

# Attachment E

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# **Addendum Pursuant to the California Environmental Quality Act ARTICLE 11 Section 15164**

## **CUL-9**

### **1. Introduction**

This technical addendum has been prepared pursuant to Article 11 Section 15164 of the California Environmental Quality Act Guidelines to address Mitigation Measure CUL-9 of the Environmental Impact Report for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project. Mitigation Measure CUL-9 involves raising the State Parks owned Historic Creamery and Blacksmith Shop onto concrete foundations approximately 6-8 inches. Mitigation Measure CUL-9 also lays out the required consultation process between the County of Monterey and State Parks, and consultation with SHPO.

The County of Monterey, as the lead agency for the CRFREE Project, prepared an Environmental Impact Report (EIR) to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000, *et seq.*). The EIR, entitled *Environmental Impact Report, Carmel River Floodplain Restoration and Environmental Enhancement Project*, provided an analysis of the potential environmental impacts associated with the CRFREE Project. On January 28, 2020, the County of Monterey Board of Supervisors certified the Environmental Impact Report, entitled *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project* (Adopted EIR). On June 15, 2021, the Board of Supervisors Adopted the Preferred Project as described in the Adopted EIR and Adopted a Mitigation Monitoring and Reporting Plan (MMRP).

The CRFREE Project will increase flood flows above existing risk for the Blacksmith and Creamery buildings. As stated on page 328 of the Adopted EIR; *‘To mitigate potential adverse effects associated with the Proposed Project, the Undergrounding Project must be implemented prior to completion of the Proposed Project’*.

The Adopted mitigation measures outlined in the Adopted EIR reduce the impact of the CRFREE Project to less than significant. Specifically, CUL-9 provides avoidance and mitigation measures for the CRFREE Project related State Parks Historic buildings. The Adopted EIR is Attachment B of the September 16, 2025, Staff report to the Board of Supervisors.

CUL-9 requires the County to:

- Raise the Creamery and Blacksmith Shop approximately 6-8 inches and place the structures on concrete foundations or a pier perimeter prior to removal of the levee plugs (approximately 3-5 years following construction).
- Utilize existing State Parks engineering plans, which were to be updated prior to implementation of the measure, taking into account changed conditions or changes in building codes.
- County was to contact the State Parks Historian.
- County was to enter into an MOU with State Parks to lay out the minimum experience for

contractors who bid for the lifting, cribbing, and moving of the structures and the foundation repair.

- The MOU was to have concurrence by the State Parks historian.
- Consultation with SHPO was to be completed prior to construction.

## 2. Scope and Purpose of this Addendum

The purpose of this Addendum is to consider the EIR, as Adopted by the County of Monterey Board of Supervisors, and to formally amend CUL-9 in the Adopted EIR. Amending CUL-9 will allow for protection of the whole Historic Barn complex, reduce impact to the significantly decayed buildings, and meet State Parks' stated policies regarding historic building preservation and protection. Mitigation Measure CUL-9, as written on pages 146, 329, and A-15 of the Adopted EIR, is proposed to be amended as provided in Attachment C of the September 16, 2025, staff report to the Board of Supervisors.

## 3. Analysis

Section 15164 of the CEQA Guidelines governs the preparation of an Addendum to an EIR or Negative Declaration. Section 15164(a) states that the "lead agency... shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred." CEQA Guidelines Section 15162(a) indicates that "no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was Adopted, shows any of the following:
  - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d) Mitigation measures or alternatives which are considerably different from those analyzed

in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

The following discussion explains why a subsequent or supplemental EIR is not required under CEQA Guidelines Section 15162 in connection with the draft amended Mitigation Measure CUL-9 of the Adopted EIR and why an Addendum is the appropriate level of environmental review.

## **I. ANALYSIS**

- a. **The Proposed Modification does not entail substantial changes which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

CEQA Guidelines Section 15162(a)(1) provides that no subsequent EIR shall be prepared unless the lead agency determines that “[s]ubstantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects.” As noted above, the Draft Amended Mitigation Measure CUL-9, or the Proposed Modification, would not result in any new significant environmental effects or an increase in the severity of a previously identified significant impact. The Draft Amended Mitigation Measure CUL-9 does not change the required protection of the Blacksmith shop and Creamery buildings from 100-year flood event inundation. Therefore, the Draft Amended Mitigation Measure CUL-9 would not require major revisions of the previous information due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect.

- b. **The Proposed Modification would not result in substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect.**

CEQA Guidelines Section 15162(a)(2) provides that no subsequent EIR shall be prepared unless the lead agency determines that “[s]ubstantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”

The Draft Amended Mitigation Measure CUL-9 would not result in a substantial change with respect to the circumstances under which the project is undertaken, such that there would be additional environmental effects or increase the severity of a previously identified effect beyond those previously identified in the EIR certified in January 2020. The proposed mitigation measure amendment does not change the protection afforded to the historic buildings. Therefore, the Draft Amended Mitigation Measure CUL-9 would not result in substantial changes with respect to the circumstances under which the Draft Amended Mitigation Measure CUL-9 is undertaken which would require major revisions of the ADOPTED EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**c. The Proposed Modification does not entail new information of substantial importance.**

CEQA Guidelines Section 15162(a)(3) provides that no subsequent EIR shall be prepared unless the lead agency determines that “[n]ew information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was Adopted, shows any of the following:

- a) the project will have one or more significant effects not discussed in the previous EIR;
- b) significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure or alternative; or,
- d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative.”

No new information of substantial importance has been identified such that the Draft Amended Mitigation Measure CUL-9 would result in: 1) significant environmental effects not identified in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project, CEQA Significance Determinations for Cultural Measures*; 2) more severe environmental effects than described in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project, CEQA Significance Determinations for Cultural Measures*; 3) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the project proponents declines to adopt the measure or alternative; or, 4) mitigation measures or alternatives which are considerably different from those analyzed in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project, CEQA Significance Determinations for Cultural Measures* would substantially reduce one or more significant effects on the environment, but the County declines to adopt the measures or alternatives.

The Draft Mitigation Measure CUL-9 would not result in any additional environmental effects or increase the severity of a previously identified significant effect. Similarly, no additional mitigation measures that are considerably different from those analyzed in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project, CEQA Significance Determinations for Cultural Measures* have been identified, which would not result in any additional environmental effects beyond those identified in the Final EIR. There is no new information of substantial importance showing any of the items listed in CEQA Guidelines Section 15162(a)(3).

**4. Conclusion**

This addendum serves to demonstrate the Draft Mitigation Measure CUL-9 qualifies for an addendum to the previously certified *Final Environmental Impact Report, Carmel River*

*Floodplain Environmental Enhancement Project, CEQA Significance Determinations for Cultural Measures* pursuant to CEQA Guidelines Section 15164 to ensure an amended MMRP is Adopted but none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred. Based on the analysis contained in this Addendum, the Draft Amended Mitigation Measure CUL-9 would not: 1) result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) would not cause a substantial change with respect to the circumstances under which the Draft Amended Mitigation Measure CUL-9 is undertaken, which would require major revisions to the previously certified Adopted EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or, 3) result in new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Adopted EIR was certified as complete. Based on the foregoing analysis the appropriate level of environmental review for the Draft Amended Mitigation Measure CUL-9 would be an Addendum.

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