Board of Supervisors
County of Monterey, State of California

Resolution No. 21-_____

In the matter of the application of:	)
Carmel River Floodplain Restoration and	)
Environmental Enhancement (REF140048)	)
(SCH#2011021038) Resolution by the Monterey	)
County Board of Supervisors:	)
A) Certify that the Board has considered the	)
previously certified Environmental Impact	)
Report/Environmental Assessment for the	)
Carmel River Floodplain Restoration and	)
Environmental Enhancement (CRFREE) Project	)
(SCH#2011021038);	)
B) Approve the Carmel River Floodplain	)
Restoration and Environmental Enhancement	)
Project, generally consisting of removing a	)
portion of the existing south bank Carmel River	)
levee, grading to restore the floodplain to	)
accommodate conveyance of flows, construction	)
of a 360 foot long causeway to convey flows	)
under California State Route 1 into the south	)
arm of the Carmel Lagoon, elevation of 23	)
acres out of the floodplain for future use as an	)
agricultural preserve, construction of trails, and	)
restoration of native habitats;	)
C) Authorize the Director of the Housing and	)
Community Development Department to apply	)
for and obtain the encroachment permit from	)
Caltrans for the causeway construction	)
component of the Project, and to apply for	)
permits and entitlements from the Coastal	)
Commission and other agencies on behalf of the	)
County; and	)
D) Adopt a Mitigation Monitoring and	)
Reporting Plan, hereto enclosed as Exhibit A.	)
[Carmel River Floodplain Restoration and	)
Environmental Enhancement (CRFREE), State	)
Highway Route 1, Carmel, CA, 93923, Carmel	)
Area Land Use Plan, Assessor's Parcel Numbers	)
(APNs) 243-071-005-000, 243-071-006-000,	)
243-071-007-000, 243-021-007-000¸ 157-121-	)
001-000 and 243-081-005-000, 243-071-008-	)
000]	)

The Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project came on for public hearing before the Monterey County Board of Supervisors on June 15, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING: **PROJECT DESCRIPTION** – The County is the co-applicant with the Big Sur Land Trust (BSLT) on the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) project (REF140048).

a) The CRFREE Project consists of two interdependent components: The Floodplain Restoration (Levee Removal/Enhancement Area), and the Causeway. The Floodplain Restoration component consists of: (1) removal of approximately 1,470 linear feet of non-structural earthen levees on the south side of the Carmel River channel on property owned by Big Sur Land Trust (BSLT); (2) grading approximately 103 acres to restore the site's ecological function as a floodplain by creating the hydrogeomorphic characteristics necessary to support floodplain restoration activities; (3) grading to elevate approximately 23 acres of existing farmland above the 100-year floodplain elevation to create an agricultural preserve; and (4) implementation of a resource management plan. The resource management plan will include restoration of a mosaic of native habitats across the site in two phases, and maintenance, monitoring, and reporting protocols to ensure the success of the revegetation specific to compensatory mitigation requirements. The Causeway component consists of replacing a portion of the SR 1 roadway embankment with a 360-foot-long overflow bridge (causeway) to accommodate flood flows that enter into the south overbank area as a function of the removal of portions of the levees as described above and to restore hydrologic connectivity between the Project site and the Carmel Lagoon. The Project will result in the reconnection and restoration of approximately 102 acres of historic floodplain.

Once construction of the causeway is complete, SR 1 will remain a two-lane conventional highway with 12-foot travel lanes; however, the Causeway incorporates eight-foot-wide shoulders, transitioning to match existing four-foot-wide shoulders at the southern project limits. The Causeway will also include a southbound left turn lane at the Palo Corona Regional Park entrance.

b) The Project site is located at the downstream end of the Carmel River Watershed, approximately half a mile from the river mouth, immediately east and west of SR 1. The Project is located on property owned respectively by the Big Sur Land Trust (BSLT) (Assessor Parcel Numbers (APN) 243-071-005-000, 243-071-006-000, and 243-071-007-000), California Department of Parks and Recreation (State Parks)

(APN 243-021-007-000), and Monterey Peninsula Regional Park District (MPRPD) (APN 157-121-001-000). Prior to the current ownership, a portion of the property was owned and farmed by the Odello family. The portion of the Project site, owned by State Parks, that is west of SR 1 is referred to as Odello West, while the portion owned by BSLT and MPRPD on the east side is referred to as Odello East. The County of Monterey and the State Department of Transportation (Caltrans) entered into a Cooperative Agreement for the construction of the causeway component of the Project. (Agreement No. 05-0234, effective May 6, 2014.) The County intends to undertake the causeway construction, levee removal, and floodplain grading aspects of the Project. Following construction, the causeway shall be a Caltrans facility as described in the Cooperative Agreement with Caltrans.

c) The Project requires permits and approvals from multiple agencies, including the California Coastal Commission, Regional Water Quality Control Board, California Department of Fish and Wildlife, and Caltrans. County and Big Sur Land Trust are applying for the necessary permits and approvals for construction of the Project. The County's intent is that the owners of the real property on which the Project site is situated (BSLT, State Parks, and MPRPD ("Landowners") shall be responsible for the long term (25 years) maintenance of the floodplain and habitat restoration and public access management activities on the respective Landowners' property pursuant to a separate agreement or memorandum of understanding to be developed by County and Landowners prior to the completion of the construction phase of the Project. The future agreement will address the long-term responsibilities under the Project permits and grants, including but not limited to post-construction, long-term maintenance of the Project site, management of public access to the site, and compliance with permit conditions of approval that require post-construction, long term maintenance or monitoring actions. These understandings related to allocation of responsibility for the Project are set forth in a proposed Amendment and Complete Restatement of Memorandum of Understanding among the County, BSLT, State Parks, MPRPD, the Monterey County Water Resources Agency, and Monterey Peninsula Water Management District (hereafter "MOU"). (See draft MOU, attached to the June 15, 2021 staff report to the Board as Attachment B.)

d) Pursuant to prior agreements, the County assumed the role of Lead Agency under the California Environmental Quality Act (CEQA), and Caltrans assumed the role of the Lead Agency for the causeway component of the Project under the National Environmental Policy Act (NEPA). The US Fish and Wildlife Service (USFWS) is the lead agency for the floodplain restoration component of the Project under NEPA.

e) The Monterey County Resource Management Agency (now the Housing and Community Development Department) prepared an Environmental Impact Report/Environmental Assessment (EIR/EA) for the CRFREE Project pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). (State Clearinghouse #2011021038) The Monterey County Board of Supervisors certified the Final EIR/EA on January 28, 2020 (Board of Supervisors Resolution No. 20-015) ("Final EIR/EA").

f) The purpose of this action is to provide authorization for the Project, specifically including authorizing staff to apply for and obtain the permits for construction of the CRFREE Project. The approved Project is the Preferred Project as described on page 9 of the Final EIR/EA.

2. FINDING: **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable County plan and policies.

EVIDENCE:

a) The project has been reviewed for consistency with the text, policies, and regulations in:
   - The 1982 Monterey County General Plan
   - The Carmel Land Use Area Plan
   - Title 20 of the Monterey County Code (coastal zoning ordinance)
   - The Carmel Area Coastal Implementation Plan (Monterey County Code, Title 20. Part 4)

   No conflicts were found to exist. The County's determination is that the project is consistent with the relevant policies and regulations, as set forth below.

b) The Project is located at the downstream end of the Carmel River Watershed, approximately half a mile from the river mouth, immediately east and west of State Route 1 on APNs 243-071-005-000, 243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-001-000, 243-081-005-000, and 243-071-008-000, within the County of Monterey. The project site has the land use designations of "Wetland & Coastal Strand," "Agricultural Preservation," "Agricultural Conservation," and "Medium Density Residential" land in the Carmel Area Land Use Plan and is zoned as Medium Density Residential/3 units/acre (MDR/3) and Coastal Agricultural Preserve (CAP) according to Monterey County Zoning Ordinance Title 20. The project will continue existing land use practices west of SR 1, and will provide agriculture, native habitat, and open space preservation on the east side, consistent with the approved uses as zoned; the residential designation does not require residences be built and does not preclude restoration or agriculture.

c) The Project is located in the County's Coastal Zone. The Project's boundaries intersect the Monterey County Carmel Area Land Use Plan Area (LUP) and California Coastal Commission (CCC) original permit

jurisdiction. The Carmel Area LUP, together with Title 20, Part 1 (Coastal Zoning Ordinance) and Title 20, Part 4 (Chapter 20.146, Regulation for Development in the Carmel Area LUP) govern the Project site area within County jurisdiction. Within the Coastal Zone the certified LUP functions as the General Plan, as supplemented by the 1982 Monterey County General Plan for matters not addressed by the LUP. Because a part of the Project is under the original jurisdiction of the California Coastal Commission (CCC) and a part is under the County's Local Coastal Program, the County and CCC have agreed that the CCC will process the coastal development permit for the Project.

d) The 128.2-acre CRFREE Project site is split zoned as Medium Density Residential (MDR), Resource Conservation (RC), and Coastal Agricultural Preserve (CAP). The northern edge of the project area adjacent to the Carmel River is a narrow strip of riparian habitat zoned RC. South of this strip of the RC zone, the project area is zoned CAP, adjacent to MDR zone south of the CAP zone, Of the 51-acre parcel zoned MDR, 49 acres is encumbered by an Agricultural and Open Space Conservation Easement Deed and Agreement (rec. 12/23/1998 Document #9889994). Therefore, notwithstanding the underlying residential zoning of the parcel, residential development is precluded by uses allowed within the easement deed. This 49-acre easement is adjacent to the existing area zoned CAP that will accommodate the design features of the floodplain restoration including distribution channels, sediment sequestration, and conveyance areas, along with riparian habitat restoration. Although floodplain and habitat restoration are not specific uses allowed in the CAP zone, the project is consistent with the 1982 General Plan policies and objectives to designate open space where its use will preserve, conserve, and maintain the natural resource and physical features of Monterey County (Policy Nos. 1.1, 4.1.3, 4.2); and with the Carmel Area LUP Chapter 7 – Hazards to manage the floodplain emphasizing the use of nonstructural methods of flood protection and preserving the river's natural plant and wildlife habitat and aesthetic values (Policy No. 2.7.4.3). The CRFREE project is defined as a restoration project being undertaken voluntarily by the BSLT which includes 23 acres in easement that would operate in perpetuity as agricultural preserve and 10.8 acres within CAP and RC zones restored to riparian habitat throughout the 103-acre project site. None of the Project site is under a Williamson Act contract. Approximately 22.8 acres within the Project site are zoned as Agricultural Preservation and 53.4 acres are zoned as Agricultural Conservation according to the Carmel LUP. In addition, there are existing agricultural easements within the Project site, equaling approximately 23.4 acres, that preclude the conversion from agricultural use.

