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County of Monterey, State of California

Resolution No. _____

Resolution to

- a. Adopt a Mitigated Negative Declaration for the Bradley Road Bridge Scour Repair Project, Project No. 3852, Federal Aid Project No. BHLO – 5944 (100);
- b. Adopt a Mitigation Monitoring and Reporting Program;
- c. Authorize Resource Management Agency (RMA) to proceed with the Bradley Road Bridge Scour Repair Project; and
- d. Authorize the RMA Director or the RMA Deputy Director of Public Works & Facilities to acquire Right of Way for the Bradley Road Bridge Scour Repair Project.

The Mitigated Negative Declaration for the Bradley Road Bridge Scour Repair Project came before the Monterey County Board of Supervisors on March 24, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed Bridge Scour Repair Project (proposed project) for the Bradley Road is to address existing scour issues by installing scour protection on the substructure of the Bradley Road Bridge (Bridge No. 44C-0050). The proposed scour project on the existing bridge over Salinas River will upgrade the bridge to meet current Caltrans Standards.

The bridge is located approximately 5 miles north of the Monterey County/San Luis Obispo County border, just west of Bradley and approximately 1/4 miles east of U.S. Route 101. Bradley Road is an existing two-lane road (one lane in each direction) that is classified by the California Road System (CRS) Maps as a Minor Collector. The bridge was originally constructed in 1931 and widened in 1954. The existing bridge is approximately 1,668 feet long by 27 feet wide. The existing bridge is a twenty-four-span steel truss and concrete girder bridge. Overall, the existing bridge is in fair condition with minor deterioration. However, as discussed in more detail below, the bridge has a history of scour at the concrete piers in the low flow channel of the Salinas River. Scour is currently undermining the foundations of Piers 16 through 19.

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

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) An Initial Study was prepared pursuant to CEQA. The Initial Study is on file in the offices of the RMA and is hereby incorporated by reference.
 - c) The proposed mitigation measures avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference.
 - e) The Mitigated Negative Declaration (MND) for the project was prepared in accordance with CEQA and circulated for public review from December 10, 2019 through January 17, 2020 (SCH#: 2019129031).
 - f) Issues that were analyzed in the MND include: air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise, transportation/traffic, tribal cultural resources, and Mandatory Findings of Significance.
 - g) No comments from the public were received.
 - h) Monterey County RMA-Public Works, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
 - i) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:

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

- The construction contractor shall water all active construction sites as least twice daily. Frequency shall be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- The construction contractor shall apply nontoxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed the area.
- Haul trucks shall maintain at least two (2) feet of freeboard above ground surface.
- The construction contractor shall cover all trucks hauling dirt, sand, or loose materials.
- The construction contractor shall plant vegetative ground cover in disturbed areas as soon as possible.

- The construction contractor shall cover inactive storage piles.
- The construction contractor shall sweep streets if visible soil material is carried out from the construction site.
- Limit the area under construction at any one time.

Biological Resources. Twenty-One (21) mitigation measures for Biological Resources are in the proposed MND.

Pre-Construction Surveys: Immediately before initial ground disturbance and/or vegetation clearing in the Salinas River high-flow channel, the qualified biologist shall conduct a survey of the work area for special-status species, including California red-legged frog, western pond turtle, and two-striped garter snakes.

Nesting Bird Surveys. If project construction takes place during the bird nesting season (February 1 to August 31), all suitable nesting habitat within 50 feet of the limits of work shall be surveyed by a qualified biologist no more than 14 days prior to ground disturbing/vegetation removal activities and again within 2 days (48 hours) of such activities. Areas outside the public right-of-way shall not be surveyed for active nests unless such areas are visible from the public right-of-way.

Nesting Bird Buffer Areas. If an active bird nest is found, a qualified biologist shall delineate an appropriate buffer using plastic construction fencing (Environmentally Sensitive Area [ESA] fencing), pin flags, or other easily identified fencing material. If necessary, the biologist will consult with United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to determine an appropriate buffer size. Typically, buffers range from 250 to 500 feet depending on the species, nest location, surrounding habitat, and the nature of the adjacent construction activity. During construction, the qualified biologist will conduct regular monitoring (at USFWS- and CDFW-approved intervals) to evaluate the nest for potential disturbances associated with construction activities. Construction within the buffer shall be prohibited until the qualified biologist determines that the nest is no longer active. If an active nest is found after completion of the preconstruction surveys and after construction begins, all construction activities in the nest vicinity shall stop until a qualified biologist has evaluated the nest and erected the appropriate buffer around the nest. If establishment of the buffer is not feasible, USFWS/CDFW shall be contacted for further avoidance and minimization guidelines.

County of Monterey RMA shall require the construction contractor to avoid vegetation removal and trimming during the breeding season for birds (i.e., between September 1 and January 31) to the extent practicable. This shall discourage birds from nesting in construction areas and shall greatly reduce the potential for nesting birds to delay the construction schedule.

