

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

Resolution No. \_\_\_\_\_

Resolution to

- a. Adopt the Mitigated Negative Declaration for the Peach Tree Road at Pancho Rico Bridge Replacement Project County Bridge No. 412, Project No. 220165, State Project No. EA 05-142284L, Federal Aid Project No. STPLZ-5944 (041);
- b. Adopt a Mitigation Monitoring and Reporting Plan; and
- c. Authorize the Resource Management Agency – Public Works to proceed with said Project.

**The Mitigated Negative Declaration for Peach Tree Road At Pancho Rico Bridge Replacement Project came before the Monterey County Board of Supervisors on July 8, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Board of Supervisors finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is bridge replacement of the existing bridge on Peach Tree Road over Pancho Rico Creek, which is located east of San Ardo in southern Monterey County. The proposed project involves the installation of a new single clear span bridge over Pancho Rico Creek with a structure that will meet current Caltrans seismic codes. The existing bridge was constructed in 1955, and is approximately 59 ft long and 17 ft wide and does not meet current design or seismic safety standards. The new bridge will be approximately 28 ft wide and 80 ft long and will clear-span Pancho Rico Creek. The new bridge will be supported by two abutments, one on each side of the creek, outside of the creek channel.

For purpose of the findings contained in this resolution, the “project” is as described above.

**EVIDENCE:** The project plans and related support materials contained in the project are on file with the Monterey County Resource Management Agency – Public Works (RMA-PW).

2. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Board of Supervisors, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

**EVIDENCE:**

- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) An Initial Study was prepared pursuant to CEQA. The Initial Study is on file in the offices of the RMA – PW and is hereby incorporated by

- reference.
- c) The County will implement the proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference.
  - e) The Draft Mitigated Negative Declaration (“MND”) for the project was prepared in accordance with CEQA and circulated for public review from April 14, 2014 through May 15, 2014 (SCH#: 2014041065).
  - f) Issues that were analyzed in the MND include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise, recreation, and Mandatory Findings of Significance.
  - g) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
    - **Biological Resources.** Ten mitigation measures for Biological Resources are in the proposed MND. Prior to construction, a preconstruction environmental training session, conducted by a qualified biologist, shall be provided to all construction workers involved in the project to educate them on the federal or State-listed species with the potential of occurring in the project area. If a federal- or State-listed species is found at the project site, any work that might affect the species must be stopped and the California Department of Transportation (Caltrans) must be notified. Additionally, if a federal- or State-listed species is found at the project site, the County shall contact the Department of Fish and Wildlife (CDFW). Caltrans will consult with the United States Fish and Wildlife Service (USFWS) if necessary.

Pre-construction surveys for the California red-legged frog, San Joaquin kit fox, and the California tiger salamander (CTS) shall be undertaken by a qualified biologist using the USFWS protocol for this species. Pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist.

If any red-legged frogs are found during the pre-construction surveys, consultation with the USFWS, in accordance with Section 7 of the Endangered Species Act, will immediately commence. No work will occur in the area of the find prior to the completion of the Section 7 consultation process. The USFWS’ Standard Recommendations for Protection of the San Joaquin Kit Fox (1997, updated 1999) shall be implemented.

Preventive measures to avoid or minimize potential impacts to the CTS shall be incorporated into the project plans and specifications, such as installation of exclusion fencing, daily check for CTS, limiting work to April 15 to October 15, and restoration of habitat

temporarily affected by project activities. The County shall apply for and obtain an Incidental Take Permit from the CDFW.

The nesting raptor survey shall be conducted no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

Restoration and revegetation of all temporarily disturbed areas is required. Replacing all riparian trees removed or damaged at a 3:1 ratio, and any heritage trees removed or damaged at a 10:1 ratio is required. The tree mitigations shall be incorporated into a Revegetation Plan to be reviewed and approved by CDFW. The Plan shall indicate a monitoring and maintenance for the trees to ensure a minimum of 70 percent survival for the plantings after five (5) years, and without any supplemental irrigation for the final 2 (two) years.

- Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the CDFW regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the CDFW determines that the project will have no effect on fish and wildlife resources. The site supports Peach Tree Road At Pancho Rico Creek Bridge Replacement Project. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination.
- h) Evidence that has been received and considered includes: the application, and technical studies/reports staff reports that reflect the County's independent judgment. These documents are on file in the RMA – PW and are hereby incorporated herein by reference.
- i) No comments were received during the circulation period of the initial study and mitigated negative declaration.
- j) The RMA – PW, located at 168 West Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

**DECISION**

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Adopt the Mitigated Negative Declaration for the Peach Tree Road at Pancho Rico Bridge Replacement Project County Bridge No. 412, Project No. 220165, State Project No. EA 05-142284L, Federal Aid Project No. STPLZ-5944 (041);
- b. Adopt a Mitigation Monitoring and Reporting Plan; and
- c. Authorize the Resource Management Agency- Public Works to proceed with said Project.

**PASSED AND ADOPTED** on this 8<sup>th</sup> day July, 2014, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_\_\_, for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
, Deputy