



Monterey County Board of Supervisors

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Board Order

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:

Adopted Resolution No. 20-015

Consider certification of a Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project.

PASSED AND ADOPTED on this 28th day of January 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

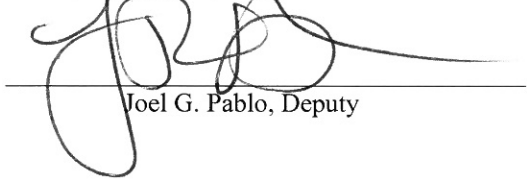
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting January 28, 2020.

Dated: January 29, 2020
File ID: RES 20-004
Agenda Item No.: 27

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



Joel G. Pablo, Deputy

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

In the matter of the application of:

**The Carmel River Floodplain Restoration and Environmental Enhancement
(CRFREE) Project (REF140048)**

RESOLUTION NO. 20-015)
Resolution by the Monterey County Board of Supervisors:)
Certifying an Environmental Impact Report/ Environmental)
Assessment for the Carmel River Floodplain Restoration and)
Environ-mental Enhancement (CRFREE) Project)
[REF140048, County of Monterey-Resource Management Agency)
(Property owners; Big Sur Land Trust, California Department of)
Parks and Recreation, Monterey Peninsula Regional Parks District,)
and Clinton Eastwood and Margaret Eastwood), downstream end of)
the Carmel River Watershed, approximately one-half mile from the)
river mouth, immediately east and west of State Route 1. The)
proposed Project is located on portions of APNs 243-071-005-000,)
243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-)
001-000, 243-081-005-000, and 243-071-008-000].....)

The Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the Carmel River Floodplain Restoration and Environmental Enhancement Project (REF140048) came on for public hearing before the Monterey County Board of Supervisors on January 28, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby certifies the FEIR/EA based on the following findings:

FINDINGS

1. **FINDING:** **CEQA (EIR)** – The Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the Carmel River Floodplain Restoration and Environmental Enhancement Project (REF140048) has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq. The Final EIR/EA (FEIR/EA) was presented to the Board of Supervisors, which has reviewed and considered the information contained in the FEIR/EA prior to taking action on the Project, and the FEIR/EA reflects the County of Monterey’s independent judgment and analysis.

EVIDENCE: a) The proposed project which is the subject of the Final Environmental Impact Report/Environmental Assessment (EIR/EA) is the Carmel River Floodplain Restoration and Environmental Enhancement Project (REF140048), commonly known as the CRFREE project (hereafter “Project”). The Project consists of two interdependent Project components: Floodplain Restoration and Causeway. The Floodplain Restoration Component consists of: (1) removing approximately 1,470 linear feet of non-structural earthen levees on the south side of the Carmel River channel; (2) grading on approximately 100 acres to restore the site’s ecological function as a floodplain by

creating the hydrogeomorphic characteristics necessary to support floodplain restoration activities; (3) grading to elevate approximately 23 acres of existing farmland above the 100-year floodplain elevation to create an agricultural preserve; and (4) implementation of the Restoration Management Plan (RMP). The RMP includes restoration of a mosaic of native habitats across the site in two phases, and maintenance, monitoring, and reporting protocols to ensure success of revegetation specific to compensatory mitigation requirements.

The Causeway Component consists of replacing a portion of SR 1 roadway embankment (Route 1, Post Mile 71.9 to 72.3) with a 360-foot-long causeway section to accommodate floodflows that enter into the south overbank area as a function of the removal of portions of levees as described above and to restore hydrologic connectivity between the Project site and Carmel Lagoon. The Project would result in the reconnection and restoration of approximately 100 acres of historic floodplain. SR 1 is currently a two-lane conventional highway that has 12-foot travel lanes with four-foot to eight-foot shoulders. Once construction of the Causeway is complete, SR 1 would remain a two-lane conventional highway with 12-foot travel lanes; however, the Causeway incorporates 8-foot-wide shoulders, transitioning to match existing 4-foot-wide shoulders at the southern project limits. The Causeway would also include a southbound left-turn lane at the Palo Corona Regional Park entrance and public trails.

