

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

Resolution No.: _____

Adopt a Resolution to

- a. Adopt a Mitigated Negative Declaration for the Hartnell Bridge Replacement Project County Bridge No. 209 (Project No. 3854, State Project No. 050020138L-N, Federal Aid Project No. BRLO-5944 (103);)
- b. Adopt a Mitigation Monitoring and Reporting Program;)
- c. Authorize Resource Management Agency (RMA) – Public Works & Facilities, Road & Bridge Division to proceed with the Hartnell Road Bridge Replacement Project; and)
- d. Authorize the RMA Director or the RMA Deputy Director of Public Works & Facilities to acquire Right of Way for the Hartnell Road Bridge Replacement Project. (APN 153-011-060, 153-011-053, 137-141-001, 107-031-013).)

The Mitigated Negative Declaration for the Hartnell Road Bridge Replacement Project came before the Monterey County Board of Supervisors on January 23, 2018. 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 Hartnell Road over Alisal Creek, which is located west of City of Salinas in southern Monterey County. The proposed project involves the installation of a new single clear span bridge over Alisal Creek with a structure that will meet current Caltrans seismic codes. The existing bridge was constructed in 1945. It is a two (2) lane box culvert bridge over Alisal Creek in unincorporated Monterey County, located approximately six (6) miles south of the City of Salinas. The bridge is approximately 0.15 miles south of Alisal Road and 1.25 miles north of Highway 101. The existing bridge is 42-ft-long and 21-ft-wide, with two 9-ft to 10-ft travel lanes and 2-ft unstriped shoulders. The existing bridge would be replaced with a two (2)-lane cast in place reinforced concrete double box culvert. The new bridge would be approximately 63 ft long and 43 ft wide, with two (2) 12-ft travel lanes and two (2) unstriped 8-ft shoulders that meet American Association of State Highway and Transportation Officials (AASHTO) minimum lane and shoulder width standards.

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 (RMA).

2. **FINDING:** **California Environmental Quality Act (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 and is hereby incorporated by reference.
 - c) The proposed mitigation measures 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 Mitigated Negative Declaration (“MND”) for the project was prepared in accordance with CEQA and circulated for public review from October 19, 2017 through November 20, 2017 (SCH#: 2017101042).
 - 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, transportation/traffic, tribal cultural resources, and Mandatory Findings of Significance.
 - g) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:

Agricultural and Forest Resources. Three (3) mitigation measures for agricultural resources are proposed in the MND. Prior to construction, County of Monterey RMA - Public Works & Facilities shall ensure that the project plans incorporate details regarding the restoration of agricultural land to its original condition, within the timeframe specified by the project plans following the completion of project construction. The party responsible for implementing restoration activities shall also be included in the project plans.

Prior to construction, County of Monterey RMA - Public Works & Facilities shall ensure that 0.4 acres of permanent impacts to farmlands shall be mitigated by the preservation of 0.8 acres of equivalent agricultural land, which is a replacement at a 2:1 ratio. This shall be accomplished by payment of a fee to the Ag Land Trust, which would be used solely for the purpose of acquiring agricultural land and/or agricultural conservation easements to protect equivalent farmland.

The protected farmland shall be located in the Greater Salinas Area. Documentation of the fee payment shall be submitted to the RMA project file for the Hartnell Bridge Replacement Project County Bridge No. 209 (Project No. 3854, State Project No. 050020138L-N, Federal Aid Project No. BRLO-5944 (103).

Prior to construction, County of Monterey RMA - Public Works & Facilities shall notify the California Department of Conservation (DOC) of its intent to acquire land that is under a Williamson Act Contract for a public improvement project. The notification shall follow the procedures set forth by the California DOC Public Acquisitions of Williamson Act Contracted Land. The notice shall indicate the amount of land that would need to be acquired to implement the proposed project. The notice shall also indicate that the remaining land not required for project implementation would continue to be governed by the corresponding Williamson Act Contract.

Air Quality. The Construction Contractor, in coordination with County of Monterey RMA, shall ensure, per the MBARD *CEQA Air Quality Guidelines*, that the following dust mitigation measures be implemented during construction:

- The construction contractor shall water all active construction sites as least twice daily. Frequency shall be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- The construction contractor shall apply nontoxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed the area.
- Haul trucks shall maintain at least two (2) feet of freeboard above ground surface.
- The construction contractor shall cover all trucks hauling dirt, sand, or loose materials.
- Install wheel washers at entrances to the construction site for all exiting trucks.
- The construction contractor shall plant vegetative ground cover in disturbed areas as soon as possible.
- The construction contractor shall cover inactive storage piles.
- The construction contractor shall sweep streets if visible soil material is carried out from the construction site.
- Limit the area under construction at any one time.

Biological Resources. Seven (7) mitigation measures for Biological Resources are in the proposed MND.

