

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

Resolution No. 24-_____

In the matter of the:)
Carmel Lagoon Scenic Road Protective Structure)
(SRPS), Ecosystem Protection Barrier (EPB), and)
Interim Sandbar Management Plan (ISMP) Project)
(REF120051))
Resolution by the County of Monterey Board of)
Supervisors:)
A) Certify the Final Environmental Impact Report)
(FEIR) for the Carmel Lagoon Scenic Road Protective)
Structure (SRPS), Ecosystem Protection Barrier (EPB),)
and Interim Sandbar Management Plan (ISMP) (“Carmel)
Lagoon Project” (SCH#:2014071050);)
B) Select the Scenic Road Protective Structure at the Mid)
Slope Wall (alternative 5.3.2.5 of the FEIR))
and Sandbar Management Plan (No EPB) (alternative)
5.3.3.2 of the FEIR), with the potential for individual)
garden walls along the property lines (alternative 5.3.2.4)
of the FEIR), and the potential long-term solution to the)
Sandbar Management Plan being a Home Elevation)
Program (alternative 5.3.2.3 of the FEIR) as the preferred)
project;)
C) Direct staff to seek funding for the design, permitting,)
construction, and ongoing maintenance of a Scenic Road)
Protective Structure at the Mid Slope Wall (alternative)
5.3.2.5 of the FEIR) and Sandbar Management Plan (No)
EPB) (alternative 5.3.3.2 of the FEIR);)
D) Direct staff to County of Monterey Department of)
Emergency Management to further investigate)
implementing a Home Elevation Program as described in)
Alternative 5.3.2.3 for homes in the floodplain adjacent)
to the Carmel Lagoon and return to the Board at a later)
date with a proposed Program; and)
E) Adopt a Mitigation Monitoring and Reporting Plan.)
[APNs 009-472-001, 009-481-004, 009-491-001, Carmel)
Area Land Use Plan, Coastal Zone])

The Carmel Lagoon Scenic Road Protective Structure, Ecosystem Protection Barrier, and Interim Sandbar Management Plan Final Environmental Impact Report Environmental Assessment (FEIR) came on for public hearing before the County of Monterey Board of Supervisors on September 10, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** - The County of Monterey (“County”), as Lead Agency, has completed a Final Environmental Impact Report (“FEIR”) and Environmental Assessment (“EA”) for the Carmel Lagoon Scenic Road Protective Structure (“SRPS”), Ecosystem Protection Barrier (“EPB”), and Interim Sandbar Management Plan (“ISMP”) in compliance with the California Environmental Act (“CEQA”), Public Resources Code 21000 -21189.3, the State CEQA guidelines found in Title 14 of the California Code of Regulations commencing with Section 15000, and the National Environmental Protection Act (NEPA). The FEIR was presented to the Board of Supervisors, which has reviewed and considered the information contained in the FEIR prior to taking action on the Project, and the FEIR reflects the County’s independent judgment and analysis.
- EVIDENCE:**
- a) **Project Description:** The FEIR proposes implementing three project components: 1) EPB, 2) SRPS, and 3) ISMP with the objective of implementing a solution to improve the functions and values of the ecosystem in and around the Lagoon by restoring the Lagoon’s historic hydrologic, pre-management conditions to the extent feasible to protect and improve habitat for fish and wildlife while maintaining flood protection.
 - b) **Location:** The Carmel Lagoon (“Lagoon”) SRPS, EPB, and ISMP Project (County File No. REF120051) is located within and adjacent to the Carmel River State Beach and Lagoon between Highway 1 and the Pacific Ocean in the unincorporated Carmel area of Monterey County, California. All three components of the project are located on property owned by California Department of Parks and Recreation (State Parks), Carmel River State Beach. The SRPS and ISMP would be located on Assessor Parcel Numbers 009-472-001, 009-481-004, and 009-491-001. The EPB component of the Project is not being recommended for implementation and would be located on properties owned by State Parks, Carmel River Elementary School, and Mission Ranch.
 - c) **Decision to Prepare an EIR:** Pursuant to Section 15081 and 15060 (d) of the CEQA Guidelines the County of Monterey decided to prepare an FEIR for the Lagoon SRPS, EPB, and ISMP (County File No. REF120051), also known as the “Carmel Lagoon Project.” The FEIR provides the public and responsible and trustee agencies with information on the potential environmental effects of implementation of the proposed project on the local and regional environment. The FEIR proposes implementing three project components: 1) EPB, 2) SRPS, and 3) ISMP with the objective of implementing a solution to improve the functions and values of the ecosystem in and around the Lagoon by restoring the Lagoon’s historic hydrologic, pre-management conditions to the extent feasible to protect and improve habitat for fish and wildlife while maintaining flood protection.
 - d) **Notice of Preparation:** Pursuant to Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was posted with the Monterey County Clerk’s Office and transmitted to the State Clearinghouse (SCH#:2014071050) on December 2, 2016 starting a 30 day comment period that was extended for a further 15 days, ending on

January 31st, 2017. The NOP included a description of the Design Approval project, maps and text identifying the location of the project, and a list of probable environmental effects of the project which were focused on potential impacts to historic resource. The NOP and comments received on the NOP are attached to the Draft EIR.

- e) Consultation: The Project site includes the Carmel Lagoon, and Carmel River State Beach which support endangered species and are considered environmentally sensitive. For purposes of the California Department of Fish and Wildlife (CDFW) Fish and Game code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. CDFW reviewed the EIR to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- f) CEQA: The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment. As lead agency, the Monterey County Housing and Community Development (HCD) Department prepared a Draft EIR and released for public comment for 45 days on December 2, 2016 (2016 DEIR) (SCH#:2014071050).

The 2016 DEIR evaluated the environmental impacts associated with the construction of the three proposed project components: 1) EPB, 2) SRPS, and 3) ISMP and is on file at HCD-Planning and is hereby incorporated by reference (REF120051).

Issues that were analyzed in the Draft EIR include aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.

- g) Review of Comments: The County prepared “Responses to Comments on the Carmel Lagoon Scenic Road Protective Structure (SRPS), Ecosystem Protection Barrier (EPB), and Interim Sandbar Management Plan (ISMP) 2016 Draft EIR and 2024 RDEIR.

The Responses to Comments section of the FEIR responds to comments that relate to chapters of the 2016 DEIR that were not recirculated, and additionally, responds to the comments received during the recirculation period that relate to the chapters that were revised and recirculated. The Responses to Comments document was released to the public on August 29, 2024, and responds to all significant environmental points raised by persons and organizations that commented on the DEIR and RDEIR. The County has considered the comments received during the public review period for the DEIR, and in the Responses document, provide responses to the comments received. Together, the DEIR,

RDEIR and Responses to Comments constitute the Final EIR (FEIR) on the Project.

Comments received by the California Department of Parks and Recreation (State Parks), area residents, California Coastal Commission (CCC), and the Carmel Area Wastewater District (CAWD), and the public in opposition to the EPB and SRPS components of the Proposed project in the 2016 Draft EIR triggered the need to add new significant information to the EIR.

- h) Recirculation: Consistent with Section 150088.5 of the CEQA guidelines, the Draft EIR was partially recirculated for public review February 2, 2024, through March 20, 2024, with chapters containing new or revised information being recirculated for public comment and review.

Significant new information in response to public comment, and an expanded analysis of the alternatives proposed in the EIR required revisions and recirculation of the following EIR chapters: Summary of the Environmental Impact Report; Environmental Setting, Impacts and Mitigation Measures; Alternatives; CEQA Considerations; and List of Preparers, as well as updated discussion and analysis in the following topical issues areas: aesthetics, biological resources, geology and soils, hydrology and water quality, and transportation.

