

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

Resolution No. _____

Resolution of the Monterey County Board of Supervisors:

- a. Adopt a Mitigated Negative Declaration for the)
Gonzales River Road Bridge Rehabilitation Project,)
Project No. 3853, Federal Aid Project No. BRLS – 5944)
(098);)
- b. Adopt a Mitigation Monitoring and Reporting Program)
with mitigation measures;)
- c. Authorize the Department of Public Works, Facilities)
and Parks (PWFP) to proceed with the Gonzales River)
Road Bridge Rehabilitation Project; and)
- d. Authorize the Director of PWFP or the Director’s)
designee to negotiate the Right of Way acquisition,)
including any permanent easements and temporary)
construction easements needed for the Gonzales River)
Road Bridge Rehabilitation Project.

The Mitigated Negative Declaration for the Gonzales River Road Bridge Rehabilitation Project, Project came before the Monterey County Board of Supervisors on April 19, 2022. 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 Gonzales River Road Bridge Rehabilitation Project, Project No. 3853 (proposed project) for the Gonzales River Road is to address certain existing structural deficiencies (e.g., cracks, exposed reinforcing bars, and failing joints in the superstructure) and improve the conditions for conveying flood flows. Several existing bridge piers would be rebuilt (i.e., raised) or modified for additional support; seven (7) existing bridge piers would be removed. The Project would also widen the roadway approaches on the north and south ends of the Gonzales River Road Bridge (bridge) to conform to the new bridge width and profile. After construction, both the bridge and roadway approaches would contain two 12-foot lanes (one [1] in each direction) and two 3-foot shoulders and would meet current American Association of State Highway and Transportation Officials (AASHTO) minimum design speed standards. The bridge would be closed to the public during construction. Vehicular traffic would be re-routed via Chualar River Road to the north and via Arroyo Seco Road to the south.

EVIDENCE: The project plans and related support materials contained in the project are on file with the Monterey County Department of Public Works,

Facilities and Parks (PWFP).

2. **FINDING:** **California Environmental Quality Act (CEQA) (Mitigated Negative Declaration)** - On the basis of the administrative record as a whole, 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 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 PWFP 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 by this reference.
 - e) An Initial Study and Mitigated Negative Declaration (MND) were prepared for the project. A Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration was filed with the Monterey County Clerk on October 28, 2021. The document was circulated for a 37-day public review period from October 28, 2021 to December 3, 2021.
 - f) Issues that were analyzed in the MND include: 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) Three (3) comment letters were received. The comment letters were documented and addressed in the Final MND. The primary concerns identified in the comment letters pertained to the anticipated bridge closure during the construction of the Project. In response to said comment letters, the proposed Project mitigations relating to providing notice of the anticipated bridge closure to the community were strengthened to provide more rigorous public outreach prior to and during the construction of the Project. Also, emergency vehicles will be allowed to traverse the Project site during the construction phase to maintain adequate emergency response times.
 - h) Monterey County Public Works, Facilities and Parks located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the administrative record of proceedings upon which the decision to adopt the negative declaration is based.
 - i) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:

Air Quality. The Construction Contractor, in coordination with PWFP,

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.
- 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.

Agricultural Resources. Mitigation measures for Agricultural Resources are in the proposed MND:

- Prior to construction, PWFP shall ensure that the project plans incorporate details regarding the restoration of agricultural land following the completion of project construction.
- Prior to construction, PWFP shall ensure that all permanent impacts to farmlands shall be mitigated by the preservation of equivalent agricultural land at a 2:1 ratio. This may be accomplished by payment of a fee into the Monterey County Agricultural Land Trust's Transaction Bank Account to be used solely for the purpose of acquiring agricultural land and/or agricultural conservation easements to protect equivalent farmland. Documentation of the payment of the fee shall be submitted to the Monterey County Department of Housing and Community Development (HCD).
- Prior to construction, PWFP 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 a Williamson Act Contract.

Biological Resources. Sixteen (16) mitigation measures for Biological

Resources are in the proposed MND.

