

In the matter of the application of:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
(PLN200118)**

RESOLUTION NO. 23-103

Resolution by the Monterey County Board of Supervisors to:

1. Consider the environmental effects of the Project described in the Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact (FEIR/EA with FONSI) together with NEPA/CEQA Re-Validation Form (aka Addendum) certified by the California Department of Transportation on January 31, 2013 (SCH#1999111063);
2. Adopt a Statement of Overriding considerations finding that there are benefits of the Project (public safety, public access, and relief of congestion) that outweigh significant and unavoidable impacts on the environment (conversion of agricultural land);
3. Approve a Combined Development Permit consisting of a:
 - a. Coastal Development Permit to allow construction of three new roundabouts to replace the existing Highway 156/Castroville Boulevard intersection, including construction of new on and off ramps, a new bridge overpass, reuse of a portion of the current Castroville Boulevard as a mixed use bicycle and pedestrian path, driveway improvements, a new frontage road, the realignment of Castroville Boulevard and replacement along the new or modified sections of Highway 156 and Castroville Boulevard;
 - b. Coastal Development Permit to allow development on slopes exceeding 25%;
 - c. Coastal Development Permit to allow the removal of one Coast Live Oak tree and two non-native landmark sized trees; and
 - d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat areas; and
4. Adopt a Mitigation Monitoring and Reporting Program.

[Highway 156 between Castroville Boulevard (postmile R1.40) and the Moro Cojo Slough Bridge (postmile 1.60), North County Land Use Plan, Coastal Zone (Assessor's Parcel Numbers: 133-081-007-000, 133-073-002-000, 133-073-005-000, 133-073-008-000, 133-073-034-000, 133-073-009-000, 133-073-001-000, 133-073-004-000, 133-073-007-000, 133-072-031-000, 133-073-006-000, 133-073-003-000, 133-072-014-000, 133-072-006-000, 133-071-013-000, 133-071-012-000, 133-071-021-000, 133-071-010-000, 133-071-011-000, and 133-071-008-000).]

The CALIFORNIA DEPARTMENT OF TRANSPORTATION application (PLN200118) came on for a public hearing before the Monterey County Board of Supervisors on September 13, 2022, October 11, 2022, and March 21, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING:** **PROCESS** – Action on this Combined Development Permit meets the process requirements set forth Coastal Act section 30604(b) and Monterey County Code section 20.70.050.B.
- EVIDENCE:**
- a) On October 28, 2021, the California Department of Transportation (Caltrans) submitted an application (PLN200118) for construction of three (3) new roundabouts to replace the existing Castroville Boulevard/Highway 156 intersection, including construction of new on & off ramps, a new bridge overpass, reuse of a portion of the current Castroville Boulevard as a mixed use bicycle & pedestrian path, driveway improvements, a new frontage road, the realignment of Castroville Boulevard & replacement along the new or modified sections of Highway 156 & Castroville Boulevard (the Project).
 - b) The Monterey County Planning Commission considered the Project at duly noticed public hearings on May 25, 2022, June 8, 2022 and June 29, 2022. At the conclusion of the June 29, 2022 hearing on the Project, the Planning Commission adopted Resolution 22-013 approving the Project.
 - c) On July 11, 2022, the The Open Monterey Project (TOMP), represented by Molly Erickson, timely filed an appeal of the June 29, 2022 Planning Commission decision.
 - d) The appeal of the Planning Commission decision for the Project was scheduled for consideration by the Monterey County Board of Supervisor on September 13, 2022. At the hearing, the Board of Supervisors continued the hearing to October 11, 2022, to provide time for Caltrans, County staff, and Coastal Commission staff to negotiate modifications to the project.
 - e) On October 11, 2022, the Monterey County Board of Supervisors considered the appeal and the Project and unanimously voted to refer the matter back to the Planning Commission to modify the Project to include an amendment to the Monterey County Local Coastal Plan (LCP) and to review the agricultural mitigation language. (An amendment to the LCP was not included in the application by Caltrans or the Planning Commissions June 29, 2022 decision.)
 - f) On November 9, 2022, at a duly noticed public hearing, the Planning Commission rescinded their June 29, 2022 decision to approve the project (Resolution No. 22-029) and adopted a new resolution recommending that the Board of Supervisors approve amendments to

the North County Land Use Plan (LUP), adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 2 (CIP) related to the Project, and adopt a Resolution of Intent to approve the Project (Resolution No. 22-028).

- g) On December 6, 2022, at a duly noticed public hearing, the Monterey County Board of Supervisors adopted Ordinance No 5388 amending the CIP; approved Resolution No 22-473 amending the LUP; and approved a Resolution of Intent (Resolution No 22-474) to approve the project following certification of the LUP and CIP amendments by the California Coastal Commission.
- h) On December 20, 2022, HCD-Planning staff transmitted the LCPA application to California Coastal Commission staff. On February 10, 2023, the California Coastal Commission heard the LCPA, file No. LCP-3-MCP-22-0062-2 and approved the amendments to the North County Land Use Plan and the Coastal Implementation Plan Part 2 as submitted.
- i) In accordance with Board of Supervisors Resolution No. 22-474, the Project is now before the Board of Supervisors.
- j) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

2. FINDING:

CONSISTENCY – The Project, as conditioned and mitigated, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE:

- a) The Project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan (General Plan);
 - North County Land Use Plan (NC LUP);
 - Monterey County Coastal Implementation Plan, Part 2 (NC CIP); and
 - Monterey County Coastal Zoning Ordinance (Title 20).Potential impacts to environmentally sensitive habitat, land use, transportation, noise, agricultural resources, and visual resources have been considered during review of this permit. Policy changes have been made, technical information has been provided, and conditions and mitigation measures have been adopted to address potential inconsistencies. As designed and mitigated, the Highway (“Hwy”) 156/Castroville Boulevard (“Blvd”) interchange safety improvement project (the “Project”) is consistent with the applicable the text, policies, and regulations as described more fully herein.
- b) Project Purpose. Hwy 156 is identified as one of the major thoroughfares used by residents, commuters, tourists, and commercial trucks traveling to and from the Monterey Peninsula. It connects Hwy 101 with Hwy 1 in Monterey County. As a result, more than 39,000 vehicles travel along this route each weekday, and the route experiences periods of heavy congestion, especially on weekends. The intersection of Highway 156 and Castroville Boulevard is

currently an at grade signalized intersection. This intersection has experienced a higher than average rate of accidents and it is known to add to congestion of traffic on the Highway. Collision rate information (based on Traffic Accident Surveillance and Analysis System data from July 1, 2007 to June 30, 2010) concluded the total collision rate for Hwy 156 was 21% higher than the state average. Therefore, Caltrans has identified this Project, as a priority to address existing safety and congestion issues. The Project does not intended to expand Highway capacity.

- c) Project Scope. The Project involves moving the alignment of Castroville Blvd to the east of its current location and constructing three new roundabouts. A new grade separated intersection, with on and off ramps on Hwy 156 with a new bridge overpass, a frontage road will be constructed and the existing intersection will be abandoned. A portion of the current (to be abandoned) Castroville Blvd will remain as a mixed-use bicycle and pedestrian path. New frontage roads will connect existing driveway encroachments on the Highway. The Project will require removal of one Coast live oak tree and two non-native (Italian stone pine and Silver dollar eucalyptus) landmark trees, development within 100 feet of environmentally sensitive habitat areas, and development on slopes in excess of 25%; all of which require granting of Coastal Development Permits. The Project will result in the establishment of a new Caltrans right-of-way from postmile 1.58 (just before the intersection of Hwy 156 and Castroville Blvd) to the beginning of the Moro Cojo Slough to accommodate the proposed development. The Project also includes impacts to agricultural lands.
- d) Location. The Project is located on Hwy 156 between Castroville Blvd (postmile R1.40) and the Moro Cojo Slough Bridge (postmile 1.60), adjacent Castroville Blvd as it intersects Collin Road, and within the Monte del Lago mobile home park. The development area contains 20 individual parcels (Assessor's Parcel Numbers [APNs]: 133-081-007-000, 133-073-002-000, 133-073-005-000, 133-073-008-000, 133-073-034-000, 133-073-009-000, 133-073-001-000, 133-073-004-000, 133-073-007-000, 133-072-031-000, 133-073-006-000, 133-073-003-000, 133-072-014-000, 133-072-006-000, 133-071-013-000, 133-071-012-000, 133-071-021-000, 133-071-010-000, 133-071-011-000, and 133-071-008-000). These parcels are zoned: Coastal Agricultural Preserve, Coastal Zone or "CAP(CZ)"; Coastal Agriculture Preserve, Building Site 7, Coastal Zone or "CAP/B-7(CZ)"; High Density Residential, 5 units per acres, Coastal Zone or "HDR/5(CZ)"; and Coastal General Commercial, Coastal Zone "CGC(CZ)". Parcels directly north and south of the Moro Cojo Slough Bridge are zoned Resource Conservation, Coastal Zone or "RC(CZ)."
- e) Land Use – Allowed Use. Hwy 156 is a public highway under the jurisdiction of Caltrans which serves local and regional transportation needs, including serving as a primary point of access from inland areas