The Construction Contractor shall hire a qualified biologist to conduct a pre-construction survey of the BSA for Congdon's Tarplant during the

blooming period (May to November) prior to ground disturbance and/or vegetation clearing. If individuals or a population is found, a maximum five (5) foot buffer will be established using Environmentally Sensitive Area (ESA) fencing. If the population is within the impact area and would be removed, the County of Monterey RMA will consult with the California Department of Fish and Wildlife (CDFW) to salvage the plant or seeds prior to removal.

Prior to initial ground disturbance, the qualified biologist shall conduct an environmental training session for all construction and maintenance personnel. At a minimum, the training shall include a description of the special status species that may occur in the BSA, their habitat requirements, and the measures being implemented to avoid and minimize impacts to these species. The environmental training shall include a discussion of the boundaries behind which the workers and equipment must remain.

Following construction, the creek channel will be returned to its original contour and condition to the greatest extent possible. All constructed ramps into the creek channel for the temporary construction access road, construction mats, and other temporary material used for construction will be removed. Vegetation native to the area would be used to the extent possible.

Immediately before initial ground disturbance and/or vegetation clearing in the Alisal Creek Channel, the qualified biologist shall conduct a survey of the work area for special status species. If special status species are found, they shall be allowed to leave the work area on their own or, if approved by the USFWS and/or CDFW, the special status species shall be relocated by the biologist to a safe place outside the work area.

During project construction, a qualified biologist shall permanently remove individuals of nonnative wildlife species. Invasive wildlife species (e.g., bullfrogs, crayfish, and centrarchid fish) would be removed from the project area and dispatched humanely if they are found during surveys or monitoring activities.

The County of Monterey RMA shall require the construction contractor to implement an invasive species abatement and eradication program during construction. The invasive species abatement and eradication measures shall be included in the project design and contract specifications.

County of Monterey RMA shall require the construction contractor to avoid vegetation removal and trimming during the breeding season for birds (i.e., between February 15 and August 31) to the extent practicable. This shall discourage birds from nesting in construction areas and shall greatly reduce the potential for nesting birds to delay the construction schedule.

Cultural Resources. During construction, if cultural, archaeological,

historical, or paleontological resources are encountered (surface or subsurface resources), work shall be halted immediately within 50 meters (165 ft) of the find until a qualified professional archaeologist can evaluate it. The County of Monterey RMA-Public Works & Facilities and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) and paleontologist shall be immediately contacted by the responsible individual present on site. When contacted, the project planner, the archaeologist and paleontologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)).

During construction, consistent with the requirements of California Health and Safety Code Section 7050.5, if human remains are discovered on site, no further disturbance shall occur until the Monterey County Coroner can evaluate them. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.9 and 5097.993 of the California Public Resources Code, the Native American Heritage Commission shall identify a “Native American Most Likely Descendent” to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.

Hazards and Hazardous Material. Prior to commencement of construction activities, the construction contractor shall prepare an emergency response and cleanup plan. The construction contractor shall implement the plan during construction. The plan shall detail the methods to contain and clean up spill of petroleum products or other hazardous materials in the work area.

During construction, the construction contractor shall ensure that all equipment maintenance and refueling is conducted outside of the Alisal Creek channel, on level ground, away from concentrated flows of storm water and drainage courses. Drip pans or absorbent pads shall be used during equipment refueling and maintenance activities. Adequate quantities of absorbent spill clean-up material and spill kits shall be kept in the refueling and maintenance area and on fuel trucks. Spill clean-up and materials shall be disposed of immediately after use.

Prior to demolition, the construction contractor, in coordination with County of Monterey RMA and Caltrans, will develop a lead abatement program for the proper removal, handling, and disposal of surfaces containing lead based paint (LBP) that are identified in the Asbestos and Lead-Containing Paint Assessment, Pesticides and Total Lead in Soils Survey Report. The contractor shall follow all applicable regulations of the Cal-OSHA Lead in Construction Standard (Title 8, California Code of Regulations, Section 1532.1). Demolition activities associated with flame torch cutting, high speed rotary saw cutting and demolition consisting of high impact or abrasion activities are considered “Trigger Tasks” as per Cal-OSHA. Therefore, the

demolition contractor must ensure that the workers performing these activities are not exposed to airborne lead concentrations (fumes or dusts) in excess of the action level or permissible exposure limit. Workers who are not trained in lead safe work practices or are not lead awareness trained shall not disturb any LBP coated surface.

Prior to completion of plans, specifications, and estimates (PS&E) and any work within or involving surface waters, County of Monterey RMA shall ensure that a Phase II investigation be conducted to properly characterize surface water quality in the project area. The surveys shall be conducted by a licensed consultant and shall include testing of surface water at the project site. The results of the survey will determine the recommendations for proper handling requirements in the event of worker contact with surface waters during construction.

Hydrology Water Quality. Prior to the start of construction, a waiver shall be obtained for the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ. To obtain a waiver, County of Monterey RMA or its designated contractor shall complete the electronic Notice of Intent and Sediment Risk form through the State Water Resources Control Board (SWRCB) Stormwater Multi-Application Reporting and Tracking System (SMARTS) and certify that the construction activity will take place during a period when the value of the rainfall erosivity factor (“R” in the Revised Universal Soil Loss Equation) is less than five (5).

If construction activities continue beyond the projected completion date provided on the waiver certification, the County of Monterey (County) or its designated contractor shall recalculate the rainfall erosivity factor for the new project duration and submit the new construction schedule through SMARTS thirty (30) days prior to the projected completion date listed on the original waiver. If the new R factor is below five (5), the discharger shall update, through SMARTS, all applicable information on the waiver certification and retain a copy of the revised waiver on site. If the new R factor is greater than five (5), the County shall apply for coverage under the Construction General Permit.

If the construction schedule changes during final design and the resulting R factor is greater than five (5), the County shall apply for coverage under the Construction General Permit. Construction activities shall not commence until a waiver or coverage under the Construction General Permit has been obtained from the SWRCB.

Prior to the start of construction, the County of Monterey RMA - Public Works & Facilities shall ensure that the construction contractor prepares and implements a stormwater pollution prevention plan (SWPPP) to address all construction related activities, equipment, and materials that have the potential to impact water quality. The SWPPP shall identify the sources of pollutants that may affect the quality of storm water and include best management practices (BMPs) to control

the pollutants (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs).

During the Plans, Specifications and Estimate (PS&E) phase, an Erosion Control Plan shall be prepared and implemented by the County of Monterey RMA or its designated contractor in compliance with the provisions of the Monterey County Erosion Control Ordinance (Monterey County Code) Code, Title 16, Chapter 16.12). The Erosion Control Plan shall indicate the proposed methods for the control of runoff, erosion, and sediment movement during project construction.

Noise. The construction contractor shall ensure compliance with Monterey County General Plan Policy S-7.9 by ensuring no construction activities occur within 500 feet of sensitive receptors during the nighttime hours of 7:00 p.m. to 7:00 a.m. The construction contractor shall use an alternative warning method instead of a sound signal unless required by safety laws. Also, the contractor shall equip all internal combustion engines with the manufacturer's recommended mufflers and shall not operate any internal combustion engines on the job site without an appropriate muffler.

Temporary construction barriers, providing a maximum of 10 dBA reduction, shall be required when heavy construction activities occur within 70 feet of the residence at 15 Hartnell Road.

Transportation/Traffic. Prior to construction, the construction contractor shall be required to submit a Traffic Management Plan (TMP) to the County of Monterey Director of Public Works & Facilities or appropriate designee for review and approval. During construction, the County shall require the Construction Contractor to adhere to all requirements of the TMP. The TMP shall include the following: installation of detour signs, notices of road closures in local media, and advance notice to the public and local emergency service providers regarding the timing, location, and duration of construction activities.

Tribal Cultural Resources. Prior to construction, the County of Monterey RMA shall contact the Ohlone Costanoan Esselen Nation (OCEN) and request that it submit the name of the designated monitor. The designated OCEN monitor shall be on site during all ground disturbing activities.

Should a tribal cultural resource be encountered during ground disturbing activities, all ground disturbing activities within 25 feet shall be redirected and the Ohlone Costanoan Esselen Nation (OCEN) monitor shall assess the resource, consult with the County of Monterey, and make recommendations for the treatment of the discovery. The County shall be notified by the OCEN monitor within 24 hours of the encounter. If found to be significant by the OCEN monitor, the County shall be responsible for implementing and funding appropriate mitigation measures. Mitigation measures may include, but would not be limited to, recording the tribal cultural resource, data recovery and

analysis, and public outreach. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared by the OCEN monitor and submitted to the County of Monterey RMA for review. Any artifacts or significant tribal cultural resources discovered during ground disturbing activities shall be given to an OCEN tribal representative.

Mandatory Findings of Significance.

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 California Department of Fish and Wildlife (CDFW) regulations. All 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 the Hartnell Road 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 with the RMA and are hereby incorporated by this reference.
- i) Two (2) comment letters were received during the circulation period of the initial study and mitigated negative declaration. The issues raised in the letters have been reviewed and do not require the mitigations to be changed or modified.
- j) The RMA, located at 1441 Schilling Place, 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 a Mitigated Negative Declaration for the Hartnell Road Bridge Replacement Project, County Bridge No. 209 (Project No. 3854, State Project No. 0500020138L-N, Federal Aid Project No. BRLO-5944 (103); and
- b) Adopt a Mitigation Monitoring and Reporting Plan, attached hereto as **Exhibit A** and incorporated by reference.
- c) Authorize Resource Management Agency (RMA) – Public Works & Facilities, Road & Bridge Division to proceed with the Hartnell Road Bridge Replacement Project; and
- d) Authorize the RMA Director or the RMA Deputy Director of Public Works & Facilities to acquire Right of Way for the Hartnell Road Bridge Replacement Project. (APN 153-011-060, 153-011-053, 137-141-001, 107-031-013).

PASSED AND ADOPTED on this 23rd day January 2018, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Sally Kidalov, 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:

Sally Kidalov, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy