

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 12.1
(ID # 20693)**

MEETING DATE:

Tuesday, December 13, 2022

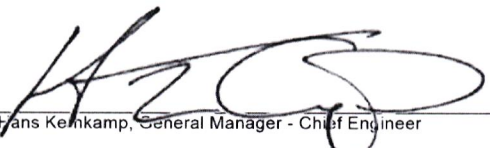
FROM : DEPARTMENT OF WASTE RESOURCES:

SUBJECT: DEPARTMENT OF WASTE RESOURCES: Tribal Cultural Resource Monitoring Agreement (Agreement) for the Badlands Landfill Integrated Project (BLIP); CEQA: Nothing Further Required; District 5. [\$90,000 Total Cost - Department of Waste Resources Enterprise Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Agreement between the County of Riverside (County) and the Soboba Band of Luiseño Indians (Soboba) for the Badlands Landfill Integrated Project (BLIP);
2. Authorize the General Manager-Chief Engineer of the Department of Waste Resources (RCDWR) to execute the approved Agreement on behalf of the County; and,
3. Authorize the RCDWR General Manager-Chief Engineer to execute future Tribal monitoring agreements with Soboba and various Tribes, as will be required for the ongoing development of the BLIP, subject to approval as to form by County Counsel.

ACTION:Policy

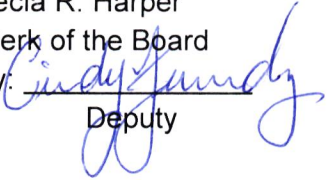

Hans Kemkamp, General Manager - Chief Engineer 11/28/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, and Hewitt
Nays: None
Absent: Perez
Date: December 13, 2022
xc: Waste

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 30,000	\$ 60,000	\$ 90,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% Department of Waste Resources Enterprise Funds			Budget Adjustment:	No
			For Fiscal Year: 22/23, 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The BLIP, approved by the Board of Supervisors (Board) on April 12, 2022 (M.O. 12.1), provides additional disposal capacity and facilitates enhanced landfill and waste diversion activities. Development of the BLIP will occur over the next approximately 40 years within multiple stages (est. 17 stages). Construction of the first stage of the BLIP (Phase 2 Stage 1-P2S1) is expected to begin in Spring/Summer of 2023.

RCDWR staff consulted with local Tribes during preparation of the environmental documents for the BLIP. Soboba and the Morongo Band of Mission Indians (Morongo) requested that tribal monitors be present during construction activities. The Mitigation Monitoring Program (MMP) adopted for the BLIP identified that tribal monitor(s) shall be present during ground disturbing activities associated with landfill construction.

RCDWR staff and County Counsel coordinated with the Soboba Tribe for development of the attached Agreement. Coordination with Morongo for a similar agreement is underway. Over the life of the BLIP, multiple tribal resource monitoring agreements with the Tribes will be required to provide tribal monitors during the development of each stage. As such, RCDWR staff recommends the Board grant the RCDWR General Manager-Chief Engineer authority to execute similar tribal resources agreements for the BLIP, subject to approval as to form by County Counsel.

Prev. Agn. Ref.: M.O. 12.1 of 04/12/2022 (Approval of the BLIP)

California Environmental Quality Act (CEQA) Findings

On April 12, 2022, the Board adopted a Mitigated Negative Declaration (MND) and MMP for the BLIP based on the analysis and findings contained in Environmental Assessment (EA) No. 2017-03, which concluded that with mitigation, the BLIP would not cause significant environmental impacts. The Project contemplated in this Form 11 merely involves approval of the Agreement between County and Soboba addressing tribal cultural monitoring activities for the BLIP. Monitoring activities contemplated in the Agreement is in response to development of the BLIP, which was already evaluated under CEQA in the adopted EA/MND. As determined in

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the adopted EA/MND, the Project would not cause significant environmental impacts; as such, nothing further is required under CEQA.

Impact on Residents and Businesses

While no tribal resources were identified within the BLIP area during consultation with the Tribes, the Agreement assists RCDWRs commitment to protect potential tribal cultural resources that may be impacted by development of the BLIP.

ATTACHMENT:

ATTACHMENT A: Tribal Cultural Resource Monitoring Agreement



Jason Farin, Principal Management Analyst 12/6/2022



Aaron Gettis, Deputy County Counsel 11/29/2022

**SOBOBA BAND OF LUISEÑO INDIANS
P.O. BOX 487, SAN JACINTO, CA 92581**

CULTURAL RESOURCE MONITORING AGREEMENT

This CULTURAL RESOURCE MONITORING AGREEMENT ("Agreement") is made and entered into as of _____, 2023, by and between SOBOBA BAND OF LUISEÑO INDIANS, a federally recognized Indian tribe ("Soboba Band") and the Riverside County Department of Waste Resources ("RCDWR") (Soboba Band and RCDWR are sometimes referred to individually as a "Party," and collectively as the "Parties").

RECITALS

A. Subject Matter: This Agreement concerns a Project located within the County of Riverside, commonly referred to as the Badlands Landfill Integrated Project (BLIP) (hereinafter referred to as the "Project"). The Project is expected to be built-out in various stages over a period of 40-50 years. Due to the lengthy construction period for the Project, this Agreement addresses Phase 2, Stage 1 of the Project, as shown on Attachment I, and described in Attachment II to this Agreement.

B. Purpose: The purpose of this Agreement is to formalize procedures for tribal monitoring by the Soboba Band during ground disturbing activities.

The description of work. Description of work for monitors for the grading and ground disturbing activities at the Project site is provided in Attachment II to this Agreement and incorporated herein by this reference. Section I of Attachment II specifies the duties and responsibilities of the identified tribal monitoring crew and other specified participants. Section II of Attachment II identifies the geographical area over which the tribal monitoring crew shall oversee and Sections III and IV of Attachment II mandate direct compensation of the tribal monitoring crew by RCDWR.

Limitation on Scope. This Agreement is unique to the Project only and does not set a precedent for other projects.

Counterparts. This Agreement may be signed in two or more counterparts and shall be effective when all the Parties and signatories have affixed their signatures to two or more of the counterparts and the counterparts have been delivered to all Parties, at which time the counterparts together will be deemed one original document.

Date: (_____, 2023)

**SOBOBA BAND OF LUISEÑO
INDIANS**

By: _____
**Isaiah Vivanco, Tribal Chairman
Soboba Band of Luiseño Indians**

Date: (_____, 2023)

**RIVERSIDE COUNTY DEPARTMENT
OF WASTE RESOURCES**

By: _____
**Hans Kernkamp
General Manager-Chief Engineer**

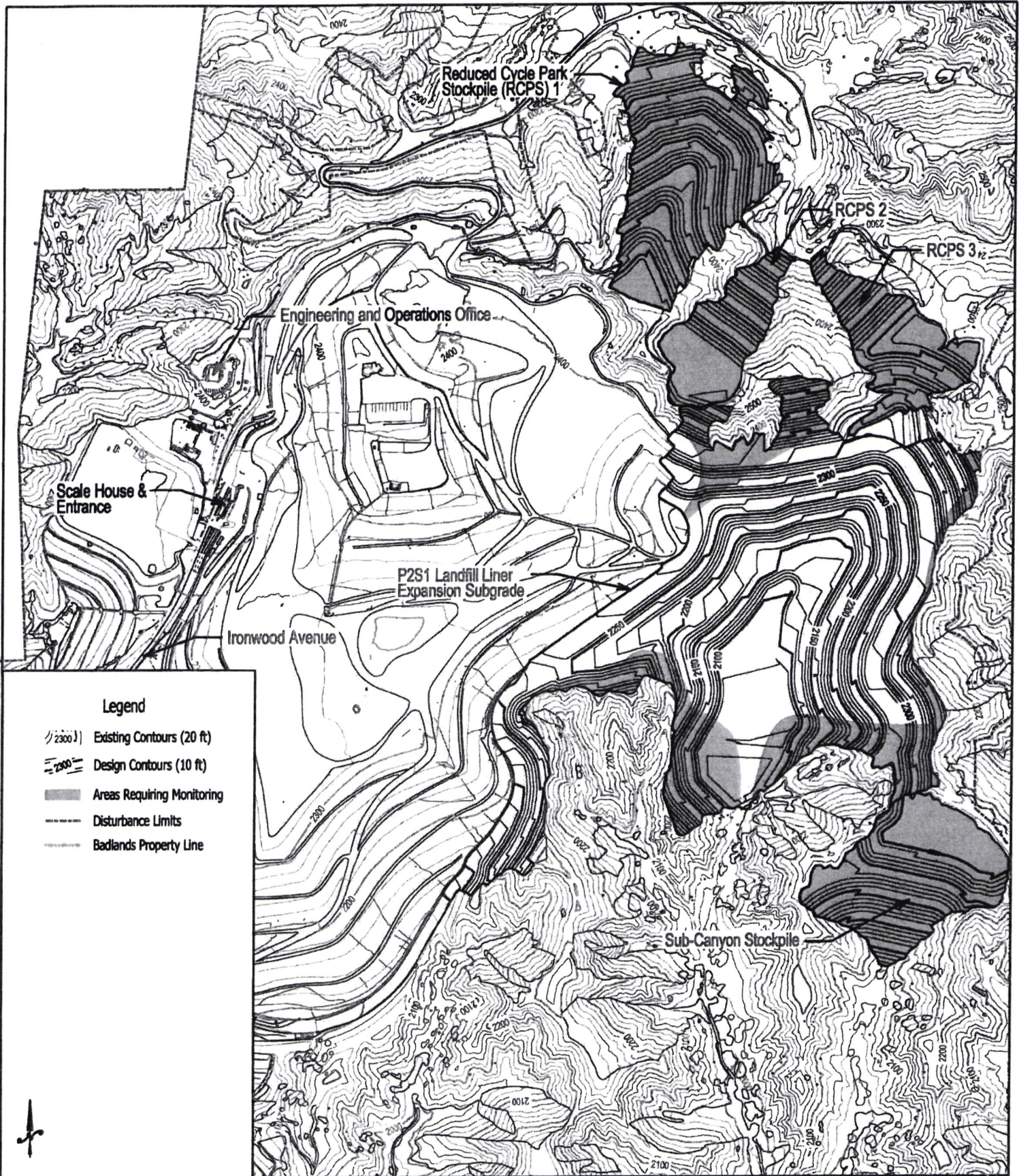
Date: (11/29, 2023) ^{2/Am}

**APPROVED AS TO FORM COUNTY
COUNSEL**

By: James K. Moore (for)
**Aaron C. Gettis
Deputy County Counsel**

ATTACHMENT I

[EXHIBIT for Phase 2, Stage 1 of BLIP]



Legend

- Existing Contours (20 ft)
- Design Contours (10 ft)
- Areas Requiring Monitoring
- Disturbance Limits
- Badlands Property Line



**Badlands Sanitary Landfill
 P2S1 Landfill Liner Expansion
 Tribal Monitoring Areas**

File: eng/badlands/Expansions/P2S1/Tribal Monitoring Exhibit

Drawn by: BRH	Date: September 1, 2022	Photo Date: May 2022	Scale: 1" = 600'
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Attachment II

NATIVE AMERICAN MONITORING OF GRADING AND GROUND DISTURBING ACTIVITIES

I. Specifications

Given the nature and sensitivity of the archaeological sites and cultural resources that are in or may be within the Project area, the Soboba Band of Luiseno Indians shall provide the tribal monitoring, consultation and facilitation for this project during the archeological investigations, and all ground disturbing activities for the Project. Tribal monitors will work in coordination with the Riverside County Department of Waste Resources (RCDWR) designated onsite representative. The Native American monitors will be empowered to halt all earthmoving equipment in the immediate area of discovery when cultural items or features are identified until further evaluation can be made in determining their significance. It is understood that all surface and subsurface artifacts of significance shall be collected and mapped during this operation following standard archaeological practices.

After discovery of cultural items or features, discussions will take place to determine the significance of the situation and best course of action for avoidance, protection of resources or data recovery as applicable.

II. Project to be Monitored

Monitoring shall encompass the area known as Phase 2, Stage 1, as indicated in Recital A and Attachment I of this Agreement, and shall be known as the Project Area. The Badlands Sanitary Landfill Phase 2, Stage 1 (P2S1) project consists of a 33-acre liner expansion that will provide an estimated three (3) additional years of landfill airspace and will be the upstream connection piece for the entire proposed Phase 2 lined area. A composite liner system must be constructed within the P2S1 expansion area to comply with applicable State and Federal Regulations and the Waste Discharge Requirements issued by the California Regional Water Quality Control Board – Santa Ana Region. Major project activities include clearing and grubbing, excavation and engineered fill, installation of geosynthetics, and access road construction. Earthwork includes excavation of approximately 2.7 million cubic yards (cy) of earthen material and placement in stockpiles. The excavation is located within a previously disturbed area; however, the earthen stockpiles are located over native land. Approximately, 37 acres will be cleared and grubbed prior to receiving approximately 2.7 million cy of earthen material generated from the P2S1 excavation area. The P2S1 landfill expansion project is expected to take an estimated 360 working days to complete. Tribal monitoring would be required for an estimated one hundred-five (105) working days, including clearing and grubbing activities, removal of alluvium and colluvium from

undisturbed areas, and the construction of access roads. Monitoring may not be consecutive as clearing and grubbing may occur in one area at a time to minimize erosion and other impacts to storm water runoff.

It is agreed that monitoring shall be allowed for all archaeological studies, excavations, and ground disturbing activities occurring within undisturbed native land, up to a depth of approximately eight (8) feet, occurring in conjunction with the development of the Project. Once a location within the Project area reaches a depth of approximately eight (8) feet, tribal monitoring is no longer required for that location.

III. Project Crew Size and Timing

The Parties to this Agreement anticipate the need for a tribal monitoring crew initially consisting of one (1) person. RCDWR agrees to designate an onsite representative, who will be responsible for signing the tribal monitor's daily activity log at the close of each work day. If the scope of the work changes (e.g. inadvertent discoveries of cultural resources or simultaneous grading to require additional monitors), RCDWR will compensate Soboba Band for additional tribal monitors.

RCDWR agrees to provide the Soboba Band a minimum forty-eight (48) hour advance notice prior to the commencement of ground disturbing activities within native, undisturbed locations within the Project Area. Landowner will be subject to a \$1,000 fee, for ground disturbing activities completed without the oversight of a Soboba Tribal Monitor, and without prior notification to the Soboba Band of Luiseno Indians.

IV. Compensation

The Soboba Band shall provide the tribal monitoring crew for the Project and is responsible for coordinating the tribal monitors' activities on this Project. The Soboba Band recognizes that dangerous conditions may exist on the work site, particularly during grading operations, and agrees to assume responsibility for the safety of the tribal monitoring crew while the crew remains on the Project site. The Soboba Band possess full coverage insurance for the tribal monitors. (Provided upon request)

RCDWR shall directly compensate the Soboba Band in accordance with the following compensation rates and procedures. Soboba Band will submit an invoice to RCDWR monthly, and be paid within 30 days of RCDWR's receipt of said invoices.

Soboba Band shall submit monthly invoices to (email is preferred):

RCDWR Accounts Payable
14310 Frederick Street
Moreno Valley, CA 92553
WasteAccountsPayable@rivco.org

A minimum 4-hour half-day charge (“show up” time) shall be charged to the RCDWR for unannounced work stoppages of the tribal monitors that are not due to actions by the Soboba Band.

Native American Monitoring	\$ 90.00 hourly rate
Overtime (After 8 hours Daily or 40 Hours a week)	\$ 135.00
Double Time (After 12 hours Daily)	\$ 180.00
Administrative Fee	15% of invoice