e) Chapter 16.2.5 of the Monterey County General Plan (1982) states all new development, including filling, grading, and construction,

proposed within designated floodplains shall require submission of a written assessment prepared by a qualified hydrologist/engineer on whether the development will significantly contribute to the existing flood hazard. Development shall be conditioned on receiving approval of this assessment by the County Flood Control and Water Conservation District. A written assessment has been prepared for the proposed project by a qualified hydrologist/engineer on whether the development will significantly contribute to the existing flood hazard. Please refer to Sections 2.2.1 Hydrology and Floodplain of the final EIR/EA. The written assessment of the Project's contribution to existing flood hazard will be submitted to the Monterey County Water Resources Agency for approval prior to the beginning of construction.

f) Aesthetics and Visual Resources: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to aesthetics and visual resources. The Project proposes development visible from common public viewing areas, as defined by the Monterey County Code. Scenic resources located on-site that could be affected by the Project include portions of the Carmel River Corridor. The Project site also includes a portion of SR 1, which is a State designated scenic highway, and a federally designated scenic byway and All-American Road. Temporary visual impacts will occur in connection with Project construction. These temporary construction-related impacts will not significantly disrupt views from SR 1.
The Carmel Area Land Use Plan outlines policies for visual resources in section 2.2.3.8, 2.2.3.10, 2.2.4.7, and 2.2.4.12. The Project objectives to restore approximately 100 acres of natural habitat and to maintain active agricultural operations are consistent with these policies. The Project is a landscape restoration project which will enhance both riparian and grassland vegetation consistent with the surrounding vegetation along the Carmel River riparian corridor and Palo Corona slopes. The Carmel Area Land Use Plan policy 2.2.4.12 states that Public highway facilities, including guardrails, shall be of a design complementary to the scenic character of the Carmel area. The final design of guard rails and signs on the proposed causeway will be required to comply with this policy, and to follow the guidelines of the Caltrans Big Sur Coast Highway Management Plan that identifies designs and materials complementary to the scenic character of this segment of SR 1. Mitigations measures VA-1 to VA-3 specify the design parameters to comply with this policy. Per section of Title 20.146.030.D.3a, the County shall obtain administrative design approval for the final design of the bridge rail for the causeway prior to the beginning of construction.
Overall, the Project will enhance the site's visual character and ensure agriculture activity on the site in perpetuity. The Project will retain the existing open space character of the Project site east of SR 1, which is no longer contemplated for development as described in Policy

4.4.3.F.2 in the Carmel Area Land Use Plan. The project is consistent with the Carmel Area Coastal Implementation Plan Section 20.146.030.B visual resource development standards – undergrounding utilities. Within the SR 1 right-of-way, utilities will be placed underground.

g) Agriculture: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of agriculture. The Project will conform to the policies of the Carmel Area Land Use Plan related to agriculture (2.3.2, 2.6.3.1, 2.6.4.1, 2.6.4.2, 4.4.2.2, 4.4.3.B.2, and 4.5.E). The Project is consistent with the Carmel Area Coastal Implementation Plan (Monterey County Code Title 20) policies, plans, and standards related to Agricultural Resources Development (20.146.070.A, 20.146.070.C, 20.146.070.D.2). The Project will retain the approximate 23-acre agricultural preserve on the east side of SR 1, while restoring the remainder of the site to floodplain habitats. The floodplain restoration will retain open spaces uses adjacent to the agricultural preserve and will not conflict with ranching activities on the adjacent frontal slopes of Palo Corona Regional Park. The Project does not include new development that will impact agricultural operations. The 53.4 acres of the Project area west of SR 1 (APNs 243 021 007) is designated for Agricultural Conservation, and the 22.8-acre property along the Carmel River east of SR 1 (APN 243 071 007) is designated for Agricultural Preservation within the Carmel Area LUP. As part of the long-term management of the Project, Big Sur Land Trust will prepare a resource management plan for the 23-acre agricultural preserve. The resource management plan will incorporate the requirements for an overall development and management plan to address agricultural uses on the Odello East portion of the Project site. Objective 4.2 of the 1982 Monterey County General Plan states '*Identify agricultural lands which are used for grazing and related purposes and preserve and enhance this agricultural resource in Monterey County*. The Project will create and maintain open space habitat compatible with the establishment of an approximately 23-acre agricultural preserve.

h) Archaeological Resources: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of archaeological resources. The Project is consistent with the Carmel Area Coastal Implementation Plan (Monterey County Code Title 20) policies, standards, goals, and objectives related to Archaeological Resource Development Standards (20.146.090.B, 20.146.090.C.1, 20.146.090.D.4, 20.146.090.E.1,2). The Project, as designed and mitigated, will avoid impacts to sensitive archaeological sites by providing public access trails on dedicated access roads and restricting public access to protect sensitive resources. Construction grading activities have the potential of inadvertently uncovering human remains or other archaeological resources as the site is located within a

highly sensitive area for archaeological resources. The Project will comply with the 1982 Monterey General Plan, Policies 12.1.2 – 12.1.7 relating to archaeological resources. Archaeological sensitive areas within and adjacent to the proposed project areas have been identified, and the threat to archaeological resources as a result of the proposed project has been evaluated. Please refer to the 2020 Final EIR Section 2.1.7 Cultural Resources for avoidance, minimization, and/or mitigation measures that have been identified to reduce or avoid impacts to archaeological resources.

Policy 2.8 of the Carmel Area Land Use Plan describes polices related to archaeological resources. The Project, as designed and mitigated, will avoid impacts to sensitive archaeological sites. The project will not cause a substantial adverse impact to a Native American resource. Mitigation measures CUL1-7 as outlined in Finding 5.e, below, is incorporated to ensure that any unknown or buried remains are not disturbed in connection with project grading, as well as for the protection of tribal cultural resources. An Archaeological Survey Report was prepared and included in EIR/EA Section 2.1.7 Cultural Resources.

i) Biological Habitat: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of biological and environmentally sensitive habitats. The Project is consistent with the Carmel Area Land Use Plan policies related to environmentally sensitive habitats (2.3.3.1, 2.3.3.2, 2.3.3.7, 2.3.3.9, and 2.3.3.10). The Project is consistent with the Carmel Areal Coastal Implementation Plan (Monterey County Code Title 20) goals, standards, policies, and objectives for environmentally sensitive habitats (20.146.040.A, 20.146.040.B.2, 20.146.040.B.6, 20.146.040.B.8, 20.146.040.B.9, 20.146.040.B.10, 20.146.040.B.11, 20.146.040.C.2.b-e, 20.146.040.C.3.a). Section 2.3 Biological Environment of the FEIR contains a detailed discussion of the Projects potential impacts to biological resources. The Project will not result in the loss of critical habitat. The Project is designed to improve and expand the natural habitat within the site by restoring it as part of the Carmel River floodplain. The Project causeway will improve wildlife passage on the historic floodplain, connecting habitat east and west of SR 1. Additionally, the Project will result in an increase in vegetation on the floodplain, which will provide protection for wildlife moving through the site. Although the project will remove riparian habitat as a result of construction, these impacts will be temporary as the implementation of the resource management plans include revegetating the Project site. The Big Sur Land Trust, in consultation with the California Department of Fish and Wildlife and the Wildlife Conservation Board will design and implement a Habitat Management Plan that will restore native species and encourage natural recruitment.

Permanent conservation easements were placed on the Odello east portion of the Project site in 1997 and 1998. Grant agreements for the Project from the California Department of Water Resources and the USFWS require a deed restriction or easement to be placed on the Project site to ensure long term maintenance of the floodplain restoration area. New or amended permanent conservation easements will be placed over the entire Project site prior to completion of the construction phase of the Project.

j) Climate Change: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to climate change. During the construction phase, the subject project will contribute to climate change as described in the FEIR/EA Chapter 3.4 (page 350 - 368). The 1982 Monterey County General Plan did not include a section on climate change but did include energy in policy 13.3.3: *'Plans for major projects shall address opportunities for reducing energy used for transportation, including pedestrian and bicycle pathways, access to transit, and roadway design*'. Bicycle facilities were considered in the design of the Proposed Project. The Causeway component of the Project incorporates 8-foot-wide shoulders, transitioning to match existing 4'-wide shoulders at the southern project limits. This shoulder width satisfies Class III bicycle facility requirements. As such, the Causeway Component of the Proposed Project will address existing deficiencies associated with this segment of SR 1.

k) Geology and Soils: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for geology and soils. The Project is consistent with the Carmel Area Land Use Plan policies 2.3.4.2 and 2.3.4.3 regarding sedimentation and preservation of the Carmel River Lagoon. The Project will improve water recharge and increase stream inflows to the Carmel Lagoon south arm as part of the natural floodplain processes. Consistent with policy 2.4.3.2, no new development or land division is included in the Project. Consistent with policies related to Erosion and Sedimentation Control in the Carmel Area Land Use Plan, the Project objectives include improving water quality, increasing groundwater recharge and restoring critical habitats. The Project design includes several sediment sequestration depressions in the grading plan for the proposed floodplain channels; however, they will not be conventional sediment basins typical within developed areas.

   An Erosion Control Plan will be included in the final design plans, consistent with the requirements of the Carmel Area Coastal Implementation Plan (Monterey County Code Title 20) policy 20.146.050.E.4. The Project will implement standard best management practices (BMPs) as required pursuant to Chapter 16.08 of the Monterey County Code and required in the Mitigation Monitoring and Reporting plan in Exhibit A, and as outlined in Finding 5.f, below.

l) Hazards and Hazardous Materials: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to hazards and hazardous materials. The Project will not involve the on-going storage of hazardous materials, though agricultural activities and ongoing weed management activities associated with the Floodplain Restoration Component may include chemical treatments. The Project is consistent with Hazard policies in section 2.7 in the Carmel Area Land Use Plan. The Project will be retained in open space and will not expose people or structures to significant hazards due to ground shaking. The Project objectives include reducing the risks to life and property in the developed areas on the north bank of the Carmel River as well as flood risks to SR 1. Project development will not result in the construction of habitable structures within the floodplain. The Project will reduce existing flooding hazards to the north overbank area while enhancing the ecological value of the site and retaining a portion of the site in agricultural uses. The Project was identified in the 2014 CSA-50 Flood Control and Stormwater Management study and will avoid the need for a number of structural improvements to the existing levees. The Project will implement non-structural methods of flood control by restoring the hydrologic connectivity of the Project site with the main channel of the river and the adjacent floodplain located west of SR 1, as discussed in the EIR/EA, Section 2.2.1 Hydrology and Floodplain and Section 2.2.2 Water Quality and Storm Water Runoff. In addition, the Project will also reduce flooding hazards to SR 1 by constructing an elevated causeway to allow floodwater to flow under SR 1. The Project does not involve substantial alterations to the existing river main stem channel or the existing south arm of the Carmel River Lagoon. The Project will restore and enhance riparian vegetation and other plant and wildlife habitat. No dredging is proposed in existing wetlands or the river corridor.

   In accordance with the Carmel Area Coastal Implementation Plan (Monterey County Code Title 20) Section 20.146.080 for Hazardous Area Standards, the Special Permit requirements for work within the floodway fringe or riverbank area will be included as part of the Coastal Development Permit application package submitted to the Coastal Commission. The Project will both reduce flood risks to adjoining properties and adjacent developed area while also enhancing riparian vegetation on the restored floodplain area. No development is proposed in the floodway.

m) Hydrology and Water Quality: The Project, as proposed, conditioned, and mitigated is consistent with applicable County policies for hydrology and the protection of water quality. The Project is located in the southern Carmel River floodplain (south floodplain) within the FEMA 100-year flood boundary and will create additional notches in existing historical levees to direct floodwater to the existing floodplain.

The Project will include grading on the floodplain and will seek a grading permit as outlined above.
The Project is consistent with water and marine resources development standards set forth in Section 20.146.050.D.2 of the Carmel Area Coastal Implementation Plan. No land divisions are proposed as part of the Project. The Project will improve conveyance of stormwater runoff into a restored floodplain area and away from developed and impervious areas. Sections 2.2.1 Hydrology and Floodplain and 2.2.3 Geology, Soils, Seismicity, and Topography of the EIR/EA evaluate the Project's potential impacts related to geology and hydrology as a result of construction and function of the Project. Mitigation has been identified to reduce downstream sedimentation associated with the removal of the existing levees and also minimize construction generated erosion. These impacts were identified as less-than-significant.
The project is consistent with Section 20.146.050.E.4 of the Carmel Area Coastal Implementation Plan related to water and marine resources development standards, erosion and sedimentation control. Restoration planting will be phased on the limited available water to the Project site. Available water supplies include riparian water rights and wells on Carmel River State Beach and Palo Corona Regional Park, as well as BSLT Appropriative Water Right License 13888 (Permit 20905A), which allows for the diversion of up to 28.1 acre-feet per year from Odello Well #2. The Project is located at the downstream end of the Carmel River, approximately one mile from its terminus in Carmel Bay. Carmel Bay is located within the Monterey Bay National Marine Sanctuary and is considered an Area of Special Biological Significance by the State Water Resources Control Board. An Erosion Control Plan will be included in the final design plans, consistent with these requirements. The Project will be required to implement standard BMPs as required pursuant to Chapter 16.08 of the Monterey County Code, and outlined in the MMRP, and Finding 5, below, as mitigation measure WAQ-2.

n) Land Use and Planning: The project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to land use and planning. The Project objectives to reduce flooding hazards along the north floodplain, and to improve the natural and historic functions and values of the lower Carmel River and Carmel Lagoon will achieve many of the goals and objectives of the evaluated policies by enhancing the site's ecological and hydrological value while also preserving the agricultural heritage of the site.
The Carmel Area Land Use Plan policy 4: Land Use and Development, describes permitted use in the Carmel Coastal segment, appropriate agricultural activities, and permitted development. The consistency of the Project with these policies is described in the EIR/EA (Appendix F, pages A-64 – A–67). While Carmel Area LUP Policy 4.4.3.F.2

designates the property for “Special Treatment” and will allow expanded development opportunities on the site, this policy does not require or mandate a greater intensity of development. The proposed development of the site for habitat protection, flood control, and long-term preservation of agricultural production is consistent with other LUP policies regarding resource conservation, flood protection, environmentally sensitive habitat, and visual resources. These other LUP policies support and encourage the proposed reuse of the Odello East property. The Odello East property is located within the 100-year floodplain of the Carmel River, and under the Flood Hazards section of the LUP, policies encourage the use of this area for open space, agriculture, passive to low intensity recreation, and wildlife habitat (Policy 2.7.4.1). Furthermore, Policy 2.7.4.3 encourages the development of a floodplain management program for the lower Carmel River Valley that will emphasize the use of nonstructural methods of flood protection which do not involve substantial alterations of the river and shall seek to preserve the river's natural plant and wildlife habitat and aesthetic values. The CRFREE project will be a key component of floodplain management for the lower Carmel River Valley area. The proposed habitat protection is supported by LUP Policies 2.3.3.2 and 2.3.3.4, which direct that land uses adjacent to locations of environmentally sensitive habitats (i.e., the Carmel River) be compatible with the long-term maintenance of the resource and not degrade the resource, and retention of contiguous areas of undisturbed land in open space. LUP Policies 4.5.D and E support the preservation and conservation of viable agricultural land capable of long-term productivity, specifically identify the Odello parcel, and also allow the use of agricultural lands for flood overflow. The 1982 Monterey County General Plan policies 1.1 and 4.2 describe objectives for open space and agricultural land use. The Project is consistent with these, and other 1982 Monterey County General Plan policies. The Project will result in the establishment and maintenance of open space where its use will preserve, conserve, and maintain the natural resource and physical features of Monterey County. The Project will create and maintain open space habitat compatible with the establishment of a 23-acre agricultural preserve. The 1982 Monterey County General Plan policy 15.2.3 states the requirements for which a discretionary permit is required, including filling, grading, and construction within 200 feet of the riverbank or within the 100-year floodway. The Project has been designed to improve critical and sensitive habitat function and value. Construction of the Project will result in removal of riparian habitat. However, removal of this habitat is necessary in order to create the hydrologic characteristics on the site to restore critical and sensitive habitats in addition to mitigated replacement of the removed vegetation areas, primarily due to levee removal and grading of new channels to conform to the south arm of

the Carmel Lagoon and expand its restoration area. The Project will result in an increase of habitat features on-site by restoring the site to its historical function as part of the Carmel River floodplain. To mitigate for impacts to riparian habitat resulting from vegetation removal and grading, the RMP prepared for the Project includes replanting within the Project site of 10.8 acres of willow and cottonwood riparian forest to mitigate for impacts to intact and degraded riparian forest, and mixed riparian forest to mitigate for impacts to riparian scrub.

o) Noise: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to noise control. A project specific noise study was prepared by County consultants as part of the EIR/EA, Chapter 3.3.13 (pages 333-335). The operation of the Project will not result in a permanent increase in ambient noise levels as it will not include any increases in traffic or creation of new permanent noise sources.

The Project will comply with policies 22.2.1 and 22.2.5 of the 1982 Monterey County General Plan regarding noise parameters and ambient sound, as described in the MMRP, in mitigation measures NSE-1-3, and in Finding 5, below. The County of Monterey Noise Control Ordinance, codified at Chapter 10.60 of the Monterey County Code, establishes a maximum noise-level standard of 85 dB at 50 feet for non-transportation noise sources. The County's noise ordinance also includes nighttime noise limitations for non-transportation noise sources. During the nighttime hours between 9:00 p.m. and 7:00 a.m., noise levels shall not exceed 45 dBA Leq or 65 dBA Lmax, measured at the property line of the noise source. The ordinance applies in coastal and non-coastal unincorporated areas of the County.

p) Public Services and Transportation: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for public services and transportation. The Project is consistent with the goals, standards, objectives, and policies of the 1982 Monterey County General Plan related to public transportation and public service (26.1.8, 35.1.2, 37.2.1, 37.3, 38.1, 39.2.2, 39.4.3, 41.1.2, 45.1.4). The Project will not increase the traffic volume or capacity. The Project will comply with safety standards to ensure the safe operation of the County's transportation systems and will plan for transportation modes that ensure the good air quality and reduce the need to devote additional lands to transportation use. There will be no increase in demand for emergency services as a result of the project. The Project is consistent with key policies 3.1 regarding Transportation in the Carmel Land Use Plan. The Project will replace a segment of SR 1 embankment with an elevated causeway. SR 1 will remain a two-lane highway through the Project area. The Project areas adjacent to SR 1 on both the east and west sides will be retained in open space land uses. Improvements to SR 1 will be consistent with the Caltrans Big Sur Coast Highway Management Plan. The Project design includes the

addition of a Class III bicycle lane on SR 1. Mitigation Measure TT-1 as described in the MMRP and Finding 5, below, requires a Transportation Management Plan to be submitted to Caltrans prior to the issuance of an encroachment permit for the causeway component. (Exhibit A)

q) Water Availability: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies regarding water supply/availability. The Project is consistent with the Carmel Area Coastal Implementation Plan (Monterey County Code Title 20) objective 20.146.050.E.1.a regarding water availability. Sufficient water supplies are available to serve the Project from existing entitlements. West of SR 1, State Parks has a riparian well (to be relocated by the Project) that will provide sufficient irrigation supplies to support the Project's restoration activities on State Parks' property. East of SR 1, BSLT holds Water Right License 13888 with an appropriative right to divert 28.1 acre-feet per year for irrigation purposes from Odello Well #2. Monterey Peninsula Regional Park District (MPRPD) also maintains a riparian well (Riverfield well) that can be used for any minimal irrigation needed for the restoration on 3.3 acres of MPRPD property at the far eastern end of the Project site. In October 2017, the State Water Resources Control Board approved BSLT's water rights change petition to expand the place of use for License 13888 to add the 79-acre property that was donated to BSLT by Clinton Eastwood and the Margaret Eastwood Trust to the original 49-acre place of use, for a total place of use in License 13888 of approximately 128 acres. The resource management plan habitat restoration planting phasing and an irrigation schedule will be implemented only with the available water right under License 13888 (28.1 AFY).

r) Public Access in the Coastal Zone: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for public access in the Coastal Zone. The Project will provide increased public access to the Carmel River State Beach and coastal resources, as well as Palo Corona Regional Park. However, the creation and expansion of these recreational facilities will not result in a substantial deterioration of the existing parks or result in adverse physical effects on the environment.

The Project is consistent with Carmel Area Land Use Plan key policies 5.3 regarding public access. Key policy 5.3.1 states that public access shall be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. The Project will provide public access trails on dedicated maintenance access roads and will restrict public access to protect public safety and sensitive resources. The locations of the proposed maintenance access roads and trails are sited in a manner consistent with the changes in topography on the project

site and will restrict public access within the restoration areas during periods of plant establishment.

s) The Project, as proposed, conditioned, and mitigated is consistent with applicable County policies found in the Carmel Area Land Use Plan, as supplemented by the 1982 Monterey County General Plan.

t) The Project, as proposed, conditioned, and mitigated is consistent with applicable County policies found in the Monterey County Zoning Ordinance Title 20, Monterey County Code.

3. FINDING: PREVIOUSLY ADOPTED EIR - The Board of Supervisors previously certified the Environmental Impact Report/Environmental Assessment (SCH#2011021038) for the CRFREE Project on January 28, 2020. The Board of Supervisors has considered the EIR/EA in taking the actions herein to approve the Project. The Board further finds that there have been no substantial changes in the Project, substantial changes in the circumstances under which the Project is being undertaken, or new information of substantial importance, which was not known and could not have been known at the time that the EIR/EA was certified, that will require major revisions to the EIR/EA.

EVIDENCE: A Final EIR/EA for the project was prepared by the Resource Management Agency (now the Housing and Community Development Department) as lead agency under the California Environmental Quality Act (CEQA) and by the United States Fish and Wildlife Service (USFWS) for the floodplain restoration portion of the project as lead agency under the National Environmental Policy Act (NEPA), and by the California Department of Transportation (CalTrans) for the causeway portion of the project. The Monterey County Board of Supervisors certified the EIR/EA on January 28, 2020. USFWS issued a Finding of No Significant Impact (FONSI) on October 30, 2020 for the floodplain restoration portion. A NEPA finding is pending from CalTrans for the causeway portion.

a) In accordance with CEQA Guidelines Section 15087, which requires the CEQA lead agency to publish a public Notice of Availability (NOA) of a draft CEQA document at the same time it sends a Notice of Completion to the Office of Planning and Research, the County sent a NOA for the Draft EIR/EA to the State Clearinghouse on March 7, 2019. The NOA was published in the Monterey County Weekly newspaper and on the County's and United States Fish and Wildlife Service's websites and was sent via mail to all property owners/occupants near the Project area and community members who requested notification during the scoping meetings.

b) The Draft EIR was circulated for public review from March 8, 2019 to April 22, 2019. Comments from residents, public agencies, and tribal governments were received. The Final EIR/EA includes responses to all significant environmental issues raised in the comments received.

c) The EIR/EA includes mitigation measures that will reduce all impacts to a less than significant level. As part of the action taken herein, the Board is adopting a Mitigation Monitoring and Reporting Program that incorporates the mitigation measures in the same or equally effective form.
d) Issues that were analyzed in the EIR include: geology/soils, hydrology/water quality, groundwater resources, marine resources, biological resources, hazards and hazardous materials, land use/land use planning/recreation, traffic/transportation, air quality, greenhouse gas emissions, noise/vibration, public services/utilities, aesthetic resources, cultural/paleontological resources, agriculture/forestry resources, mineral resources, energy conservation, population/housing, socioeconomics/environmental justice. Findings with respect to each of the identified significant effects are set forth below pursuant to CEQA Guidelines sections 15091 and 15093.

4. **FINDING:** EIR- ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR WITH NO IMPACT OR LESS THAN SIGNIFICANT IMPACT – The FINAL EIR found that the CRFREE project will have no impact or less than significant impacts on the areas listed below and fully detailed in the FINAL EIR.
    a) The following impacts, fully detailed in the FINAL EIR, will have no impact; Aesthetics (3.3.1(d)); Agriculture and Forest Resources (3.3.2(b), 3.3.2(c), 3.3.2(d)); Air Quality (3.3.3(a), 3.3.3(b), 3.3.3(c)); Biological Resources (3.3.4(d), 3.3.4(e), 3.3.4 (f)); Energy (3.3.6(b)); Geology and Soils (3.3.7(a.i), 3.3.7(a.iv), 3.3.7(b), 3.3.7(c), 3.3.7(d), 3.3.7(e)); Greenhouse Gas Emissions (3.3.8(b)); Hazards and Hazardous Materials (3.3.9(c), 3.3.9(d), 3.3.9(e), 3.3.9(f), 3.3.9(h)); Hydrology and Water Quality (3.3.10(b), 3.3.10(e), 3.3.10(f), 3.3.10(h), 3.3.10(j)); Land Use Planning (3.3.11(a), 3.3.11(b), 3.3.11(c)); Mineral Resources (3.3.12(a), 3.3.12(b)); Noise (3.3.13(c), 3.3.13(e), 3.3.13(f)); Population and Housing (3.3.14(a), 3.3.14(b), 3.3.14(c)); Public Services (3.3.15(c)); Recreation (3.3.16(a), 3.3.16(b)); Transportation/Traffic (3.3.17(c), 3.3.17(d), 3.3.17(f)); Utilities and Service Systems (3.3.19(a), 3.3.19(b), 3.3.19(c), 3.3.19(d), 3.3.19(e), 3.3.19(f), 3.3.19(g)).
    b) The following impacts, fully detailed in the FINAL EIR/ES, will have a less than significant impact; Agriculture and Forest Resources (3.3.2(a), 3.3.2(e)); 3.3.3(e)); Energy (3.3.6(a)); Greenhouse Gas Emissions (3.3.8(a)); Mandatory Findings of Significance (3.3.20(b), 3.3.20(c)).
    c) The Final EIR/EA for the CRFREE project (SCH#2011021038), certified by the Monterey County Board of Supervisors on January 28, 2020.

5. **FINDING:** EIR- POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES – The Project will result in significant and potentially significant impacts that will be mitigated to a less than

significant level due to incorporation of mitigation measures from the EIR/EA into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment as identified in the Final EIR/EA. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan being adopted with this approval.

EVIDENCE: The EIR identified potentially significant impacts that require mitigation to Aesthetics and Visual Resources; Air Quality; Biological Resources; Climate Change; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; and Public Services and Utilities, which could result from components of the project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of project approval. The Board of Supervisors is approving the Project subject to conditions of approval that incorporates the proposed mitigation measures.

a) Aesthetics and Visual Resources (3.3.1 a – c). The Project will potentially have an adverse environmental effect on aesthetics and visual resources that is mitigated to less than significant with incorporation of mitigation measures. The Project will improve the overall visual character of the site by restoring it as part of the Carmel River floodplain; however, it will also construct a new causeway structure in place of an existing section of SR 1. Once construction of the causeway is complete, SR 1 will remain a two-lane conventional highway with 12-foot travel lanes; however, the causeway incorporates eight-foot-wide shoulders, transitioning to match existing four-foot-wide shoulders at the southern Project limits. The causeway will also include a southbound left turn lane at the Palo Corona Regional Park entrance. The wider highway shoulders will have a somewhat more engineered visual character than the current visual character and the proposed bridge rail and guard rails will cause a minor reduction of views from the highway. The EIR/EA identified the following impact related to aesthetics and visual resources and associated mitigation measures to mitigate the impact to less than significant (pages 281 – 282).

   IMPACT: The Project will cause approximately 25 mature trees to be removed from the highway roadside within the Project limits, resulting in potentially significant visual impact as seen from SR 1. The Project will also result in visual impacts due to ground disturbing activities and construction, including the installation of the temporary detour road, temporary staging on both sides of SR 1, and grading activities associated with the Floodplain Restoration Component. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measures.

   NC -1 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

NC-2 Prior to issuance of a grading permit, the Project Applicants shall retain a qualified Project Biologist to monitor ground disturbing construction activities (i.e., vegetation removal, grading, excavation, or similar activities) to ensure measures to protect sensitive habitats are implemented. After ground disturbing and vegetation removal activities are complete, or earlier if determined appropriate by the Project Biologist, the Project Biologist will designate a construction monitor to oversee on-site compliance with all avoidance and minimization measures. The Project Biologist shall ensure that this construction monitor receives the sufficient training in the location of the sensitive habitats within and adjacent to the Project site and the protective measures afforded to them. The Project Biologist shall ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols by conducting site visits approximately weekly or when necessary, as dictated by the Project activities, proximity to sensitive resources, or other reasons at the discretion of the Project Biologist. Both the Project Biologist and the construction monitor shall have the authority to stop and/or redirect Project activities to ensure protection of resources and compliance with all environmental permits and conditions of the Project. The Project Biologist and the construction biological monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the Project that shall be provided to the County upon completion of the construction.

VA-1 Bridge rail shall be Type 80 with architectural texture and color.

VA-2 Bicycle and pedestrian rail shall be colored to compliment the Type 80 bridge rail.

VA-3 All new and replaced guardrail and end treatments shall be colored to reduce reflectivity and blend with the natural setting. Coloring shall be applied to metal posts and beams.

VA-4 A minimum of two trees will be planted for each tree removed from Caltrans right-of-way. Replacement trees will be planted within the Caltrans right-of-way to the greatest extent possible considering horticultural viability and safety requirements. These trees will be installed, maintained and monitored according to the methods and requirements for the Tier 1 compensatory mitigation planting detailed in the RMP prepared for the project and other measures required by Caltrans as part of the Encroachment Permit process. The trees will consist of native, locally occurring species that are compatible with the Tier 1 plantings. The location of the mitigation plantings within the Caltrans right-of-way will be determined as part of the PS&E stage of the Project and will maximize connectivity with adjacent Tier 1 riparian mitigation planting areas outside of the right-of-way.

b) Air Quality (3.3.3 d). The Project will potentially have an adverse environmental effect on air quality resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impact related air quality and associated mitigation measures to mitigate the impact to less than significant (pages 285 – 287).

IMPACT: Operation of the Project will not result in exposure of sensitive receptors to substantial pollutant concentrations. However, construction activities (e.g., excavation, grading, on-site vehicles) associated with the Project will result in short-term increases in fugitive dust and PM10. The Project may generate PM10 emissions that will exceed applicable Monterey Bay Air Resources District thresholds of significance (82 lb/day or more of PM10) in the absence of mitigation. Implementation of the mitigation measure provided below will ensure that temporary construction related PM10 emissions resulting from the Project will be below the applicable 82 lb/day PM10 threshold. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measure.

AQ-1 The Project Contractor shall comply with Caltrans' Standard Specifications in Section 14(2010).

- Section 14-9.01 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.
- Section 14-9.02 is directed at controlling dust. AQ-2 In order to reduce potential adverse air quality effects associated with Project construction, BMPs to reduce PM10 emissions shall be implemented by the Project Contractor to the extent practicable throughout the duration of Project construction. Standard BMPs may include, but are not limited to:
- Apply water to the site and equipment as frequently as necessary to control fugitive dust emissions. No dust palliative materials other than water are to be used within the floodplain.
- Spread soil binder on any unpaved roads used for construction purposes and all Project construction parking areas, when practical.
- Wash off trucks as necessary to control fugitive dust emissions.
- Properly tune and maintain construction equipment and vehicles. Use low-sulfur fuel in all construction equipment as provided in California Code of Regulations Title 17, Section 93114.

- Locate equipment and material storage sites as far away from residences and recreational areas as practical. Keep construction areas clean and orderly.
- Use track-out reduction measures such as gravel pads at Project access points to minimize dust and mud deposits on roads affected by construction traffic.
- Cover all transported loads of soils and wet materials prior to transport to minimize emission of dust (particulate matter) during transportation.
- To decrease particulate matter, promptly and regularly remove dust and mud that is deposited on paved, public roads due to construction activity and traffic.
- Route and schedule construction traffic to avoid peak travel times as much as possible, to reduce congestion and related air quality impacts caused by idling vehicles along local roads.
- Locate construction equipment and truck staging and maintenance areas to the extent feasible and nominally downwind of schools, active recreation areas, and other areas of high population density.
- Cover inactive storage piles.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBARD shall be visible to ensure compliance with Rule 402 (Nuisance).

c) Biological Resources (3.3.4 a-c). The Project will potentially have an adverse environmental effect on biological resources that is mitigated to less than significant with incorporation of mitigation measures. The Project will provide increased habitat and significantly improved habitat values for protected animal species over time by restoring the site as part of the Carmel River floodplain. Approximately 100 acres of the Project site will be put under a permanent conservation easement that will preclude agricultural practices into perpetuity, which will result in beneficial impacts to common and special-status wildlife species by reducing the amount of allowable agricultural use and expanding the native habitats. The Proposed Project will improve wildlife passage by increasing connectivity through the historic floodplain, under the causeway, and between the habitat east and west of SR 1. Additionally, the Project will result in an increase in vegetation on the floodplain, which will provide protection for wildlife moving through the site. The EIR/EA identified the following impact related biological resources and associated mitigation measures to mitigate the impact to less than significant (pages 288 – 302).