The Project is on land owned respectively by Big Sur Land Trust (BSLT), California Department of Parks and Recreation (State Parks), Monterey Peninsula Regional Parks District (MPRPD), and Clinton Eastwood and Margaret Eastwood and is located downstream end of the Carmel River Watershed, approximately one-half mile from the river mouth, immediately east and west of State Route 1 (on portions of APNs 243-071-005-000, 243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-001-000, 243-081-005-000, and 243-071-008-000). The applicants for the Project are the County and BSLT. The County and BSLT entered into a Memorandum of Understanding (MOU) with Project partners in 2010, an agreement to which State Parks is a signatory and agreed to cooperate with and provide access to property owned by State Parks as necessary for the planning, design, and construction of the Project. An update is being negotiated with the Project partners to the 2010 MOU, including adding MRPD as a signatory agreeing to cooperate with Project planning and design and allow a portion of the Project to be constructed on MRPD property.

- b) 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. Pursuant to a cooperative agreement with the California Department of Transportation (Caltrans), the County is lead agency under CEQA. Under a separate agreement between Caltrans and the United States Fish and Wildlife Service (USFWS), USFWS is serving as lead agency under the National Environmental Policy Act (NEPA). The Draft EIR/EA for the CRFREE Project was prepared in accordance with CEQA. (SCH#2011021038)

The Draft EIR/EA circulated for public review for a 46-day public review period, between March 8, 2019 and April 22, 2019.

- c) The County of Monterey received ten (10) written comment letters in response to the DEIR/EA and prepared responses to those letters. The comments and responses to significant environmental issues raised in the comments are set forth in Appendix M of the Final Environmental Impact Report/Environmental Assessment (FEIR/EA). Revisions to the DEIR/EA text to clarify and amplify the content of the DEIR/EA are incorporated into the FEIR/EA.
- d) Issues that were analyzed in the DEIR/EA include aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, traffic and transportation, and utilities. Project alternatives, cumulative impacts, and long-term impacts were also studied. The DEIR/EA considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. Per CEQA Guidelines §15126.6(f), the range of alternatives identified satisfies the "rule of reason" and DEIR/EA analysis contains sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.
- e) The DEIR/EA identified potentially significant impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, and tribal cultural resources. Potentially significant impacts would be mitigated to a less than significant level by mitigation measures identified in the DEIR/EA, as revised in the FEIR/EA, which are described further in the finding below.
- f) DEPARTMENT OF FISH AND WILDLIFE FEES
California Department of Fish and Wildlife reviewed the DEIR/EA 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) at the time of Project approval.
- g) The County prepared a FEIR/EA for the Carmel River Floodplain Restoration and Environmental Enhancement Project. The FEIR/EA responds to all significant environmental points raised by persons and organizations that commented on the DEIR/EA. The County has considered the DEIR/EA, the comments received during the public review period for the DEIR/EA, and in the FEIR/EA the County has provided responses to the comments received. Together, the DEIR/EA, Responses to Comments, and amendments to the DEIR/EA constitute

the FEIR/EA on the project. Caltrans reviewed, commented and concurred with the FEIR/EA. The FEIR/EA was made available to the public on or about January 17, 2020. The FEIR/EA was distributed to public agencies that commented on the DEIR/EA at least ten days before the Board of Supervisors considered certification of the FEIR/EA.

- h) The FEIR/EA was provided to the Board of Supervisors, and the Board of Supervisors considered the FEIR/EA at a duly noticed public hearing on the Project on January 28, 2020. The notice of public hearing was published in Monterey County Weekly on January 16, 2020 and e-mailed to interested parties.
- i) The Monterey County Resource Management Agency, located at 1441 Schilling Place South FL2, Salinas, California, 93901-4527, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the FEIR/EA is based.

2. FINDING:

EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT -

The DEIR/EA identified potentially significant impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, and tribal cultural resources. Potentially significant impacts would be mitigated to a less than significant level by mitigation measures from the DEIR/EA as revised in the FEIR/EA.

