

Board of Supervisors
County of Monterey, State of California

Resolution No. 25-_____

In the matter of the application of:)
Carmel River Floodplain Restoration and)
Environmental Enhancement (REF140048))
(SCH#2011021038) Resolution by the Monterey)
County Board of Supervisors to:)
a. Approve an Addendum to the Final)
Environmental Impact Report for the Carmel River)
Floodplain Restoration and Environmental)
Enhancement (CRFREE) Project (REF140048) to)
amend mitigation measure CUL-9 to construct a)
berm as flood protection around the Historic Barn)
Complex on property owned by the California)
Department of Parks and Recreation; and)
b. Revise the Mitigation, Monitoring and Report)
Plan for the CRFREE Project to incorporate)
changes to the Final EIR as adopted by the)
Board of Supervisors on January 28, 2020, and)
to amend mitigation measure CUL-9)
[Carmel River Floodplain Restoration and)
Environmental Enhancement (CRFREE), State)
Route 1, Carmel, CA, 93923, Carmel Area Land)
Use Plan, Assessor's Parcel Numbers (APNs))
243-071-005-000, 243-071-006-000, 243-071-)
007-000, 243-021-007-000, 157-121-001-000)
and 243-081-005-000, 243-071-008-000])

The addendum to the previously certified Environmental Impact Report, and amendment to a Cultural Mitigation Measure for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project came on for public hearing before the Board of Supervisors of the County of Monterey on September 23, 2025. 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 has processed the subject amendment to mitigation measure CUL-9 (a Cultural mitigation measure) of the CRFREE Project in compliance with all applicable procedural requirements. The mitigation measure was identified in the certified CRFREE Final Environmental Impact Report (FEIR) (Board of Supervisors Resolution No. 20-015) and adopted Mitigation Monitoring

and Reporting Plan (MMRP) (Board of Supervisors' Resolution No:21-163 (Housing and Community Development Project REF 140048)) ("Project").

EVIDENCE: a) Certification of FEIR – On January 28, 2020, the Board of Supervisors certified a FEIR entitled *Environmental Impact Report, Carmel River Floodplain Restoration and Environmental Enhancement Project* for the CRFREE Project (SCH#2011021038), Board of Supervisors Resolution No. 20-015. (Attachment B of the September 23, 2025, staff report to the Board of Supervisors)

b) Adoption of Mitigation Monitoring and Reporting Plan: On June 15, 2021, the Board of Supervisors approved the CRFREE Project, and adopted a Mitigation Monitoring and Reporting Plan, Board of Supervisors Resolution No. 21-163. As described in Finding 1, Evidence "a" the CRFREE Project consists of two interdependent components: The Floodplain Restoration (Levee Removal/Enhancement Area), and the Causeway.

c) The CRFREE Project will impact cultural resources by increasing backwater flood elevations at the Creamery and Blacksmith shop in the Historic Barn Complex on land owned by the Department of Parks and Recreation (State Parks), as described in the FEIR. The buildings within the Barn Complex are within the 100-year floodplain and are at risk for flood damage under pre-project conditions. The FEIR identified that post project conditions may increase the 100-year Base Flood Elevation (BFE) by 0.1-0.2 feet.

The FEIR identified that to mitigate for the impact of the CRFREE Project on the Creamery and Blacksmith shop the first-floor elevation should be raised one foot above the BFE.

d) As described in Finding 5, Evidence 'd' of the CRFREE Resolution adopted on June 15, 2021, the CRFREE Project will potentially have an adverse effect on indirect operational impacts resulting from an increase in backwater flood elevations at the Historic Barn Complex. All of the buildings that comprise of the Barn Complex are located within the 100-year floodplain and are currently at risk under existing conditions. However, due to the larger volume of flow that will be routed under the causeway and out to the south arm of the Carmel Lagoon under the Preferred Project, the 100-year flood elevation will potentially increase by as much as 0.1 foot at the Historic Barn Complex. The potentially significant impact can be reduced to less than significant with implementation of the CUL-9 mitigation measure.

e) CUL-9: The Creamery and Blacksmith Shop will be raised and placed on concrete foundations prior to the levee plugs being removed (approximately three to five years following construction). It is anticipated that the buildings will be elevated between six to eight inches and then placed on concrete perimeter or pier foundations. Existing engineering plans, which were originally

prepared by State Parks, shall be updated prior to implementation of this measure to reflect any changed conditions or changes in building codes since the original preparation. The State Parks historian shall be contacted prior to construction work on the Creamery and Blacksmith Shop. The County intends to enter into an MOU with State Parks prior to the initiation of construction that outlines the details of this effort, including cost sharing. The MOU shall include the minimum experience requirements of the contractor(s) who bid for the lifting, cribbing, and moving of the structures and the foundation repair. The MOU shall have concurrence by the State Parks historian with regard to writing specifications for a qualified contractor to raise each building, prior to executing a contract. Additionally, any required consultation with SHPO for raising of the buildings shall be conducted prior to construction.

f) Amendment to the approved MMRP: Mitigation measure CUL-9 of the 2021 approved MMRP has been amended to allow for extending the existing berm around the Historic Barn Complex to protect all of the buildings, instead of raising the Blacksmith shop and Creamery.