Qualified Biologist/Biological Monitor. Prior to initial ground disturbance, the Construction Contractor shall hire a qualified biologist. The qualified biologist shall be present at the work site until all ground-disturbing activities in all portions of the project site have been completed and workers have received environmental training. At that time, the Construction Contractor shall designate a monitor who shall ensure on-site compliance with all avoidance and minimization efforts when the qualified biologist is not on site. The qualified biologist shall ensure the monitor is familiar with the avoidance and minimization efforts and able to identify all the special-status species of potential occurrence in the Biological Study Area (BSA). The monitor and the qualified biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) at any point during construction. If work is stopped, either the qualified biologist or the on-site monitor shall immediately notify the California Department of Transportation (Caltrans) and the County of Monterey (County). If a federally listed species is found in the work area during construction and a Biological Opinion has not been issued for the proposed project, then the qualified biologist must stop work and immediately notify Caltrans. Caltrans shall then consult with the USFWS or National Marine Fisheries Service (NMFS) and shall then advise the Construction Contractor on how to proceed. Likewise, should a State-listed species be found in the work area for which no incidental take permit has been issued, the County's Project Manager shall then consult with CDFW and shall advise the Construction Contractor on how to proceed.

Environmental Training Session. 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.

ESA Fencing. Prior to construction activities, the qualified biologist shall identify locations for the placement of Environmentally Sensitive Area (ESA) fencing to protect sensitive habitat areas (i.e., jurisdictional areas, Fremont cottonwood forest and arroyo willow thickets, and the dripline of trees or groups of trees) adjacent to the construction area and to delineate a protection zone beyond which construction activities are prohibited. The Construction Contractor, with the assistance of the qualified biologist, shall install the ESA fencing prior to construction activities. The qualified biologist shall verify the correct placement and installation of the ESA fences before work begins in the area.

Special-Status Species Survey. Immediately before initial ground disturbance and/or vegetation clearing in the Salinas River 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.

Removal of Invasive Wildlife. During project construction, a qualified biologist shall permanently remove individuals of nonnative, invasive wildlife species (e.g., bullfrogs, crayfish, and centrarchid fish) from the project area and dispatch them humanely if they are found during surveys or monitoring activities. Nonnative fish and wildlife shall not be returned to the river.

River Monitoring. During vegetation removal, initial grading, and other ground-disturbing activities in the Salinas River channel, a qualified biologist shall monitor such activities for reptiles and other small wildlife exposed by such activities and then relocate them in a safe place outside the exclusion fence.

Routes and Boundaries. Prior to the start of construction, the County shall ensure that the number of access routes, the numbers and sizes of staging areas, and the total area of construction activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated both on plans and in the field prior to the start of construction activities.

Concrete and Sealant Use. During construction, no fill material, including asphalt or concrete, shall be allowed to enter the stream, with the exception of clean river rock. Any concrete structures (e.g., headwall construction) below the tops of banks shall be poured in tightly sealed forms and shall not be allowed contact with surface waters until the cement has fully cured. Poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. During that time, the poured concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter the river. Commercial sealants may be applied to the poured concrete surface in locations where the exclusion of water flow for a long period is difficult. If a sealant is used, water shall be excluded from the site until the sealant is dry and fully cured according to the manufacturer's specifications. Water that contacts wet concrete and has a pH greater than 9.0 shall be pumped out of the work area and disposed of outside the river channel. No substances toxic to aquatic life shall be discharged into the Salinas River (e.g., diesel fuel, oil, hydraulic fluid, run-off from curing concrete). Additionally, if hydroseed mixes are used to stabilize disturbed areas, such mixes shall not contain fertilizers.

Construction Period in the Salinas River. The County shall ensure that work within the river (i.e., in and adjacent to water) shall be restricted to the period between June 15 and December 30 to minimize potential impacts to South Central California coast steelhead distinct population segment (DPS).

