

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

Resolution No: 10 – 238

Resolution approving and adopting a Mitigation)
Monitoring and Reporting Program for the State Route)
68 at San Benancio Road Intersection Improvements)
project, State Project No. EA 05-0H8220, Contract No.)
10-111065.)

WHEREAS, A proposal to construct certain intersection improvements on Highway 68 at the San Benancio Road intersection, State Route 68 at San Benancio Road Intersection Improvements project, State Project No. EA 05-0H8220, Contract No. 10-111065 (the "Project"), was the subject of environmental analysis and an Initial Study with a Mitigated Negative Declaration (IS/MND), which was certified and adopted on June, 23, 2009, by Caltrans as Lead Agency; and

WHEREAS, the County of Monterey ("County") is a Responsible Agency under the Project; and

WHEREAS, the County adopted Resolution No. 10-123, on May 18, 2010, wherein the County certified that it had reviewed and considered the information contained in the IS/MND for the Project; and

WHEREAS, as a Responsible Agency, the County has reviewed the proposed mitigation measures with respect to its actions, and desires to substitute one mitigation measure and include three additional mitigation measures to the Mitigation Monitoring and Reporting Program to be adopted by the County; and

WHEREAS, the Project will significantly enhance turning movements and improve the operation and safety of the Highway 68-San Benancio Road intersection, and it is specifically designed to ease congestion at the intersection during peak commute hours; and

WHEREAS, the proposed Mitigation Monitoring and Reporting Program, as revised, came on for public hearing before the Board of Supervisors of the County of Monterey on July 27, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

- A. The above recitals are true and correct.
- B. Having considered all written and documentary information submitted, the staff reports, oral testimony, other evidence presented, and the administrative record as a whole, the Board of Supervisors hereby finds and decides as follows.

FINDINGS FOR THE SUBSTITUTION AND ADDITION OF MIGITATION MEASURES

1. FINDING: The substitution of the Type ST-20S "split rail" design in Mitigation Measure V-2 "Bridge Railing," identified in the County's Mitigation Monitoring and Reporting Program (Caltrans Bridge Standard Detail Sheet XS-16-205) is equivalent or more effective than the Type ST-40 "split rail" design identified in the Caltrans Mitigated Negative Declaration as "V-2 Bridge Railing" (Caltrans Standard Plan B11-66), and will not, in itself, cause any potentially significant effect on the environment.

- EVIDENCE: (a) ST-20S is stronger and higher than Caltrans Standard Plan B11-66, thereby providing greater protection for pedestrians and cyclists.
 (b) Caltrans Standard ST-20S still maintains a "split rail" design, reducing visual impacts to a less than significant level, consistent with the IS/MND.
 (c) The rails will be painted brown, to blend better with the rural nature of the area.

2. FINDING: The addition of Mitigation Measures BR-41, BR-42 and BR-43 provide additional mitigation measures protecting the California Tiger Salamander and are equivalent or more effective as Biological Resource mitigation measures related to the California Tiger Salamander than the Biological Resources Mitigation Measures identified in the Caltrans IS/MND, and will not, in themselves, cause any potentially significant effect on the environment.

- EVIDENCE: (a) At the time that the IS/MND was prepared and certified by Caltrans, the California Tiger Salamander was not listed by the California Department of Fish and Game (CDFG) as either a threatened or endangered species. Accordingly, no mitigation measures specific to the California Tiger Salamander were identified.
 (b) Consultation with the California Department of Fish and Game confirmed that no revisions to the IS/MND were required due to the subsequent listing of the California Tiger Salamander.
 (c) Mitigation Measure BR-41 calls for the survey of the work site for California Tiger Salamander (CTS) 72 hours prior to the commencement of construction activities, and prohibits the start of construction work, if CTS are found, until all CTS are removed from the site, by a qualified biologist. It also calls for the erection of appropriate fencing to prevent CTS from entering onto the worksite after the survey is performed.
 (d) Mitigation Measure BR-42 requires a qualified biologist to conduct training for all construction personnel on the project, in order to identify and protect CTS during construction.
 (e) Mitigation Measure BR-43 requires the presence of a qualified biologist during construction activities, and authorizes the biologist to halt any action that might result in impacts to the CTS, and also requires immediate notification of the California Department of Fish and Game.
 (f) None of these Mitigation Measures themselves create environmental impacts, but call for monitoring and halting activities that may cause environmental impacts.

FINDINGS WITH RESPECT TO ENVIRONMENTAL IMPACTS

1. FINDING: The Board of Supervisors of the County of Monterey certifies that it has reviewed and considered the information contained in the Caltrans Initial Study with Mitigated Negative Declaration dated June 23, 2009, and the County Mitigation Monitoring and Reporting Program.

EVIDENCE: (a) Resolution 10-132.
 (b) Staff Report dated July 27, 2010, including the Mitigation Monitoring and Reporting Program, attached as Exhibit A to the Staff Report.

2. FINDING: Based upon the whole record, the Project will not have a significant effect on the environment because changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects of the Project, as described in the Caltrans Initial Study with Mitigated Negative Declaration dated June 23, 2009.

EVIDENCE: (a) Caltrans adopted the Initial Study with Mitigated Negative Declaration for the Project on June 23, 2009 (State Clearing House # 2008061098), as Lead Agency.
 (b) No action challenging the IS/MND has been filed.
 (c) The County has previously reviewed and considered the IS/MND through Resolution 10-132.
 (d) With respect to the Mitigation Measures identified in the Negative Declaration, the County will substitute one measure (V-2, "Bridge Railing") with a mitigation measure that has been found to be equivalent or more effective than the measure identified in the certified IS/MND.
 (e) In addition, the County has added three new Mitigation Measures related to the California Tiger Salamander, which were not included in the certified IS/MND and are therefore more effective than the mitigation measures relating to Biological Resources, with respect to the California Tiger Salamander.
 (f) Staff Report dated July 27, 2010, including the Mitigation Monitoring and Reporting Program, attached as Exhibit A to the Staff Report.

3. FINDING: The determination by the Board of Supervisors reflects its independent judgment and analysis.

EVIDENCE: (a) The Board Report dated July 27, 2010, and material referenced therein.
 (b) Comments from staff at the hearing on the proposed adoption of the Mitigation Monitoring and Reporting Program.
 (c) The fact that the County has proposed and adopted substitute and additional Mitigation Measures for its Mitigation Monitoring and Reporting Program, compared to the Mitigation Measures identified in the MND.