- 2. FINDING: ADDENDUM** – A technical addendum to the CRFREE 2020 EIR, entitled *Environmental Impact Report, Carmel River Floodplain Restoration and Environmental Enhancement Project* has been prepared pursuant to Article 11, Section 15164 of the CEQA guidelines to address Mitigation Measure CUL-9 of the FEIR. The Board finds that the revision of the FEIR in regards mitigation measure CUL-9 does not change the impact of the CRFREE Project on the Historic Barn Complex operations.

EVIDENCE: a) The purpose of this Addendum is to consider the FEIR adopted by the Board of Supervisors of the County of Monterey, and to formally amend CUL-9 in the FEIR to allow for the construction a berm to extend the existing berm around the Historic Barn Complex and protect the four buildings within the Historic Barn Complex to be protected from secondary backwater impacts of a 100-year flood, and meet the request of State Parks. The Draft Amended Mitigation Measure CUL-9 is provided in Attachment C of the September 23, 2025 staff report to the Board of Supervisors. The language to be amended is found on pages 111, 307 of the FEIR entitled *Environmental Impact Report, Carmel River Floodplain Restoration and Environmental Enhancement Project*.

b) The addendum to the FIER to modify mitigation measure CUL-9 would not result in any new significant environmental effects or an increase in the severity of a previously identified significant impact. Attachment E of the September 23, 2025 staff report describes how the Draft Amended Mitigation Measure CUL-9 does not change the required flood protection to the Historic Barn Complex by the CRFREE Project so that the backwater flow during a 100-year flood

event does not impact operations at the Historic Barn Complex, as described in Mitigation Measure CUL-9. Specifically, the existing berm will be extended to protect from backwater flooding, reducing the impact of the CRFREE Project to less than significant.

c) With approval of this resolution, the following underlined language shall be added on pages 11, and 307 of the FEIR, and in all references to CUL-9 to read as follows:

CUL-9 The existing berm around the Creamery and Blacksmith Shop will be expanded to surround the Historic Barn Complex prior to the levee plugs being removed (approximately three to five years following construction). The berm will be built with a top elevation above the 100-year flood elevation. The soil used to create the berm will be obtained on-site from the adjacent floodplain excavation area (therefore resulting in no increase in total earthwork). In general the berm height above existing grade will be less than 2 feet. The maximum proposed fill depth is approximately 4 feet.

The berm construction will impact 0.25 acres of riparian/coastal wetland. It will be mitigated at a 3:1 ratio (0.75 acres) which will be incorporated by expanding the existing mitigation planting area on State Parks property.

d) Approval of this resolution amends only amends CUL-9, and does not change CUL-1 to 8, or CUL-10 which include mitigation measures related to archaeological and cultural monitoring, coordinating with tribal representatives, training of construction crews, coordination with State Parks Archaeologist, and preparation of a plan of action in the case of finding significant cultural resources during construction.

3. FINDING: AMENDMENT – A Draft Amended Mitigation Measure CUL-9 of the approved Mitigation Monitoring and Reporting Plan of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) EIR has been prepared.

EVIDENCE: a) Cultural Resources: As described in Finding 2, Evidence “d” of this resolution, the CRFREE Project is consistent with applicable County policies for cultural resource protection as proposed, conditioned and mitigated. The CRFREE Project will potentially have an adverse effect on cultural resources that is mitigated to less than significant with incorporation of mitigation measures. The extension of the existing berm around the State Parks Historic Barn Complex will mitigate the potentially significant impact on cultural resources from flooding impacts, while maintaining the current accessibility of the structures and avoiding raising the Creamery and Blacksmith buildings.

b) Amendment to CUL-9: As shown in Attachment E of September 23, 2025 Staff report to the Board of Supervisors, the following underlined language shall be added as an amendment to the MMRP,

replacing the strikethrough language with approval of this resolution so that CUL-9 reads as follows:

~~CUL-9: The Creamery and Blacksmith Shop will be raised and placed on concrete foundations prior to the levee plugs being removed (approximately three to five years following construction). It is anticipated that the buildings will be elevated between six to eight inches and then placed on concrete perimeter or pier foundations. Existing engineering plans, which were originally prepared by State Parks, shall be updated prior to implementation of this measure to reflect any changed conditions or changes in building codes since the original preparation. The State Parks historian shall be contacted prior to construction work on the Creamery and Blacksmith Shop. The County intends to enter into a MOU with State Parks prior to the initiation of construction that outlines the details of this effort, including cost sharing. The MOU shall include the minimum experience requirements of the contractor(s) who bid for the lifting, cribbing, and moving of the structures and the foundation repair. The MOU shall have concurrence by the State Parks historian with regard to writing specifications for qualified contractor to raise each building, prior to executing a contract. Additionally, any required consultation with SHPO for raising of the buildings shall be conducted prior to construction.~~

The existing berm around the Creamery and Blacksmith Shop will be expanded to surround the Historic Barn Complex prior to the levee plugs being removed (approximately three to five years following construction). The berm will be built with a top elevation above the 100-year flood elevation. The soil used to create the berm will be obtained on-site from the adjacent floodplain excavation area (therefore resulting in no increase in total earthwork). In general the berm height above existing grade will be less than 2 feet. The maximum proposed fill depth is approximately 4 feet (Figures 1 and 2).

The berm construction will impact 0.25 acres of riparian/coastal wetland (Figure 3). It will be mitigated at a 3:1 ratio (0.75 acres) which will be incorporated by expanding the existing mitigation planting area on State Parks property.

- 4. FINDING:** CEQA (Addendum) – In accordance with California Code of Regulations (CCR) CEQA Guidelines Section 15164(d), the Board of Supervisors considered the addendum (Attachment E of the September 23, 2025 Staff report to the Board of Supervisors) with the FEIR (Attachment B of the September 23, 2025 Staff report to the Board of Supervisors) prior to approving the amendment of CUL-9. The Board finds that the amended mitigation measure CUL-9 does not cause substantial changes to the project and that there are no substantial changes in circumstances or new information of substantial importance that would require major revisions to the certified EIR.

EVIDENCE: a) An FEIR for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project

(SCH#2011021038) was certified by the Board of Supervisors on January 28, 2020 (Resolution No. 20-015).

b) An addendum to the previously certified FEIR for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (SCH#2011021038) has been prepared pursuant to CEQA Guidelines CCR Section 15164 (CCR, tit. 14, sec. 15164). The Addendum attached as Attachment E to the September 23, 2025 Staff report to the Board of Supervisors reflects the County's independent judgement and analysis.

c) In accordance with Public Resources Code Section 21166 and CEQA Guidelines CCR Section 15162(a), the preparation of a subsequent or supplemental FSEIR is not required for the amendment of CUL-9. The County has determined, on the basis of substantial evidence in light of the whole record, that amendment of CUL-9 would not result in substantial project changes that would require major revisions to the FEIR. There are no changes in circumstances and no new information, not known at the time the FEIR was certified, that shows the amendment to the mitigation measure may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. As described in Finding 1, Evidence "c", the FEIR identified that the CRFREE project would impact the Historic Barn Complex, and to mitigate for these impacts the existing berm will be extended to provide backflow flood protection prior to the completion of the CRFREE project.

d) CRFREE project files (REF140048), documents and other material that constitute the record of proceedings are located at the County of Monterey, Housing and Community Development 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, CA 93901.

5. FINDING: **APPEALABILITY** - The decision by the Board of Supervisors on the amendment to CUL-9 is final and may not be appealed.

EVIDENCE: a) MCC Title 19 Section 19.16.025.A states that an appeal may be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority decision making body other than the Board of Supervisors.
b) MCC Title 21 Section 21.80.050.A states an appeal may be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

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. Approve an Addendum to the Final Environmental Impact Report for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (REF140048) to amend mitigation measure CUL-9 to construct a berm as flood protection around the Historic Barn Complex on property owned by the California Department of Parks and Recreation; and
- b. Revise the Mitigation, Monitoring and Reporting Plan for the CRRFREE Project to incorporate changes to the Final EIR as adopted by the Board of Supervisors on January 28, 2020, and to amend mitigation measure CUL-9.

PASSED AND ADOPTED upon this ____ day of September 2025, 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 16, 2025.

Dated: September 23, 2025
File Number: RES 21-
Agenda Item:

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

By _____
Deputy