project Applicant/ Developer	Prior to and During Construction	Project Applicant	

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<p>under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project-based on the qualities that make the resource important. The plan shall be submitted to the City of Lakeport for review and approval prior to implementation.</p>				
<p>Hazards and Hazardous Materials</p>				
<p>HAZ-1</p> <p>The project will adhere to the Clean Fueling Practices guidelines set forth by the California State Parks Boating and Waterways Division. These guidelines shall be followed throughout the project's lifespan, encompassing protocols for pre-fueling, fueling, and post-fueling procedures.</p>	<p>Project Applicant/ Developer</p>	<p>Prior to/During Construction and for life of project</p>	<p>Project Applicant</p>	
<p>HAZ-2</p> <p>The applicant shall provide the City of Lakeport and all associated or responsible agencies with a copy of a Tier I self-certification Spill Prevention, Control, and Countermeasure (SPCC) Plan as provided by the United States Environmental Protection Agency.</p>	<p>Project Applicant/ Developer</p>	<p>Prior to/During Construction and for life of project</p>	<p>Project Applicant</p>	

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<p>HAZ-3</p> <p>Hazardous materials shall not be allowed to leak onto the ground or contaminate surface waters. Any release of hazardous materials shall be recycled or disposed of through a registered hazardous waste transporter to an approved site authorized to accept such materials. In addition, Industrial waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board. In an event of a leak or spillage, the applicant shall immediately contact the City of Lakeport, Environmental Health, Regional Water Quality Control Board, County of Lake Water Resources, and any responsible agencies to notify staff of the spill/leakage.</p>	Project Applicant/ Developer	Prior to/During Construction and for life of project	Project Applicant	
<p>HAZ-4</p> <p>To prevent fuel spills during refueling operations, the mobile fueling tank must be relocated to the designated secondary concrete pad located west of Lakeshore Boulevard prior to refueling. This will minimize the risk of contamination to sensitive areas and ensure compliance with environmental regulations.</p>	Project Applicant/ Developer	For life of project	Project Applicant	
<p>Noise</p>				
<p>NOI-1</p> <p>Construction noise shall be limited through operational standards. Construction activities shall be limited to between the hours of 7:00AM and 7:00PM Monday through Friday and between 8:00AM and 7:00PM on Saturdays and Sundays. The City may allow construction between 7:00PM and 7:00AM on any day</p>	Project Applicant/ Developer	During Construction	Project Applicant	

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<p>if it can be demonstrated that noise would not adversely impact the neighborhood, or in the event of necessity as determined by the Building Official. Neighboring landowners shall be notified of the anticipated construction schedule prior to the commencement of construction activities.</p>				
<p>NOI-2</p> <p>All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists. At all times during project construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences. Unnecessary idling of internal combustion engines shall be prohibited. Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project Site during all project construction activities, to the extent feasible. The construction contractor shall designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the</p>	<p>Project Applicant/ Developer</p>	<p>During Construction</p>	<p>Project Applicant</p>	

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construction site.				