



Monterey County

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1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

Adopted **Resolution 15-247** to:

- a. Adopt the final Mitigated Negative Declaration for the Monterey Bay Sanctuary Scenic Trail – Moss Landing Bicycle/Pedestrian Path and Bridge Project, Project No. 8868, Federal Aid Project No. HP – 5944 (083, 084, 085, 089, 108, and 112) (SCH No. 2014121057);
- b. Adopt a Mitigation and Monitoring Reporting Program;
- c. Authorize the Resource Management Agency (RMA) – Director of Public Works or designee to proceed with the Monterey Bay Sanctuary Scenic Trail - Moss Landing Bicycle/Pedestrian Path and Bridge Project; and
- d. Authorize the RMA - Director of Public Works or designee to submit an application for a Coastal Development Permit to the Californian Coastal Commission.
[(APN 133-181-009, 133-173-005, 133-173-002)]

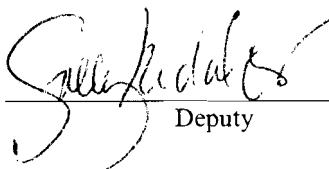
PASSED AND ADOPTED on this 15th day of September 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, 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 78 for the meeting on September 15, 2015.

Dated: September 18, 2015
File ID: RES 15-088

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

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

Resolution No. 15-247

- a. Adopt the final Mitigated Negative Declaration for the Monterey Bay Sanctuary Scenic Trail – Moss Landing Bicycle/Pedestrian Path and Bridge Project, Project No. 8868, Federal Aid Project No. HP – 5944 (083, 084, 085, 089, 108, and 112) (SCH No. 2014121057);
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The Final Mitigated Negative Declaration for the Monterey Bay Sanctuary Scenic Trail – Moss Landing Bicycle/Pedestrian Path and Bridge Project came before the Monterey County Board of Supervisors on September 15, 2015. 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:

- 1. FINDING: PROJECT DESCRIPTION - The proposed project is an approximately 4,466 foot (0.85 mile) bicycle/pedestrian path extending from the North Harbor (northwest side of the existing State Highway 1 Bridge) to Moss Landing Road. It includes the construction of a ten (10) foot paved bicycle/pedestrian path with two (2) foot wide decomposed granite shoulders on either side of the path and a 12 foot 386 foot long bicycle/pedestrian bridge over the Elkhorn Slough.
2. FINDING: CEQA (MND) - The County of Monterey has completed the Mitigated Negative Declaration (MND) in compliance with the California Environmental Quality Act (CEQA), and the Final MND reflects the County of Monterey’s independent judgment and analysis.

- EVIDENCE: a) CEQA requires preparation of a mitigated negative declaration if there is no substantial evidence in light of the whole record that the project as revised may have a significant effect on the environment.
b) In September 2008, in accordance with Section 15063 of CEQA Guidelines, the County, acting as the lead agency, as well as the applicant or project proponent, prepared an Initial Study evaluating the

- proposed project. The Initial Study is on file with the Resource Management Agency – Public Works (RMA-PW).
- c) The Initial Study (IS) identified potentially significant effects but revisions to the project have been made or agreed to by the project proponent which mitigate the effects to a point where clearly no significant effects would occur to aesthetics, biological resources, greenhouse gas emissions, cultural resources, hazards and hazardous materials, air quality, biological resources, geology and soils, hydrology and water quality, noise, recreation, and mandatory findings of significance. Therefore, an MND was prepared (State Clearing House No. 2014121057).
 - d) The *IS/Draft Mitigated Negative Declaration SCH#:2014121057* was prepared in accordance with CEQA and circulated for public review from December 22, 2014 through February 4, 2014, and re-circulated from March 6, 2015 through April 6, 2015.
 - e) SUMMARY OF IMPACTS
Issues that were analyzed in the MND include aesthetics, biological resources, greenhouse gas emissions, cultural resources, hazards and hazardous materials, air quality, biological resources, geology and soils, hydrology and water quality, noise, recreation, and mandatory findings of significance.
 - f) The County prepared the *Final Mitigated Negative Declaration* (State Clearinghouse # 2014121057) (“Final MND”). The Final MND responds to comments on the Draft MND. The Final MND was released to the public on or about September 15, 2015 and responds to all significant environmental issues raised by persons and organizations that commented on the Draft MND. The County has considered the Draft MND, and the information contained in the Final MND including responses to the comments received. The Final MND together with the Draft MND constitutes the complete Monterey Bay Sanctuary Scenic Trail – Moss Landing Bicycle/Pedestrian Path and Bridge Project MND.
 - g) All project changes required to avoid significant effects on the environment have been incorporated into the project. A Condition Compliance & Mitigation Monitoring and/or Reporting Program (MMRP) has been prepared in accordance with CEQA and the County’s Conditions of Approval and Mitigation Monitoring and Reporting Program. The County is adopting the MMRP as part of project approval (See Exhibit A incorporated by this reference). The MMRP includes mitigation measures and conditions of approval and obligates the County to implement the mitigation measures and monitor that implementation.
 - h) Evidence that has been received and considered includes technical studies and reports, and staff reports that reflect the County’s independent judgment. These documents are on file with the Resource Management Agency (RMA) – Public Works (RMA-PW) and the Clerk of the Board of Supervisors, and are incorporated herein by this reference.
 - i) Staff analysis contained in the MND and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of

the Department of Fish and Wildlife (DFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. There are biological resources that are present on the site. For purposes of the Fish and Game Code, the project impact on the fish and wildlife will be reduced to less than significant through implementation of mitigation measures. Therefore, the County will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- j) Monterey County RMA-PW, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based. The Final MND is also on file in the office of the Clerk of the Board of Supervisors.

3. FINDING: MND-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT - The Board of Supervisors finds that potentially significant environmental impacts of the project will be mitigated to a less than significant level due to incorporation of mitigation measures from the MND as conditions of project approval. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final MND.

- EVIDENCE:**
- a) Potentially significant impacts on biological resources have been mitigated to a less than significant level with mitigation incorporated through the following mitigation measures; require avoidance measures and/or pre-construction surveys to ensure development activities will not disrupt nesting activities, retaining a qualified biologist for construction monitoring, develop a Marine Mammal Protection Plan approved by authorized agencies prior to construction, limit construction activities to daylight hours (8:00 a.m. to 5:00 pm), acoustic monitoring of pile driving to ensure that sound levels from pile driving are limited to approved values, fish monitoring during pile driving activities to minimize fish exposure to adverse level of underwater sound, and obtain Incidental Harassment Authorization (IHA) prior to initiation of in-water construction.
 - b) Potentially significant impacts on archaeological resources have been mitigated to a less than significant level through mitigation measures which require implementation of the County's standard requirements for accidental discovery of cultural, archaeological, historical or paleontological resources and implementation of the County's requirements for accidental discovery of human remains.
 - c) Potentially significant impacts on hazards and hazardous material have been mitigated to a less than significant level through mitigation

- measures which require soil/fill contaminant testing and aerially deposited lead testing prior to construction.
- d) Potentially significant impacts on hydrology and water quality have been mitigated to a less than significant level through mitigation measures which require State Water Resources Control Board Construction General Permits to reduce and eliminate pollutants associated with the construction site, implement source control, site design and best management practices to target pollutants of concern during project construction, and preparation of an erosion control plan consistent with the Monterey County Code.
 - e) Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures which require restrictions in the project plans and specifications to mitigate construction noise.

4. FINDING: MND-NO SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS – The MND identified no significant unavoidable impacts that would result from the project.

EVIDENCE: a) The MND for Monterey Bay Sanctuary Scenic Trail -- Moss Landing Bicycle/Pedestrian Path and Bridge Project did not identify any significant unavoidable impacts that would result from the project.

5. FINDING: RECIRCULATION OF THE DRAFT MND

EVIDENCE: a) The *IS/Draft Mitigated Negative Declaration SCH#:2014121057* was prepared in accordance with CEQA and circulated for public review from December 22, 2014 through February 4, 2014, and re-circulated from March 6, 2015 through April 6, 2015. The re-circulated draft IS/MND provided an additional 30 day public comment review period in order to clarify a few details about the project and the project site. The clarifications provided in the Re-Circulated Draft IS/MND did not result in any new, unavoidable, significant effects or require any new or revised mitigation measures.

6. FINDING: PROJECT APPROVAL – The project is funded by a \$3.8 Million Federal Grant and \$276,000 local fund. Staff is seeking an additional Federal Grant Fund for the unfunded amount of \$6.1 Million. The Monterey County Planning Commission considered the project as part of the Capital Improvement Program (CIP) and found it to be consistent with the Monterey County General Plan. The project lies within the jurisdictional boundaries of both the County and the California Coastal Commission and thus will require a Coastal Development Permit. The California Coastal Commission will consider the County's application for the Coastal Development Permit and take jurisdiction over the entire permit. Board of Supervisors adoption of the MMRP obligates the County to perform the mitigation measures and to monitor and document compliance with the mitigation measures.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Monterey does hereby:

- a. Adopt the final Mitigated Negative Declaration for the Monterey Bay Sanctuary Scenic Trail – Moss Landing Bicycle/Pedestrian Path and Bridge Project, Project No. 8868, Federal Aid Project No. HP – 5944 (083, 084, 085, 089, 108, and 112) (SCH No. 2014121057);
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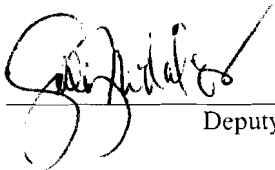
PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 15th day of September 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, 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 78 for the meeting on September 15, 2015.

Dated: October 5, 2015
File Number: RES 15-088

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  Deputy