

Lake County Interregional Transit Center Project

Final Mitigated Negative Declaration

Lake Transit Authority

9 September 2022



Final Mitigated Negative Declaration Lake County Interregional Transit Center Project

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September 9, 2022

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Attachments

- Attachment A Draft Initial Study/Mitigated Negative Declaration
- Attachment B Mitigation Monitoring and Reporting Program

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1. Project Information

Project Title	Lake County Interregional Transit Center	
Lead Agency Name & Address	Lake Transit Authority	
Contact Person & Phone Number	James Sookne, Program Manager, (707) 263-7868	
Project Component	Interregional Transit Center	Maintenance and Operations Facility Improvements
Component Location	Southwest corner of S. Center Drive and Dam Road Extension (City of Clearlake)	9240 Hwy 53 Lower Lake, CA (Lake County)
Assessor Parcel Number	010-043-57	012-025-72
General Plan Land Use Designation	C Commercial	Cc (Community Commercial)
Zoning	CG (General Commercial)	C2 (Community Commercial)

1.1 Introduction

The Lake County Interregional Transit Center Project (Project) is subject to the requirements of the California Environmental Quality Act (CEQA). The Lake Transit Authority (Lake Transit) is the CEQA Lead Agency. A Draft Initial Study/ Mitigated Negative Declaration (Draft IS/MND) was prepared for the project to satisfy the requirements of CEQA (Public Resources Code (PRC), Div. 13, Sec 21000-21177) and the CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387). A copy of the Draft IS/MND is included in Attachment A.

The Draft IS/MND was circulated for 30 days, from August 8, 2022, to September 8, 2022, to allow the public and agencies the opportunity to review and comment on the document. In accordance with the requirements of CEQA, Lake Transit provided a Notice of Intent to Adopt a Mitigated Negative Declaration to the public, responsible agencies, and the Lake County clerk. Lake Transit published a notice in the Lake County Record-Bee, the newspaper of general circulation in the area affected by the proposed Project, and the notice was posted at the Lake County clerk's office for a period of at least 30 days.

The Draft IS/MND was submitted to the State Clearinghouse for review by state agencies, and to responsible and trustee agencies with jurisdiction by law over resources affected by the Project. The Draft IS/MND was made available for public review online at <https://laketransit.org/>.

1.2 Project Location and Description

The Project would result in construction within the grounds of existing Lake Transit properties, adjacent roadways, and at the existing transfer hub. Specifically, the Project would result in improvements or

construction activity at three different locations: the proposed Interregional Transit Center site and adjacent roadways, the existing M&O facility, and the existing transfer hub (see Figure 1-1, Regional Location Map).

The project consists of the following main components:

1. The Interregional Transit Center
2. The addition and use of zero-emission buses (ZEB) to expand existing Lake Transit service to further out-of-county destinations
3. Maintenance & Operations (M&O) facility improvements to support ZEB
4. Existing Transfer Hub Decommissioning
5. Future solar facilities at the existing M&O facility

The first four components would be implemented upon project approval. The fifth component, installation and operation of a solar array facility, would be constructed at a later date dependent on funding procurement. The fueling infrastructure would also allow Lake Transit to purchase more ZEB in the future.

Interregional Transit Center Site

See Figure 1-2, Interregional Transit Center Location. The Interregional Transit Center would be located on approximately 2 acres of land on the southwest corner of S. Center Drive and Dam Road Extension. Additionally, construction staging would occur on approximately 0.76 acre-portion of the property immediately west and adjacent to the proposed transit center.

Zero Emission Buses and Expanded Intercity Route Service

Lake Transit proposes to purchase four (4) zero emission buses (ZEB) to supplement the existing fleet. Specifically, Lake Transit would purchase and use four (4) hydrogen buses. The buses would be stored at the M&O facility, consistent with existing practices. Improvements to the M&O facility to support the hydrogen buses are described in the next section. Hydrogen bus use is further described in Draft IS/MND Section 1.2, Operation and Maintenance, provided as Attachment A to this document.

Currently, Lake Transit offers intercity service to Ukiah (Mendocino County) and Calistoga (Napa County). The proposed ZEB (hydrogen bus) additions to the fleet would provide zero-emission service via Ukiah to the Charles M. Schulz–Sonoma County Airport (approximately seven miles northwest of downtown Santa Rosa). A second extended line that would be made possible by the expanded fleet would be via Calistoga to the Santa Rosa Bus Terminal in downtown Santa Rosa.

The expanded Intercity route service would use existing facilities and the facilities proposed by this project, as described above. No additional physical improvements would be required.

M&O Facility Site

As shown in Figure 1-3, M&O Facility Location, the Project M&O improvements would be located within the 3.2-acre Lake Transit M&O facility, located at 9240 Hwy 53, Lower Lake, CA, and an approximately 1-acre field immediately north and adjacent to the M&O facility. The site is located approximately 2 miles south of the proposed Interregional Transit Center. Project improvements would occur within the existing building, and on approximately 10,000 sf of land located between the employee parking area and bus fleet storage area. Potential future solar improvements would occur on the field immediately north and adjacent to the 3.2-acre M&O facility.

Existing Transfer Hub Site

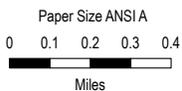
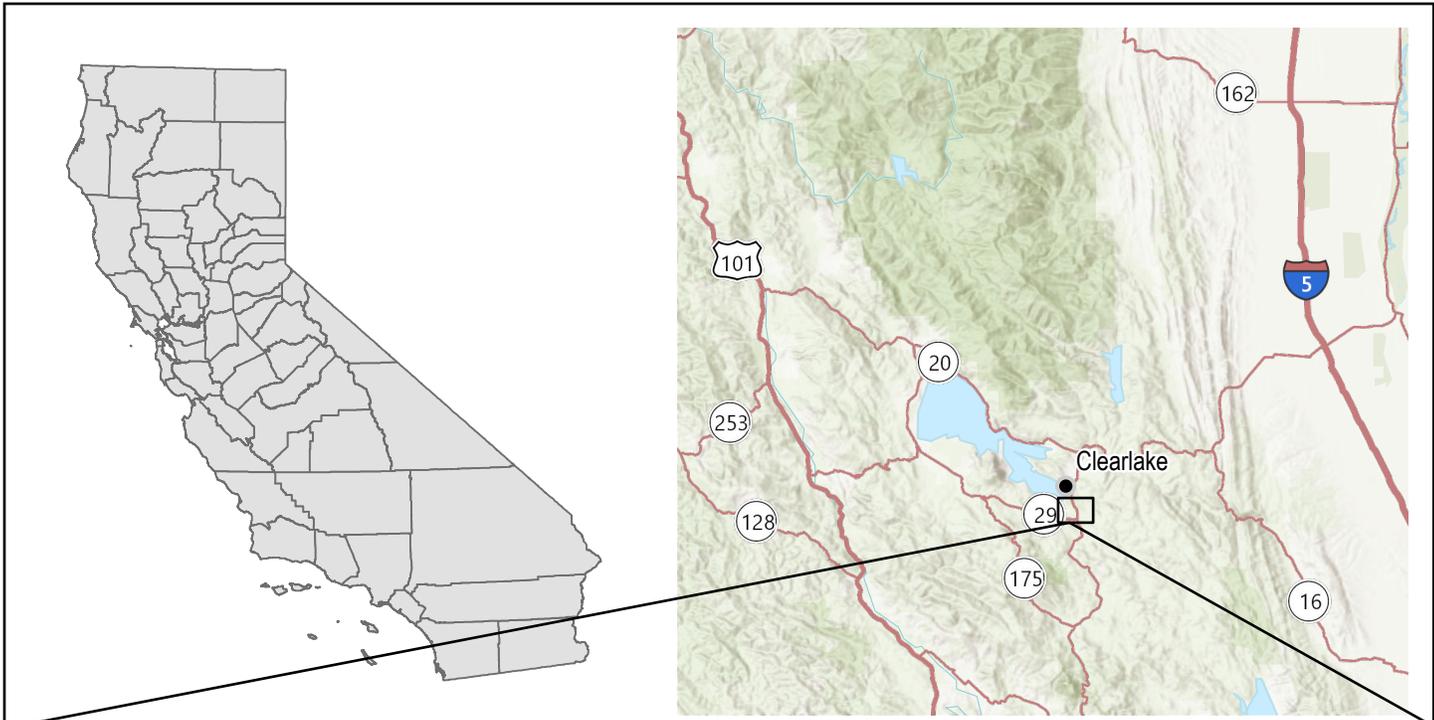
The existing Lake Transit transfer hub is located on the north side of the former Ray's Food Place building, now occupied by Big 5 Sporting Goods and Tractor Supply Company, at the eastern end of Dam Road, as shown in Figure 1-3. This site provides three bus shelters and a large bus pullout that can accommodate three buses.

Future Solar Facilities

Assuming a 460 kW PV system were installed, the Project's future solar facility could produce more than 700 MWh per year, or approximately 30 percent of the anticipated energy needs of the future onsite hydrogen production. Operations of the future solar facility would consist of regular monthly inspection and maintenance.

1.3 Mitigation Measures

A Mitigation Monitoring and Reporting Program has been prepared for the Project and is provided in Attachment B. The mitigation measures and environmental protection actions have been agreed to by Lake Transit and have been found to avoid or mitigate environmental effects such that no significant impacts would occur.



Lake County Transit Authority
 Lake County
 Interregional Transit Center

Project No. 12563411
 Revision No. -
 Date 1/26/2022

Map Projection: Lambert Conformal Conic
 Horizontal Datum: North American 1983
 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet

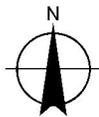
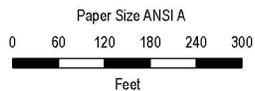
Regional Location Map

FIGURE 1-1



Legend

- Project Area
- Staging Area



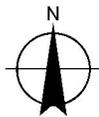
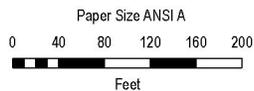
Map Projection: Lambert Conformal Conic
 Horizontal Datum: North American 1983
 Grid: NAD 1983 StatePlane California III FIPS 0403 Feet

Lake County Transit Authority
 Lake County
 Interregional Transit Center

Project No. 12563411
 Revision No. -
 Date 8/4/2022

**Interregional Transit
 Center Location**

FIGURE 1-2



Lake County Transit Authority
Lake County
Interregional Transit Center

Project No. 12563411
Revision No. -
Date 8/4/2022

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California III FIPS 0403 Feet

M&O Facility Location

FIGURE 1-3

2. Comments on the Draft Initial Study/Mitigated Negative Declaration

Comments were received from one agency, the Central Valley Regional Water Quality Control Board, during the 30-day comment period. One comment letter was also received from local Tribes. Comment letters received are identified in Table 2-1.

Lake Transit must consider the comments received during the comment period prior to adopting the Mitigated Negative Declaration. The comments resulted in minor modifications to the text of the Draft IS/MND to clarify mitigation measures for cultural and tribal cultural impacts. The revisions to the text of the Draft IS/MND are provided in Section 3, Errata, of this document.

The comments did not result in a substantial revision of the Draft IS/MND. No circumstances were identified that would require the recirculation of the Draft IS/MND, as defined in CEQA Guidelines Section 15073.5.

Table 2-1 Comments Received

Letter	Agency/Organization	Author Name	Date
1	Habematolel Pomo of Upper Lake/Koi Nation	Robert Geary	August 26, 2022
2	Central Valley Regional Water Quality Control Board	Peter Minkel	September 8, 2022

From: Robert Geary <rgeary@hpultribe-nsn.gov>
Sent: Friday, August 26, 2022 5:04 PM
To: jsookne@dbcteam.net; ldaveybates@dbcteam.net
Cc: Dino Beltran <dbeltran@koination.com>; Roberson, Holly <hroberson@kmtg.com>
Subject: RE: Response to Draft MND

Dear Mr. James Sookne

I am writing to formally request that the Lake Transit Authority re-engage in government-to-government consultation pursuant to the requirements of the California Environmental Quality Act ("CEQA") and AB 52 (Gatto, 2014) on the inter-regional transit facility project (Project) . We initially requested government to government consultation on this Project on February 11,2022. We met with the Lake Transit Authority and lead agencies representatives James Sookne, Lisa Daveys-Bates, and Chrissy Mier on March 16, 2022. Because an archaeological report was not completed prior to the consultation date, the Koi Nation did not close consultation on this project due the fact that there was not an agreement on culturally appropriate mitigation measures to avoid, preserve, or mitigate impacts to tribal cultural resources for the Project.

We respect that the Lake Transit Authority wants to engage in development projects to benefit the people of Clearlake. The Koi Nation does not object to all local development. Rather, the Koi Nation requires that any development in culturally sensitive areas, such as this site, be done in a way that is respectful of tribal cultural resources and seeks to avoid, protect, preserve in place, or mitigate impacts to those resources as required by CEQA and AB 52. We are willing to collaborate with the Lake Transit Authority to accomplish both goals. The tribal cultural heritage of Lake County is rich and diverse. Impacting and damaging these important tribal cultural resources impacts our cultural practices and our religious practices, as well as the cultural, archaeological, and historic heritage of the Koi Nation and California.

As we discussed in consultation, this Project locations are right next to the Village of Koi, inside the Anderson Marsh Archaeological District, and a known, registered, and recorded prehistoric archaeological and cultural or historic sites known as P-17-001155 & P-17-002627. Impacts to this area are impacts to tribal cultural resources. The Koi Nation is also concerned that there may be inadvertent discoveries of Native American Human Remains during Project construction, which would trigger the application of both the Native American Graves Protection and Repatriation Act ("NAGPRA") and California NAGPRA.

We provided the following substantial evidence of the presence of Tribal Cultural Resources and the Project's impacts to them during the AB 52 process:

- (1) Verbal testimony from a tribal cultural resources expert, cultural practitioner, and designee of the Koi Nation: Robert Geary

- (2) A map was shared with you in consultation which showed the archaeological site records, including trinomials registered with the California Historic Resources Information System, which indicate the location of archaeological, cultural, and tribal cultural resources in the area of potential effect of the Project.
 - a. Per the CHRIS system's tribal access agreements, I cannot leave a copy of this information with you. Therefore, it was provided to you by showing you a map in consultation. This is substantial evidence of a fair argument that there will be an environmental impact to these resources.
 - b. This same information is available to the lead agency, through its hired archaeologist, who can access the same information.
 - c. The lead agency is obligated, pursuant to CEQA, to fully analyze the environmental resources it is considering in the environmental document.
 - d. Therefore, the lead agency needs to obtain this same information through its own processes and include it in the MND.

The Lake Transit Authority's own archaeological report identified these areas as highly sensitive and recommended Tribal cultural monitoring during ground disturbing activity. (Cultural Resource Study for the Lake County Transit Authority Interregional Transit Center Project, Conclusion Section, p. 30)

This substantial evidence must be added to the administrative record for the Project, including this correspondence. This confidential and sensitive tribal cultural resources information is not subject to disclosure under the Public Records Act and should not be included in the public facing environmental documents. It should be included in a confidential appendix to the environmental documents and referenced in more general terms in the public environmental documents. The Koi Nation would like to review any characterization of the tribal cultural resources information we provide in consultation before public environmental documents are published, to ensure accuracy and confidentiality.

The Koi Nation was disappointed that the Lake County Transit Authority disregarded the substantial evidence provided in consultation and submitted a draft MND to the State Clearinghouse on August 5, 2022, which the Tribe received on August 9, 2022, that has an inadequate level of impact assessment, and which has inadequate and insufficient mitigation measures for Tribal Cultural Resources, such as: **3.5 Cultural Resources:** Mitigation Measures CR-1 Archaeological Inadvertent Discovery Procedure(p.3-20), Mitigation Measure CR-2 Protect Human Remains if Encountered during Construction (p.3-21), **3.18 Tribal Cultural Resources:** Mitigation Measure TCR-1 Tribal Monitoring during Construction (p. 3-58) and Mitigation Measure TCR-2 Implement Habematolel Pomo of Upper Lake's Treatment Protocols during Construction (p. 3-58) . It is very important, and legally required, for the environmental document to take into account not only the archaeological perspective on tribal cultural resources, but also the Tribe's perspective on Tribal Cultural Resources. Reliance on archaeology alone in the CEQA process has been inadequate since AB 52 went into effect on July 1, 2015.

Lake County Transit Authority may need to do an environmental impact report rather than a Mitigated Negative Declaration.

This impacts analysis is inaccurate and the mitigation measures are inadequate. The Lake County Transit Authority needs to continue the consultation process and include the Tribe's recommendations, and follow its own expert's recommendations, to fix this. Here is a summary of the concerns we raised in consultation:

- (1) Lack of appropriate inclusion and analysis of Archeological sites in and near the Project APE
- (2) Lack of incorporation of the Tribe's Treatment Protocols into project Mitigation Measures
- (3) Lack of inclusion of a Tribal Monitor for all ground disturbance activities (Signed Monitor Agreement)
- (4) Absence of necessary Cultural Sensitivity Training for all project personnel on the first day of construction prior to work starting.

This MND can be revised to be adequate by including the following avoidance, preservation in place, and mitigation measures for tribal cultural resources:

- (1) Avoidance: Change the Project design to avoid sensitive areas, to the extent feasible. If avoidance is not feasible, the environmental documentation must explain what options were considered and why they were rejected.
- (2) Preservation in Place: Use capping with culturally appropriate materials to cover and protect Tribal Cultural Resources and leave them in place
- (3) Decisions about Tribal Cultural Resources will be made by the Koi Nation Tribal Historic Preservation Officer, in consultation with the Project Archaeologist
- (4) A signed Tribal Cultural Resources Treatment Protocol must be in place before construction begins, which includes Tribal Monitoring
- (5) A reburial location for Tribal Cultural Resources on site must be identified in advance of project construction, in a place not subject to further disturbance
- (6) All Tribal Cultural Resources must be recorded on the appropriate DPR forms and submitted to the CHRIS center within 90 days of project completion

I am available to meet with you to continue consultation on the following days: August 30 through September 1, 2022, any time after 11am. Please respond in writing with a consultation date when we can meet before the close of the public comment period for this MND. If the City declines to engage in further tribal consultation pursuant to AB 52 and CEQA, please also inform me in writing and explain why.

I sincerely hope that we can reach an understanding of the best way to proceed with this Project and avoid, protect, or mitigate impacts to tribal cultural resources as required by CEQA and AB 52.

Respectfully,



HABEMATOLEL POMO
CULTURAL RESOURCES

Robert Geary

Habematolel Pomo of Upper Lake

Cultural Resources Director / Tribal Historic Preservation Officer

635 E. Hwy 20, A | P.O. Box 516 | Upper Lake, CA 95485

C 707.349.7050 | O 707.900.6923 | F 707.275.0757

www.hpultribe-NSN.gov

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Central Valley Regional Water Quality Control Board

8 September 2022

James Sookne
 Lake Transit Authority
 525 South Main Street, Suite G
 Ukiah, CA 95482
jsookne@dbcteam.net

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LAKE COUNTY INTERREGIONAL TRANSIT CENTER PROJECT, SCH#2022080132, LAKE COUNTY

Pursuant to the State Clearinghouse's 5 August 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Lake County Interregional Transit Center Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

This document contains blank pages to accommodate two-sided printing.

3. Errata

Due to comments received from Habematolel Pomo of Upper Lake/Koi Nation, Lake Transit has revised the mitigation measures identified in the Draft IS/MND to address cultural and tribal cultural impacts. The revisions to the Draft IS/ MND consist of new information added that clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The following changes to the Draft IS/MND are proposed. Additions to the Draft IS/MND text are underlined and deletions are in strikethrough text.

3.1 Draft IS/MND page 3-20, Mitigation Measure CR-1

Mitigation Measure CR-1: Archaeological Inadvertent Discovery Procedures

Lake Transit shall ensure the following procedures are followed. If any surface or subsurface archaeological features or deposits, including all culturally sensitive soils materials are encountered during ~~initial~~ ground-disturbing activities, work within 100 feet of a discovery shall be halted until a qualified archaeologist and the Tribe assesses the find. If the find qualifies as a historical resource, unique archaeological resource, or tribal cultural resource as defined by CEQA, the archaeologist shall, consults with the Habematolel Pomo of Upper Lake/Koi Nation and appropriate ~~tribes and~~ agencies, and makes recommendations for the treatment of the discovery to protect the integrity of the resource and ensure that no additional resources are affected. Upon completion of the assessment, the archaeologist shall ~~prepare~~ draft a report to document the methods and results of the assessment. The archaeologist will provide the draft report to the Habematolel Pomo of Upper Lake /Koi Nation for consultation and coordination. After consultation with the Habematolel Pomo of Upper Lake /Koi Nation, the archaeologist will address tribe comments in a final report. The final report shall be submitted to the City or County (as appropriate), appropriate tribes, and the Northwest Information Center ~~upon completion. Following initial ground disturbance, in the event that any subsurface archaeological features or deposits, including locally darkened midden soil, are discovered during later construction related earth moving activities, all ground disturbing activity in the vicinity of the resource shall be halted, a qualified professional archaeologist shall be retained to evaluate the find, and the appropriate tribal representative(s) shall be notified. If the find qualifies as a historical resource, unique archaeological resource, or tribal cultural resource as defined by CEQA, the archaeologist, in consultation with tribes, shall develop appropriate measures to protect the integrity of the resource and ensure that no additional resources are affected.~~

In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, Lake Transit, in consultation with the City or County (as applicable), ~~in consultation with~~ and applicable Native American tribes, shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, reburial at another location within the site) shall be instituted with approvals and collaboration of the Tribe. Work may proceed outside of the 100-foot buffer zone ~~on other parts of the Project~~ while mitigation for unique archaeological resources is being carried out.

3.2 Draft IS/MND page 3-21, Mitigation Measure CR-2

Mitigation Measure CR-2: Protect Human Remains If Encountered during Construction

Lake Transit shall ensure the following measures are implemented to protect human remains. If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, work shall halt within 100 feet of the find and the County Coroner shall be notified immediately. The following procedures shall be followed as required by Public Resources Code §5097.9, and Health and Safety Code § 7050.5 and the Habematolel Pomo of Upper Lake's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Habematolel Pomo of Upper Lake (Treatment Protocol).

If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD). If the MLD is the Habematolel Pomo of Upper Lake or Koi Nation, the Treatment Protocol will be followed. Any human remains which are found shall be treated in accordance with Section III of the Treatment Protocol. Any other cultural resources shall be treated in accordance with Section V of the Treatment Protocol.

Should the NAHC determine that a member of an Indian tribe other than Habematolel Pomo of Upper Lake or Koi Nation is the MLD, and the Tribe is in agreement with this determination, the terms of Treatment Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely. If the NAHC has determined that a member of an Indian tribe other than the Tribe is the MLD, and the Tribe is in agreement with this determination, the MLD shall complete an inspection and make its MLD recommendation for disposition of the remains within 48 hours of receiving access to the site. Lake Transit and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be subject to future disturbance. Any reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed.

3.3 Draft IS/MND page 3-58, Mitigation Measure TCR-1

Mitigation Measure TCR-1: Tribal Monitoring during Construction

Lake Transit shall enter into a Tribal Monitoring Agreement with the Habematolel Pomo of Upper Lake/Koi Nation, and shall procure a signed and implemented Tribal Monitoring Agreement prior to the start of construction or ground-disturbing activities. No less than five working days before the start of any ground-disturbing construction activity, the contractor shall notify the Habematolel Pomo Cultural Resources Department and Koi Nation, and the Robinson Rancheria of Pomo Indians about the start date of ground disturbing activities. The tribes will be given the opportunity to send a tribal monitor to inspect the subsurface soils once during the first five days of ground disturbing activity on the project. Should the tribes choose not to send a monitor to perform the inspection within the first five days, work can continue as long as the notice was provided and documented. Should a tribe choose to send a monitor, Lake Transit shall enter into a Monitoring Agreement with the tribe prior to the start of ground-disturbing activities. No less than five working days before the start of

any ground-disturbing construction activity, Lake Transit will request that Habematolel Pomo Upper Lake/Koi Nation provide cultural sensitivity training to all construction personnel.

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4. Report Preparers

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Attachments

Attachment A.

**Draft Initial Study/Mitigated Negative
Declaration**

Attachment B.

**Mitigation Monitoring and Reporting
Program**