



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** May 8, 2007

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						
CONTACT PERSON: Celeste Perez PHONE: 559-733-6291						

**SUBJECT:** Implementing Agreement for the Habitat Conservation Plan and the Declaration of Restrictions for the Woodville Solid Waste Disposal Site Expansion Project.

**REQUEST(S):**

That the Board of Supervisors:

1. Authorize the Chairman to sign the Implementing Agreement for the Habitat Conservation Plan; and
2. Authorize the Chairman to sign the Declaration of Restrictions for the Woodville Solid Waste Disposal Site Expansion Project.

**SUMMARY:**

The County of Tulare Resource Management Agency, Solid Waste Division (County) operates the Woodville Solid Waste Disposal Site (landfill), located approximately 7 miles southeast of the city of Tulare. The County is expanding this landfill to maintain local disposal capacity. The expansion project could result in the incidental take of San Joaquin kit fox (*Vulpes macrotis mutica*), a species federally listed as endangered, and vernal pool fairy shrimp (*Branchinecta lynchi*), federally listed as threatened under the Federal Endangered Species Act (ESA).

Generally, section 9(a)(1) of the ESA prohibits the take of species listed as

**SUBJECT:** Implementation Agreement for the Woodville Solid Waste Disposal Site  
**DATE:** May 8, 2007

threatened or endangered under the ESA (listed). "Take" is defined as the action of or attempt to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect a species. Because certain activities associated with the expansion project may be interpreted as take of listed species, the County has applied to the U.S. Fish and Wildlife Service (USFWS) and has received an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA (16 U.S.C. 1531-1544). The permit, effective on March 22, 2007, authorizes incidental take of San Joaquin kit fox and vernal pool fairy shrimp.

To meet the legal requirements for the Section 10(a)(1)(B) permit, the County must execute an Implementing Agreement for a Habitat Conservation Plan (HCP), which provides measures for avoiding, minimizing, and compensating for adverse effects on San Joaquin kit fox and vernal pool fairy shrimp. The County proposes to compensate for impacts from the potential take of San Joaquin kit fox by creating and maintaining onsite conservation areas. Deed restrictions on several of the associated parcels owned by the County are required to formally establish these conservation areas. Impacts from the potential take of vernal pool fairy shrimp will be compensated through onsite preservation and research.

The Section 10 incidental take permit has been issued for the life of the proposed landfill expansion at the landfill. The term of this permit would be for the proposed life of the landfill estimated to be until March 22, 2048. With the issuance of the incidental take permit, the County and its designated agents are authorized to take covered species if take is incidental to the landfill expansion and operational activities.

The HCP delineates the responsibilities of USFWS and the County. The HCP describes measures that will be implemented by the County to minimize and compensate for the impacts of the project on covered species, and to further the conservation of these species. The document also defines measures to ensure that the elements of the HCP are properly implemented. Funding sources for implementation of the HCP, actions to be taken in the event of changed circumstances, alternatives to the proposed project, and other measures required by the USFWS are also discussed.

The Implementing Agreement, HCP and initial Environmental Assessment were prepared by Jones and Stokes on behalf of the County.

The Declaration of Restrictions will establish a conservation area on approximately 160 acres immediately west of the existing landfill (Area III) which cannot be disturbed in any manner. The Declaration of Restrictions will also establish an additional conservation area on approximately 125 acres immediately west of Area III (Area V) which can only be used to grow silage crops suitable for San Joaquin kit fox foraging habitat. These conservation areas must be maintained until March 22, 2048.

**SUBJECT:** Implementation Agreement for the Woodville Solid Waste Disposal Site  
**DATE:** May 8, 2007

**FISCAL IMPACT / FINANCING:**

The HCP identifies \$56,200 in annual expenses for the various species surveys that are required. These expenses will be paid with monies from the Solid Waste Enterprise Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The requested actions assist the County in its efforts to manage its natural resources in addition to providing for the health and safety of the general public by providing for adequate landfill capacity.

**ALTERNATIVES:**

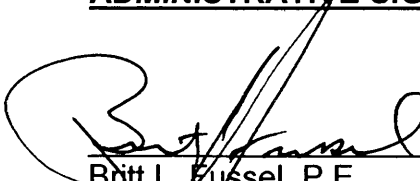
Do not sign the Implementing Agreement for the Habitat Conservation Plan and the Declaration of Restrictions for the Woodville Solid Waste Disposal Site Expansion Project. This alternative is not recommended since it would prohibit the expansion of the facility and adversely effect long range disposal capacity needs.

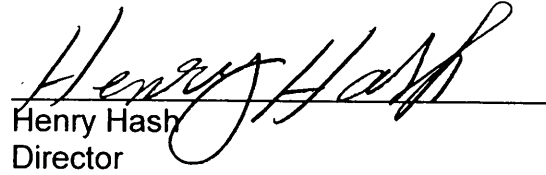
**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

County Counsel has reviewed the Implementing Agreement and the Declaration of Restrictions. The Long Range Planning Branch of the Resource Management Agency has reviewed the HCP. The USFWS prepared the Biological Opinion, the National Environmental Protection Act (NEPA) findings and the HCP findings. The USFWS also posted the required Notice of Availability for the project in the Federal Register on August 4<sup>th</sup> and received no comments during the review period.

**SUBJECT:** Implementation Agreement for the Woodville Solid Waste Disposal Site  
**DATE:** May 8, 2007

**ADMINISTRATIVE SIGN-OFF:**

 4/4/07  
Britt L. Fussel, P.E.  
Assistant Director/County Surveyor

  
Henry Hash  
Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachment(s)  
Figure 1, Project Location Sketch  
Figure 2, Disposal Site Location Sketch

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF the Implementing)  
Agreement for the Habitat )  
Conservation Plan and the )  
Declaration of Restrictions for the )  
Woodville Solid Waste Disposal Site )  
Expansion Project )

RESOLUTION NO. \_\_\_\_\_  
AGREEMENT NO. \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD MAY 8, 2007, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: C. BRIAN HADDIX  
COUNTY ADMINISTRATIVE OFFICER  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Authorized the Chairman to sign the Implementing Agreement for the Habitat Conservation Plan; and
2. Authorized the Chairman to sign the Declaration of Restrictions for the Woodville Solid Waste Disposal Site Expansion Project.