IMPACT: The Proposed Project may still result in impacts to special-status animal and plant species. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measures for the Project.

HAZ-3 Cleaning and refueling of equipment and vehicles during construction shall occur only within designated staging areas. No maintenance, cleaning, or fueling of equipment shall occur within riparian areas and, at a minimum, all equipment and vehicles will be checked and maintained by the Project Contractor on a daily basis to ensure proper operation and avoid potential leaks or spills. During construction, all construction-related spills of hazardous materials within or adjacent to the construction site will be cleaned up immediately. Spill prevention and clean-up materials shall be onsite at all times during construction. Construction materials/debris will also be stored within the designated staging areas. No debris, soil, silt, sand, oil, petroleum products, cement, concrete, or washings thereof shall be allowed to enter into, or be placed where they may be washed by rainfall or runoff, into riparian habitats or adjacent wetland habitats. All construction related spills of hazardous materials within or adjacent to the construction site shall be reported to the Project Biologist and construction biological monitor immediately. The Project Biologist and construction biological monitor shall include any spill-related issues and resolutions in the daily log.

NC-1 and NC-2 as described above in evidence b.

NC-3 Prior to construction initiation, protective fencing shall be placed so as to keep construction vehicles and personnel from impacting riparian vegetation and other sensitive habitats adjacent to the Project site outside of grading limits. Trees or vegetation not required for removal, but directly adjacent to construction activities, shall be provided appropriate protection from impacts of construction activity. This includes fencing off shrubby vegetation and protective wood barriers for trees. Protective fencing for trees shall be far enough from trunk to adequately protect roots and large branches (typically installed at the drip line). Orange cyclone fencing or other materials that can entrap wildlife shall not be used. Protective fencing shall be installed under the supervision of the Project Biologist. The Project Biologist and/or construction biological monitor shall monitor the fencing to ensure that the protective fencing remains intact, and that all construction work is maintained within the limits of construction. Installation and monitoring of the fencing shall be documented in the daily log. NC-4 To mitigate for impacts to riparian habitat resulting from vegetation removal and grading, the RMP prepared for the Project includes replanting willow and cottonwood riparian forest within

the Project site at a 3:1 ratio for the area of riparian forest disturbed and at a 2:1 ratio for the area of degraded riparian forest and riparian scrub disturbed (11.3 acres replanted). All compensatory mitigation will be installed during Tier 1 of the restoration, as described in the Project Description. TAS-1 Prior to construction activities the Project Biologist shall conduct an Employee Education Program for the construction crew. The Project Biologist shall meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: a) a review of the Project boundaries including staging areas and access routes; b) the special-status species that may be present, their habitat, and proper identification; c) the specific minimization and avoidance measures that will be incorporated into the construction effort, d) the general provisions and protections afforded by the Service and CDFW; and e); and the proper procedures if a special-status animal is encountered within the construction area. Each employee that receives the training shall sign a sign-in sheet provided by the Project Biologist that shall be included in the daily log.

AS-2 The Project Biologist shall monitor ground disturbing construction activities (i.e., vegetation removal, grading, excavation, or similar activities) to protect any special status species encountered. The Project Biologist shall remain available to come to the site if a special-status species is identified until all ground disturbing activities are completed. Any handling and relocation protocols of special-status wildlife species shall be conducted by a qualified biologist with an appropriate scientific collection permit. After ground disturbing and vegetation removal activities are complete, or earlier if determined appropriate by the Project Biologist, the qualified biologist will designate a construction biological monitor to oversee on-site compliance with all avoidance and minimization measures. The Project Biologist shall ensure that this construction biological monitor receives the sufficient training in the identification of special-status species. The Project Biologist shall ensure the construction biological monitor is satisfactorily implementing all appropriate mitigation protocols by conducting site visits approximately weekly or when necessary, as dictated by the Project activities, proximity to sensitive resources, or other reasons at the discretion of the Project Biologist. Both the Project Biologist and the construction biological monitor shall have the authority to stop and/or redirect Project activities to ensure protection of resources and compliance with all environmental permits and conditions of the Project. The Project Biologist and the construction biological monitor shall include in the daily log any special-status wildlife species observed and relocated. AS-3 All trash that may attract predators shall be properly contained,

removed from the construction site, and disposed of regularly by the Project Contractor. Following construction, all trash and construction debris shall be removed from work areas. The Project Biologist and construction biological monitor shall monitor the Project site to ensure trash removal is implemented and shall include any trash-related issues and resolutions in the daily log.

AS-4 The Project Applicants shall retain a qualified biologist to conduct pre-construction surveys in suitable Monterey dusky-footed woodrat habitat proposed for construction, ground disturbance, or staging within three days prior to construction and maintenance activities for woodrat nests within the Project area and in buffer zone 25 feet out from the limit of disturbance. All woodrat nests will be flagged for avoidance of direct construction impacts, where feasible. Nests that cannot be avoided will be manually deconstructed prior to land clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material will be replaced, and the nest shall be left alone for 2-3 weeks before a re-check to verify that young are capable of independent survival before proceeding with nest dismantling. For the construction phase only, the qualified biologist shall prepare a pre-construction survey report that documents the survey dates and results that shall be provided to the County prior to construction. If nest monitoring is necessary during construction, the qualified biologist shall prepare a construction monitoring report that documents the monitoring dates, activities, and results.

IMPACT: If construction occurs during the nesting season, there is the potential to impact nesting and special status raptors, riparian avian species, special-status ground-dwelling avian species, and other special-status avian species. Construction activities such as vegetation removal or site grading during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the Project site and adjacent areas of the BSA.

AS-5 To avoid impacts to nesting birds, vegetation proposed for removal for construction and maintenance will be removed prior to the nesting season (February 15 through September 1). If this is not possible, pre-construction surveys shall be conducted for nesting raptors, riparian avian species, or other special-status avian species in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the Project boundary by a qualified biologist within 15 days prior to the commencement of construction activities. If nesting birds are identified during pre-construction surveys, an appropriate buffer will be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). A qualified biologist shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the

buffer is adequate and that the nest is not stressed and/or abandoned. No work may proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 1 (when young are assumed fledged). For the construction phase only, the qualified biologist shall prepare a pre-construction survey report that documents the survey dates and results that shall be provided to the County prior to construction. If nest monitoring is necessary during construction, the qualified biologist shall prepare a construction monitoring report that documents the monitoring dates, activities, and results.

IMPACT: Individual Coast Range newts, California legless lizards, and western pond turtles may be impacted during the construction phase of the Project as a result of ground disturbing activities.

AS-6 A qualified biologist shall conduct pre-construction and maintenance surveys for coast range newts, California legless lizards, and western pond turtles and their nests within three days prior to the commencement of activities. If an individual is found in any areas prior to or during these surveys, a qualified biologist shall relocate the individual from the site to a suitable location. If a western pond turtle nest is found during the survey, it will be monitored and avoided until the eggs hatch. For the construction phase only, the qualified biologist shall prepare a pre-construction survey report that documents the survey dates and results that shall be provided to the County prior to construction. If western pond turtle nest monitoring is necessary during construction, the qualified biologist shall prepare a construction monitoring report that documents the monitoring dates, activities, and results.

IMPACT: As identified in Section 2.3.6 Invasive Species, the Proposed Project may result in the expansion of bullfrog population within the vicinity, if permanent water is established within the water quality pond, which may result in a decline in native amphibian species, including the federally listed CRLF.

IS-2 The agricultural water quality pond and restored floodplain shall not provide permanent standing water sufficient to allow American bullfrog to successfully breed. The Project Applicants shall be responsible for monitoring on an annual basis. If it is determined that the pond or restored floodplain is likely to maintain permanent water, it will be modified to ensure that it is dry for 72 hours in the month of September or alternative American bullfrog management is initiated.

d) Cultural Resources (3.3.5 a-d). The Project will potentially have an adverse environmental effect on cultural resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impacts related to cultural resources and associated mitigation measures to mitigate the impact to less than significant (pages 303– 309).

IMPACT: The Carmel River Floodplain Agricultural Landscape and Historic District which consists of 13 separate features within and adjacent to the Project. No direct impacts to the Carmel River Floodplain Agricultural Landscape and District will result from the construction of the Project; indirect, operational impacts resulting from an increase in backwater flood elevations may occur at the Barn Complex as a result of the Project. All of the buildings that comprise the Barn Complex are located within the 100-year floodplain and are currently at risk under existing conditions. However, due to the larger volume of flow that will be routed under the causeway and out to the south arm of the Carmel Lagoon under the Preferred Project and Secondary Channel Alternative, the 100-year flood elevation will potentially increase by as much as 0.1 foot at the Complex. This means that compared to existing conditions, the Complex will be subject to a maximum increase of 1.2 inches in surface water elevation during the 100-year flood event post-Project.

The Project may result in a significant impact that can be reduced to less-than-significant with implementation of the following Mitigation Measures.

> CUL-9 The Creamery and Blacksmith Shop will be raised and placed on concrete foundations prior to the levee plugs being removed (approximately three to five years following construction). It is anticipated that the buildings will be elevated between six to eight inches and then placed on concrete perimeter or pier foundations. Existing engineering plans, which were originally prepared by State Parks, shall be updated prior to implementation of this measure to reflect any changed conditions or changes in building codes since the original preparation. The State Parks historian shall be contacted prior to construction work on the Creamery and Blacksmith Shop. The County intends to enter into a MOU with State Parks prior to the initiation of construction that outlines the details of this effort, including cost sharing. The MOU shall include the minimum experience requirements of the contractor(s) who bid for the lifting, cribbing, and moving of the structures and the foundation repair. The MOU shall have concurrence by the State Parks historian with regard to writing specifications for qualified contractor to raise each building, prior to executing a contract.

IMPACT: The Fish Ranch adobe is located outside of, but adjacent to, the grading limits of the Project. Work outside of Project limits could impact this historic resource. This is potentially significant impact that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measures.

> CUL-1 The final grading plan for activities shall be prepared in consultation with a qualified archaeologist and an OCEN representative and an ETMC representative. The Monterey District

State Parks archaeologist shall review the final grading plan for activities on State Parks property.

CUL-2 Cultural resource sensitivity training will be provided for grading crews prior to the initiation of construction with the Project Archaeologist and Native American monitor(s). Native American monitor(s) means a reasonably trained or otherwise qualified monitor who is also a descendant of OCEN or ETMC. Cultural resource sensitivity training shall be provided by the State Parks archeologist for grading activities on State Parks property. During this training, the construction contractor, Project Archaeologist, State Parks archeologist, and Native American monitor(s) will agree on a communication plan and initial steps to implement Mitigation CUL-4 if potentially significant cultural resources are encountered.

CUL-8 Installation of exclusionary fencing around the Fish Ranch Adobe shall be installed prior to the initiation of construction by the contractor under the supervision of the Project Archeologist. The purpose of the exclusionary fencing is to ensure construction activities avoid all impacts to this historic resource. Documentation of the installation of the fencing will be provided to the County prior to construction. Construction-phase monitoring will be conducted on weekly basis to ensure the exclusionary fencing is maintained during construction of the Project. The County will be notified immediately in the case that the fences are not being properly maintained.

IMPACT: The Project is within a highly sensitive zone for buried archaeological resources. Construction grading activities have the potential of inadvertently uncovering human remains or other archaeological resources as the site is located within a highly sensitive area for archaeological resources. This is a potentially significant impact that can be reduced to less than significant with the implementation of the following mitigation measures.

CUL-1 The final grading plan for activities shall be prepared in consultation with a qualified archaeologist and an OCEN representative and an ETMC representative. The Monterey District State Parks archaeologist shall review the final grading plan for activities on State Parks property.

CUL-2 Cultural resource sensitivity training will be provided for grading crews prior to the initiation of construction with the Project Archaeologist and Native American monitor(s). Native American monitor(s) means a reasonably trained or otherwise qualified monitor who is also a descendant of OCEN or ETMC. Cultural resource sensitivity training shall be provided by the State Parks archeologist for grading activities on State Parks property. During this training, the construction contractor, Project Archaeologist,

State Parks archeologist, and Native American monitor(s) will agree on a communication plan and initial steps to implement Mitigation CUL-4 if potentially significant cultural resources are encountered.

CUL-3 A professional archaeologist shall be on call to quickly assess any potentially significant cultural materials, archaeological resources, or human remains that might be uncovered during Project excavations. At least one Native American monitor, and up to one Native American monitor per excavation activity, shall be on site during excavation west of SR 1. Additionally, at OCEN's and ETMC's discretion, up to one Native American monitor per excavation activity is optional east of SR 1. The Project Archeologist shall communicate and coordinate with the Native American monitor(s) in regard to all data collection and the evaluation of all artifacts. Prior to the issuance of any grading permit for the Floodplain Restoration Component, the Project Applicants shall submit evidence to the County demonstrating that an on-call professional archaeologist and the Native American monitor(s) have been retained. The Project Archeologist and the Native American monitor(s) shall be provided contact, access, and schedule information sufficient to facilitate their monitoring efforts.

CUL-4 If, at any time during Project construction, potentially significant cultural resources are encountered, work shall cease within 50 feet of the find until the Project Archaeologist, Native American monitor(s), and the State Parks archeologist (for discoveries within State Parks property) can evaluate the discovery. If the find is determined to be significant, steps shall be taken to protect the find from further damage or disruption. The Service's Regional Historic Preservation Officer (RHPO) and the County will be notified. Additionally, an appropriate mitigation plan shall be developed and implemented with the concurrence of the Lead Agencies and in consultation with an OCEN representative and an ETMC representative.

CUL-5 The Project Archaeological and Native American monitor(s) shall closely coordinate the recovery of any significant cultural materials that may be found in the excavated soil. If determined appropriate and necessary by the monitors, they shall selectively screen soil samples through 1/8" mesh to facilitate data recovery. The property owner, in consultation with the County, shall determine how best to proceed with all materials remaining in the screen and recovered artifacts of interest. Removal of any/all cultural deposits or features on State Parks property shall not occur unless the State Parks archaeologist has been contacted and has been on site to determine how best to proceed.

CUL-6 In accordance with California PRC Sections 5097 and 7050.5, if, at any time, human remains are discovered, the

Monterey County Coroner and Service's RHPO must be notified. For discoveries of human remains within State Parks property, the State Parks archeologist shall also be notified. If the Coroner determines that the remains are likely to be Native American, the Native American Heritage Commission will be notified and will appoint a Most Likely Descendent (MLD) to provide recommendations for the disposition of the remains and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in California PRC 5097.98.

CUL-7 A Final Technical Report detailing the results of all analyses shall be completed within six months following the completion of monitoring work. This report shall be submitted to the Lead Agencies, the Northwest Information Center, Sonoma State University, the Chairperson of the OCEN, and the Chairperson of the ETMC. The report shall also be submitted to the State Parks archaeologist for any and all findings on the State Parks portion of the Project.

CUL-10 Prior to issuance of the grading permit for the project, BSLT, project co-applicant, shall enter into an agreement with the County that provides the following:

- Documented evidence that BSLT has offered a location on BSLT property to OCEN for reinternment of Native American human remains, should any be found at the during construction of the Project;
- BSLT statement of intent to provide post-project construction access at the Project site to OCEN members to collect native materials for cultural purposes, and a date certain by which BSLT will provide documented evidence that BSLT has offered a mechanism to provide said access to OCEN;
- BSLT statement of intent to work with OCEN to collaboratively develop interpretive information and materials about the history of the OCEN people at the Project site; and
- A provision indicating that BSLT will consider requests from OCEN, ETMC, and other tribes for cultural and educational activities at the Project site.

e) Geology and Soils (3.3.7 a.ii, a.iii, b). The Project will potentially have an adverse environmental effect on geological and soils resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impacts related to geology and soils and associated mitigation measures to mitigate the impact to less than significant (pages 311– 314).

IMPACT: The Proposed Project site is located in a seismically active region and is within proximity to several active and potentially active faults. Due to the site's proximity to known faults, the site has the potential for moderate to high seismic activity. A moderately sized earthquake on any of the faults could expose the causeway to potential seismic-related hazards.

GEO-1 A design-level geotechnical report shall be prepared, by a licensed geotechnical engineer, to include analysis of site conditions and geologic hazards, conclusions, and project design recommendations. A copy of this report shall be submitted to Caltrans and the County for review and approval.

GEO-2 The final design of the proposed causeway shall be completed in accordance with the recommendations of the detailed design-level geotechnical report that addresses potential hazards associated with lateral spreading and liquefaction. A licensed geotechnical engineer shall review the final construction plans and certify their recommendations have been incorporated into the project design. A copy of the construction plans and certification letter shall be submitted to Caltrans and the County for review and approval.

IMPACT: Removal of portions of the existing south bank levees could, however, expose the remnant non-structural levees to potential seismic-related hazards related to ground shaking due to the weakened nature of remnant levee margins. As a result, the remaining levees could be susceptible to potential hazards during a strong seismic event if disturbed areas are not adequately re-planted and/or re-engineered to strengthen the remnant levee margins. However, the remaining levee "islands" will be reinforced by adding fill to the floodplain side of the retained levee segments such that the flow leaving the main river channel is oriented towards the direction of flow on the floodplain. Additionally, the retained levee "islands" will preserve important areas of existing vegetation that will support colonization and expansion of riparian communities along the banks, which will ensure levee stability.

GEO-1 A design-level geotechnical report shall be prepared, by a licensed geotechnical engineer, to include analysis of site conditions and geologic hazards, conclusions, and project design recommendations. A copy of this report shall be submitted to Caltrans and the County for review and approval.

GEO-2 The final design of the proposed causeway shall be completed in accordance with the recommendations of the detailed design-level geotechnical report that addresses potential hazards associated with lateral spreading and liquefaction. A licensed geotechnical engineer shall review the final construction plans and certify their recommendations have been incorporated into the project design. A copy of the construction plans, and certification

letter shall be submitted to Caltrans and the County for review and approval.

IMPACT: There is a moderate to high liquefaction potential in the Carmel River floodplain; however, no historical evidence of liquefaction was documented within two miles of the Project site. Nevertheless, the Causeway Component could be exposed to potential substantial adverse effects resulting from liquefaction hazards.

GEO-1 A design-level geotechnical report shall be prepared, by a licensed geotechnical engineer, to include analysis of site conditions and geologic hazards, conclusions, and project design recommendations. A copy of this report shall be submitted to Caltrans and the County for review and approval.

GEO-2 The final design of the proposed causeway shall be completed in accordance with the recommendations of the detailed design-level geotechnical report that addresses potential hazards associated with lateral spreading and liquefaction. A licensed geotechnical engineer shall review the final construction plans and certify their recommendations have been incorporated into the project design. A copy of the construction plans, and certification letter shall be submitted to Caltrans and the County for review and approval.

f) Hazards and Hazardous Materials (3.3.9 a, b, g). The Project will potentially have an adverse environmental effect on hazards and hazardous materials that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impacts related to hazards and hazardous materials and associated mitigation measures to mitigate the impact to less than significant (pages 317– 319).

IMPACT: Deposited lead from the leaded gasoline era is present adjacent to SR 1; however, the concentration does not exceed the hazardous waste thresholds identified for California or Caltrans. Highway striping and wood treated with a chemical preservative associated with rails need to be identified and disposed of properly. Improper disposal of any identified hazardous waste will result in a significant impact. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measures.

HAZ-1 Paint striping or thermoplastic paint removal should be removed in accordance with Caltrans standard special provisions. A Lead Compliance Plan shall be required for conducting the paint removal activities, and it should describe proper handling methods of the paint material and should provide information regarding limiting exposure to lead chromate containing paint materials. Lead paint materials shall be disposed of at a solid waste landfill facility permitted to accept such wastes.

HAZ-2 Any treated wood should be properly stored and disposed of at a solid waste landfill facility permitted to accept such wastes.

IMPACT: Construction activities associated with Proposed Project will require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). However, use of hazardous materials in connection with Project construction will be temporary in nature and subject to existing regulatory requirements pertaining to the use and disposal of such materials. Agricultural operations located within the agricultural preserve may entail the use of pesticides and fertilizers as part of routine agricultural operations that may be considered hazardous materials. Additionally, on-going weed management activities associated with the restoration activities may include chemical treatments. If an accident during construction or as part of the operation of the Project were to result in the release of hazardous materials into the environment, there is a potential for a significant impact to occur given the proximity of the site to the Carmel River and Carmel Lagoon. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measure.

HAZ-3 Cleaning and refueling of equipment and vehicles during construction shall occur only within designated staging areas. No maintenance, cleaning, or fueling of equipment shall occur within riparian areas and, at a minimum, all equipment and vehicles will be checked and maintained by the Project Contractor on a daily basis to ensure proper operation and avoid potential leaks or spills. During construction, all construction related spills of hazardous materials within or adjacent to the construction site will be cleaned up immediately. Spill prevention and clean-up materials shall be onsite at all times during construction. Construction materials/debris will also be stored within the designated staging areas. No debris, soil, silt, sand, oil, petroleum products, cement, concrete, or washings thereof shall be allowed to enter into, or be placed where they may be washed by rainfall or runoff, into riparian habitats or adjacent wetland habitats. All construction-related spills of hazardous materials within or adjacent to the construction site shall be reported to the Project Biologist and construction biological monitor immediately. The Project Biologist and construction biological monitor shall include any spill-related issues and resolutions in the daily log.

IMPACT: Construction of the Causeway Component could result in adverse impacts such as reduced emergency access during construction due to temporary construction-related traffic, as well as potential increased congestion as a result of traffic delays and temporary lane closures. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of Mitigation Measure TT-1.

TT-1 In order to minimize the extent of impacts associated with construction-related traffic, a Transportation Management Plan shall be prepared by a designated representative and submitted to Caltrans and the County for review and approval, prior to the

issuance of an encroachment permit in connection with the Causeway Component. The Transportation Management Plan shall provide information related to public awareness, temporary traffic control measures, traffic diversions and lane closures, safety measures, construction notification information, and other information as deemed necessary by Caltrans.

g) Hydrology and Water Quality (3.3.10 a, c, d, g, i). The Project will potentially have an adverse environmental effect on hydrology and water quality resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impacts related to hydrology and water quality and associated mitigation measures to mitigate the impact to less than significant (pages 320– 330).
IMPACT: A violation of any water quality standard or waste discharge requirement will be a significant impact. This is a potentially significant impact that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measure.

WAQ-2 A Storm Water Protection Preparation Plan (SWPPP) shall be prepared by a Qualified SWPPP Developer and implemented by the Project Contractor. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and include the construction site BMPs. Additional non-stormwater BMPs will also be implemented. BMPs will included, but are not limited to, scheduling to minimize active Disturbed Soil Areas during rainy season and preserving existing vegetation to the maximum extent feasible. The Project Applicants will be responsible for coordinating the preparation of the SWPPP and obtaining coverage under the State Construction General Permit. The Qualified SWPPP Developer shall submit the SWPPP and Waste Discharger Identification Number to the County, for review and comments, prior to issuance of any related construction permits.

IMPACT: The Causeway Component could result in additional erosion-related effects associated with bridge scour and the sedimentation/siltation of the Carmel Lagoon. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measures.

HF-1 In order to reduce potential adverse effects associated with bridge scouring, the final design of the causeway shall be completed in accordance with the recommendations of a detailed design-level hydraulic analysis. The hydraulic analysis shall contain a detailed evaluation of potential bridge scouring and shall be prepared in accordance with the requirements of Caltrans. Prior to the issuance of any grading and/or building permit in connection with the causeway, a copy of this report shall be submitted to Caltrans and the County for review and approval.

WAQ-1 In order to reduce downstream sedimentation, bank stabilization measures recommended by a licensed civil engineer

shall be implemented immediately following levee removal as part of the Floodplain Restoration Component. The remnant levees shall be monitored as part of on-going site monitoring to ensure that post-construction erosion is minimized. Adaptive management practices shall be implemented to the extent necessary in consultation with the Project Engineer. Prior to the issuance of any grading permit for levee removal, final grading plans shall include bank stabilization measures, subject to the review and approval of the County. The Project Applicants will be responsible for monitoring the implementation of the measures and shall, upon completion, provide the County certification from a licensed geotechnical engineer that all bank stabilization measures have been constructed in accordance with their recommendations and the approved plans.

IMPACT: The CAWD outfall and sewer force main pipelines that cross the south arm of the Carmel River Lagoon are located within the south overbank reach. To mitigate potential adverse effects associated with the Project, the undergrounding of the CAWD outfall and sewer force main pipelines must be implemented prior to completion of the CRFREE Project. The County and CAWD intend to enter into an agreement regarding funding responsibilities of the CAWD Project. In order to avoid the potential physical impacts of the Project on the CAWD outfall and sewer force main pipelines, the County shall undertake Mitigation Measures HF-3, HF-4 and HF5, as identified below, which will reduce impacts to a less-than-significant level.

HF-3 The County shall avoid the potential impacts to the existing CAWD outfall and sewer force main pipelines by phasing construction of the Proposed Project so that the Undergrounding Project is complete prior to any Proposed Project changes to the existing floodplain conditions. The Proposed Project shall include the following measures to protect the CAWD outfall and sewer force main pipelines from any negative impacts from the Proposed Project:

1. The existing south bank river levee will remain intact until the Undergrounding Project is complete and CAWD has provided timely written notification to the County of completion.
2. The temporary SR 1 detour road, which will be constructed to an elevation equal to the existing SR 1 embankment to function as a barrier to maintain flows equal to the existing condition during a flood event, shall remain intact until the Undergrounding Project is complete and CAWD has provided timely written notification to the County of completion.

HF-4 If the Proposed Project proceeds, the Undergrounding Project is necessary to avoid potentially significant impacts to CAWD's infrastructure. The County shall negotiate in good faith for an agreement with CAWD to address funding and implementation of

the Undergrounding Project in order to avoid potential impacts of the Proposed Project.

HF-5 The County shall not issue a Notice to Proceed to commence construction of the Proposed Project until all of the following have occurred:

A. The County has received in writing the following assurances from CAWD:

1. CAWD has obtained all required governmental approvals to proceed with the Undergrounding Project, and
2. CAWD has awarded a construction contract to construct the Undergrounding Project; and

B. The County shall not issue a Notice to Proceed to commence construction of the Proposed Project unless and until CAWD has provided written assurance that, in its opinion, the necessary funding for the Undergrounding Project has been secured in order for CAWD to proceed, and the County has concurred.

C. The agreement referenced in HF-4 between CAWD and County has been fully executed.

Since certification of the EIR/EA, progress has been made on implementation of these measures. CAWD has completed 30-60% design plans and drafted an Initial Study/Mitigated Negative Declaration to be circulated in June 2021. County and CAWD staff have worked cooperatively to identify the cost for the pipeline undergrounding project, and to negotiate a memorandum of agreement and a funding agreement.

h) Noise (3.3.13 a,b,d). The Project will potentially have an adverse environmental effect on noise resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impact related to noise and associated mitigation measures to mitigate the impact to less than significant (pages 333– 335). IMPACT: Noise levels associated with construction activities such as asphalt removal, site preparation, grading, foundation construction can be predicted to range from 84 dBA to 88 dBA at 50 feet from the source. While the vast majority of the construction will occur during the day, paving of a limited section of SR 1, where the temporary detour road and SR 1 overlap, will occur at night: four times over the course of the two-year construction duration, each occurrence lasting from one to three nights. The predicted range of noise generated during construction of the project is approximately 83 to 88 dBA at 50 feet.

TE-5 All applicable measures outlined in the attached CDFW Avoidance and Minimization Measures (Appendix K of the EIR/EA) shall be implemented.

NSE-1 Prior to initiation of construction, a CNMP shall be prepared consistent with the County of Monterey Noise Control Ordinance (Chapter 10.60 of the County's Code of Ordinances). The CNMP shall identify all areas where major noise-generating construction activities will result in noise levels at nearby land uses that will

exceed instantaneously levels of 85 dBA for the daytime and 65 dBA Lmax, for the night, measured at the property line of the noise source. The CNMP shall be reviewed and approved by County planning staff and Caltrans prior to initiation of construction. The CNMP shall be implemented by all relevant contractors at the site, and noise shall be monitored during demolition, grading, pile driving, and other noise-generating activities. Reporting of implementation shall be provided to the County for review. The CNMP shall include, at a minimum, the following components: Identification of noise-reduction measures to be implemented with a noise-reduction goal sufficient to achieve the County's instantaneous noise standards. Noise reduction measures may include, but are not limited to, the use of quieter equipment, equipment enclosures/surrounds, construction of temporary noise barriers, and/or installation of equipment noise control.

- A construction noise complaint and response program.
- Notification and response procedures/measures to be implemented in response to noise-related complaints shall be identified. The name(s) of designated noise-control representative(s) and daytime contact information shall be included.
- A construction noise monitoring program sufficient to provide verification that resultant noise levels associated with noise-generating construction activities will not exceed the County's daytime and nighttime intermittent noise standards.
- Quiet models of air compressors and other stationary noise sources where technology exists shall be utilized.
- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- All stationary noise-generating equipment, such as air compressors and portable power generators, shall be located to maximize distances to residences/noise sensitive uses.
- Staging areas and construction material shall be located to maximize distances to residences or noise-sensitive land uses.
- Noise from construction workers' radios shall be controlled to a point that they are not audible at existing residences bordering the Project site.
- All unnecessary idling of internal combustion engines shall be prohibited.

NSE-2 Advance written notification shall be provided to property owners and building occupants that are located adjacent to construction areas. Notification shall be provided a minimum of five days prior to initiation of project construction. The notification shall identify the name and phone number of the construction

representative to be contacted regarding construction-related complaints, as well as, the County of Monterey Planning Department contact information. Additional information regarding anticipated hours and dates of construction and recommended measures to minimize noise-related impacts (e.g., closure of building windows) shall also be included in the notification.
NSE-3 Noise-generating construction activities shall be limited during the nighttime hours between 9:00 p.m. and 7:00 a.m., consistent with Monterey County noise ordinance, Monday through Saturday. Noise-generating construction activities shall be prohibited on Sundays and State-recognized holidays.

i) Public Services (3.3.15 a,b,d,e). The Project will potentially have an adverse environmental effect on public services and utilities that is mitigated to less than significant with incorporation of a mitigation measure. The EIR/EA identified the following impact related to public services and utilities and associated mitigation measures to mitigate the impact to less than significant (page 337).
IMPACT: SR 1 is identified as an emergency access route in the 1982 Monterey County General Plan. The construction of the Causeway Component could result in adverse impacts such as reduced emergency access during construction due to temporary construction-related traffic, as well as potential increased congestion as a result of traffic delays and temporary lane closures. This is a potentially significant impact that can be reduced to a less-than-significant level with the implementation of Mitigation Measure TT-1.

TT-1 In order to minimize the extent of impacts associated with construction-related traffic, a Transportation Management Plan shall be prepared by a designated representative and submitted to Caltrans and the County for review and approval, prior to the issuance of an encroachment permit in connection with the Causeway Component. The Transportation Management Plan shall provide information related to public awareness, temporary traffic control measures, traffic diversions and lane closures, safety measures, construction notification information, and other information as deemed necessary by Caltrans.

j) Transportation/Traffic. The project will potentially have an adverse environmental effect on transportation/traffic resources that is mitigated to less than significant with incorporation of a mitigation measure. The EIR/EA identified the following impact related transportation and traffic and associated mitigation measures to mitigate the impact to less than significant (pages 339– 342).
IMPACT: Minor modifications to four driveways within the Project vicinity, as a result of changes in profile grade and construction of the temporary detour road may result in temporary impacts associated with the construction of these modifications. All work will be coordinated with the affected property owners to ensure that access is satisfactorily maintained

during construction. These are potentially significant impacts that can be reduced to a less-than-significant level with the implementation of the following Mitigation Measure.

TT-1 In order to minimize the extent of impacts associated with construction-related traffic, a Transportation Management Plan shall be prepared by a designated representative and submitted to Caltrans and the County for review and approval, prior to the issuance of an encroachment permit in connection with the Causeway Component. The Transportation Management Plan shall provide information related to public awareness, temporary traffic control measures, traffic diversions and lane closures, safety measures, construction notification information, and other information as deemed necessary by Caltrans.

k) Tribal Cultural Resources. The Project will potentially have an adverse environmental effect on tribal cultural resources that is mitigated to less than significant with incorporation of mitigation measures. The EIR/EA identified the following impact related to tribal cultural resources and associated mitigation measures to mitigate the impact to less than significant (pages 343– 345).

IMPACT: The County conducted consultation with the Ohlone Costanoan Esselen Nation (OCEN) in accordance with AB-52 to discuss potential Project impacts to tribal cultural resources and feasible alternatives or mitigation measures to avoid or substantially lessen the impact. OCEN is composed of Native Americans descended from the ancestral community who lived in villages historically located within the present-day Greater Monterey Bay Regional boundaries, including the middle and lower reaches of the Carmel River drainage. During the consultation, OCEN representatives identified that the Project area, at the Carmel River mouth and lower watershed with its close location to the Mission San Carlos Borromeo and nearby ancestral villages, contains tribal cultural resources. Construction grading activities have the potential to inadvertently uncover tribal cultural resources during construction grading activities as the site is also located within a highly sensitive area for archeological resources. BSLT, co-applicant for the Project, in both the consultation and in direct communications, has offered OCEN a location on the Project site owned by BSLT for reinternment of Native American human remains or other artifacts, if any are found during the Project construction. Based on BSLT's discussion with OCEN representatives outside of the County's consultation, OCEN has been receptive to these proposed mitigation measures. BSLT has also indicated it is committed to other opportunities to recognize tribal coastal resources post-construction of the Project. This will include activities such as allowing access for collection of native plant materials and development of interpretive signage to acknowledge the indigenous ancestry on the Project site and surrounding landscape.

This is a potentially significant impact that can be reduced to a less-than-significant level with the implementation of Mitigation Measures CUL-1

through CUL-7 and CUL-10. These Mitigation Measures were developed during this consultation process with OCEN, as identified above.

l) The mitigation measures described above in this Finding will reduce impacts to a less than significant level. The level of reduction for each mitigation measure is identified in the 2020 FINAL EIR, as modified immediately follow the text of each of the mitigation measures.

m) See the Final EIR, as described in Finding 1, evidences d and e.

6. **FINDING:** EIR – ENVIRONMENTAL IMPACT NOT MITIGATED TO LESS THAN SIGNIFICANT – Based on the analysis within the EIR/EA, the CRFREE Project will not result in significant unavoidable impacts on the environment with the implementation of Mitigation Measures as identified in the EIR/EA.
EVIDENCE:
See the previously certified EIR/EA, certified by the Monterey County Board of Supervisors January 28, 2020. (Board of Supervisors' Resolution No. resolution no. 20-015.

7. **FINDING:** EIR- CEQA ALTERNATIVES TO THE PROPOSED PROJECT – The EIR/EA evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the Final EIR. Specific economic, legal, social, or other considerations make infeasible the project alternatives identified in the EIR for the reasons described below. Pursuant to CEQA Guidelines section 15126.6(c), alternatives may be eliminated from consideration if they 1) fail to meet most of the basic project objectives, 2) are infeasible, or 3) unable to avoid significant environmental impacts.
EVIDENCE: The County's basic objectives for this Project are as follows: 1) Reduce flooding hazards along the north floodplain, 2) Improve the natural and historic functions and values of the lower Carmel River and Carmel Lagoon, 3) Create a self-sustaining hydrologic connection and interaction of the floodplain and south arm of the Carmel Lagoon, 4) Improve habitat conditions for sensitive wildlife species, 5) Restore approximately 100 acres of natural habitat, 6) Improve the quality of water entering the Carmel Lagoon, 7) Create conditions that allow for adaptation to sea level rise and other climate change impacts, and 8) Maintain active agricultural operation.

a) Alternatives considered but eliminated from further discussion prior to the Final EIR/EA were screened out pursuant to this section of the CEQA Guidelines. (EIR/EA section 1.4.6 (page 51 - 53).) CEQA Guidelines section 15126.6(f) requires a range of alternatives that are governed by the "*rule of reason*." This section requires "*the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that will avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project*."

b) Final EIR Table 1.4.1 Comparison of Project Alternatives Features (page 47) laid out the four project alternatives; the Preferred Project, the Reduced Project Alternative, the Secondary Channel Alternative, and the No-Build Alternative.

c) The Project being approved is the Preferred Project, as described in the 2020 Final EIR. Some of the alternatives described below have common features with the alternative being approved by this resolution (Preferred Project), including the restoration of the floodplain habitat. All project alternatives improve the natural and historic functions and values of the lower Carmel River and Carmel Lagoon, improve habitat conditions for sensitive wildlife species, and maintain active agricultural operations. Specific economic, legal, social, technological or other considerations, make infeasible the other project alternatives identified in the EIR for the reasons described below.

d) No Action (No-Build) Alternative: The No-Action (No-Build) Alternative would maintain the existing conditions at of SR 1 embankment and would preclude the proposed removal of levees between the main river channel and the south floodplain upstream of the highway. Under the No-Build Alternative, BSLT would implement a modified restoration approach on APNs 243-071-006-000 and 243-071-007-000 to install native vegetation in lieu of agricultural uses on the disturbed areas of these parcels and will maintain the existing riparian vegetation along the river corridor. However, variation in the types of native plants would be limited and success rates for plant establishment may diminish without the benefits of hydrologic reconnection with the Carmel River. Phasing for plant establishment would be based on a limited availability of water from BSLT's water right (28.1 acre-feet per year). Without the floodplain grading and levee removal to create hydrologic connection with the river main stem, revegetation with native plants would not benefit from activation of the floodplain during storm events or from improved depths to groundwater and groundwater recharge. Habitat restoration goals would only be partially achieved. Further, the agricultural preserve would not be raised out of the 100-year floodplain and continued agricultural uses on APN 243-071-005 would also be constrained by limited water availability. Without changing the current configuration of the Project site, flood risk to adjacent developed areas north of the Project site, and risk of overtopping and sustaining to the SR 1 embankment remain unchanged. Re-connection of the south floodplain to the main river channel is necessary for restoration of the historic floodplain's functions and value, as well as reducing the flood risk in the developed northern floodplain. The No-Action (No-Build Alternative) would not meet the Project purpose and need and is therefore not feasible.

e) Reduced Project Alternative: The Reduced Project Alternative would consist of a smaller levee opening than the other alternatives. The design attempts to reduce or eliminate potentially significant impacts associated with downstream infrastructure owned by State Parks and the Carmel Area Wastewater District (CAWD). The floodplain grading and causeway size are also reduced in this alternative to the appropriate size needed to convey the reduced flows. The agricultural preserve stays the same size for this alternative, but its final elevation is lower than the other two alternatives as

a result of less soils being generated from less floodplain grading compared to the other two alternatives. In addition, this alternative is responsive to comments received during the scoping for the EIR/EA that a reduced Project be considered in the hopes it would be less expensive and therefore more likely to get approved and built in an expedited manner.
The Reduced Project Alternative does not create a self-sustaining hydrologic connection and interaction of the floodplain and south arm of the Carmel Lagoon. Additionally, the Reduced Project Alternative would not improve the quality of water entering the Carmel Lagoon. Increased sedimentation in the Carmel Lagoon would be anticipated, creating the potential avulsion of the Carmel River channel. The Reduced Project Alternative will not meet the Project purpose and need and is therefore not feasible.

f) Secondary Channel Alternative: The Secondary Channel Alternative is very similar to the Proposed Project in that the levee removal, causeway, agricultural preserve and restoration will be the same as the Proposed Project. The significant difference is that the Secondary Channel Alternative includes more grading on the floodplain to create desired habitat features for sensitive fish and wildlife resources, most specifically, the south-central California Coast steelhead (S-CCC steelhead). The Secondary Channel alternative includes design features proposed for evaluation by NOAA during the scoping phase of this EIR/EA.
The Secondary Channel Alternative is not selected as it is currently not economically feasible. Additionally, the impacts to downstream resources would still be impacted, however not at a significant level with the implementation of the mitigation measures provided. The Secondary Channel Project Alternative will not meet the Project purpose and need and is therefore not feasible.

8. FINDING: MITIGATION MONITORING AND REPORTING PROGRAM. Concurrent with approving the project, the Board of Supervisors is adopting a Mitigation Monitoring and Reporting Plan for CRFREE.

EVIDENCE:

a) Mitigation Monitoring and Reporting Plan for the CRFREE project as described in Finding 5 and described in the EIR/EA. (Exhibit A)
b) California Environmental Quality Act, Public Resources Code Section 21081.6.

9. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

a) Construction noise is not anticipated to exceed noise standards of Monterey County Code Sections 10.60.030 or 10.60.040 at the nearest sensitive receptors, which are located approximately 360 feet from the noisiest

construction location. The EIR identified mitigation measures NSE-1 through NSE-3, which are consistent with Policy S-7.10 of the Safety Element of the General Plan, to ensure construction noise is minimized, including advanced notice to residents and sound control devices for construction equipment.

b) Construction activities associated with Project will require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). However, use of hazardous materials in connection with Project construction will be temporary in nature and subject to existing regulatory requirements pertaining to the use and disposal of such materials. If an accident during construction or as part of the operation of the Project were to result in the release of hazardous materials into the environment, there is a potential for a significant impact to occur given the proximity of the site to the Carmel River and Carmel Lagoon. The EIR identified mitigation measures HAZ-1 through HAZ- 3 that will reduce the potentially significant impacts to less than significant.

10. FINDING: RECORDING OF PROCEEDINGS. Pursuant to Public Resources Code Section 21081.6(a) (2) and CEQA Guidelines Section 15091(e), Monterey County HCD and the Clerk of the Board of Supervisors are together the custodian of the documents and other material that constitute the record of proceedings upon which the Board of Supervisors' action is based.

EVIDENCE:

a) HCD project files (REF140048) and staff reports, minutes, and record of the Board of Supervisors' proceedings, and other documents and materials constitute the record of proceedings upon which the Board of Supervisors bases the actions contained herein.

b) The documents and other material that constitute the record of proceedings are located at Monterey County HCD-Planning, 1441 Schilling Place, 2nd Floor, Salinas, CA 93901 and at the Clerk of the Board of Supervisors located at the Monterey County Government Center, 168 West Alisal Street, 1st floor, Salinas, CA 93901.

DECISION

NOW, THEREFORE, based on the findings and evidence and the administrative record as a whole, the Monterey County Board of Supervisors does hereby:

A) Certify that the Board has considered the previously certified Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (SCH#2011021038);
B) Approve the Carmel River Floodplain Restoration and Environmental Enhancement Project, generally consisting of removing a portion of the existing south bank Carmel River levee, grading to restore the floodplain to accommodate conveyance of flows, construction of a 360 foot long causeway to convey flows under California State Route 1 into the south arm of the Carmel Lagoon, elevation of 23 acres out of the floodplain

for future use as an agricultural preserve, construction of trails, and restoration of native habitats;
C) Authorize the Director of the Housing and Community Development Department to apply for and obtain the encroachment permit from Caltrans for the causeway construction component of the Project, and to apply for permits and entitlements from the Coastal Commission and other agencies on behalf of the County; and
D) Adopt a Mitigation Monitoring and Reporting Plan. attached hereto as Exhibit A and incorporated herein by reference.

PASSED AND ADOPTED upon this ___ day of June 2021, by roll call vote:

AYES: Supervisors
NOES:
ABSENT:

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 Minute Book___ for the meeting on June 15, 2021.

Dated: June 15, 2021
File Number: RES 21-
Agenda Item:

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

By _____
Deputy