EVIDENCE:

- a) Potential impacts to Aesthetics were identified; however, implementation of Mitigation Measures NC-1 through NC-3 and VA-1 through VA-4 will reduce potentially significant impacts to aesthetic resources to a less-than-significant level. Specifically, Mitigation Measures NC-1 through NC-2 would require limiting removal of vegetation to the minimum amount necessary and ensuring avoidance of vegetation outside of the project area by installation of fencing or other protective measures and monitoring by a qualified biologist during construction. Mitigation Measures VA-1 through VA-3 would require specific rail types and end treatments blend with the natural setting. Mitigation Measure VA-4 would require revegetation within the Caltrans right-of-way at a minimum 2:1 ratio for trees to be removed. These measures would reduce potentially significant impacts to aesthetics to a less-than-significant level through a combination of implementing avoidance, preservation, and protection measures during all phases of construction; monitoring; revegetation; and blending structure features with the natural setting. *(Per FEIR/EA pages 281 through 282 and 298 through 299)*
- b) Potential impacts to Air Quality were identified; however, implementation of Mitigation Measures AQ-1 and AQ-2 will reduce potentially significant impacts to air quality to a less-than-significant level. Specifically, Mitigation Measure AQ-1 would require compliance with the California Department of Transportation's

Standard Specifications in Section 14(2010) and Mitigation Measure AQ-2 would require implementation of Best Management Practices to reduce PM₁₀ emissions. These measures would reduce potentially significant impacts to air quality through a combination of compliance by the contractor with all applicable laws and regulations related to air quality and implementing fugitive dust avoidance and minimization measures during all phases of construction. *(Per FEIR/EA pages 285 through 287)*

- c) Potential impacts to Biological Resources were identified; however, implementation of Mitigation Measures TE-1 through TE-10, AS-1 through AS-6, IS-1, IS-2, NC-1 through NC-4, and HAZ-3 will reduce potentially significant impacts to sensitive or special-status species and sensitive natural communities (including riparian habitat, wetlands, and other waters of the U.S.) to a less-than-significant level. Specifically, Mitigation Measures TE-1, TE-2, AS-1, and AS-2 would require contracting a qualified biologist and/or a U.S. Fish and Wildlife-approved biologist to monitor implementation of protective biological measures, provide an employee education program, and train a construction biological monitor. Mitigation Measures TE-3, TE-4, and AS-4 through AS-6 require pre-construction and pre-maintenance surveys to identify the presence of special-status species. Mitigation Measures TE-3, TE-5, AS-3, IS-1, IS-2, HAZ-3, and NC-1 through NC-3 have been identified to reduce potentially significant impacts to special-status species and sensitive habitats through limiting removal of vegetation to the minimum amount necessary and ensuring avoidance of vegetation outside of the project area by installation of fencing or other protective measures, implementation of construction best management practices, construction monitoring, and non-native invasive species controls. Mitigation Measure NC-4 would require replacement of riparian forest, degraded riparian forest, and riparian scrub disturbed. With the implementation of Mitigation Measures TE-1 through TE-10, AS-1 through AS-6, IS-1, IS-2, NC-1 through NC-4, and HAZ-3, potentially significant impacts to biological resources would to a less-than-significant level through a combination of implementing avoidance, preservation, and protection measures during all phases of construction and ongoing maintenance; education; and monitoring. *(Per FEIR/EA pages 288 through 302 and 317 through 319)*
- d) Potential impacts to Cultural Resources were identified; however, implementation of Mitigation Measures CUL-1 through CUL-10, will reduce potential impacts to significant historical or archaeological resources, previously undiscovered human remains, and tribal cultural resources to less-than-significant levels. The County conducted consultation with the Ohlone Costanoan Esselen Nation (OCEN) and included mitigation measures in the DEIR/EA as a result of the consultation. The Esselen Tribe of Monterey County (ETMC) submitted a comment letter on the DEIR/EA requesting consultation. Prior to releasing the FEIR/EA, the County consulted with the ETMC. As a result of these consultations, the mitigation measures include the

results of both consultations to the extent feasible in order to mitigate potential impacts to tribal cultural resources. It is infeasible to incorporate all of the measures of both consultations because of potential inconsistencies between the proposed measures as well as County considerations of logistics and public safety on a construction site. In response to the consultation, the mitigation measures were revised and clarified in the FEIR/EA. (See Finding re: revised mitigation measures.) Specifically, Mitigation Measures CUL-1 through CUL-7 would require dignified disposition of human remains in accordance with state law if human remains are recovered, required procedures if artifacts are discovered, as well as cultural sensitivity training for all construction personnel active on the project site and monitoring and reporting by a qualified archeologist and a Native American monitor. Mitigation Measure CUL-8 would require avoidance of impacts to known cultural resources adjacent to the project site through installation of construction fencing and Mitigation Measure CUL-9 would require avoidance of impacts to historic buildings adjacent to the project site, located on California Department of Parks and Recreation property, by raising buildings up out of the floodplain. Mitigation Measure CUL-10 would require Big Sur Land Trust and the County to enter into an agreement to document coordination with OCEAN and consideration of requests from the ETMC, and other tribes for cultural and educational activities at the Project site. With the implementation of Mitigation Measures CUL-1 through CUL-10, the impact to significant historical or archaeological resources and tribal cultural resources will be reduced to a less-than-significant level. (*Per FEIR/EA pages 303 through 307*)

- e) Potential impacts to Paleontological Resources were identified; however; implementation of Mitigation Measures PAL-1 and PAL-2 will reduce potential impacts to previously undiscovered unique paleontological resources or sites or unique geologic features to less-than-significant levels. Specifically, these measures would require contracting a qualified archeologist to monitor the site, provide a worker training program, and in the case of an unanticipated discovery, evaluation of the potentially significant fossil(s) and proper curation if significant fossils are recovered. With the implementation of Mitigation Measures PAL-1 and PAL-2, the impact to previously undiscovered paleontological resources will be reduced to a less-than-significant level. (*Per FEIR/EA pages 307 through 309*)
- f) Potential impacts to Geology and Soils were identified; however, implementation of Mitigation Measures GEO-1, GEO-2, WAQ-1, and NC-1 through NC-4 will avoid the potentially significant impacts to people or structures resulting from strong seismic ground shaking or seismic-related ground failure, including liquefaction to a less-than-significant level, and substantial soil erosion or loss of topsoil. Specifically, Mitigation Measures GEO-1 and GEO-2 would require that recommendations provided in a design-level geotechnical report be included in the final design of the causeway and that the final plans be

reviewed by a licensed geotechnical engineer, ensuring proper design of the causeway. Mitigation Measure WAQ-1 would require that bank stabilization measures be included on final grading plans, and implementation of bank stabilization measures, monitoring, and adaptive management practices following levee removal. Mitigation Measures NC-1 through NC-4 would require limiting removal of vegetation to the minimum amount necessary and ensuring avoidance of vegetation outside of the project area by installation of fencing or other protective measures, monitoring by a qualified biologist during construction, and replanting of riparian vegetation following construction. With the implementation of Mitigation Measures GEO-1, GEO-2, WAQ-1, and NC-1 through NC-4, impacts resulting from strong seismic ground shaking or seismic-related ground failure, including liquefaction to a less-than-significant level, and substantial soil erosion or loss of topsoil will be reduced to a less-than-significant level. *(Per FEIR/EA pages 311 through 314, 299 through 300, and 324)*

- g) Potential impacts were identified to Hazards and Hazardous Materials; however, implementation of Mitigation Measures HAZ-1 through HAZ-3 will reduce the potentially significant impacts resulting from routine transport, use, or disposal, and/or accidental release of hazardous materials to a less-than-significant level. Specifically, Mitigation Measures HAZ-1 and HAZ-2 require preparation of a Lead Compliance Plan for paint removal activities and proper removal and disposal of paint striping, thermoplastic paint, and treated wood. Mitigation Measure HAZ-3 requires that maintenance, cleaning, or fueling of construction equipment occur only within designated staging areas; daily inspection of equipment for proper operation; storage of spill prevention and clean-up materials on-site; and Best Management Practices to prevent hazardous materials from entering adjacent sensitive habitats. With the implementation of Mitigation Measures HAZ-1 through HAZ-3, impacts resulting from routine transport, use, or disposal, and/or accidental release of hazardous materials would be reduced to a less-than-significant level. *(Per FEIR/EA pages 317 through 319)*

- h) Potential impacts to Hydrology and Water Quality were identified; however, implementation of Mitigation Measure WAQ-2 will reduce the potential impacts associated with violation of water quality standards or waste discharge requirements to a less-than-significant level. Specifically, Mitigation Measure WAQ-2 requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices to avoid impacts to water quality. With the implementation of Mitigation Measure WAQ-2, impacts associated with violation of water quality standards or waste discharge requirements will be reduced to a less-than-significant level. *(Per FEIR/EA page 321)*
 Additionally, implementation of Mitigation Measures HF-1 and WAQ-1 will reduce the potential impacts associated with alteration of drainage patterns of the site that could result in substantial erosion or siltation to a

less-than-significant level. Specifically, Mitigation Measure HF-1 requires that the final design of the causeway be completed in accordance with the recommendations of a design-level hydraulic analysis to reduce the impacts associated with bridge scouring. Mitigation Measure WAQ-1 requires that bank stabilization measures be included on final grading plans, and implementation of bank-stabilization measures, monitoring, and adaptive management practices following levee removal. With the implementation of Mitigation Measures HF-1 and WAQ-1, impacts associated with alteration of drainage patterns of the site that could result in substantial erosion or siltation will be reduced to a less-than-significant level. (*Per FEIR/EA pages 320 through 323*)

Additionally, implementation of Mitigation Measure HF-3 through HF-5 and CUL-9 will reduce the potential impacts associated with alteration of drainage patterns of the site that could result in flooding and exposure of people or structures to a significant risk of loss, injury, or death involving flooding to a less-than-significant level. Text has been added to the FEIR/EA to state that in order to avoid the potential physical impacts of the Project on the Carmel Area Wastewater District's (CAWD) outfall and sewer force main pipelines, the County shall undertake Mitigation Measures HF-3 through HF-5. The DEIR/EA described a project under consideration by CAWD to move the pipelines underground or some other sufficient method to protect the pipelines from the potential increased velocity and woody debris that could result from the Project. The undergrounding project has been relabeled the "Undergrounding Project" in the FEIR/EA, instead of "CAWD project." County recognizes that CAWD has the jurisdiction and authority to determine whether to approve the Undergrounding Project, and if CAWD were to choose an alternative method, the sufficiency of an alternative method would be determined by CAWD in CAWD's sole discretion. Mitigation Measures HF-3 through HF-5, as revised in the FEIR/EA, require that the County phase construction of the Project so that the Undergrounding Project is complete prior to any Project changes to the existing floodplain conditions, and specifically requires: that the Project keep the south bank levee and the temporary detour road intact until County receives timely written notification by CAWD that the Undergrounding Project is complete (HF-3); that the County negotiate in good faith for an agreement with the CAWD to address funding and implementation of the Underground Project (HF-4); and that the County not issue a Notice to Proceed to commence construction until notified by CAWD, in writing, that CAWD has obtained all required governmental approvals to proceed and has awarded a construction contract for the Underground Project, and that all necessary funding for the Undergrounding Project has been secured to the satisfaction of both CAWD and the County. Mitigation Measure CUL-9 would require avoidance of impacts to historic buildings adjacent to the Project site by raising the buildings up above the 100-Year FEMA Base Flood Elevation. With implementation of Mitigation Measures HF-3 through HF-5 and CUL-9, the impacts associated with alteration of drainage patterns of the site that could result in flooding

and exposure of people or structures to a significant risk of loss, injury, or death involving flooding will be reduced to a less-than-significant level. *(Per FEIR/EA pages 323 through 328 and 306)*

Additionally, the proposed project would result in the beneficial impact of a reduced floodplain elevation post-Project resulting in the red houses being above the 100-year FEMA base flow elevation. Mitigation Measure HF-2 would reduce the impact associated with the invalidation of the base flood elevations cited on the currently effective FEMA Flood Insurance Rate Map Panel that would result from changes in WSE that are predicted to occur as a result of the Project to a less-than-significant level. Specifically, Mitigation Measure HF-2 requires a FEMA Conditional Letter of Map Revision (CLOMR) to be obtained prior to construction and a FEMA Letter of Map Revision (LOMR) to be obtained following completion of the Project. With the implementation of Mitigation Measure HF-1, impacts associated with invalidation of the BFEs cited on the currently effective FEMA Flood Insurance Rate Map Panel will be reduced to a less-than-significant level. *(Per FEIR/EA pages 328 through 329)*

- i) Potential impacts to Noise were identified; however, implementation of Mitigation Measures NSE-1 through NSE-3 will substantially reduce construction noise, and noise and ground-borne vibration exposure at noise-sensitive receptors to a less-than-significant level. Specifically, Mitigation Measures NSE-1 through NSE-3 require the preparation and implementation of a Construction Noise Management Plan, notification to property owners and building occupants adjacent to construction areas prior to construction, and restrictions on the hours of construction. With the implementation of these construction noise-reduction measures the impact of construction noise, and noise and ground-borne vibration exposure at noise-sensitive receptors will be reduced to a less-than-significant level. *(Per FEIR/EA pages 333 through 335)*

- j) Potential impacts to Public Services were identified; however, implementation of Mitigation Measure TT-1 will substantially reduce impacts to public services to a less-than-significant level. Specifically, Mitigation Measure TT-1 will require the preparation and implementation of a Transportation Management Plan to provide information related to public awareness, temporary traffic-control measures, traffic diversions and lane closures, safety measures, construction notification information, and other information as deemed necessary by the California Department of Transportation. With the implementation of these construction noise-reduction measures, the impacts to public services will be reduced to a less-than-significant level. *(Per FEIR/EA pages 337 and 339 through 341)*

- k) Potential impacts were identified to Transportation/Traffic; however, implementation of Mitigation Measures TT-1 will reduce the potential impacts due to conflict with an applicable plan, ordinance, or policy addressing the circulation system or an applicable congestion management program, and inadequate emergency access to a less-than-

significant level. Specifically, Mitigation Measure TT-1 will require the preparation and implementation of a Transportation Management Plan to provide information related to public awareness, temporary traffic-control measures, traffic diversions and lane closures, safety measures, construction notification information, and other information as deemed necessary by the California Department of Transportation. (*Per FEIR/EA pages 339 through 341*)

3. **FINDING:** **REVISED MITIGATION MEASURES.** Subsequent to the public review period of the DEIR/EA, changes have been made to the Mitigation Measures. The changes made to the Mitigation Measures are as effective as or more effective than the Mitigation Measures presented in the DEIR/EA. The revised Mitigation Measures themselves will not cause any potentially significant effect on the environment.

- EVIDENCE:** a) **MITIGATION MEASURES REVISED IN THE FEIR/EA**
 The following Mitigation Measures have been revised in the FEIR/EA:
CUL-1: Text was added to this measure to include the Monterey District of the California Department of Parks and Recreation archeologist review of final grading plans for activities on their property and consultation with an ETMC representative for review of final grading plans.
CUL-2: Text was added to this measure to include cultural resource training by Monterey District of the California Department of Parks and Recreation archeologist for activities on their property as well as to define “Native American monitor.”
CUL-3: Text was added in this measure to clarify the type and number of monitor(s) on site during excavation activity.
CUL-4: Text was added to this measure to include coordination with the Monterey District of the California Department of Parks and Recreation archeologist for discoveries of potentially significant cultural resources on their property. Text was also added to this measure to clarify type of monitor(s) to be on site to evaluate discovery of potentially significant cultural resources.
CUL-5: Text was added to this measure to include coordination with the Monterey District of the California Department of Parks and Recreation archeologist for removal of any potentially significant cultural resources discovered on their property. Text was also added to this measure to clarify 1) type of monitor(s) on the Project site, and 2) how best to proceed with recovered artifacts of interest.
CUL-6: Text was added to this measure to include coordination with the Monterey District of the California Department of Parks and Recreation archeologist for discoveries of human remains on their property.
CUL-7: Text was added to this measure to include submittal of the Final Technical Report to the Monterey District of the California Department of Parks and Recreation archeologist and the Chairperson of ETMC.
CUL-9: Text was added to this measure to clarify details of the Memorandum of Understanding between the County and the Monterey

District of the California Department of Parks and Recreation and that any required consultation with the State Historic Preservation Officer must be conducted prior to raising the buildings above the 100-Year FEMA base-flood elevation.

CUL 10: Text was added to this measure to clarify the BSLT-County agreement will include BSLT's consideration of requests from OCEN and ETMC and other tribes for cultural and educational activities at the Project site.

HF-3: This measure was clarified to make clear that County shall undertake the stated measures and that the project shall include the measures to avoid potential impact to the CAWD outfall and sewer force main pipelines. **HF-4:** This measure was amplified and clarified to require County to negotiate in good faith for an agreement with CAWD to address funding and implementation of the Undergrounding Project.

HF-5: This measure was amplified and clarified to make clear that County shall not issue a Notice to Proceed to commence construction until receiving written assurances from CAWD that CAWD has obtained all government approvals to proceed with the Undergrounding Project and that CAWD has awarded a construction contract for the Undergrounding Project, and all necessary funding has been secured for the Undergrounding Project to the satisfaction of the County and CAWD. **PAL-1:** Text was added to this measure to include

coordination with the Monterey District of the California Department of Parks and Recreation archeologist for discoveries of paleontological resources on their property and submittal of the paleontological monitoring report to the State Parks archeologist. **PAL-2:** Text was added to this measure to include coordination with the Monterey District of the California Department of Parks and Recreation archeologist and senior environmental scientist for salvage of paleontological resources on their property. **IS-1:** Text was added to clarify that construction shall be steam cleaned or pressure washed.

IS-2: Text was added to clarify that in addition to the agricultural pond, the restored floodplain and shall also not provide standing water sufficient for American bullfrog breeding and that alternative modifications for American bullfrog management may be made, if necessary.

4. **FINDING:**

RECIRCULATION of the DEIR/EA IS NOT REQUIRED

The revisions to Mitigation Measures and revisions to the text of the DEIR/EA made in the FEIR/EA do not require recirculation of the EIR/EA because these revisions clarify and amplify the information in the EIR but do not add significant new information. The revisions do not identify a new significant environmental impact not previously disclosed or substantial increase in the severity of an already identified environmental impact; no feasible project alternative or mitigation measures considerably different from those analyzed in the DEIR/EA have been identified, and meaningful public review was not precluded.

EVIDENCE: a) CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new

information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. New information added to an EIR is not "significant" unless the EIR is changes in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

- b) Some text and some mitigation measures were revised since circulation of the DEIR/EA as a result of comments received, which changes do not result in or cause new significant impacts or substantial increase in already identified environmental impacts. (See findings 2 and 3 above.)
- c) Minor edits were made to the DEIR/EA, which are listed in a table in Appendix M of the FEIR/EA. As shown in Appendix M, these edits and corrections do not result in the identification of any new impacts and do not add significant new information as defined in CEQA Guideline section 15088.5.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- 1. Certify that the above findings are true and correct; and
- 2. Certify that the Final Environmental Impact Report/Environmental Assessment (FEIR/EA) for the Carmel River Floodplain Restoration and Environmental Enhancement Project (SCH# 2011021038) has been completed in compliance with CEQA, that the FEIR/EA was presented to the Board of Supervisors, that the Board of Supervisors considered the information contained in the FEIR/EA, and that the FEIR/EA reflects the independent judgement and analysis of the County.

PASSED AND ADOPTED on this 28th day of January 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

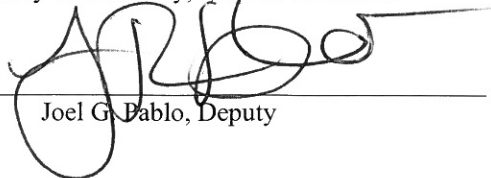
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting January 28, 2020.

Dated: January 29, 2020
File ID: RES 20-004
Agenda Item No.: 27

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


Joel G. Pablo, Deputy