Diversion of the Salinas River. During construction, if there is water in the river, the river shall not be dewatered. Rather, the river shall be

channelized to allow for unrestricted passage of adult and juvenile South Central California coast steelhead DPS through the BSA. If surface water is present in the Salinas River, the contractor shall use a cofferdam to channelize the river flow through an opening in the piers and away from the location of any pier/abutment work. If necessary, the contractor shall construct a temporary low-water crossing/bridge across the low-flow channel. The crossing/bridge shall be designed to span the low-flow channel and be supported by clean river run gravel. A qualified biologist, approved by the CDFW and NMFS, shall be on site to assist in the implementation of the river diversion.

Nesting Birds. The County 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. If vegetation removal and trimming cannot be avoided during the breeding season, then the following measures shall be implemented:

- All suitable nesting habitat within 50 feet of the work limits shall be surveyed by a qualified biologist no more than 14 days prior to ground-disturbing/vegetation removal activities and again within 2 days (48 hours) of such activities. Areas outside the public right-of-way (ROW) shall not be surveyed for active nests unless such areas are visible from the public ROW.
- If an active nest is found, a qualified biologist shall delineate an appropriate buffer using plastic construction fencing (ESA fencing), pin flags, or other easily identified fencing material. If necessary, the biologist shall consult with the USFWS and/or CDFW to determine an appropriate buffer size. Typically, buffers range from 250 to 500 feet, depending on the species and the location of the nest. However, smaller buffers have been accepted depending on the species, nest location, surrounding habitat, and the nature of the adjacent construction activity. During construction, the qualified biologist shall conduct regular monitoring (at CDFW-approved intervals) to evaluate the nest for potential disturbances associated with construction activities. Construction within the buffer shall be prohibited until the qualified biologist determines the nest is no longer active.
- If an active nest is found after completion of the preconstruction surveys and after construction begins, all construction activities in the nest vicinity shall stop until a qualified biologist has evaluated the nest and erected an appropriate buffer around the nest. If establishment of the buffer is not feasible, the USFWS and/or CDFW shall be contacted for further avoidance and minimization guidelines.

Roosting Bats. During tree removal in the riparian area, a qualified biologist shall be present to ensure that all limbs and trees are left in place overnight after being cut to allow time for bats to leave the trees during the night. Trees and limbs can be removed from the project site the following day.

Monterey Big Eared-Woodrat. Prior to removing vegetation in the Fremont cottonwood forest, a qualified biologist shall survey the work area to be cleared for woodrat nests. If any woodrat nests are located within the work area, they shall be disassembled by hand or with hand tools to allow any woodrats in the nest to move out of the work area. The nest material shall then be moved out of the work area.

Restoration of the Salinas River Channel. Following the completion of construction, the Construction Contractor shall ensure that the Salinas River channel is returned to its original contour and condition to the greatest extent possible. All constructed temporary access roads into the Salinas River channel, construction mats, and other temporary material used for construction shall be removed.

Revegetation Plan. Prior to the start of construction, the County shall ensure the preparation and approval of a revegetation plan to restore riparian vegetation impacted by the proposed project. The plan shall specify the use of native tree species that were impacted during construction. Native trees will be of nursery stock from the local area and/or cuttings taken from within the BSA. Trees shall be planted at a 2:1 ratio (two trees planted for each tree removed) in similar habitat in and adjacent to the project area where they are exposed to light levels suitable for growth. The plan shall specify a monitoring program and criteria to ensure successful revegetation, such as providing fencing around planted trees to protect from herbivory and performance standards for determining success. A 5-year monitoring and maintenance plan shall be developed to ensure long-term survivorship of replacement plantings. Annual reports shall be prepared at the end of each year documenting the site conditions and progress toward achieving the performance standards.

Prior to the completion of construction, the County shall ensure that all temporary impact areas and permanently graded areas are revegetated according to the specifications detailed in the project revegetation plan.