to the coast. The highway has existed in this capacity since well before adoption of the Coastal Act (1972) and the subsequent adoption of the NC LUP (1982). The NC LUP recognizes the existence of the highway and the need for improvements to the highway over time. This objective is captured in NC LUP Key Policy 3.1.1, which states: “*State highways within the North County coastal area should be upgraded to provide for a safe and uncongested flow of traffic. Major County roads should be expanded or managed to accommodate traffic volumes at Level of Service C. Public transit should be expanded to provide a viable transportation alternative.*” General Policies relative to transportation in the NC LUP also call for expansion, limiting impacts to the safe and free flow of traffic, as well as incorporating roadway improvements consistent with the objectives and standards of a designated State Scenic Highway. NC LUP Specific Policy 3.1.3.8 and implementing NC CIP section 20.144.120.B.6 explicitly addresses the Project as an allowed use, notwithstanding agricultural, environmentally sensitive habitat area, and wetland provisions. Criteria contained in Section 20.144.120.B.6 of the NC CIP is addressed in the findings and evidences that follow. Therefore, based on the findings and evidence contained in this resolution, the Project is an allowed use.

- f) Project Specific NC LUP Policy. A policy specific to the Highway 156/Castroville Blvd intersection was added to the North County Land Use Plan (LUP) on December 20, 2022 (Policy 3.1.3.8). The specific policy applicable to this project states: “*Notwithstanding agricultural, environmentally sensitive habitat area, and wetland provisions of this Land Use Plan, the Highway 156-Castroville Boulevard intersection may be relocated just east of its current location and modified to replace stoplight traffic control with on and off ramps and related connectors, including repurposing the existing alignment of Castroville Boulevard for bicycle and pedestrian access, provided that:*
- a) *The intersection project is required to meet current and future regional public access needs, particularly with respect to the connection between the Highway 101 corridor and the southern Monterey Bay area;*
 - b) *Stable boundaries between the highway corridor and adjacent agricultural resources and sensitive habitat are provided;*
 - c) *Modifications represent the least environmentally-damaging feasible alternative available for meeting such needs; and*
 - d) *Impacts to coastal resources are mitigated to the maximum extent feasible.”*

As described in Evidence (a) and (b) above, the project is intended to improve safety and meet regional transportation needs. Impacts to agricultural lands have been minimized and mitigated (see finding 5) and NC LUP policies will continue to promote conservation of adjacent agricultural lands. Alternatives to the Project have been studied in the Environmental Impact Report (EIR)/Environmental Assessment (EA). Modifications to the project design have been incorporated and

conditions have been applied to avoid and minimize environment impacts to the extent feasible (see findings 15, 16, and 17). As demonstrated in this resolution, the project has is consistent with the project specific LUP policy.

- g) Project Specific NC CIP Regulation. Regulations specific to the Highway 156/Castroville Blvd intersection were added to the Coastal Implementation Plan, Part 2 (CIP) on December 20, 2022 (21.144.120.6.6). This policy allows modifications to the intersection only if: the project is sited and designed to avoid and minimize impacts to coastal resources to the extent feasible; the project is the minimum necessary to accommodate the safe flow of traffic and it will not substantially change the capacity of the Highway or local roads; Impacts to environmentally sensitive habitat and agricultural lands are mitigated; visual impacts are offset, opportunities for non-automotive modes of transportation are incorporated; and the least environmentally damaging alternative is selected.

Consistency of the Project with various policies protecting coastal resources are addressed in this resolution. The project will improve safety and relive congestion without increasing the capacity (number of lanes) of the Highway or local roads. Impacts on environmentally sensitive habitat (Finding 4), agricultural resources (Finding 5), and Visual Resources (Finding 3) are avoided and mitigated. Opportunities for non-motorized traffic will be incorporated including repurposing an abandoned section of Castroville Blvd to a bike and pedestrian path. Finally, alternatives to the design and location of the intersection have been considered and this Project represents the least environmentally damaging alternative. Alternatives considered are addressed in Finding 18. The impacts on coastal resources of alternative design options are discussed by resource topic in the Findings and Evidence that follow.

- h) Visual Resources. Overhead utilities will be placed underground and landscaping with native species will be provided. See Finding 3.
- i) Environmentally Sensitive Habitat Areas (ESHA). See Finding 4
- j) Forest Resources. The Project requires the removal of one Coast live oak tree (less than 24 inches diameter when measured at breast height [DBH]), and eight non-native trees: two Italian stone pines (10 and 30 inches DBH), five Silver dollar eucalyptus (between 13 and 29 inches DBH), and one red bark eucalyptus (14 inches DBH). NC CIP Sections 20.144.050.A.1.c and 20.144.050.C.1 require the granting of a Coastal Development Permit for the removal of any native trees (i.e., Coast live oak) greater than 12 inches DBH and any non-native landmark tree 36 inches or more in DBH. Therefore, a Coastal Development Permit is required in this case. As demonstrated in Finding 15, Evidence “a”, mitigation implementation will require protection of all trees which are located close to construction and a replacement of all impacted trees on a 5 to 1 ratio.
- k) Water Resources. Water Resources are addressed in Chapter 2.5 of the NC LUP. This Project will not involve ongoing water use. The Project

involves potential for erosion from grading and construction activities, including development on man-made slopes in excess of 25% immediately adjacent to the highway. Caltrans, as the lead agency under CEQA and NEPA, has recommend best management practices and conditions that address potential erosion impacts. Measures will be installed during construction that prevent erosion of soils through wind and water to avoid degradation of water quality in the area, reduce air quality impacts, and avoid visual erosion scars. Drainage facilities associated with the road improvements will be constructed to capture and direct water runoff long-term. Revegetation of graded areas with native and native compatible plant species will occur to stabilize the area following grading. Therefore, the Project is consistent with NC LUP Chapter 2.5.

- l) Agriculture. The Project will result in conversion of approximately 23 acres of irrigated agricultural land to non-agricultural use (highway/right-of-way). Agricultural impacts are unavoidable and will be mitigated consistent with the project specific NC CIP policy. See Finding 5.
- m) Other Resources. Caltrans has prepared and certified an environmental document (see Findings 12 through 18 and supporting evidence) for the Corridor Improvement project that addresses all potential impacts to environmental resources including aesthetics, agriculture, air quality, biology, cultural resources, energy, soils and geology, greenhouse gases, hazards, hydrology, land use, noise, housing, public services, transportation, tribal cultural, utilities, and cumulative impacts. Alternatives were considered, changes to design have been made, and mitigations have been applied to avoid or reduce impacts to the extent feasible.
- n) Development on Slopes Exceeding 25%. See Finding 6.
- o) Transportation. See Finding 7.
- p) Land Use Advisory Committee (LUAC) Review. The North County LUAC at a duly notice public hearing on November 4, 2022, reviewed the Project and voted six to zero, with two members absent, to support the Project as proposed. No public comment or LUAC concerns were raised during this meeting. As directed by the Planning Commission, the project was presented to the Castroville LUAC at a duly noticed public hearing on June 21, 2022 to allow additional public outreach and receive comment. Commentors at the hearing inquired about construction timing, continued public outreach, access improvements for Oak Hills, and construction management. In response, Caltrans explained that improvements adjacent to the Oak Hills subdivision are not part of this Project, but it is part of the corridor improvement plan that may be considered under separate permit in the future. Caltrans proposes to coordinate directly with North Monterey County High School administration and provide notice to the public on road closures and other temporary traffic control measures during construction.

- q) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

3. **FINDING:** **VISUAL RESOURCES** – The Project is consistent with the Visual Resource goals, policies and regulations contained in the 1982 Monterey County General Plan (1982 GP); North County Land Use Plan (NC LUP); Monterey County Coastal Implementation Plan, Part 2 (NC CIP); and the Monterey County Zoning Ordinance (Title 20).
- EVIDENCE:** a) The intent of the NC LUP Visual Resource policies, see Chapter 2.2, are to protect views of the hills, agricultural lands, estuaries, ocean, beaches, wetlands, and dunes in the North County area. According to NC LUP Specific Policy 2.2.3.4, access roads should not be allowed to intrude upon public views of open frontal slopes or ridgelines visible from scenic routes or viewpoints and roadways shall be designed to conform to the natural topography in order to minimize grading, erosion, and the scarring of hillsides.

The Project is not located in an area visible from the ocean shoreline, public beaches, or along the shoreline of Elkhorn Slough. There will be some impact to the viewshed from the introduction of new pavement, roundabouts, and the highway overpass however, views of agricultural fields and hillsides around the road improvements will continue in much the same way they exist now. Existing views from the Monte del Lago driveway connection to Simon Park are currently obscured by berms on both sides of the highway. Views from the current Castroville Blvd intersection east of Monte del Lago include agricultural lands when looking south and hillsides and overhead electrical utility lines when looking north. This overall condition will not change; however, new road improvements, including on/off ramps, roundabouts, and the new Castroville Blvd alignment will be visible. The proposed roundabout on the south side of the highway will impact some agricultural lands immediately adjacent to the highway but the view of the agricultural lands will continue beyond that. The new Castroville Blvd alignment and roundabout to the north of the highway will be visible across the currently open and grassy hillside. In the end, and absent other vertical development in the future, views from the highway of hillsides to the north and agricultural lands to the south will remain with the only changes being visibility of the road infrastructure. Overhead utility lines in the area are proposed to be placed underground improving the views in these areas and consistent with NC CIP Policy 20.144.120.B.6.e. In addition, the preliminary plans include adorning the overpass abutments with decorative details in the image of an artichoke which pays homage to the Community of Castroville.

- b) Caltrans has adopted mitigation measures requiring that all streetlights to be downlit, stormwater features shall be sited and designed to appear natural, utility lines shall be placed underground, areas adjacent to the roundabouts and right of way be landscaped, and aesthetic design and

treatment be incorporated into the overcrossing structure, bridge rail, abutment, slope paving and other associated elements (see Finding 15, Evidence “a”). Therefore, the Project, as proposed and mitigated, is consistent with the visual policies of the NC LUP.

- c) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

4. FINDING:

ENVIRONMENTALLY SENSITIVE HABITAT AREAS: SENSITIVE VEGETATION AND SPECIAL STATUS SPECIES –
The Project minimizes impacts on environmentally sensitive habitat areas (ESHA) in accordance with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); North County Land Use Plan (NC LUP); Monterey County Coastal Implementation Plan, Part 2 (NC CIP); and the Monterey County Zoning Ordinance (Title 20).

- EVIDENCE:**
- a) ESHA Determination. Monterey County Geographic Information System (GIS) and the NC LCP ESHA map (CIP, Part 6, Appendix 2a) indicate that portions of the development area have the potential to contain coastal wetlands which are identified as areas of special biological importance.
 - b) Report Requirement. NC LUP Policy 2.3.2.5 and NC CIP Section 20.144.040.A.1.a requires submittal of biological field surveys, conducted by qualified individuals, to determine precise locations of biological resources and recommend mitigation measures to ensure protection of ESHA from potential development impacts. The Natural Environment Study (NES) which serves as the updated biological assessment submitted by Caltrans identified that the Project area supports sensitive vegetation communities and assumes presence of special status species. The NES identified a total construction footprint of 73.086 acres, consisting of 20.887 acres that will be permanently converted into the roadway facility and 52.199 acres that will be temporarily disturbed during construction. In all areas other than wetlands, temporary Project impacts areas include all staging, equipment storage, batch plants, and temporary construction easements. Restoration is planned to return these areas back to pre-project conditions or better. Permanent impacts will consist of new highway roads, on- and off-ramps, and overpasses, as well as the new alignment of Castroville Boulevard including all roundabouts, bike lanes, and driveways. These areas are limited to the proposed right-of-way acquisitions.
 - c) NC LUP Policy 2.3.2.1 and NC CIP Section 20.144.040.B.1 prohibits development in ESHA, except where allowed by the NC LUP or for activities for maintenance of roads if it has been determined that the development will not harm the habitat’s long-term maintenance. This project involves improvements to roads that will have an impact on ESHA. The NES prepared for the project describes the Projects impacts

to Sensitive vegetation communities and special status species. The project has been sited and designed, balancing other resource protection policies, to avoid and minimize impacts on ESHA. Consistent with recommendations in the NES, mitigation measures have been incorporated which would reduce Project impacts to ESHA to a less than significant level. As designed and mitigated, the project will not harm the long-term maintenance of ESHA in the area.

- d) Sensitive Vegetation Communities. The NES identifies that the Project area contains four types of sensitive vegetation communities, one of which is Coastal Brackish Marsh wetland. The remaining types include: Herbaceous Semi-Natural, Coyote Brush Scrubland and Arroyo Willow Thicket. Herbaceous Semi-Natural is a habitat type is typically found in fallow fields, grasslands, roadsides, disturbed coastal scrub, riparian areas, and waste places. Although this type is mainly non-native and ruderal, it provides marginal habitat for birds and special status species. The Project will result in permanent impacts to approximately 6.172 acres and temporary impacts to approximately 17.095 acres of Herbaceous Semi-Natural areas. The NES notes that although it is unlikely that the Coyote Brush Scrubland is native, it could provide refuge for special status species. The Project will result in permanent impacts to approximately 1.969 acres and temporary impacts to approximately 4.474 acres of Coyote Brush Scrubland. The Arroyo Willow Thicket is considered riparian habitat and provides marginal habitat for special status species. The Project will result in temporary impacts to approximately .078 acres of Arroyo Willow Thicket; no permanent impacts are identified. In total, the Project will have permanent impacts to 8.141 acres and temporary impacts to 21.647 acres of vegetation communities.
- e) Wetland Impacts. Implementation of the Project will permanently impact approximately 1.227 acres and temporarily impact approximately 0.048 acres of these areas. The NES considers permanent impacts to wetlands much more conservatively when compared to sensitive vegetation communities. Areas that will be cleared, grubbed and compacted to allow staging, equipment and material storage, batch plants, and grading for temporary roads and construction areas are included in the permanently impacted wetland acreage. Temporary impacts are limited to only those areas that will be disturbed but will not be compacted, paved or built into slopes which will allow for restoration to pre-project conditions or better. Except for the Coastal Wetland A, the impacted wetlands fall under the jurisdiction of the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or the California Department of Fish and Wildlife (CDFW). Wetlands A, B, C, D, and E, have a demonstrable connection to downstream navigable waters and are identified as *Waters of the U.S.* Although Stream A is highly modified ditched channel, it qualifies as an *Other Waters of the U.S.* because it conveys natural flows toward a navigable water. The boundary of California Fish and Wildlife (CDFW) jurisdiction is the edge of a stream channel to the top of bank or the

adjacent riparian zone. As such, Wetlands A, C, E and Stream A fall under the jurisdiction of CDFW. The Project will result in permanent impacts to approximately 1.912 acres of Wetland A, the entirety of Wetlands C, D and E, and temporary impacts to a .006 acre portion of Stream A. Therefore, Caltrans will be required to obtain a Clean Water Act (CWA) Section 404 permit from the USACE, a Section 401 Water Quality Certification from the RWQCB and a Section 1602 Streambed Alteration Agreement from the CDFW. Wetland F is identified as *Waters of the State*. The Project will result in a permanent impact to this entire wetland and Caltrans is required to obtain a Section 401 Water Quality Certification from the RWQCB. Based on the CWA, wetlands are determined by the presence of three wetland parameters (i.e., hydrophytic vegetation, hydric soil, and wetland hydrology) and connection or proximity to other jurisdictional waters. However, in the coastal zone, areas that support at least one wetland parameter qualifies as a Coastal Wetland and is considered ESHA in the NC LUP but not a wetland per the CWA.

- f) Special Status Species Identified. The NES identifies that the Project site supports marginal upland habitat and suitable aquatic habitat for the California Tiger Salamander (CTS), Santa Cruz Long-toed Salamander (SCLTS), and California Red Legged Frog (CRLF). Further, surveys conducted in 2010 and 2011 observed presence of these amphibians in breeding habitat adjacent to the Project site. An additional SCLTS habitat assessment was performed in 2019 to determine potential impacts resulting in the Project's reduced scope of work. This 2019 study identified two distinct areas as suitable SCLTS habitat; the northernmost edge of the Project (within and adjacent to Wetland E and Coastal Wetland A) and the eastern edge of the Project (adjacent to the southern arm of the Moro Cojo Slough). In addition, the Project area contains sensitive vegetation communities (Herbaceous Semi-Natural, Coyote Brush Scrubland and Arroyo Willow Thicket) and wetland areas which provide marginal/suitable habitat for CTS and CRLF. Therefore, Project implementation has the potential to impact biological resources. In addition to the required Coastal Development Permit, it is anticipated that Caltrans will be required to obtain a 2081 Incidental Take Permit for the incidental take of CTS and SCLTS, both of which are listed as endangered under the California Endangered Species Act (CESA). Passing of Senate Bill 1231 amended Sections 5050 and 2081 of the California Fish and Game Code (CFGC). As amended, Section 5050(a)(1) states that except as provided in Section 2081.5, a fully protected amphibian (including the SCLTS) may not be taken or possessed at any time. As amended, Section 2081.5(a) allows CDFW to authorize by permit, the take of the SCLTS resulting from impacts attributable to the construction along the State Route 156 corridor through Moro Cojo Slough in the County of Monterey for the purpose of enhancing safety and access, if all of the following conditions are satisfied:

1. *The requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the Santa Cruz long-toed salamander.*
 2. *The department ensures that all further measures necessary to satisfy the conservation standard of subdivision (d) of Section 2805 are incorporated into the construction project.*
 3. *The take authorization provides for the development and implementation, in cooperation with federal and state agencies, of a monitoring program and an adaptive management process until the department determines that any impacts resulting from the construction project described in this subdivision have been fully mitigated.*
 4. *The conditions for the permit are subject to amendment if required by the monitoring program and the adaptive management process adopted pursuant to paragraph (3) of subdivision (a).*
 5. *This section shall not be construed to exempt the construction project described in subdivision (a) from any other law.*
- g) Non-Standard Condition of Approval. Caltrans is exempt from obtaining construction permits from the County of Monterey to implement this Project. Therefore, a non-standard condition of approval has been incorporated requiring Caltrans submit evidence of obtaining necessary state and federal permits for ESHA prior to commencement of work.
- h) Siting of Development. The Project minimizes disturbance to biological resources to the maximum extent feasible by utilizing existing disturbed areas such as roadways, building pads, and an existing parking area. However, complete avoidance of ESHA is not feasible. Per NC CIP Section 20.144.040.B.8, the area of impact has been limited to that area necessary for the safety and structural improvements, and driveway access. This Project has been sited and designed to maintain the safe flow of traffic on the highway by eliminating an at-grade signalized intersection and replacing it with a separated grade intersection. Two driveway encroachments (Moro Cojo and Simon Park) will be redirected to frontage roads that connect back to the highway reducing dangerous, unsignalized road encroachments on the highway. Additionally, the design of the southern most roundabout (south of the highway) has been designed to avoid on and off ramp road improvements that would extend into the portion of the highway that crosses the Moro Cojo Slough at the eastern edge of the Project limits.
- i) Tree Removal in ESHA. The biologist findings for tree removal were independently reviewed and confirmed as described in Finding 7. In this case, the area of Project impact has been limited to that area necessary for the safety and structural improvements. Modification or relocation of Project components to avoid tree removal would have the potential to further impact ESHA or result in an unsafe design of the roadway. Therefore, tree removal has been reduced to minimum amount required.
- j) Consistent with NC LUP Policy 3.1.3.8 and implementing regulations contained in NC CIP Section 20.144.120.B.6, alternative designs were considered for this project, specifically a compact diamond

configuration for the new intersection. This design would eliminate the need for roundabouts. However, the compact diamond would require an expansion of the bridge over the Moro Cojo Slough resulting in greater impacts to ESHA. Conversely, the roundabout design avoids the need for bridge expansion at the slough by providing an adequate distance for the onramp to connect back to the existing highway configuration before it meets the slough.

- k) Mitigation. The project specific NC CIP policy 20.144.120.B.6.d.1 requires impacts to ESHA to be fully mitigated through a combination of habitat rehabilitation, enhancement, and preservation. As described in Finding 15, Evidence “b”, Caltrans mitigation measures would require installation of protective fencing, conducting proper pre-construction surveys, obtaining necessary state and federal permits, employing construction best management practices, restoring impacted ESHA and fulfilling an adopted Offsite Compensatory Mitigation and Monitoring Plan.
- l) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200118.

5. FINDING: **AGRICULTURAL RESOURCE AREAS** – The Project minimizes impacts on agricultural lands in accordance with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); North County Land Use Plan (NC LUP); Monterey County Coastal Implementation Plan, Part 2 (NC CIP); and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: a) As designed, the Project will require partial property acquisition (a total of 23.29 acres) from seven properties zoned Coastal Agricultural Preserve (CAP). These seven properties, totaling approximately 361.81 acres, are identified as containing farmland of statewide importance, prime farmland and unique farmland. The Project will result in the permanent loss of approximately 6.44 percent of existing acreages zoned CAP within the Project limits. All partial property acquisition required for the Castroville Boulevard Interchange Project will occur on the fringes or outer edges of existing farmland properties. The partial property acquisition required for the Project is considered relatively small in scale and is not expected to prohibit continuing agricultural practice in the Project area. Caltrans property appraisals also support the conclusion that the remaining agricultural lands will continue to be viable for agricultural purposes. Pursuant to NC CIP Section 20.144.080.B.1, a condition requiring preparation of an Agricultural Viability Report has been added to this Project to verify that the agricultural properties impacted by the road acquisition and construction for this Project remain viable for commercial agricultural use despite the reduction in acreage of these properties that will occur from this Project. As designed, sited, and mitigated, the project is not anticipated to have a

- substantial negative affect to the existing viability of agriculture on the properties or in the region given the small percentage of lands impacted.
- b) Prime and productive farmland shall be preserved for agricultural use to the fullest extent possible as consistent with the protection of environmentally sensitive habitats and the concentration of development (NC LUP Policy 2.6.2.1). The Project has incorporated avoidance, minimization and mitigation measures that would preserve agricultural lands to the fullest extent possible. Alternative designs and intersection improvements have been considered. The Project's siting and design reflects a balance between impacts to agricultural lands and impacts to ESHA. See Finding 4 and supporting evidence.
- c) Siting of Development – The Project represents the least damaging option for addressing the exiting safety concerns at the current intersection along with safety concerns at the driveway encroachments from Monte del Lago and Simon Park on Hwy 156. Caltrans staff has prepared a written justification for the Project with reference to the proposed LUP and CIP policies. The justification addresses the proposed intersection design with a description of the constraints and alternatives that have been considered in arriving at the current proposal. In summary, roundabouts are used as a safer and more effective intersection design than a signalized intersection. The southern-most roundabout will impact agricultural lands. Design considerations for this intersection took into account the safety and effectiveness of roundabout designs and represents an alternative to a signalized intersection that would require merging lanes to on and off ramps the geometry and distance of which would encroach upon an arm of the Moro Cojo Slough east of the main intersection. The Project will retain the two-lane capacity on Hwy 156 and Castroville Blvd. Mitigation is incorporated consistent with NC CIP Section 20.144.120.B.6.d.2 for both impacts to ESHA and agricultural lands.
- d) Mitigation – A condition of approval has been applied and agreed to by the applicant that requires mitigation impacts to agricultural lands. The condition requires both the preparation of an Agricultural Viability Report that demonstrates the continued viability of agricultural operations on the impacted properties as well as offsets at a 1:1 ratio for agricultural lands impacted by the Project. Offsets are required to be in the form of purchase of lands, or easements on lands, in the North Monterey County coastal area, that ensure the ongoing use of that land for agricultural operations in perpetuity (Condition 7). As described in the condition, property interest of agricultural lands shall be conveyed to a tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in the State of California which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use. The deed conveying interest shall include language meeting requirements set forth in California Civil Code Section 714.6(g)(2)(C) and Section 714.6(i): it shall specify that the covenant is required by the County for compliance with the policies,

standards and regulations contained in the NC LUP and NC CIP, as certified by the California Coastal Commission; is funded by local and state dollars; specify that the purpose of the covenant is to provide for the long-term protection, conservation, and/or enhancement of productive and potentially productive agricultural lands, with the goal of maintaining the long-term viability and sustainability of agriculture in the North Monterey County coastal zone and is therefore subject to enforceable protections (e.g. fee title acquisition, agricultural conservation easements, agricultural deed restrictions); and shall remain in place in perpetuity. The conditions requirements meet the requirements set forth in regulations contained NC CIP Section 20.144.120.B.6.

- e) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200118.

6. FINDING:

DEVELOPMENT ON SLOPES – There is no feasible alternative which would allow development to occur on slopes of less than 25%. Additionally, the proposed Project better achieves the objectives and policies of the North County Land Use Plan.

- EVIDENCE:**
- a) In accordance with the NC CIP Section 20.144.070.E, a Coastal Development Permit is required for development on slopes in excess of 25% and the criteria to grant said permit have been met.
 - b) Approximately a third of the Hwy 156 right of way and small portions along the existing Castroville Blvd contain man made slopes exceeding 25%. These slopes are a result of excess cut during construction the existing highway and road. The proposed frontage road adjacent to Monte de Lago, realigned Hwy 156, and the northern most roundabout will be located on slopes exceeding 25%.
 - c) Caltrans has prioritized this Project to address the intersection’s higher-than-average rate of collisions (21% higher than the state average). Although other alternatives were analyzed under the FEIR/EA, each alternative, except the No-Build Alternative, would have required development on slopes exceeding 25%. Development associated with this Project is limited to improvements that eliminate unsafe turning movements onto and off of the highway, including a T-intersection for two major roadways. Therefore, there is no feasible alternative which would allow the proposed development to occur on slopes of less than 25% while addressing the intersection’s higher-than-average rate of collisions.
 - d) Consistent with NC LUP Policy 2.2.3.4 and NC CIP Section 20.144.030.B.8, the Project is limited to safety improvements for an existing intersection and roadways resulting in minimizing grading, erosion, and scarring to the maximum extent feasible in this case. Grading and construction of the proposed roadway facilities is limited to that which is necessary to improve safety of the interchange and highway. Caltrans has designed the facility to meet state requirements and HCD-Engineering Services has reviewed the Project and has found

it acceptable. Implementation of Caltrans mitigation measures and Best Management Practices requires proper re-compaction, erosion control and revegetation of disturbed areas. Additionally, the Project is consistent with applicable Transportation (Chapter 3.1) related policies of the NC LUP in that the purpose of the Project is to improve the safety and function of an existing interchange and highway in a cost effective and timely manner, while minimizing environmental, social and economic impacts.

- e) The application, plans and supporting materials submitted by the Project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200118.

7. **FINDING:** **TRANSPORTATION** – The Project is consistent with applicable Transportation Policies set forth in NC LUP Chapter 3.1 and regulations contained in NC CIP Section 20.144.120.

- EVIDENCE:**
- a) The policies contained in NC LUP Chapter 3.1 clearly recognize Hwy 156 as an existing and important facility in Monterey County and the need for upgrades and improvements. Consistent with this chapter, and as demonstrated in Finding 2, Evidence “b” and “c”, the Project would replace an at grade signalized intersection with a new separated grade interchange with on and off ramps from the highway improving safety for motorists in this area reducing congestion by allowing uninterrupted through access on the highway (remove the traffic signal).
 - b) The Project is consistent with NC LUP Policies 3.1.2.3 and 3.1.3.3, which calls for consolidating access roads for flow and safety, because it includes construction of a new frontage road to provide safer access to the Monte del Lago mobile home park and Simon Park resulting in termination of two direct highway connections and eliminating dangerous left and right turning movements onto the highway.
 - c) In accordance with NC LUP Policy 3.1.3.6, the Project includes construction of Class 1 bike lanes along the re-aligned Castroville Blvd and portions of the existing Castroville Blvd.
 - d) Consistent with NC LUP Policy 3.1.3.8 and NC CIP Section 20.144.120.B.6. See supporting findings and evidence contained in this resolution.
 - e) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

8. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The Project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and North County Fire Protection District (FPD). County staff reviewed the application materials and plans to verify that the Project on the subject site conforms to the applicable plans and regulations, and there has been

no indication from these departments/agencies that the site is not suitable for the development.

- b) The Project is suitable for site as it provides safety improvements to an existing interchange and roadway that currently operates at a failing and unsafe level. These improvements have been limited to either existing road right or disturbed areas as much as feasible.
- c) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

9. FINDING: **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the Project 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) The Project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and North County FPD. The respective agencies have recommended conditions, where appropriate, to ensure that the Project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Pursuant to NC LUP Policy 3.1.1, State Highways, such as this Project, within the North County coastal area should be upgraded to provide for a safe and uncongested flow of traffic. The purpose of the of the Project is to improve the safety and function of the intersection at Hwy 156 and Castroville Blvd in a cost effective and timely manner, while minimizing environmental, social and economic impacts.
 - c) In accordance with NC LUP Policy 3.1.2.5, the major arterial roads in North County should be upgraded as necessary to serve the planned growth of North County. Hwy 156 connects Highway 1 to Highway 101 and is considered a major arterial road. The Project is not proposed to address future traffic capacity, but rather better accommodate the current unsafe traffic conditions and inefficiencies due to existing capacity. As such, the Project addresses existing safety issues relative to vehicular, bicycle and pedestrian traffic hazards and congestion through improvements and realignment.
 - d) The construction of the Project will be sequenced over 4 stages, with each stage containing multiple phases. Initial construction focuses on Project components with the least amount of impact to the existing roadways and traffic. Detours and road closures will then occur to allow completion of improvement segments. Traffic handling will include temporary installation of barrier systems, channelizers and crash cushions. Warning, including changeable messages, will be provided. Reduced speed limit signs will be posted and temporary radar speed feedback signs will be installed.

- e) A preliminary Bicycle and Pedestrian Access Plan prepared by Caltrans was submitted with the Project application. This Bicycle and Pedestrian Access Plan will be utilized during the construction of bike lanes (“CB3” and “CB4”) at the existing Castroville Blvd alignment. This would occur towards the end of Stage 1, Phase 1 until Phase 2. A shuttle will be provided to transport bicyclists and pedestrians between designated pick up and drop off locations at the Castroville pedestrian bridge and North Monterey County High School. It is anticipated that the shuttle service will be in place between 40 and 50 working days. Existing bicycle traffic utilizing Hwy 156 will also need to be moved off the roadway during construction of the Project. Caltrans has indicated that they will have a bicycle detour in place rerouting bicyclists off of the highway and onto Meridian Road and the existing Castroville Blvd alignment.
- f) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

10. FINDING: **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- k) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - l) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

11. FINDING: **PUBLIC ACCESS** – The Project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) The subject property is not described as an area where the Local Coastal Program requires visual or physical public access (Figure 6 of the NC LUP). The Project is not located between the sea and the first public road (Molera Rd) and the nearest shoreline (Salinas River State Beach) is located approximately 2.95 miles west of the subject Project area. Per Figure 6 of the NC LUP, the nearest primary or secondary access location is Highway 1, which is the closest corridor that provides public access for motorized and bicycle recreational traffic traveling north and south along the County. Highway 156 travels east and west and provides a corridor connecting the communities of Prunedale and Castroville, as well as serving as a connection between Highway 1 and Highway 101.

- b) No public access is required as part of the Project as no substantial adverse impact on access, either individually or cumulatively, as described in NC LUP Chapter 6 and NC CIP Section 20.144.150.
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, Project plans, and related support materials submitted by the Project applicant to Monterey County HCD-Planning found in Project File PLN200118.

12. FINDING: **CEQA/NEPA (CERTIFIED EIR/EA)** – The Monterey County Board of Supervisors has considered the Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact (EIR/EA with FONSI) (SCH#1999111063), together with the NEPA/CEQA Re-Validation Form (aka Addendum) for the State Route 156 West Corridor Project, that was previous certified by the California Department of Transportation (Caltrans).

- EVIDENCE:**
- a) A Final EIR/Final EA for the Project (SCH#1999111063) was prepared by Caltrans as lead agency under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans certified the EIR/EA on August 6, 2013. The EIR/EA assessed the current environmental conditions and evaluated the environmental effects associated with the construction and operation of the State Route 156 West Corridor Project. The corridor project was anticipated to occur in two phases, however, a subset of the 2 phases, (a 3rd phase) has been developed due to funding.
 - b) The EIR/EA identified potential impacts to aesthetics, agriculture resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, utilities and service systems, and cumulative effects. The EIR/EA was adopted with a Finding of No Significant Impact (FONSI).
 - c) In accordance with 23 CFR 771.129, a written evaluation of a draft EA is required there is a change in scope, setting, effects, mitigation measures, requirements. The NEPA/CEQA Re-validation form is used to document the determination of whether: 1) the original Draft EA remains valid, or 2) additional documentation is needed to keep the document valid, or 3) a supplemental EA or a new Draft EA is required. Therefore, to capture the reduced scope of work (only a portion of Phase 1), Caltrans prepared and approved a NEPA/CEQA Re-validation form on October 8, 2020. This re-validation form concluded that the EIR/EA required additional documentation to keep the document valid. This re-validation form identified Project specific potential impacts to land use (primarily agriculture), natural communities and habitats, jurisdictional waters, California tiger salamanders (CTS), Santa Cruz long-toed salamanders (SCLTS), California red-legged frogs (CRLF), migratory nesting birds and visual resources. Caltrans subsequently prepared a Natural Environment Study (NES) to serve as the updated biological assessment. The NES identified the required minimization and

avoidance measures to reduce impacts to jurisdiction waters, SCLTS, CTS, CLRF, migratory nesting birds and trees to a less than significant level. Minimization and avoidance measures for land use and visual impacts are identified in the re-validation form.