Pallid Bat Maternity Roosts. During the initiation of cast-in-drilled whole work and concrete drilling at Pier 16, a qualified bat biologist shall monitor

the Pier 15 roosts and determine if the roosting pallid bat maternity colony are being disturbed by construction activities.

Roosting Bats. During construction, orange ESA fencing shall be installed along both sides of the western access road and around the staging area on the western side of the river so that construction equipment (especially with diesel or combustion engines) and personnel are excluded from the areas beneath identified bat roosting areas. Construction activities shall not occur at nighttime.

Salinas Pocket Mouse. Before vegetation in the annual brome grassland is disturbed, a qualified biologist shall survey the area for potential Salinas pocket mouse burrows. If any burrows are located within the work area, the biologist shall flag them for avoidance. The biological monitor shall ensure that vehicles and equipment avoid flagged burrows within the temporary access road and staging area.

Steelhead Relocation. Prior to initial ground disturbance, the qualified biologist shall coordinate with California Department of Transportation, as well as the County of Monterey, to identify a suitable upstream or downstream location within the Salinas River where steelhead captured within the biological study area (BSA) shall be relocated. During ground-disturbing activities, including the installation of dewatering and diversion structures in the beginning of the construction timetable and the removal of the diversion structures at the end of construction; the qualified biologist shall be present at the work site daily. If steelhead are located within the work area during ground-disturbing activities while there are no water diversion structures, the qualified biologist shall remove and relocate steelhead to the pre-determined location. After completion of the proposed project, the qualified biologist shall prepare a report providing the results of the removal/relocation effort for submittal to the National Marine Fisheries Service. The report shall also include information on non-native species that were removed from the BSA.

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

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

Invasive Species Removal. During project construction, a qualified

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

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

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

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

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

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

Prior to completion of plans, specifications, and estimates (PS&E) and any work within or involving surface waters, County of Monterey RMA shall

ensure that a Phase II investigation be conducted to properly characterize surface water quality in the project area. The surveys shall be conducted by a licensed consultant and shall include testing of surface water at the project site. The results of the survey will determine the recommendations for proper handling requirements in the event of worker contact with surface waters during construction.

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

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

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

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

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

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

Temporary construction barriers, providing a maximum of 10 dBA reduction, shall be required when heavy construction activities occur within 700 feet of the residence at Bradley Road.

Geology and Soils. During final design, a detailed geotechnical investigation shall be conducted by qualified geotechnical personnel to assess the geotechnical conditions at the project site. The geotechnical investigation could include seismic cone penetration tests and exploratory borings to investigate site-specific soils and conditions, as well as the collection of subsurface soil samples for laboratory testing. The project-specific findings and recommendations of the geotechnical investigation shall be incorporated into final design of the proposed project and shall be summarized in the Final Geotechnical Report to be submitted to the County of Monterey for review and approval.

Tribal Cultural Resources. Should a tribal cultural resource be encountered during ground disturbing activities, all ground disturbing activities within 25 feet shall be redirected and the Ohlone Costanoan Esselen Nation (OCEN) monitor shall assess the resource, consult with the County of Monterey, and make recommendations for the treatment of the discovery. The County shall be notified by the OCEN monitor within 24 hours of the encounter. If found to be significant by the OCEN monitor, the County shall be responsible for implementing and funding appropriate mitigation measures. Mitigation measures may include, but would not be limited to, recording the tribal cultural resource, data recovery and analysis, and public outreach. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared by the OCEN monitor and submitted to the County of Monterey RMA for review. Any artifacts or significant tribal cultural resources discovered during ground disturbing activities shall be given to an OCEN tribal representative.

Mandatory Findings of Significance.

Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the CDFW determines that the project will have no effect on fish and wildlife resources. The site supports Hartnell Road Bridge Replacement Project. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which

the wildlife depends. The Initial Study was sent to the CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination

- j) Evidence that has been received and considered includes: the application, and technical studies/reports staff reports that reflect the County's independent judgment. These documents are on file with the RMA and are hereby incorporated by this reference.
- k) No comment was received during the circulation period of the initial study and mitigated negative declaration.
- l) The RMA, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

DECISION

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

- a. Adopt a Mitigated Negative Declaration for the Bradley Road Bridge Scour Repair Project, Project No. 3852, Federal Aid Project No. BRLO – 5944 (100);
- b. Adopt a Mitigation Monitoring and Reporting Program with 53 mitigation measures;
- c. Authorize the Resource Management Agency (RMA) - Public Works, Facilities & Parks to proceed with the Bradley Road Bridge Scour Repair Project: and
- d. Authorize the RMA Director or the RMA Deputy Director of Public Works & Facilities to acquire Right of Way for the Bradley Road Bridge Scour Repair Project

PASSED AND ADOPTED on this 24th day March 2020, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

Dated:

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

By _____
, Deputy

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