Invasive Species Abatement and Eradication Program. Prior to the start of construction, the County shall ensure the preparation and approval of an invasive species abatement and eradication program to be implemented during construction. The invasive species abatement and eradication measures shall be included in the project design and contract specifications. At a minimum, the abatement and eradication measures shall include:

- The Construction Contractor shall inspect and clean construction equipment at the beginning and end of each day and prior to transporting equipment from one project location to another.
- Soil and vegetation disturbance shall be minimized to the greatest extent feasible.
- The Construction Contractor shall ensure that all active portions of the construction site are watered a minimum of twice daily or more often when needed due to dry or windy conditions to prevent excessive

amounts of dust and seed dispersal.

- The Construction Contractor shall ensure that all stockpiled material is sufficiently watered or covered to prevent excessive amounts of dust and seed dispersal.
- Soil/gravel/rock shall be obtained from weed-free sources.
- All invasive plant material removed during construction shall be disposed of properly in a landfill or other suitable facility where it can be chipped and composted to prevent spreading viable seeds or propagules that could take root on another site.
- Only certified weed-free straw, mulch, and/or fiber rolls shall be used for erosion control.
- Prior to completion of construction, disturbed areas adjacent to native vegetation shall be revegetated with plant species that are native to the vicinity and approved by the County and the Caltrans District Biologist.
- The use of species listed in the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory that have a high or moderate rating in revegetated areas shall be avoided.
- Eradication procedures (e.g., spraying and/or hand weeding) shall be implemented should an infestation occur.
- The use of herbicides shall be prohibited within and adjacent to native vegetation, except as specifically authorized and monitored by the County and the Caltrans District Biologist.

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 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Housing and Community Development (HCD) Department 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 and the archaeologist 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 [CCR], Title 14, Chapter 3, Section 15064.5(f)).

During construction, consistent with the requirements of California Health and Safety Code (HSC) 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 (NAHC) within 24 hours of identification. Pursuant to Section 5097.9 and 5097.993 of the Public Resources Code (PRC), the NAHC shall identify a “Native American Most Likely Descendant” to inspect the site

and provide recommendations for the proper treatment of the remains and any associated grave goods.

Geology and Soils. During final design, a detailed geotechnical investigation shall be conducted by qualified geotechnical personnel to assess the geotechnical conditions at the project site. The geotechnical investigation shall include cone penetration tests to confirm and extend site-specific subsurface site conditions for final design. The project-specific findings and recommendations of the geotechnical investigation shall be incorporated into final design of the proposed project and shall be summarized in the Final Geotechnical Report to be submitted to the County of Monterey for review and approval.

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 be used to contain and clean up a spill of petroleum products or other hazardous materials in the work area.

During construction, the Construction Contractor shall ensure that all equipment maintenance, refueling, and storage are conducted on level ground outside the Salinas River channel, 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 the Monterey County Department of Public Works, Facilities & Parks and the California Department of Transportation (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 California Occupational Safety and Health Administration (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, the County of Monterey (County) 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.

Prior to completion of PS&E, the County shall ensure that further investigation of the approximately 12-inch-diameter pipe protruding from the berm near the southeast corner of the southern terminus of the existing bridge be conducted to determine the use and contents of the pipe. The surveys shall be conducted by a licensed consultant. The results of the survey will determine the recommendations for abandonment or protection of the pipe during construction.

Hydrology and Water Quality. Prior to commencement of construction activities, the proposed project shall obtain coverage under the State Water Resources Control Board (SWRCB) 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, as amended by 2010-0014-DWG and 2012-0006-DWQ, NPDES No. CAS000002, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including a Notice of Intent (NOI) for coverage under the permit to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained from SMARTS. The proposed project shall comply with the Risk Level 2 requirements of the Construction General Permit. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential to affect water quality. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and include Best Management Practices (BMPs) to ensure that the potential for soil erosion, sedimentation, and spills is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities. Upon completion of dewatering activities, a Notice of Termination (NOT) shall be submitted via SMARTS.