- d) The County is a responsible agency under CEQA due to the County's permitting authority for projects that are within the unincorporated area of the County. As a responsible agency, the County's role is more limited than a lead agency. The County has responsibility for mitigating or avoiding only the direct and indirect environmental effects of those parts of the Project which it decides to "... approve." (California Code of Regulations, Title 14 (CEQA Guidelines) sec. 15097(g).) The County has considered the environmental effects of the Hwy 156 and Castroville Blvd safety improvements as analyzed in the EIR/EA and updated in the NEPA/CEQA revalidation form, has required all feasible mitigation measures within the County's powers for the Project components, and found no feasible alternative.
- e) The EIR/EA, as revised by the NEPA/CEQA revalidation form, includes mitigation measures that will reduce all impacts to a less than significant level, with the exception of impacts to agriculture resources.
- f) Findings with respect to each of the identified significant effects, per the NEPA/CEQA re-validation form, are set forth below pursuant to CEQA Guidelines sections 15091 and 15093.

13. FINDING:

CEQA (NO SUPPLEMENTAL OR SUBSEQUENT EIR IS NEEDED) – The Monterey County Board of Supervisors finds that no Supplemental or Subsequent EIR is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Sections 15162 or 15163 since adoption of the Final EIR. Pursuant to Public Resources Code Section 21166, "no subsequent or supplemental environmental impact report shall be required by the lead agency or by the responsible agency" unless major revisions of the EIR are required due to substantial changes in the Project or substantial changes in circumstances or "new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."

- EVIDENCE:**
- a) There have not been any substantial changes to the Project which require major revisions to the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. The EIR/EA and subsequent NEPA/CEQA re-validation form analyzed the same Project for which the applicant is seeking approval of a Combined Development Permit.
 - b) No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.
 - c) No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of

reasonable diligence at the time the Final EIR was certified as complete and the re-validation form was approved, that shows any of the following: that “the project will have one or more significant effects not discussed in the previous EIR”; that significant effects previously examined in the EIR “will be substantially more severe than previously shown in the previous EIR”; that “mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative”; or that “mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.” (CEQA Guidelines section 15162.) A Final EIR/EA was adopted by Caltrans on August 6, 2013. A NEPA/CEQA Re-validation form was approved on June 7, 2022.

14. FINDING: CEQA/NEPA (EFFECTS WITH NO IMPACT OR LESS THAN SIGNIFICANT IMPACT) – The Monterey County Board of Supervisors finds that the Final EIR/EA and subsequent NEPA/CEQA Re-validation form identifies and discloses that the Hwy 156/Castroville Blvd interchange project will have no impact or less than significant impacts on the areas listed below and fully detailed in the FEIR/EA and revalidation form.

- EVIDENCE:**
- a) Implementation of the Project, as fully detailed in the FEIR/EA with FONSI and Re-Validation Form, would have no impact on cultural resources, mineral resources, parks and recreation, and paleontology.
 - b) Implementation of the Project, as fully detailed in the FEIR/EA with FONSI and Re-Validation Form, would result in a less than significant to air quality, hazards and hazardous materials, and hydrology and water quality. Although the FEIR/EA identified these as less than significant, the following best management practices (BMPs) have been incorporated into the Project made applicable by this approval. These BMPs are outlines in the Project specific Water Quality Summary prepared by Caltrans.
 - Non-Storm Water: Implementation of water conservation practices; clear water diversion; illicit connection/illegal discharge detection and reporting; proper vehicle and equipment cleaning, fueling and maintenance; concrete curing; proper material and equipment use over water; concrete finishing; and proper structure demolition/removal over or adjacent to water.
 - Temporary Sediment Control: Installation of check dams, fiber rolls, street sweeping and vacuuming, and storm drain inlet protection.
 - Temporary Soil Stabilization: Proper construction scheduling, preservation of existing vegetation, and spreading hydraulic mulch.
 - Wind Erosion Control: Implement wind erosion control.

- Waste Management and materials Pollution Control: Proper material delivery and storage, material use, stockpile management, spill prevention and control, solid waste management, hazardous waste management, concrete waste management, sanitary and septic waste management, and liquid waste management.

15. FINDING:

CEQA/NEPA (ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT) – The Monterey County Board of Supervisors finds that the Final EIR/EA and subsequent NEPA/CEQA Re-validation form identifies and discloses that the Hwy 156/Castroville Blvd interchange project identified potentially significant impacts to visual/aesthetics, biological resources, geology and soils, land use (agriculture), noise, and utilities and service systems. Changes or alterations have been required in or incorporated into the Project which avoid or substantially lessen the potentially significant environmental effects of the construction and operation of the roadway safety improvement project. For each potential impact summarized below, the mitigation measures have been identified and adopted by Caltrans that reduce that potential impact to less than significant.

EVIDENCE: a)

Aesthetics. Implementation of the Project would potentially result in an adverse effect on visual/aesthetics since development includes vegetation and tree removal, has the potential to degrade the existing visual character of the site and would result in new sources of light. As adopted, Caltrans mitigation measures would require:

- Undergrounding all affected overhead utility lines, where feasible per State Scenic Highway policy.
- Installation of high visibility fencing or flagging around the dripline of trees to be protected within Project limits. All trees that cannot be saved, or are proposed for removal, would be replaced by native or other horticulturally appropriate trees at a minimum ratio of 5 to 1.
- Installation of landscaping and natural elements around all Project components and apply aesthetic treatment to all retaining or sound walls which would be visible from the Highway or nearby communities.
- Consultation with a landscape architect to determine the most appropriate location and appearance of storm water basins and other visible stormwater prevention measures.
- Prohibiting Project related contour-grading and slope rounding which would cause additional tree removal and result in unnatural-appearing landforms.
- Darkening of all metal beam guardrail beams and posts, and install wood or metal T-post and wire fencing, where appropriate.
- Utilizing hooded or cut-off shields for all lighting on bridge structures.

Also refer to Finding 3 and supporting evidence.

- b) Biological Resources. Implementation of the Project would potentially have an adverse effect on biological resources, including effects on special status, sensitive or candidate species, temporary impacts (approximately 0.078 acres of riparian and 0.048 of wetlands) and permanent impacts (approximately 1.227 acres of wetlands) to sensitive habitat areas.

As adopted, Caltrans mitigation measures would require:

- Installation of exclusionary fencing along the boundary of the API that directly abuts suitable habitat for SCLTSs and CTSs.
- Obtaining a USFWS-approved biologist to capture and relocate of all CTS and SCLTS outside of the Project area, monitor initial ground disturbing activities, hand-dig necessary vegetation, and conduct a biological education program for construction employees (BEPE training) which includes but is not limited to instructing attendees on habitat sensitivity, identification of special-status species and raptors, required practices prior to start of construction, general measures that are being implemented to conserve these species as they relate to the Project, guidelines to avoid impacts to these species during the construction period, and penalties for non-compliance. Work activities, when conducted in potential habitat for California red-legged frogs, California tiger salamanders and Santa Cruz long-toed salamanders, will be completed between May 1 and November 1.
- Obtaining CTS and SCLTS incidental take permits from the USFWS and Section 2081 incidental take permits from the CDFW.
- Completely screen all intake pipes, if needed for pumping, with wire mesh, and to pump water downstream at an appropriate rate.
- On an on-going basis, ensuring all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly, and all refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian and pond habitat and conform to the Caltrans Construction Site Best Management Practices.
- Installation of protective fencing, silt fencing, fiber rolls, and barriers around jurisdictional resources, and conduct on-site biological monitoring.
- Obtaining a Section 404 Water Quality Certification from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Lake and Streambed Alteration Agreement from CDFW.
- Restoration of impacted jurisdictional water areas as close as possible to their original condition, as defined by the jurisdictional delineation report (see Offsite Compensatory

Mitigation and Monitoring Plan and Onsite Wetland Enhancement Plan below).

- Ensuring that Project related hazardous materials are cleaned up immediately and that all cleaning and refueling of vehicles and equipment conform to the Caltrans Construction Site Best Management Practices.
- Obtaining a migratory bird nesting survey no more than 7 days prior to tree removal or vegetation removal.
- On-going basis, if a white-tailed kite is seen nesting within 500-feet of the Project area, Caltrans shall immediately stop all work in that area. Caltrans will immediately notify CDFW. A biological monitor will be called to monitor the white-tailed kite weekly until it has fledged the nest. Work within the 500-foot buffer will only commence once the white-tailed kite's offspring have fledged the nest, as confirmed by both the biological monitor and with approval of CDFW.
- On an ongoing basis, Caltrans shall ensure that no rodent control pesticides are used, including anticoagulant rodenticides such as brodifacoum, bromadiolone, difethialone, and difenacoum.

An Offsite Compensatory Mitigation and Monitoring Plan was adopted by Caltrans in April 2022. This Offsite Mitigation Plan, proposed at Elkhorn Highlands Reserve, would offset permanent wetland impacts from the Project. The Elkhorn Highlands Reserve is located within the Moro Cojo Slough sub-watershed, which is part of the Lower Salinas watershed. This Offsite Mitigation Plan requires Caltrans to re-establish wetland at a 2.3:1 ratio and rehabilitate wetland at a 3.3:1 ratio. However, Caltrans is proposing to re-establish more area than required to mitigate the permanent wetland impacts of the Project; a 5.4:1 ratio rather than a 2.3:1 ratio. Although riparian restoration is not required, the Offsite Mitigation Plan requires Caltrans to restore 1.02 acres of riparian areas if the RWQCB requires such mitigation for Project impacts.

An Onsite Wetland Enhancement Plan was adopted by Caltrans in August 2021. The Onsite Enhancement Plan would offset Project related temporary impacts to wetlands by improving wetland functions near culvert outlets that are within the Project limits. This Onsite Wetland Enhancement Plan requires Caltrans to restore the temporarily impacted wetlands and conduct annual monitoring for 3 years or until the performance standards are achieved. These performance standards include monitoring an increase of at least 20% in native species, an increase of 20% in the native vegetation community, a decrease of at least 20% in non-native vegetation coverage, and an increase in vertical biotic interspersions. Also see Finding 4 and supporting evidence.

- c) Geology and Soils. Implementation of the Project would potentially have an adverse effect on geology and soil resulting from extensive cut and fill, both of which are susceptible to erosion and the temporary and permanent modifications to the existing topography of the subject properties. As adopted, Caltrans mitigation measures would require:
- Re-compaction of the cut slope material samples to test for strength, use excavated material to create embankments with slope angles of less than 2:1 (horizontal: vertical), utilize benches for embankments higher than 50 feet, and erect retaining walls where necessary. This mitigation measure requires Caltrans to adhere to vegetation and erosion control programs for all constructed slopes and to obtain geotechnical reports to determine groundwater levels, soil types and strengths, and susceptibility to liquefaction, landslides or settlement.
- d) Noise. The Project would potentially have an adverse effect on noise resulting in the exposure of persons to or generation of noise in excess of standards established in the 1982 General Plan or noise ordinance, or applicable standards of other agencies. As adopted, Caltrans mitigation measures would require:
- Publishing a notice in the local new media of the dates and duration of the proposed construction activities, and such notice shall include a telephone number for local residents to use to ask questions or raise concerns about the Project. If complaints are received, temporary noise barriers can be constructed where construction activities are conducted near residential receptors.
 - Construction of recommended barriers which would not interfere with subsequent construction activity should be among the first items of work to minimize the impacts of construction (noise, dust, light, and glare) for residences adjacent to the construction zone.
 - Scheduling noisier activities during the earlier parts of the evening or afternoon to avoid impacts to ambient noise.
- e) Utilities and Service Systems. Implementation of the Project would potentially have an adverse effect on utilities and service systems resulting in the construction of new storm water drainage facilities or expansion of existing facilities. Temporary interruption of utility services may occur, but no permanent interruption of utility services is anticipated during relocation. As adopted, Caltrans mitigation measures would require:
- Coordinating route closures and detours during construction with emergency services and the local sheriff's department.

16. **FINDING:**

CEQA/NEPA (CUMULATIVE IMPACTS MITIGATED TO LESS THAN SIGNIFICANT) – California Environmental Quality Act Guidelines Section 15130 describes when a cumulative impact analysis is warranted and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative

impacts under the California Environmental Quality Act can be found in Section 15355 of the California Environmental Quality Act Guidelines. A definition of cumulative impacts under the National Environmental Policy Act can be found in 40 Code of Federal Regulations, Section 1508.7 of the Council on Environmental Quality regulations. The EIR/EA identified cumulative impacts to land use, visual resources and biological resources. Changes or alterations have been required in or incorporated into the Project which avoid or substantially lessen the potentially significant cumulative environmental effects. For each potential impact summarized below, the mitigation measures are identified that reduce that potential impact to less than significant.

- EVIDENCE:**
- a) Cumulative Impacts to Land Use (Farmland). Implementation of the Project would potentially contribute to cumulative impacts on farmlands. Conversion of farmland is required for construction of the Project (see Finding 5 and supporting evidence) and other foreseeable projects. The only option to avoid the conversion of farmland would be the No-Build Alternative, which does not meet the purpose and need of the Project. However, the loss of farmland will be mitigated through the application of measures discussed in Finding 17, Evidence “b” and “f”.
 - b) Cumulative Impacts to Visual Resources. Implementation of the Project, in addition to future Caltrans projects in and next to the Project area, would have minor cumulative impacts on visual resources that may be mitigated to a level of less than significance because on-site mitigation measures are incorporated into these projects as provided in Finding 15, Evidence “a”.
 - c) Cumulative Impacts to Biological Resources. Implementation of the Project, in addition to future Caltrans projects in and next to the Project area, would have minor cumulative impacts on sensitive habitats and species that may be mitigated to a level of less than significance because on-site mitigation measures are incorporated into these projects as provided in Finding 15, Evidence “b”.

- 17. FINDING: CEQA (ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT- STATEMENT OF OVERRIDING CONSIDERATIONS)** –The Project would result in significant and unavoidable impacts to agriculture that would not be mitigated to a less than significant level even with incorporation of mitigation measures, as further described in the evidence below. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures that would reduce these impacts to less than significant. The County makes the following findings with respect to the following significant and unavoidable impacts of the Highway 156/Castroville Boulevard interchange project.

- EVIDENCE:**
- a) In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the Project against its unavoidable significant environmental impacts in determining whether to approve the Project and has determined that the benefits of the Project outweigh its unavoidable adverse environmental effects so that the adverse environmental effects may be considered “acceptable.” The Project will result in development that will provide benefits described herein to the surrounding community and the County has a whole.
 - b) Unavoidable Impacts to Agriculture Resources. The FEIR/EA and subsequent re-validation form found that Project related impacts will result in permanent take of nearby agriculture properties. As designed, the Project will require partial property acquisition (a total of 23.29 acres) from seven properties zoned Coastal Agricultural Preserve (CAP). These seven properties, totaling approximately 361.81 acres, are identified as containing farmland of statewide importance, prime farmland and unique farmland.
 - c) Health and Safety. Hwy 156 has a collision rate that is 21% higher than the state average. The Project would result in improvements to existing roadways, a roadway and highway interchange, and driveway intersections. Hwy 156 provides a corridor connecting the communities of Prunedale and Castroville, as well as serving as a connection between Hwy 1 and Hwy 101. Therefore, the Project would result in providing safer roadways to the traveling public. In addition, Class 1 bike and pedestrian paths would be added providing safer opportunities for alternative modes of transportation.
 - d) Relief of Traffic Congestion. The Project includes removal of an at-grade signaled interchange and replacing it with roundabouts and an overpass allowing efficient vehicle flow along Hwy 156. In addition, direct access driveways off Hwy 156 would be replaced with a frontage road that would access the realigned Castroville Blvd. This would provide relief to the highly congested condition of the existing Hwy 156 roadway.
 - e) Economic Benefit. The Hwy 156 corridor provides a primary access point for regional and state traffic. This corridor is identified as a major thoroughfare used by residents, commuters, tourists. As a crucial aspect of the statewide freight network for commercial trucks, it is identified as a high priority in the *U.S. 101 Central Coast California Freight Strategy Report*. Reducing safety issues and improving congestion would continue to support travelers resulting in an economic benefit to the County as well as cities within the region.
 - f) Non-Standard Condition of Approval. In this case, the Project’s result in permanent loss of agricultural land (preceding Evidence “b”) are outweighed by the public benefits identified in preceding Evidence “c”, “d” and “e”. Caltrans has identified offsite mitigation to provide protection on long-term viability of agricultural lands. Although implementation would not reduce impacts to a less than significant level, the mitigation is necessary for consistency with the NC LUP and

NC CIP. To ensure this occurs, a non-standard Condition of Approval (Condition 7) has been incorporated requiring Caltrans submit a final agricultural mitigation plan to HCD-Planning prior to commencement of construction demonstrating how the loss of agricultural lands necessitated by this Project will be adequately offset at a one to one ratio. As described, the plan may include restoring the viability of agricultural land in the North Monterey County coastal zone, especially those lands that have been converted to other uses in the past or permanent protection of the most significant agricultural lands threatened by conversion to non-agricultural use by deed restriction or other appropriate mechanism. This mitigation shall be completed as described in the agricultural mitigation plan within 3 years of the start of construction of the Project, and must remain in place in perpetuity. Additionally, prior to commencement of construction, Caltrans shall submit an agricultural viability report that addresses the long-term viability of the remaining agricultural operations on the parcels impacted by the Project. The report shall be submitted to the Chief of Planning and the Agricultural Commissioner for review and approval. The Chief of Planning, in consultation with the Agricultural Commissioner, may extend the 3 year timeline without an amendment to the permit provided the extension would result in ability for Caltrans to acquire property or easements for mitigation and provided Caltrans can demonstrate to the satisfaction of the Chief of Planning and the Agricultural Commissioner that they have made good faith efforts to satisfy the mitigation requirements. The timeline shall not be extended beyond 5 years from the start of construction. If Caltrans cannot satisfy the mitigation requirements within 3 years of the start of construction or as extended, Caltrans will be required to meet additional responsibility by establishing a non-wasting endowment, or similar in-lieu fee, of a value equivalent to the value of the acreage of impacted agricultural lands at the start of construction. All agricultural mitigation shall be satisfied within 6 years of the start of construction of the project. Further, if Caltrans conveys a property interest to a land trust or similar organization as part of satisfying the agricultural mitigation requirements of this permit, the organization must be accredited by the Land Trust Accreditation Commission.

18. **FINDING:** **CEQA/NEPA (PROJECT ALTERNATIVES)** – The EIR/EA considered several alternatives to the Project in compliance with CEQA Guidelines Section 15126.6. Nine build alternatives were considered but subsequently withdrawn. Modified Alternative 11, which is the Project approved by Caltrans and identified as the Preferred Alternative. Modified Alternative 11 was further reduced in scope and is the Project that is the subject of this approval. The EIR/EA considered alternatives described below and as more fully described in the FEIR/EA. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible

- other alternatives that would reduce the significant and unavoidable impacts to less than significant, as explained further below.
- EVIDENCE:**
- a) No-Build Project Alternative. The no-build project alternative involves not constructing the State Route 156 West Corridor Project. Applicable to the Highway 156/Castroville Boulevard interchange project, the no-build alternative would not include construction of the three roundabouts, new roadway alignments, a bridge overpass and associated on and off ramp, bike paths, driveway improvements, etc. Hwy 156 would continue to operate in its current conditions. The no-build alternative would have the least significant environmental impacts; however, it would not meet the Project objectives for addressing unsafe conditions of Hwy 156 and Castroville Blvd. It would not provide a provide bike routes for nearby residents or tourists, it would not provide improved drainage, it would not provide safer conditions at the intersection of Hwy 156 and Castroville Blvd, it would not provide increase local road access to Hwy 156, and it would not provide traffic congestion relief or improve traffic flow. The no-build project alternative does not meet the Project goals and objectives and therefore is not a feasible alternative.
 - b) Alternative Designs. The FEIR/EA evaluated two alternative designs for the State Route 156 West Corridor Project: Alternative 11 and Alternative 12. Alternative 11 and 12 would have similar design features.
 - c) Alternative 11. Alternative 11 includes: 1) converting the existing 156 Highway from a two-lane highway to a four-lane highway with 10 foot-wide outside shoulders and 5 foot wide inside shoulders; 2) increasing the speed limit to 70 miles per hour (MPH); and 3) converting Hwy 156 into a frontage road between Castroville Blvd and Prunedale North Road.
 - d) Alternative 12. Alternative 12 also includes converting the existing Hwy 156 into a four-lane highway but instead only proposes to add two lanes south of the existing route whereas the four-lanes proposed in Alternative 11 are split (2 in each direction). Alternative 12 also includes increasing the speed limit to 70 MPH, but proposes to realign Cathedral Oaks Road and connect Meridian Road to Prunedale North Road. Differences between Alternative 11 or 12 are not reflected in the Project as this project does not increase the alignment, number of lanes, or the speed limit for the corridor. This project only consists of a portion of Phase 1 of the overall corridor project.
 - e) Environmentally Superior Alternative. The FEIR/EIS found that neither design alternative would result in a project which fully avoids or minimizes potential impacts. Alternative 11 would have slightly less impact to wetlands and other waters, natural communities and threatened and endangered species than Alternative 12. However, Alternative 12 would have fewer impacts to farmland and water quality than Alternative 11. Alternative 11 would preserve the existing oak trees on the south side of Hwy 156 whereas Alternative 12 would remove the existing oak trees on the south side of Hwy 156.

Alternative 12 acquires less farmland acres, and less paved area affecting visual resources and has less impervious surface area to contribute to storm water runoff. Alternative 11 would affect more land due to the addition of four new lanes south of the existing Hwy 156 alignment. Alternative 12 would use the existing Hwy 156 and would add two lanes along the existing alignment. Based on these impacts, Alternative 12 was selected as the environmentally superior alternative.

- f) Selection of Preferred Alternative. After public circulation of the draft EIR/EIS document, Modified Alternative 11 was selected as the preferred build alternative based on engineering and environmental analysis, and community and agency input. Modifications to Alternative 11 include using the existing Hwy 156 alignment as a frontage road between the proposed realigned Castroville Blvd and the existing Prunedale North Road, constructing an overcrossing at Messick Road for access to residential properties south of Highway 101, and constructing a frontage road connecting Berta Canyon Road and Vierra Canyon Road. The Project as described in Finding 2, Evidence “c”, includes a scope further reduced that the Modified Alternative 11, is limited to the area for the Hwy 156/Castroville Blvd interchange and maintains Hwy 156 as a two-lane highway.

- 19. FINDING:** **APPEALABILITY** – The decision on this Project may be appealed to the California Coastal Commission.
- EVIDENCE:** Title 20 Section 20.86.080.A.3 identifies that projects involving development permitted as conditional uses and those that constitute a major public works project are appealable to the California Coastal Commission.

DECISION

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

1. Certify that the environmental effects of the Project described in the Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact (FEIR/EA with FONSI) together with NEPA/CEQA Re-Validation Form (aka Addendum) certified by the California Department of Transportation on January 31, 2013 (SCH#1999111063) have been considered;
2. Adopt a Statement of Overriding considerations finding that there are benefits of the Project (public safety, public access, and relief of congestion) that outweigh significant and unavoidable impacts on the environment (conversion of agricultural land);
3. Approve a Combined Development Permit consisting of a:
 - a. Coastal Development Permit to allow construction of three new roundabouts to replace the existing Castroville Boulevard/Highway 156 intersection, including construction of new on and off ramps, a new bridge overpass, reuse of a portion of the current Castroville Blvd as a mixed use bicycle and pedestrian path, driveway improvements, a new frontage road, the realignment of Castroville Blvd and

- replacement along the new or modified sections of Highway 156 and Castroville Blvd;
- b. Coastal Development Permit to allow development on slopes exceeding 25%;
 - c. Coastal Development Permit to allow the removal of one native tree and two non-native landmark trees; and
 - d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat areas; and
4. Adopt a Mitigation Monitoring and Reporting Plan.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

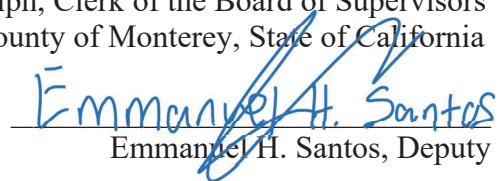
PASSED AND ADOPTED on this 21st day of March 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams
NOES: None
ABSENT: None

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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 21, 2023.

Dated: March 24, 2023
File ID: A 23-045
Agenda Item No. 9

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


Emmanuel H. Santos, Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021