Other important changes since the release of the Draft EIR in 2016 include new regulatory requirements and updated CEQA guidelines, as well as changes to the project-level environmental and cumulative setting in the vicinity of the proposed project. As a result of these changes, additional discussion, and analysis of topics, including transportation impacts from vehicle miles traveled and energy demand, were added to the EIR. Additionally, an updated site visit and records search was conducted to identify the potential biological resources that may be affected by the implementation of the proposed project and alternatives.

- i) FEIR: The Final EIR contains a list of the comments submitted on the Draft EIR and RDEIR, copies of the comment letters received on the 2016 Draft EIR and 2024 RDEIR during the respective public review periods, responses to the environmental points raised in those comments, and revisions to the 2016 Draft EIR and 2024 RDEIR made as a result of the public review process. This document, together with the 2016 Draft EIR and 2024 RDEIR, constitute the Final EIR for the Carmel Lagoon EPB, SRPS, and ISMP Project.
- j) Project: Approval of an EPB component is not possible at this time due to lack of support from private and public landowners adjacent to and in the Lagoon. Additionally, regulatory agencies have consistently stated their opposition to an EPB. Landowners adjacent to the Lagoon whose support is required for maintenance of a proposed EPB have consistently written in opposition of the project component. Further, an EPB component to the project increases the significant and unavoidable impacts on biological, noise, and cultural resources.

Approval of the SRPS as described as the Proposed Project in the FEIR is not recommended due to opposition from State Parks to locate the SRPS entirely on State Parks property (Carmel River State Beach), and opposition from California Coastal Commission due to reliance on the proposed rip rap construction components of the SRPS. Following circulation of the 2016 DEIR, over 40 letters were received from public agencies, organizations, and the general public, which included challenges to, and requests for, additional technical studies related to the proposed SRPS component of the project and requests to identify and analyze additional project alternatives, as well as a more detailed analysis regarding the location and alignment of a natural breach of the Carmel River. Therefore, the County retained Moffatt & Nichol to analyze the natural breach alignment and location and sediment transport, and to prepare an assessment of potential beach impacts from a mid-slope wall alternative similar to the Mid-Slope Toe Soldier Pile Wall analyzed in the 2016 DEIR and described in the 2024 Recirculated Draft Environmental Impact Report (“RDEIR”) as the SRPS- Mid Slope Wall Alternative 5.3.2.5. The technical studies were the Carmel River Lagoon Natural Breach Alignment and Location study, Sediment Transport Study, and Assessment of SRPS Mid-Slope Wall Alternative Beach Impact Potential. Each of these study reports are contained in Appendix F of the FEIR. Based on these technical analyses, Preliminary 30% Plans for a Mid-Slope Wall (“MSW”) Alternative 5.3.2.5 (Moffatt & Nichol, March 24, 2023) were developed, and are incorporated in the 2024 RDEIR beginning on page 41 of Chapter 5.

After review of the FEIR, the Project selected by the County includes the Mid Slope SRPS as described in Alternative Component 5.3.2.5, as part of the SRPS and Adaptive Sandbar Management (No EPB) Project Alternative as describe in Alternative 5.3.3.2. Long-term, the County will explore a home elevation program as part of the solution to flooding.

- k) Project Alternatives and Preferred Project: Alternatives to the Project Proposed in the FEIR that have been considered and analyzed include the “No Project” Alternative, as well as a variation on each of the three project components (SRPS, EPB, ISMP). The environmentally superior project that most meets the objectives of the FEIR is the Mid Slope SRPS (described in Alternative 5.3.2.5), coupled with the Adaptive Sandbar Management Plan and further described in Alternative 5.3.3.2 as the SRPS and Sandbar Management Plan (No EPB) Project.

The Project proposed for selection by this action is the mid slope SRPS alternative and an Adaptive Sandbar Management Plan (“ASMP”). As described in the 2024 RDEIR beginning on page 41 of Chapter 5, the SRPS Mid-Slope Wall (“SRPS-MSW”) Alternative is an approximately 1,040-foot-long structure that would run from the southern tip of the Carmel River State Beach parking lot along the toe of the bluff parallel to Scenic Road at an approximate elevation of 8 feet NAVD88, terminating between Valley View Avenue and Isabella Avenue. The SRPS-MSW would consist of a low-profile soil-nail wall along Scenic

Road, and rock revetment along the edge of the Carmel River State Beach parking lot. The SRPS-MSW would protect the bluff of Scenic Road up to 27 feet NAVD88, which is the approximate level of the roadway. The wall structure would consist of a low-profile wall composed of a row of 3-foot diameter cast-in-drilled-hole (“CIDH”) piles at 8-foot spacing, founded on the marine terrace hardpan underlying the bluff formation. The wall would be secured with anchor rods drilled into the bluff and formed as a concrete wall with shotcrete facing, textured to mimic the natural appearance of the bluff. The crest of the wall would be at approximate elevation +20 feet NAVD88, which is the approximate level of the beach profile. Bluff protection would be incorporated above the crest of the wall between elevation +20 and +27 feet NAVD88, consisting of a vegetated, stabilized soil layer of controlled-low strength-material (“CLSM”), placed at a 3:1 slope (i.e., this portion of the wall would be a living wall, as described in Section 5.2.1.7). The CLSM is a self-consolidating, cementing material that has a lower strength than typical concrete products, which allows for natural weathering of the material. Where the wall alignment terminates, an articulating concrete block (“ACB”) mat ramp and rock revetment are proposed around the parking lot. An ACB mat system is a matrix of individual concrete blocks placed together to form an erosion-resistant overlay with specific hydraulic performance characteristics. The system includes a filter layer underlay that allows infiltration and exfiltration to occur while providing particle retention of the soil subgrade. The rock revetment would consist of one-ton boulders approximately 5 feet thick and 10 feet wide seated into the beach and marine terrace hardpan to the extent feasible around the parking lot. The proposed rock revetment is sized so that each individual boulder has sufficient weight not to be lifted out by wave action or streamflow. Additionally, the boulders are angular in shape, which helps them hold together (i.e., interlocking). The low-profile wall would protect the lower portion of the bluff from wave, lagoon outflow, and sea-level rise related impacts, with overlying slope protection to protect the upper portion of the bluff against wave overtopping. The wall would be located on the marine terrace (hardpan) at the base of the bluff. The height of the low-profile wall would be set so that it would generally be buried under the beach sand under normal conditions and would not pose a visual obstruction. When buried under the sand, the MSW would not pose an obstruction to public access to the beach. This alignment would not negatively impact lagoon formation or the beach. The wall alignment would be located at the toe of the bluff to prevent construction-related impacts to the intact portions of the bluff. Due to the narrow footprint of the wall, it would not encroach on the intact bluff, beach, or lagoon. The rock revetment along the parking lot edge would incorporate an access ramp to facilitate public access to the beach.

Adaptive Sandbar Management would only occur when flooding and damage to infrastructure was threatened, and be similar to current permitted Interim Sandbar Management practices (ISMP), and thus would neither decrease nor increase current flood risk. Sandbar

management would include a survey of the beach profile, and assessing if the elevation would create a flood risk. If a flood risk became eminent, the County would consult with permitting resource agencies to plan a location for a pilot channel that would allow the lagoon to rise and breach the sandbar naturally, at a lower lagoon elevation.

Under this Project (SRPS and Sandbar Management Plan, no EPB component, Alternative 5.3.3.2), Sandbar management would occur until such time as a home elevation program was established, as defined in Alternative 5.3.2.3 Elevate Structures Alternative. The Elevate Structures Alternative meets all Project objectives and would reduce the impacts to biological, aesthetic, cultural, and noise resources associated with the EPB component of the Proposed Project.

In the interim before homes are elevated, a sandbag wall would continue to be built seasonally. Homeowners who would prefer to build a 2–3-foot cinderblock ‘garden’ wall could apply to the County for permits to build a property line wall which would replace the sandbar wall, as defined in Alternative 5.3.2.4. In the interim before a home elevation program is implemented, continued sandbar management and stormwater management with high-capacity pumps would be required during emergency conditions.

Finding 2 further defines Alternatives considered but eliminated and Finding 3 further defines Alternatives considered and analyzed in the EIR.

- l) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The County has selected the Environmentally Superior Alternative identified in the EIR for the Project. This Alternative avoids the significant impacts identified from the EPB component of the Project. Measures that avoid or substantially reduce potentially significant impacts from construction of the SRPS, ASMP, and Home Elevation Program are being adopted. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan (MMRP) has been prepared in accordance with CEQA and corresponding Monterey County regulations, as applicable, and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit A-MMRP.
- m) Evidence that has been received and considered includes: technical studies/reports, and staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in HCD-Planning (REF120051) and are hereby incorporated herein by reference.
- n) The County of Monterey, Department of Housing and Community Development (HCD), 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 certify the Final Environmental Impact Report (FEIR) is based.

2. FINDING: EIR-CEQA ALTERNATIVES CONSIDERED BUT ELIMINATED

In accordance with CEQA, the following potentially feasible alternative project components and alternative projects to the Proposed Project were eliminated from detailed consideration due to either i) failure to meet most of the basic project objectives; ii) infeasibility; or iii) inability to avoid significant environmental impacts.

EVIDENCE: a) Alternative Components to the Proposed Project Considered but Eliminated: (FEIR Chapter 5.2.1)

The following *EPB components* were considered but eliminated; Low elevation alternative, high elevation alternative, EPB at property line, EPB near property line, Earthen levee alternative, EPB with an access road, and an EPB with reduced drainage infrastructure. All Alternative EPB components had similar design elements as the proposed EPB Project component and had similar significant unavoidable impacts. All EPBs located on State Parks property are not considered feasible at this time due to State policies and significant local opposition.

There has been some advocacy for an *EPB – at Property line Alternative*, which includes the same design elements and impacts as the proposed EPB and locates the EPB on the properties bordering the lagoon. The benefit to this alternative is the EPB is no longer located on property owned by State Parks and would instead be located on property owned by 14 different entities and individuals bordering the north side of the lagoon. Concurrence would be necessary from all 14 property owners to allow access for maintenance easements, and for stormwater detention facilities. The significant unavoidable impacts on noise and cultural resources would remain the same as the proposed EPB, and the visual impacts would increase due to the proximity of the wall. This alternative was eliminated from further consideration due to i) significant opposition from the property owners adjacent to the lagoon making concurrence infeasible at this time, ii) the size of pumping equipment necessary for stormwater treatment requirements would cause significant unavoidable impacts on noise resources.

The following *SRPS components* were considered but eliminated; Living Shore alternative and Reinforced Earth Wall located at the mid-slope. A *Living Shore alternative* is a protected, stabilized coastal edge made of natural materials such as plants, sand, or rock, and would provide an alternative to the ‘hard’ structure of the proposed SRPS. This alternative was eliminated from further consideration due to the high energy characteristics of the Carmel River State Beach. High energy waves and riverine dynamics occur periodically along the bluff below Scenic Road and make the site inappropriate for soft shoreline techniques. Aspects of the living shoreline approach have been incorporated into the SRPS Mid Slope Wall Alternative (Section 5.3.2.8) selected as the Project.

The *Reinforced Earth Wall located at the mid slope* Alternative would increase impacts to aesthetics, recreational and public access and was eliminated from further consideration.

A *sandbar management plan only alternative* was considered but eliminated as it would not meet the project objective to decrease the need for sandbar management, nor would it protect the Scenic Road and State Parks infrastructure.

b) Alternative Projects to the Proposed Project Considered but Eliminated (FEIR Chapter 5.2.2)

Twenty-one (21) alternatives to the proposed project were considered and eliminated due to not reducing the significant unavoidable impacts of the Project and/or not meeting project objectives.

Sections 5.2.1.1-21 further describe the following alternatives to the proposed project considered but eliminated; Floodproof structures alternative; Condemn housing/properties; Relocation of threatened public infrastructure; Mechanical control of lagoon level; Bypass channel; Weir alternative; Variable-height outlet weir alternative; Utilize the CAWD outfall alternative; Permeable outfall (high permeability beach barrier) alternative; Expand and deepen the lagoon alternative; Temporary flood protection alternative; Southern Breach -Emergency alternative and managed alternative; Installation of a pump of overflow devise alternative; Levee modifications of lower reach alternative; Channel maintenance alternative; Carmel River Bank Stabilization Alternative ; Upstream Flood relief measures alternative; EPB with Drainage Bypass Alternative; EPB near property line alternative (no SRPS); Variable height EPB alternative.

Some comments were received during the comment period on the RDEIR regarding dismissal of the Weir alternatives, the southern Breach alternative, pump and overflow devise alternatives, and the Drainage bypass alternative. More detailed responses on the reasons for dismissing these alternatives are provided in the FEIR.

3. FINDING:

EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT

The EIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the DEIR, RDEIR, and FEIR. The DEIR identified that the No Project Alternative was the environmentally superior alternative. In accordance with CEQA Guidelines section 15126.6(e)(2), when the no project alternative is selected as the environmentally superior alternative, another alternative must be identified as environmentally superior. The Mid-Slope Wall SRPS (Alternative Project Component 5.3.2.5) and Active Sandbar Management Alternative (Alternative Project 5.3.3.2 – SRPS and Sandbar management (no EPB)) is the environmentally superior alternative.

EVIDENCE:

a) Project Objectives: As stated in the FEIR, the project objectives include:

Consistent with the MOU, reduce the necessity for mechanical breaching of the sandbar to the greatest extent practicable; Maintain the current level of flood protection for existing public facilities and private structures in the low-lying developed areas located immediately to the north of and within the Lagoon; Protect Scenic Road embankment and the State Parks' restroom, interpretive, and parking facilities from scour resulting from a northerly-aligned Lagoon outflow channel that may result from a reduction in mechanical breaching; Protect the Scenic Road embankment from the increasing risk of erosion resulting from ocean storm surge and high tides, which could increase in severity due to climate change; Allow for interim management of the sandbar while the design and construction of the other project components proceed; Design and construct project elements within the timeframe required as outlined in the MOU; and Minimize infrastructure that could detract from the function and value of the natural environment.

- b) No Project Alternative. Under the No Project Alternative, neither the EPB, SRPS, and ISMP would be implemented. Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the SRPS and EPB construction proposed project components would impact. The No Project Alternative would have similar impacts to the ISMP component as ongoing sandbar management would likely still be required in emergency situations to alleviate threatened flooding. Benefits of the proposed project related to special-status species, sensitive habitats, movement of native wildlife, and native nursery sites would not occur if the No Project Alternative was implemented. In fact, the emergency mechanical breaching would likely result in significant, unavoidable impacts to many of these resources.

The No Project Alternative would not meet the project objectives of enabling the County to reduce the necessity of mechanical breaching, maintain existing flood protection, or protect public infrastructure. Private property along the northern edge of the Lagoon would continue to be susceptible to damage from flooding.

- c) Alternatives to the EPB and SRPS Components to Proposed Project. Alternatives to the SRPS component to the proposed project include the SRPS at toe of slope, SRPS as a full height secant pile wall, and SRPS at mid slope and are further described in the RDEIR. Alternatives to the EPB component of the proposed project are to elevate structures, or to construct a garden wall and are further described the RDEIR. SRPS – Seawall Located at the Toe of Slope Alternative would design and construct the seawall such that it would be completely buried in sand most of the year and would only be exposed during large river flow events or large wave events. This alternative has similar impacts to the proposed SRPS project component as the alignment and profiles are similar. It is not selected as the Project due to being entirely on State Parks property.

SRPS – Full Height Wall/Secant Pile Wall Alternative would consist of construction within the footprint of the existing Scenic Road roadway, using tieback anchors in a retaining wall design concept. The wall would

be completely below the existing road. The potential environmental impacts are similar to the proposed SRPS component. It is not selected as the Project due to increased potential impacts to historical and cultural resources due to the amount of excavation necessary for construction, and constrained public access during the winter months when the wall would be uncovered, creating a 20-foot drop from the road to the beach.

EPB – Elevate Structures Alternative would consist of a program that encourages and supports homeowners in the 100-year flood plain north of the Carmel Lagoon to raise homes above the base flood elevation (BFE), thus protecting private infrastructure from damage during flood conditions. This alternative would eliminate the significant and unavoidable aesthetic impacts associated with the placement of a floodwall (EPB) within the scenic viewshed. It would have less than significant impacts on aesthetic when homes are elevated. This alternative would reduce land use consistency impacts to less than significant since the aesthetic impacts would be reduced. Additionally, this alternative would reduce the impacts to habitat and species due to the elimination of construction of the EPB. This alternative meets all the project objectives when combined with a SRPS component. Further consideration is necessary to select this alternative, to further develop a Program and funding source to support and encourage homeowners to raise private structures.

EPB – Garden Wall Alternative would consist of a temporary cinder block wall to replace the sandbag wall constructed to reduce flooding in the interim while a more substantial long-term alternative is developed. The EPB Garden Wall Alternative would meet the objectives of the project to reduce the necessity of mechanical breaching and to maintain the current level of flood protection. However, the Garden Wall Alternative would need to be combined with a sandbar management component to manage the lagoon WSE under 15 feet to avoid outflanking of the lagoon into the Fourth Addition. It would also need to be implemented in combination with a SRPS project component alternative to meet the project objectives to protect public infrastructure. This alternative would also meet the project objective of minimizing infrastructure that could detract from the function and value of the natural environment with the reduced project footprint of the Garden Wall.

SRPS Mid-Slope Wall Alternative would be a mid-slope secant pile and rock revetment wall similar to the SRPS proposed in the Draft EIR but with changes to address comments received on the 2016 DEIR and additional technical studies on the location and alignment of the river breach, and the potential for changes to sediment transport. The Mid Slope Wall (MSW) Alternative would be approximately 1,040 feet starting from the Carmel River State Beach parking lot continuing along the toe of the bluff parallel to Scenic Road at approximately an elevation of +8 feet NAVD88, terminating between Valley View Avenue and

Isabella Avenue. This alternative would consist of a low-profile wall along Scenic Road and rock revetment along the edge of the CRSB parking lot. The scope and scale of this alternative would aim to protect the face of the bluff up to elevation +27 feet NAVD88 or higher, which is the FEMA 1% annual chance BFE and the approximate elevation of the roadway. The SRPS MSW alternative is very similar to the proposed SRPS project component in terms of the revetment alignment and in terms of the type of protection provided to Scenic Road; therefore, the environmental impacts are very similar. The MSW SRPS Alternative was designed to meet the SRPS project objectives and the proposed design is based on analyses of beach levels, tide levels, estimated wave runup elevations, sea level rise, lagoon and beach morphology, breach alignment, and sediment transport. As a result, while potential environmental impacts of the MSW Alternative would be similar to the proposed SRPS project component, the MSW Alternative was developed to improve the design features of the proposed SRPS project component to better achieve the SRPS objectives and further reduce potential environmental impacts related to geology, soils, and climate change based on additional technical analyses. This alternative also addresses concerns from the agencies and public regarding efficacy, limited access, and safety issues that may be associated with the proposed rip-rap along the bluff. Impacts to Monterey cypress trees located west of Scenic Road will be minimized and avoided to the extent feasible. A licensed arborist or forester will be consulted in the final design of the SRPS and best management practices will be implemented to avoid and minimize impacts to trees. If tree removal cannot be avoided, removal will be limited to the minimum amount necessary for the project and new Monterey cypress trees will be planted as replacement for trees removed where space permits. This alternative would have a moderate cost when compared to other SRPS project component alternatives. This alternative meets most project objectives when combined with a sandbar management or EPB component alternative. Specifically, the alternative meets the project objective to protect public infrastructure (Scenic Road embankment, State Parks restroom, and parking facilities) from scour resulting from a northerly-aligned lagoon outflow channel. In addition, the alternative protects the Scenic Road embankment from increasing risk of erosion from wave and river action, and sea level rise due to global warming.

Alternative Projects to Proposed Project: This would combine project components into one alternative project to the proposed project. This includes the following alternative projects: SRPS, ISMP, and Delayed EPB Project would implement the SRPS, ISMP and delay the EPB component until an EPB can be constructed. Project would include an 8-year management and monitoring plan (MMP) to collect more data to inform the efficacy and design of an EPB project component. This alternative would fully meet the project objectives and would allow time for challenges to the EPB to be further discussed, including landowner objections.

SRPS and Sandbar Management Plan (No EPB Component) would involve implementation of the SRPS and a sandbar management plan (SMP) and no construction of an EPB. The ongoing sandbar management would be similar to existing permitted activities, and thus would provide similar protection for flood risk reduction, in concurrence with project objectives. This alternative project would fully meet the project objectives and would resolve the landowner objections to the EPB component.

Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, the SRPS and Sandbar Management Plan (No EPB Component) Project Alternative is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, as mentioned previously, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, then another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the SRPS and Sandbar Management Plan (No EPB Component) Project as described in section 5.4 of the FEIR is considered to be the Environmentally Superior Alternative because it meets most of the 7 project objectives with incrementally less environmental impacts to the significant and unavoidable operational aesthetic, operational hydrology, and construction and operational noise impacts associated with the than the proposed project, none of which remain significant after mitigation.

4. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable County plans and policies.
- EVIDENCE:** a) The project has been reviewed for consistency with the text, policies, and regulations in:
- The 1982 Monterey County General Plan
 - The Carmel Land Use Area Plan
 - Title 20 of the Monterey County Code (coastal zoning ordinance)
 - The Carmel Area Coastal Implementation Plan (Monterey County Code, Title 20. Part 4)
 - The California Coastal Act
 - The California Public Resources Code
 - Point Lobos State Reserve and Carmel River State Beach General Plan (1979), including Amendments
- The County’s determination is that the project is consistent with the relevant policies and regulations with adoption of the MMRP (Exhibit A), as set forth below.
- b) The Project is located within and adjacent to the Carmel River State Beach and Lagoon between Highway 1 and the Pacific Ocean in the unincorporated Carmel area of Monterey County, California. The Mid Slope SRPS Wall Alternative is located at the boundary between property owned by California Department of Parks and Recreation (State Parks) as part of the Carmel River State Beach, and the County of Monterey right of way for Scenic Road. A survey would be necessary

to determine the exact location of the boundary between County owned Scenic Road and State Parks property.

Adaptive sandbar management occurs on the Carmel River Beach State Park and utilizes the parking lot for equipment mobilization. A right of entry permit with State Parks is necessary for County entry for construction and maintenance purposes on State Parks land (APN 009-472-001, APN 009-481-004 and APN 009-491-001).

The Mid Slope Alternative SRPS Project site is zoned RC-D(CZ) for Resource Conservation in the Coastal Zone. Sandbar Management is located on land zoned OR (CZ) for Open Space Recreational use.

Elevation of structures in the Carmel Lagoon adjacent neighborhood bounded between Camino Real, 16th Street, and Monte Verde Street would involve surveys of the first floor of the approximately 27 structures to determine height above the FEMA 100-year Base Flood Elevation (BFE) of 16 feet NAVD88. Though the exact height of the first floor of the homes is unknown, it is estimated that many are built at elevation 14.7 – 15.7 feet NAVD88. This would require a 2.3-foot elevation for the most low-lying homes to raise the ground floor one foot above the 100-year BFE, as required in Chapter 16.16 of the Monterey County Code. Currently, homes in this neighborhood are zoned Medium Density Residential in the Coastal Zone (MDR/2-D(18)(CZ)). The Carmel Area Land Use Plan limits height to 18 feet above the natural grade. To allow homeowners to raise structures to up 2.3 feet, an ordinance amendment would need to be processed by the County and the CCC to amend the height allowance so homes may keep their current roof line. A proposed 24-foot height restriction would be sufficient to allow all homes to raise their first floor one foot above the 100-year BFE.

A temporary cinder block Garden wall could be built by homeowners adjacent to the Lagoon to replace the County's practice of building a seasonal sandbag wall. The APNs adjacent to the lagoon that are most low lying and would most benefit from a sandbag wall or garden wall are APN 009-501-003, APN 009-502-006, APN 009-502-005, APN 009-503-007, APN 009-503-004 and APN 009-504-008.

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

Coastal Program, the County and CCC have agreed that the CCC will process the coastal development permit for the Project.

- d) Aesthetics/visual resources: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to aesthetics and visual resources. The objectives of the Project include providing a long-term solution for managing the lagoon in a way that provides restoration and protection of the environmentally sensitive habitat area, which will support or improve the scenic nature of the area. It is acknowledged that the EPB component of the project would have significant effects on aesthetics which may conflict with LCP policies however, alternatives to the this have been selected that avoid and minimize impacts consistent with LCP policies.

Scenic resources located on-site that could be affected by the Project include portions of the California shoreline, designated by the California Coastal Act (CCA) of 1976. Section 30251 of the California Coastal Act, and Section 2.2 of the Carmel Area LUP are pertinent to the Project. The project would be consistent with visual resources policies in the CCA, the Monterey County Code, and the Carmel Area LUP designed for the protection of scenic resources and character in the viewshed.

The Mid-slope SRPS Alternative Project once constructed would be covered by sand during most of the year, though it would be temporarily uncovered and visible during winter season. The surface of the SRPS would be treated to blend in with the surrounding bluff. Construction of the proposed SRPS project component would be temporarily visible from Scenic Road and the Carmel River State Beach for approximately two months. However, construction would not obstruct views of the ocean and other portions of the beach from Scenic Road. Views would also be available from other adjacent vantage points. Given the limited construction period, no views would be obstructed, and availability of views from adjacent vantage points, the visual character of the surrounding area would not be substantially degraded during construction and this component's construction would have a less-than significant effect on scenic vista.

The Sandbar Management component of the Project is located within designated scenic vista areas and viewsheds. Sandbar management would impact the viewshed by mobilizing heavy equipment for a maximum of three consecutive days. The visual character of the surrounding area would not be substantially degraded during the sandbar management component of the project and would have less than significant effect on scenic vistas.

- e) Air Quality: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of air quality. The Monterey Bay Unified Air Pollution Control District (MBUAPCD or District) is the regional agency tasked with managing air quality in the region, which is overseen by the California Air Resources Board (ARB). The 1982 Monterey County General Plan,

Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan, Point Lobos State Reserve and Carmel River State Beach General Plan, CCA, and California Public Resources Code (PRC) contain a variety of policies to improving and maintaining current air quality standards. Both components of the project, the SRPS and sandbar management, were reviewed against current air quality standards and policies. The impact of the SRPS and sandbar management would not violate any air quality standards or contribute significantly to an existing or projected air quality violation and would have a less than significant impact on scenic vistas. Construction emissions would be short term and are less than significant.

- f) Biological Resources: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of biological resources. The primary objective of the Project is to protect and improve habitat for fish and wildlife while maintaining existing flood protection for existing infrastructure. The Project is consistent with relevant policies in section 2.3 of the Carmel LUP (Environmentally Sensitive Habitats), the Monterey County Code, and the California Coastal Commission to protect biological resources. The Carmel Lagoon is under the original jurisdiction of the CCA and is regulated by the CCA. Carmel Bay is located in the Monterey Bay National Marine Sanctuary (MBNMS). Title 16, Chapter 16.60, of the Monterey County Code (MCC), provides for the preservation of oaks and other protected tree species within the unincorporated areas of the County. MCC Section 16.060.040 D requires that the applicant relocate or replace each removed tree on a one-to-one ratio.

Construction of the proposed SRPS project component may result in impacts to Northern California legless lizard, white-tailed kite, as well as nesting raptors and migratory bird species, as suitable habitat for these species is present within the proposed SRPS project component construction area. The proposed SRPS project component construction area may also provide habitat for S-CCC steelhead on the occasions when the sandbar is open, and water is flowing from the Lagoon to the ocean in that area. Additionally, suitable habitat for SBB is present adjacent to the proposed SRPS project component construction area.

The project objectives include restoring hydraulic function and reducing the current frequency of sandbar management. Sandbar Management is constricted and permitted by the USACE and a biological opinion from NMFS and USFWS based on reducing impact to CRLF and S-CCC Steelhead. Specifically, measures include early season coordination with wildlife agencies to review location and configuration of breach channel, management location, and target lagoon water surface elevations and river flow. A biological monitor is on site during construction to observe for fish stranding or egg masses. At the end of the winter season, the lagoon may be allowed to close naturally, or may be closed to retain the remaining water in the Lagoon.

- g) Cultural Resources: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the

protection of Cultural Resources. The Project objectives include protecting the Scenic Road embankment from further erosion, which would decrease potential degradation of archaeological resources that may be located within the bluff. Mitigation measures (Finding 7 and Exhibit A) reduce impacts to archaeological and cultural resources to less than significant.

The 1982 Monterey County General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan, Point Lobos State Reserve and Carmel River State Beach General Plan, CCA, and California PRC contain a variety of policies related to preservation and protection of historic buildings and cultural resources.

Due to the historic and continued disturbance associated with implementation of the Sandbar Management project component, as well as the naturally dynamic beach and lagoon activities, there is a lower likelihood of encountering archaeological resources.

- h) Geology: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of Geology, Soils and Seismicity. The project objectives include protecting the Scenic Road embankment from further erosion and scour due to storm surge, high tides, and riverine process. The project is consistent with Carmel LUP policies 2.7.4 related to Geologic Hazards, Monterey County Code policies related to erosion control, the Monterey County General Plan (1982), and the CCA.

A geotechnical and liquefaction hazards report would be prepared for the SRPS mid-slope wall during final design and prior to construction and would include a demonstration that the criteria in the applicable Carmel Area LUP are met. Sea level rise has been taken into account during the design process of the SRPS at mid slope, and studies have concluded that the beach elevation will rise along with sea-level rise because wave runup elevation increases with the rise in ocean level.

The 2022 Multi-Jurisdictional Hazard Mitigation Plan was approved by FEMA on September 14, 2022 (Monterey County Office of Emergency Services, 2022). The earthquake design requirements consider the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, all of which are used to determine a Seismic Design Category (SDC) for a project. Construction activity that disturbs one or more acres of soil, or less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (State Water Resource Control Board (SWRCB) Order No. 2009-09-DWQ as amended by 2010-0014-DWQ and 2012- 006-DWQ). The 1982 Monterey County General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan, Point Lobos State Reserve and Carmel River State Beach General Plan, CCA, and California PRC contain a variety of policies related to the protection from geologic and soil hazards. Chapter 16.08 of the Monterey County Code identifies

rules and regulations to control all grading, including excavations, fills and embankments, and establishes the procedures for the issuance of grading permits. Chapter 16.08 is intended to minimize erosion because of ground disturbing activities. Chapter 16.12 (Erosion Control) of the Monterey County Code sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions. Monterey County Code 16.08 requires that specific design considerations be incorporated into projects to reduce the potential of erosion and that an erosion control plan be approved by the County prior to initiation of grading activities. Hazardous area development standards identified in the regulations for development in the Carmel Area (Chapter 20.146, Monterey County Coastal Implementation Plan) requires that a geological report be prepared for projects in several cases, including projects located within 50 feet of the face of a cliff or bluff. The proposed project would comply with federal, state, and local laws regulating construction.

- i) Hazards and Hazardous Materials: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the reduction of hazardous materials. The Project objectives include maintain the current level of flood protection for existing public and private structures adjacent to the lagoon and protecting the Scenic Road embankment and State Parks infrastructure. The project is consistent with the Carmel LUP policy 2.7 (Hazards), the Point Lobos State Reserve and Carmel River State Beach General Plan (1979) related to Geologic Hazards, and the Monterey County General Plan (1982). A geotechnical report will be prepared for the SRPS mid-slope wall during final design and prior to construction and would include a demonstration that the criteria in the applicable Carmel Area LUP are met.
- j) Hydrology and Water Quality: The Project, as proposed, conditioned, and mitigated, is consistent with applicable County policies for the protection of Hydrology and Water Quality/Water and Marine Resources. The Project components have been designed to restore natural hydrologic functioning of the Lagoon while maintaining existing flood protection in the context of a reduced sandbar breaching regime. This is consistent with LUP 2.4 of the Carmel Area LUP for protection of Water and Marine Resources, Water Pollution control, and Erosion and Sedimentation Control.

The SRPS at Mid Slope Alternative has been designed to minimize potential erosion related hazards. Continued Sandbar management would require pumping of stormwater over any temporary barrier between the lagoon and the upland areas north of the lagoon, whether a garden wall or a sandbag wall.

- k) Land Use and Planning: The project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to land use and planning. The Project components have been designed to meet the objective to protect and enhance the environment while maintaining existing protection to infrastructure.

The Project is consistent with Section 4 of the Carmel Area LUP, Monterey County Code Title 20, the Monterey County General Plan (1982) for the Coastal Zone, and the CCA.

No change in land use or public access is proposed as a result of the Project. The SRPS mid slope wall 30% design includes public access to the beach during all seasons, except for when the Carmel River has breached to the north. During a northerly breach, the beach would not be accessible under current circumstances or under future conditions.

- l) Noise: The project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to noise. The operation of the Project will not result in a permanent increase in ambient noise levels as it will not include any increases in traffic or creation of new permanent noise sources.

The Project will comply with policies 22.2.1 and 22.2.5 of the 1982 Monterey County General Plan regarding noise parameters and ambient sound, as described in the MMRP. The County of Monterey Noise Control Ordinance, codified at Chapter 10.60 of the Monterey County Code, establishes a maximum noise-level standard of 70 dB at 50 feet for non-transportation noise sources. The County's noise ordinance also includes nighttime noise limitations for non-transportation noise sources. During the nighttime hours between 9:00 p.m. and 7:00 a.m., noise levels shall not exceed 45 dBA Leq or 55 dBA Lmax, measured at the property line of the noise source. The ordinance applies in coastal and non-coastal unincorporated areas of the County.

- m) Public Services, Recreation, and Utilities: The project, as proposed, conditioned, and mitigated, is consistent with applicable County policies related to public services, recreation, and utilities. The Project objectives to protect the Scenic Road embankment and the State Parks facilities from scour will meet relevant land use policies to protect public services and utilities, and opportunities for recreation.
- n) The Project, as proposed, conditioned, and mitigated is consistent with applicable County policies found in the Carmel Area Land Use Plan, as supplemented by the 1982 Monterey County General Plan.

5. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The mid slope SRPS and sandbar management project components would not result in significant and unavoidable impacts. The EPB component of the proposed project, which is not being approved, would result in significant unavoidable impacts.

- EVIDENCE:**
- a) The EPB component of the project, which is not being approved, would have significant unavoidable impacts to aesthetics (AES-2) due to the operational impacts on scenic vistas and visual quality of the surrounding areas.
 - b) The EPB component of the project, which is not being approved, would have significant unavoidable impacts to hydrology HYD-6 by increasing buildup of stormwater landward of the EPB, potentially increasing

flooding risk to the Carmel Area Wastewater District (CAWD) facilities and the Mission Ranch property.

- c) The EPB component of the project, which is not being approved, would have significant unavoidable impacts to construction noise NV-2 by requiring pile driving near sensitive receptors during construction.
- d) The EPB component of the project, which is not being approved, would have significant unavoidable impacts to operational noise NV-3 by requiring periodic running of an emergency generator to run pumps to manage stormwater build up behind the EPB.

6. FINDING:

EIR- ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR WITH NO IMPACT OR LESS THAN SIGNIFICANT IMPACT –

The Final EIR found that the Alternative SRPS proposed as Alternative 5.3.2.5 and SM project (Alternative 5.3.3.2) will have no impact or less than significant impacts on the areas listed below and fully detailed in the Final EIR.

EVIDENCE:

- a) The following impacts of the SRPS, fully detailed in the FINAL EIR, will have no impact; Aesthetics (4.1 AES-3); Hydrology and Water Quality (4.8 HYD-4).
- b) The following impacts of Sandbar Management, fully detailed in the FINAL EIR, will have no impact; Aesthetics (4.1 AES-3); Biological Resources (4.3 BIO-4, BIO-5, BIO-6); Geology (4.5 GS-3, GS-4, GS-5, GS-6); Greenhouse gases (4.6 GHG-2); Hazards and Hazardous Materials (4.7 HH-4); Hydrology and Water Quality (4.8 HYD-1, HYD-4, HYD-5, HYD-6, HYD-7); Noise (4.10 NV-3); Public Services, Recreation and Utilities (4.11 PS-2, PS-4, PS-5).
- c) The following impacts of the SRPS, fully detailed in the FINAL EIR, will have a less than significant impact; (4.1 Aesthetics AES-1, AES-2), Air Quality (4.2 AQ-1, AQ-2, AQ-3, AQ-4, AQ-5), Cultural Resources (4.4. CR-1), Geology, Soils, and Seismicity (4.5 GS-1, GS-2, GS-3, GS-4, GS-5, GS-6); Greenhouse Gases (4.6 GHG-1, GHG-2); Hazards and Hazardous Materials (4.7 HH-1, HH-2, HH-3, HH-4); Hydrology and Water Quality (4.8 HYD-1, HYD-2, HYD-3, HYD-5, HYD-6, HYD-7); Noise (4.10 NV-1, NV-2); Public Services, Recreation, and Utilities (4.11 PS-1, PS-2, PS-3, PS-4, PS-5, PS-6, PS-7); Traffic and Circulation (4.12 TRA-2); Energy (4.13 ENG-1).
- d) The following impacts of Sandbar management, fully detailed in the FINAL EIR, will have a less than significant impact; (4.1 Aesthetics AES-1); Air Quality (4.2 AQ-1, AQ-2, AQ-3, AQ-4, AQ-5); Biological Resources (4.3 BIO-2, BIO-3); Cultural Resources (4.4. CR-1); Geology, Soils, and Seismicity (4.5 GS-1, GS-2); Greenhouse Gases (4.6 GHG-1); Hazards and Hazardous Materials (4.7 HH-1, HH-2, HH-3); Hydrology and Water Quality (4.8 HYD-1, HYD-2, HYD-3); Noise (NV-1); Public Services, Recreation, and Utilities (4.11 PS-1, PS-3, PS-6, PS-7); Traffic and Circulation (4.12 TRA-1, TRA-2, TRA-3); Energy (4.13 ENG-1).
- e) The following impacts of a home elevation program will have a less than significant impact; (4.1 Aesthetics AES-1); Air Quality (4.2 AQ-1, AQ-2, AQ-3, AQ-4, AQ-5); Biological Resources (4.3 BIO-2, BIO-3); Cultural Resources (4.4. CR-1); Geology, Soils, and Seismicity (4.5 GS-

1, GS-2); Greenhouse Gases (4.6 GHG-1); Hazards and Hazardous Materials (4.7 HH-1, HH-2, HH-3); Hydrology and Water Quality (4.8 HYD-1, HYD-2, HYD-3); Noise (NV-1); Public Services, Recreation, and Utilities (4.11 PS-1, PS-3, PS-6, PS-7); Traffic and Circulation (4.12 TRA-1, TRA-2, TRA-3); Energy (4.13 ENG-1).

7. **FINDING:**

EIR- POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES

– The Project will result in potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the FEIR into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment as identified in the FEIR. These mitigation measures are set forth in full in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan (MMRP) being adopted with this approval.

EVIDENCE:

- a) The EIR identified potentially significant impacts that require mitigation to reduce impacts to less than significant under impacts to Biological Resources (SRPS and SM); Cultural Resources (SRPS and SM); Land Use and Planning (SRPS and SM); Noise (SRPS and SM); and Traffic and Circulation (SRPS only), which could result from components of the project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the EIR into the conditions of project approval. The Board of Supervisors is approving the Project subject to conditions of approval that incorporate the proposed mitigation measures.
- b) Biological Resources (Chapter 4.3 of the DEIR). The SRPS and SM Project components will both potentially have an adverse environmental effect on biological resources that is mitigated to less than significant with incorporation of mitigation measures. The biological study area consists of all areas that have the potential to be impacted by the Mid slope wall alternative SRPS and sandbar management Project. The Carmel River drains approximately 246 square miles of the Santa Lucia and Sierra de Salinas Mountains into the Carmel Lagoon and then to Carmel Bay. The Carmel Lagoon ecosystem has been altered by development and hydrological manipulation since early in the 20th Century. Significant restoration efforts have been conducted in the vicinity of the Carmel Lagoon site in the past 20 years.

Biological surveys were conducted in the 11 vegetation types within the Biological Study Area: riparian, semi-permanent emergent marsh, seasonal emergent marsh, dune swale wetland, non-native annual grassland, disturbed herbaceous mosaic, ruderal grassland, coastal scrub, coastal dune scrub, ruderal coastal dune, and eucalyptus grove. The Carmel Lagoon and Carmel River State Beach is the known habitat to special-status species including but not limited to the Northern California legless lizard, California red legged frog (CRLF), western pond turtle, Monterey dusky-footed woodrat, yellow-legged frog,

tricolor blackbird, raptors such as the white-tailed kit and sharp shinned hawk, migratory bird species, Steelhead, egrets, pacific lamprey, Smiths Blue butterfly (SBB), Western Snowy Plover, and Southern Sea otter.

Historically, the artificial breaching of the Carmel Lagoon as a flood risk management strategy over the last nearly 100 years has disrupted natural seasonal flow and sediment dynamics. Sandbar management would be limited to only true flooding emergencies and allow for improved hydrological and morphological processes to occur, increasing the depth and duration of inundation of the lagoon. In addition, it is anticipated that breaching at the north end of the Lagoon would facilitate a longer and more natural outflow channel, improving conditions for fish and wildlife within the Lagoon by allowing for a perched morphology and avoiding a rapid drawdown. Based on an analysis of the last 20 years for which data exists, the implementation of the proposed project has the potential to increase the depth of the Lagoon by approximately two feet in the fall/early winter when the Lagoon is filling prior to first breach. The duration of this increased water surface elevation would be negligible in most years but may extend a number of days or even weeks under certain conditions (approximately 25% of the years evaluated).

The EIR identified the following potential impacts related to biological resources and associated mitigation measure to mitigate the potential impact to less than significant.

IMPACT: The project will result in potential impacts to special status animal and plant species. These potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measures:

BIO-1a: Implement Construction Best Management Practices (BMPs) for SRPS construction will reduce impacts to special status wildlife species to less than significant. (FEIR Page 56)

BIO-1b: Conduct pre-construction surveys for White-Tailed Kite, Nesting Raptors, and Other Migratory Bird Species during construction of the SRPS component will reduce impacts to special status wildlife species to less than significant.

BIO-1c: Implement Construction Phase Monitoring for SRPS construction will reduce impacts to special status wildlife species to less than significant by retaining a qualified biologist to monitor all ground disturbing construction activities.

Bio-1e: Avoid and Minimize Impacts to Foothill yellow-legged frog (FYLF) and CRLF will reduce impacts to FYLF and CRLF to less than significant during the sandbar management component of the project.

Bio-1g: Avoid and minimize impacts to S-CC Steelhead to less than significant during construction of the SRPS by limiting construction to the dry season and utilizing applicable CDFW avoidance and minimization measures as outlined in Appendix H of the FEIR.

BIO-1h: Reduce impacts to FYLF, CRLF, and South-Central California Coast Steelhead (S-CCC) Steelhead during sandbar management by

adopting a monitoring and reporting program with consultation from USFWS and NMFS prior to construction.

BIO-1i: Avoid and minimize impacts to SBB during SRPS component construction by implementing measures to minimize disturbance footprint, implement restoration and monitoring.

BIO-2: Minimize construction impacts to sensitive habitats during SRPS construction by avoidance and minimization of impacts to Federal and Coastal Wetlands, Waters of the United States, Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh.

- c) Cultural Resources: The SRPS and SM Project components will both potentially have an adverse environmental effect on Cultural resources that are mitigated to less than significant with incorporation of mitigation measures. The EIR identified the following impacts on cultural resources and associated mitigation measure to mitigate the impact to less than significant.

IMPACT: One archaeological resource site (CA-MNT-17) has been previously recorded within the Archeological Area of Potential Effect (APE). In addition, four archaeological sites resources have been recorded within 0.25-mile of the APE. CA-MNT-17 has been investigated several times by archaeologists and contains a large range of artifacts as well as human remains. This site would be affected by construction activities associated with proposed SRPS project component. These potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measures:

CR-2: Construction impacts on Historical and/or Archaeological Resources would be reduced by consulting with an archaeologist and a representative of the OCEN tribe, conducting archaeological data recovery practices. During the sandbar management component of the project an archaeologist shall be on call to assess any potentially significant cultural materials, or human remains.

CR-3: Construction impacts on Human Remains. Due to the high archaeological sensitivity of the proposed project site, the construction of the proposed project has the potential to unearth and disturb human remains. The potential inadvertent discovery of human remains and potential inadvertent damage or disturbance during construction is a significant impact. This potentially significant impact can be reduced to a less-than-significant level with the implementation of Mitigation measure CR-3.

CR-4: Construction Impacts on Tribal Cultural Resources are reduced to less than significant by implementation of Mitigation Measure CR-2a (Final Grading Plans), CR-2b (Archaeological Data Recovery), Mitigation Measure CR-2c (Archaeological Monitoring), Mitigation Measure CR-2d (Accidental Discovery of Archaeological Resources), Mitigation Measure CR-3 (Discovery of Human Remains), and Mitigation Measure BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the United States., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).

- d) Land Use and Planning: The SRPS, sandbar management, and a home elevation program Project components will both potentially have an

adverse effect on land use and planning resources that are mitigated to less than significant with incorporation of mitigation measures. The EIR identified the following impacts and associated mitigation measure to mitigate the impact to less than significant.

IMPACT: The potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measure:

LU-1: Construction of the SRPS at mid-slope conflicts with the plans, policies, and regulations during construction and operation.

Implementation of the mitigation measures identified in the FEIR and included in this document as Exhibit A will reduce potential impacts to a less than significant level.

- e) Noise: The SRPS at mid-slope, and sandbar management Project components will both potentially have an adverse effect on noise resources that are mitigated to less than significant with incorporation of mitigation measures. The EIR identified the following impacts and associated mitigation measure to mitigate the impact to less than significant.

IMPACT: The potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measure:

NV-1: Construction of the SRPS at mid-slope may expose sensitive receptors to ground-borne vibrations and noise. Noise monitoring will be conducted during construction.

NV-2: Construction noise during sandbar management and SRPS at mid slope construction would be limited to daylight hours of 8 am-6:30 pm, Monday-Saturday and prohibited on Sundays and State-recognized holidays. Prior to construction a noise complaint and response program plan will be generated.

- f) Public Services, Recreation and Utilities: The SRPS at mid-slope, and sandbar management Project components will both potentially have an adverse effect on Public Services, Recreation and Utilities resources that are mitigated to less than significant with incorporation of mitigation measures. The EIR identified the following impacts and associated mitigation measure to mitigate the impact to less than significant.

IMPACT: The potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measure:

PS-7: Construction of the SRPS may require the construction or expansion of recreational facilities to support public access to Carmel River State Beach.

- g) Traffic and Circulation: The SRPS at mid-slope, and sandbar management Project components will both potentially have an adverse effect on Traffic and circulation during construction that are mitigated to less than significant with incorporation of mitigation measures. The EIR identified the following impacts and associated mitigation measure to mitigate the impact to less than significant.

IMPACT: The potentially significant impacts can be reduced to less than significant level with the implementation of the following Mitigation Measure:

TRA-1: Conflict with a program, plan, ordinance, or policy addressing the circulation systems, including transit, roadway, bicycle and pedestrian facilities during construction of the SRPS and during sandbar management due to the use of State Parks parking lot to mobilize equipment, and blocking SRPS during construction.

TRA-3: Result in Inadequate Emergency Access during construction of the SRPS and during sandbar management due to the lack of access during SRPS construction.

- h) The mitigation measures described above in this Finding and further in Exhibit A, MMRP, will reduce impacts to a less than significant level.

8. **FINDING:** **MITIGATION MONITORING AND REPORTING PROGRAM.** Concurrent with approving the project, the Board of Supervisors is adopting a Mitigation Monitoring and Reporting Plan for the Carmel Lagoon Project – SRPS at mid-slope, and adaptive Sandbar Management (no- EPB) Alternative.

- EVIDENCE:**
- a) Mitigation Monitoring and Reporting Plan for the Carmel Lagoon Project – SRPS at mid-slope, and adaptive Sandbar Management (no-EPB) Alternative as described in the EIR and included as attachment D to the Board report.
 - b) California Environmental Quality Act, Public Resources Code Section 21081.6.

9. **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 Carmel LUP, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) Construction of the SRPS at mid slope would result in protection of the Carmel River State Beach parking lot, public restroom facilities, and interpretive center from further erosion. The parking lot, restroom, and interpretive center are owned and operated by State Parks and these facilities provide public access to the beach and lagoon area. Without the SRPS, these facilities are in danger of becoming structurally unsound due to erosion from the river and waves. Evidence of the dangers are both historic and projected. Portions of the parking lot have been jeopardized in past years and technical studies project that the parking lot will be subject to hazardous erosion in the future.
 - b) The current public access to Carmel River State Beach from the stairs on Scenic Road and the trails at the end of Ribera Road would not be impacted by the SRPS at mid-slope.
 - c) Temporary reduction in public access would occur during construction of the SRPS at mid slope. Once constructed, the mid-slope wall is anticipated to be set back from the mean high tide far enough to avoid beach “drowning” where sea level rise and sand erosion take over the beach and leave little to no space between waves and the wall. Additionally, technical studies prepared by coastal engineers indicate that sand transport in the area is not heavily reliant on dune erosion for replenishment. Sand from the underwater Carmel Canyon and sediment

transported from the Carmel River are anticipated to provide sources of material for beach sand.

- d) Temporary reduction in public access would occur during sandbar management, and in the event of a northerly breach. The Carmel River bisects the Carmel River State Beach following a breach and reduces the area available for public access. Signs are posted by State Parks warning the public of the danger of accessing the beach during a period when the river is breached.

10. **FINDING:**

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

EVIDENCE:

- a) Construction noise is not anticipated to exceed noise standards of Monterey County Code Sections 10.60.030 or 10.60.040 at the nearest sensitive receptors during construction of the SRPS and during sandbar management activities. With implementation of mitigation measures NV-2 construction activities would be limited to the less noise sensitive daytime hours of 8 am – 6:30 pm, Monday to Saturday, consistent with the City of Carmel-by-the-Sea’s more restrictive noise limitation, and is consistent with Policy S-7.10 of the Safety Element of the General Plan, to ensure construction noise is minimized, including advanced notice to residents and sound control devices for construction equipment.
- b) Construction activities associated with Project will require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). However, use of hazardous materials in connection with Project construction will be temporary in nature and subject to existing regulatory requirements pertaining to the use and disposal of such materials. If an accident during construction or as part of the operation of the Project were to result in the release of hazardous materials into the environment, there is a potential for a significant impact to occur given the proximity of the site to the Carmel Lagoon, Monterey Bay National Marine Sanctuary, and Carmel River School. The EIR identified mitigation measures HH-1 through HH- 4 that will reduce the potentially significant impacts to less than significant.

11. **FINDING:**

RECORDING OF PROCEEDINGS

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

EVIDENCE:

- a) HCD project files (REF120051) and staff reports, minutes, and record of the Board of Supervisors’ proceedings, and other documents and materials constitute the record of proceedings upon which the Board of Supervisors bases the actions contained herein.

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

DECISION

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

A) Certify the Final Environmental Impact Report (FEIR) for the Carmel Lagoon Scenic Road Protective Structure (SRPS), Ecosystem Protection Barrier (EPB), and Interim Sandbar Management Plan (ISMP) ('Carmel Lagoon Project') (SCH#:2014071050);

B) Select the Scenic Road Protective Structure at the Mid Slope Wall (alternative 5.3.2.5 of the FEIR)

and Sandbar Management Plan (No EPB) (alternative 5.3.3.2 of the FEIR), with the potential for individual garden walls along the property lines (alternative 5.3.2.4 of the FEIR), and the potential long-term solution to the Sandbar Management Plan being a Home Elevation Program (alternative 5.3.2.3 of the FEIR) as the preferred project;

C) Direct staff to seek funding for the design, permitting, construction, and ongoing maintenance of a Scenic Road Protective Structure at the Mid Slope Wall (alternative 5.3.2.5 of the FEIR) and Sandbar Management Plan (No EPB) (alternative 5.3.3.2 of the FEIR);

D) Direct staff to County of Monterey Department of Emergency Management to further investigate implementing a Home Elevation Program as described in Alternative 5.3.2.3 for homes in the floodplain adjacent to the Carmel Lagoon and return to the Board at a later date with a proposed Program; and

E) Adopt a Mitigation Monitoring and Reporting Plan.
(APN 009-472-001, APN 009-481-004, APN 009-491-001)

PASSED AND ADOPTED upon this 10th day of September 2024, by roll call vote:

AYES: Supervisors

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof Minute Book____ for the meeting on September , 2024.

Dated:
File Number: RES 24-
Agenda Item:

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

By _____
Deputy