During the Plans, Specifications, and Estimates (PS&E) phase, an Erosion Control Plan shall be prepared and implemented by the County of Monterey or its designated contractor in compliance with the provisions of the Monterey County Erosion Control Ordinance (Monterey County Code [MCC], 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.

Prior to commencement of groundwater dewatering activities, the proposed project shall obtain coverage under the SWRCB Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality (Water Quality Order No. 2003-0003-DWQ). This shall include submission of an NOI for coverage under the permit to the SWRCB. Construction activities shall not commence until a letter is obtained from the SWRCB stating that the proposed project has obtained coverage under the permit. Construction dewatering activities

shall comply with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges. Upon completion of construction, a Notice of Completion (NOC) shall be submitted to the SWRCB.

Final design of the proposed project shall comply with the postconstruction requirements of the Construction General Permit. A Postconstruction Water Balance Calculator shall be submitted as part of the PRDs that are submitted to the SWRCB via SMARTS. In compliance with the postconstruction requirements of the Construction General Permit, the project engineers shall design the proposed project so that postconstruction runoff is equal to or less than pre-project runoff for the 85th percentile storm event or the smallest storm event that generates runoff, whichever is larger. Additionally, the project engineer shall design the proposed project to preserve the preconstruction drainage density of the Salinas River.

Final design of the proposed project shall include Treatment BMPs, including but not limited to a vegetated swale along the northwest side of Gonzales River Road north of the Salinas River. The Treatment BMPs shall comply with the provisions of the Monterey County Urban Stormwater Quality Management and Discharge Control Ordinance (Municipal Code, Title 16, Chapter 16.14) and the postconstruction requirements of the Construction General Permit. Project construction shall not be deemed complete until the Treatment BMPs are installed and a long-term BMP maintenance plan is prepared.

Transportation. As part of the Project final design, the Monterey County Department of Public Works, Facilities & Parks shall prepare a Transportation Management Plan (TMP) to determine the detours and notify the community of the bridge closure. The TMP shall be developed in coordination with emergency service providers, TAMC, Caltrans, and the City of Gonzales. During construction, the County of Monterey 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, City of Gonzales staff, and local emergency service providers regarding the timing, location, and duration of construction activities. Throughout the construction period, the County shall provide regular communication to City of Gonzales staff, emergency service providers and property owners in the project vicinity in order to minimize disruption associated with the bridge/road closures.

Tribal Cultural Resources. Prior to construction, the Monterey County Resource Management Agency – Public Works, Facilities, & Parks shall contact the Ohlone Costanoan Esselen Nation (OCEN) and request that it submit the name of the designated OCEN 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 OCEN monitor shall assess the resource, consult with the County of Monterey (County), 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 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 Gonzales River Road Bridge Rehabilitation 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 (NOD).

- j) 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 PWFP and are hereby incorporated by this reference.
- k) Three (3) comment letters were received. The comment letters were documented and addressed in the Final MND. The primary concerns identified in the comment letters pertained to the anticipated bridge closure during the construction of the Project. In response to said comment letters, the proposed Project mitigations relating to providing notice of the anticipated bridge closure to the community were strengthened to provide more rigorous public outreach prior to and during the construction of the Project. Also, emergency vehicles will be allowed to traverse the Project site during the construction phase to maintain adequate emergency response times.
- l) The Monterey County Department of Public Works, Facilities and Parks 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 Gonzales River Road Bridge Rehabilitation Project, Project No. 3853, Federal Aid Project No. BRLS – 5944 (098);
- b. Adopt a Mitigation Monitoring and Reporting Program with mitigation measures;
- c. Authorize the Department of Public Works, Facilities and Parks (PWFP) to proceed with the Gonzales River Road Bridge Rehabilitation Project; and
- d. Authorize the Director of PWFP or the Director’s designee to negotiate the Right of Way acquisition, including any permanent easements and temporary construction easements needed for the Gonzales River Road Bridge Rehabilitation Project.

PASSED AND ADOPTED on this ____ day of April 2022, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Valerie Ralph, 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:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy