

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 27, 2008 Time: 9:00 a.m.	Agenda Item No.: 3
Project Description: The project consists of a Class I Bicycle Trail that parallels the Carmel River beginning at the east end boundary of Quail Lodge Property (APN 157-171-057-000) and extends to the west boundary of Monterey Peninsula Regional Park District (APN 157-121-001-000). The project length is 5,825 feet, approximately 1.1 miles. The western portion is located in the Carmel Local Coastal Plan and the eastern portion is located within the Carmel Valley Master Plan.	
Project Location: Carmel Valley, CA	APN: 157-121-001-000, 157-171-057-000, 157-181-006-000, 157-181-007-000, 157-181-008-000
Planning File Number: PLN080106	Name: Monterey County Public Works Department
Plan Area: Carmel Valley Master Plan and Carmel Area Land Use Plan	Flagged and staked: No
Zoning Designation: : WSC/40(CZ) & RC(CZ)	
CEQA Action: Mitigated Negative Declaration	
Department: RMA – Public Works Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

- a) Consider and adopt the Initial Study/Mitigated Negative Declaration (**Exhibit D**) with the attached Mitigation Monitoring and Reporting Program (**Exhibit C**).

PROJECT SUMMARY:

The project involves constructing a class I bicycle trail that is one segment of a multi-segment bicycle trail system in Carmel Valley, California. The project begins at east boundary of Quail Lodge project (APN 157-171-057-000) and proceeds to the west boundary of Monterey Peninsula Regional District (APN 157-121-001-000). The length of the project is approximately 1.1 miles (5,285 linear feet). The project includes the construction of a paved eight foot wide bicycle trail, two four-foot gravel shoulders, and directional signage and striping. The east end of the project will connect to an existing 0.70-mile (3,700-foot) class III bicycle trail on an adjacent Quail Lodge property (APN 157-171-060) and to a future trail along a new levee to State Highway 1 on the west end.

The project is the third phase of the four-phase Carmel Valley/Valley Greens Drive Class I/III Bicycle Trail that begins at Carmel Valley Road and Valley Greens Drive and will extend to State Highway 1. The construction of the trail system, which the proposed project is just one segment of, will allow bicycle commuters in Carmel Valley and surrounding communities to avoid using Carmel Valley Road, which is a high speed and high volume roadway facility. As part of the larger Carmel Valley/Valley Greens Drive Class I/III Bicycle Trail project, the project will offer bicycle commuters a safe travel alternative to shopping centers and businesses at the Rio Road/State Highway 1 junction, and to other businesses and places of employment on the Monterey Peninsula. See the attached discussion in **Exhibit A**.

The project is consistent with policies in the Monterey County Carmel Local Coastal Plan (LCP), Carmel Valley Master Plan (CVMP), Monterey County General Plan, and the Greater Monterey Peninsula Area Plan related to visual resources, traffic, land use, agriculture, and environmentally sensitive habitat areas. Monterey County Public Works Department as “lead agency” contracted Denise Duffy & Associates, Inc. (DD&A) to prepare an Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA). As the decision-making body of the Lead Agency, the Planning Commission must certify that it reviewed and considered the information contained in the environmental documents (and affirm the conclusions therein prior to acting upon or approving the project.

In accordance with CEQA, DD&A prepared a draft environmental document that was circulated for comments from April 15, 2008 to May 15, 2008. Issues addressed in the Initial Study were visual qualities, water quality, air quality, agriculture, land use, and environmentally sensitive habitat. The Initial Study/Mitigated Negative Declaration finds that all potentially significant adverse impacts could be mitigated to a less than significant level.

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Transportation, District 5
- ✓ U.S. Wildlife Service
- ✓ California Department of Fish and Game
- ✓ U.S. Army Corps of Engineers
- ✓ Monterey County Sheriff’s Department

Note: The decision on this project is appealable to the Board of Supervisors

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August 27, 2008

cc: Front Counter Copy; Planning Commission Members; Public Works; Project File
PLN080106.

Attachments:	Exhibit A	Project Overview
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
	Exhibit D	Draft Initial Study/Mitigated Negative Declaration
	Exhibit E	Final Initial Study/Mitigated Negative Declaration

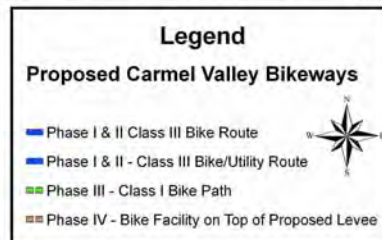
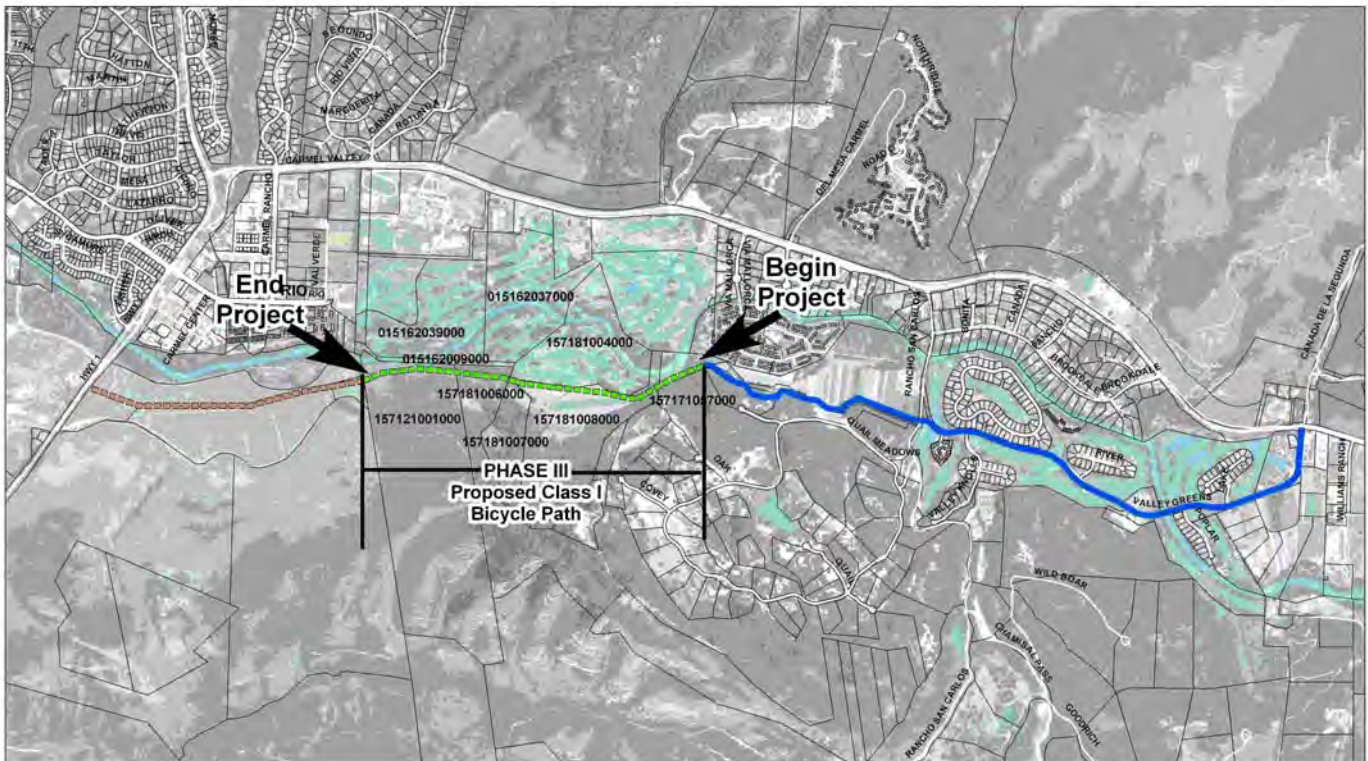
This report was reviewed by _____, Paul H. Greenway, P.E., Acting Public Works Director

EXHIBIT A PROJECT OVERVIEW

Project Description and Setting

The property lies within the Monterey County Carmel Local Coastal Plan (LCP) and the Carmel Valley Master Plan (CVMP) Areas with land use designations “Watershed and Scenic Conservation” and “Resource Conservation,” respectively. The two coastal zone parcels, APN 157-121-001 and a portion of APN 157-181-001, are within the Watershed and Scenic Conservation (WSC/40) and Resource Conservation (RC) Zoning Districts. The remaining parcels outside the coastal zone are within Resource Conservation, Public/Quasi Public, Visitor-Serving, and Open Space Zoning Districts, which all fall within Design control and Site Plan Review Zoning Districts. The proposed project is a low-intensity recreational land use consistent with the land use designations and policies within the LCP and CVMP, and the zoning districts.

Carmel Valley Class I Bicycle Project



The Bicycle Alignments Shown On This Map are Only For Illustrative Purposes.

Analysis

The project was reviewed for consistency with the goals, objectives, and policies established in the 2005 TAMC General Bikeways Plan, the 2005 Monterey County Regional Transportation Plan (RTP), and the 2001 Monterey County General Bikeways Plan, which focus on improving bicycle facilities, encouraging alternative modes of transportation, and reducing traffic in the region.

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Environmental Review

An Initial Study and Proposed Mitigated Negative Declaration were prepared with assistance by Denise Duffy and Associates. On April 24, 2008, the Draft IS/MND was submitted to the State Clearinghouse and distributed for a 30-day public review period to responsible and trustee agencies, interested groups, and individuals. The Notice of Availability was also published in the Herald and Carmel Pine Cone on April 15, 2008, and was posted on site from April 15 to May 15, 2008. The public review period for the Draft IS/MND ended on May 24, 2008. The environmental review considered the environmental impacts associated with phase three of the Carmel Valley/Valley Greens Drive Class I/III project, which has been titled the Carmel Valley Class I Bicycle Trail project.

Comment Letters

Comment letter dated April 22, 2008 was received from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) stating that the MBUACPD monitors air quality at eight monitor stations and the National Park Services operates a station at the Pinnacles National Monument. MBUAPCD also attached a current listing of their monitoring stations. The text of the Draft IS/MND has been revised in response to this comment. **Please refer to Section 3.0, Revisions to the Draft IS/MND.**

Comment letter dated May 15, 2008 from Heritage Development, LP, indicates they are supportive of the project but would like specific alignment adjustments done to accommodate development plans for their property that is under review by the Planning Department (PLN060603). Heritage Development, LP would also like to incorporate their parcels to the IS/MND. **See response to specific comments D2-D7 in Exhibit B, Recommended Findings and Evidence, Section 2B.**

Letter dated June 16, 2008, received after the close of the public review period, from the Association of Monterey Bay Area Governments (AMBAG) states that AMBAG considered the project and has no comments at this time.

Comment letter dated May 23, 2008 was received from the Department of Fish and Game stating that the department has additional comments regarding issues related to loss of riparian habitat, Federally listed species, and avoidance and mitigation for impacts to nesting birds and non-listed sensitive species. **See response to specific comments A2-A9 in Exhibit B, Recommended Findings and Evidence, Section 2C.**

Potentially Significant Unless Mitigation Incorporated

Mitigation Measures have been proposed for Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, and Recreation. Evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these resource subjects.

Aesthetics

According to the Greater Monterey Peninsula Area Plan, the proposed project is located within a “highly sensitive visual area.” The proposed project lies within the south side of Carmel Valley between the Carmel River and the southerly visible ridgeline of Carmel Valley and from Carmel Bay to the Village, which is included on the highly sensitive list. Although the proposed project falls within this area, the proposed project does not include any structures, and the proposed alignment would not be visible from Carmel Valley Road, Rancho San Carlos Road, or State Highway 1 due to intervening structures, topography, and vegetation.

Construction activities associated with the proposed project may require the removal of vegetation within the ruderal non-native grassland and riparian habitats. Due to the low quality of habitat and dominance of non-native vegetation, the removal of this vegetation is considered a less-than-significant impact and may improve the visual quality of the area.

According to the Natural Environment Study (NES), 1.1 acres of riparian habitat exists within the project Area of Potential Effect (APE). The project proposes to avoid and minimize impacts to riparian habitat by situating the trail to avoid sensitive biological resources to the greatest extent feasible. For example, the trail may meander, split into two travel lanes, or narrow to avoid or reduce impacts to vegetation. These measures will reduce impacts to the visual quality of the site, but not to a less-than-significant level. However, implementation of Mitigation Measures #6 through #12 identified in the **Biological Resources** section, will result in habitat restoration off-site that will improve the visual character of the area and will reduce this impact to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

Biological Resources

Mitigation measures for Biological Resources are in the proposed Mitigated Negative Declaration. The project may result in impacts to federally listed wildlife species. The project will adversely affect, but not adversely modify 1.3 acres of California Red-Legged Frog (CRLF) critical habitat. In-channel work and direct contact with Steelhead will not occur (i.e., handling or removing the species from the project site), a small portion of the project is directly adjacent to the Carmel River and indirect impacts to Steelhead may result from sedimentation and contamination as a result of erosion from disturbed portions of the project site. A letter of concurrence shall be obtained from NOAA Fisheries prior to the initiation of construction activities. Implementation of Mitigation Measures #1-#4 and #7 through #13 and compliance with the ESA will reduce potentially significant impacts to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

DD&A did not observe any raptor or other avian nests during site visits; however, if construction occurs during the nesting season (generally March 15 to August 1), there is the potential to impact nesting raptors and riparian avian species. Potential nesting trees and understory vegetation provide appropriate for many raptors and riparian avian species within the APE. Nesting birds are protected by the Migratory Bird Treaty Act (MBTA) and the California Department of Fish and Game (CDFG) Code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that

abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFG and is considered a significant impact. Construction activities such as tree and vegetation removal or site grading may result in nest abandonment and chick mortality in nests immediately adjacent to or within the APE. This is considered a potentially significant impact that can be reduced to a less-than-significant level with implementation of the mitigation identified below. Although the bike trail will create on-going disturbance by bicycle and pedestrian traffic, the bike trail traffic will not result in any additional traffic noise than the existing noise from on-going farming and tractor operations in the area. Therefore, noise from bike trail traffic will not result in significant impacts to nesting raptor or riparian avian species.

Implementation of Mitigation Measure #5 in addition with Mitigation Measures #7 through #13 will reduce potentially significant impacts to riparian avian species through the protection, restoration, and creation of riparian habitat. (See Mitigation Monitoring and Reporting Program)

The western pond turtle requires permanent ponds, lakes, streams, irrigation ditches, or permanent pools along intermittent streams. Although this species is known to occur within the Carmel River, due to the lack of permanent water within the portion of the river that is within the known dispersal distance of this species from the project site, it is highly unlikely that western pond turtles occur within the APE. As a result, impacts to the western pond turtle are considered less-than-significant. However, in response to comments received by the CDFG, a mitigation measure has been added to further reduce this less-than-significant impact.

Monterey Dusky-footed Woodrat presence is assumed within the riparian habitat of the project APE since woodrat nests were identified during field surveys. Impacts to the Monterey dusky-footed woodrat may include permanent loss of riparian habitat as a result of the proposed project. The bike trail will result in on-going disturbance and noise created by bicycle and pedestrian traffic. This disturbance and noise may preclude nesting in riparian habitat directly adjacent to the bike trail. The loss of habitat is mitigated through the implementation of Mitigation Measure #13, which requires the restoration of riparian habitat at a 3:1 ratio. Implementation of Mitigation Measure #6 in addition with the implementation of Mitigation Measures #7 through #13 will reduce potentially significant impacts to woodrats through the protection, restoration, and creation of riparian habitat. (See Mitigation Monitoring and Reporting Program)

Sycamore, black cottonwood, arroyo willow, red alder, and California buckeye dominate the riparian habitat. The understory is dominated by California blackberry and poison hemlock. Approximately 1.1 acres of riparian habitat are present within the APE. The construction of the trail will require the permanent removal of 1.1 acres of riparian habitat. Since the proposed project will result in impacts to riparian habitat, the project will require a Streambed Alteration Agreement from the CDFG. Implementation of Mitigation Measures #1, and #7 through #13 will reduce a potentially significant impact than can be reduced to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

A wetland assessment indicated that no vegetated wetlands occur within the APE. However, there is approximately 82 linear feet of unvegetated drainage channel located in riparian habitat adjacent to the toe of slope within the APE. This drainage originated at the junction of the agricultural fields and the riparian habitat. The average width of this channel is approximately 1.5 feet. Therefore, approximately 134.5 square feet, or 0.003 acre, of unvegetated waters was identified within the APE.

Although the drainage channel is unvegetated, the water it conveys has the opportunity to percolate into the surrounding soil. In addition, the roots of the riparian vegetation adjacent to this channel likely benefit from the hydrology associated with the channel from natural and agricultural hydrologic sources. Therefore, it is important to avoid impacts to this hydrologic source that provides a valuable hydrologic function and has value as a component of the ecological conditions that facilitate the existing biological resource.

Construction of the project could permanently fill 134.5 sq ft (0.003 acre) of potentially jurisdictional waters within the APE. A permit may be required from the ACOE if any portion of the waters is permanently filled. The ACOE will not likely require mitigation for permanent impacts to waters. A water quality discharge permit from the RWQCB in satisfaction of Section 401 of the Clean Water Act (CWA) will be required if an ACOE permit is issued.

Although Mitigation Measures #1 and #7 through #13 reduce the level of impact to waters of the U.S., additional Mitigation Measures #14 through #17 are required to reduce the impact to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

Cultural Resources

The background search found one archaeological site within 0.62 mile of the project area, but none within or immediately adjacent to the project. No physical evidence of historic or prehistoric cultural resources was found during the field survey.

Although no historic or archaeological resources were identified during investigation of the project site, it is possible that buried prehistoric or historic archaeological materials, including human remains, may be exposed during construction. The possible uncovering of archaeological materials during construction is a potentially significant impact that would be reduced to a less-than-significant level with implementation of Mitigation Measure #18. (See Mitigation Monitoring and Reporting Program)

Geology and Soils

The section is based on the "Preliminary Geotechnical Investigation for Carmel Valley Bicycle," completed by Pacific Crest Engineering in July 2005 and the Monterey County Soil Survey (1978). The site is not located in an Alquist-Priolo Earthquake Fault Zone. The nearest active or potentially active fault is the Monterey Bay-Tularcitos Fault, which is located approximately three miles northeast of the project site. The major hazards in the project area from active and potentially active faults would be from ground shaking and the secondary effects of liquefaction or slope failure/landsliding. The site is in an area classified as having a high potential for liquefaction. The project will be designed to comply with all applicable building codes related to seismic hazards and safety. The results in the "Preliminary Geotechnical Investigation for Carmel Valley Bicycle" report indicate that from a geotechnical engineering standpoint, the project may be developed as proposed provided that the recommendations from the report are included in the design and construction. Since the study was preliminary and does not include detailed grading, foundation, or pavement design criteria, a final geotechnical investigation should be prepared to address these issues once project details (e.g., depth of cut, fills, etc.) are finalized. Implementation of Mitigation Measure #19 will reduce a potentially significant impact to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

Hazards and Hazardous Materials

The project does not involve the use of hazardous materials. However, construction activities would require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). If an accident during construction were to result in the release of hazardous materials

into the environment, there is a potential for a significant impact to occur given the proximity of portions of the project to the Carmel River. Although Mitigation Measures #1, and #11 identified in the Biological Resources section will reduce this potentially significant impact, they will not reduce the impact to a less-than-significant level. Therefore, additional mitigation is required to reduce the impact to a less-than-significant level. Implementation of Mitigation #1, #9, and #11 identified in the **Biological Resources** section and Mitigation Measure #20 will reduce a potentially significant impact to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

Hydrology/Water Quality

C + D Engineers completed a Location Hydraulic Study for the project site. According to the Monterey County Soil Survey, susceptibility to erosion at the project site is moderate to highly erodable. Grading, cutting, and filling during construction could result in the erosion impacts, especially if construction were to take place during the wet weather season. The proposed project will disturb more than one acre of land during construction. Therefore, a Notice of Intent is required to be filed with the State Water Resources Control Board to be covered under the State National Pollution Discharge Elimination System (NPDES) General Construction Permit for discharges of storm water associated with construction activities. Application of standard Best Management Practices during construction in compliance with an erosion control plan (preparation of which is a standard construction specification) and the SWPPP, in addition to implementation of relevant Mitigation Measures #1 and #7 through #13 identified in the **Biological Resource** section, would reduce potential erosion impacts to a less-than-significant level. (See Mitigation Monitoring and Reporting Program)

The project area is within the 100-year floodplain. However, there is minimal potential for increased flood risk that would result from the construction of the project since the project does not propose any structures that would impede or redirect flows or propose to alter the existing river course. The proposed project will not have any effect upon the floodplain or the backwater potential. Flood damage on the trail is not anticipated except for the deposition of sediment. The trail will essentially be at the same elevation as the existing ground and will not require importing fill for construction of the trail.

The construction of the trail would result in an increase in impervious surface area. The increased impervious surface area would result in a relatively minor increase in the amount of surface runoff during storm events, which will not result in flooding on- or off-site. The project also includes construction of “V” ditch drainage swales on each side of the shoulders, which will contain and manage run-off from the trail, further reducing the potential for flooding. Given that the project design will incorporate drainage features to accommodate the increased runoff and the relatively minor increase in impervious surfaces, this impact is considered to be less-than-significant and no mitigation is required.

Recreation

The proposed project will consist of the construction of a bicycle trail that will create a recreational opportunity for residents and visitors to the area. The proposed trail will not directly connect to any existing recreational facilities (e.g., local and regional parks). Because of this there will only be a slight increase in visitation to existing recreational facilities and therefore will not result in the substantial physical deterioration, or the acceleration of, the existing recreational facilities.

The proposed project is a recreational facility that the construction of which may result in significant environment impacts to the following resources: aesthetics, biological resources, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and recreation. However, mitigation measures have been provided in this document to reduce all potentially significant impacts to a less-than-significant level. Therefore, no additional mitigation measures are required.

Mandatory Findings of Significance

This Initial Study found that the proposed project and associated activities will potentially impact the environment in the areas of aesthetics, biological resources, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and recreation; however these potential impacts will be reduced to a less-than-significant level with implementation of the mitigation measures included in this report, which will be included in the project's Mitigation Monitoring and Reporting Program, conditions of approval, and construction plans. In addition, the proposed project will have beneficial impacts on transportation and air quality. Therefore, the project will have a less-than-significant impact on the environment, the habitat of a fish or wildlife species or population, plant or animal communities, rare or endangered plants or animals, or important examples of the major periods of California history or prehistory.

This Initial Study found that the proposed project and associated activities will potentially impact the environment in the areas of aesthetics, biological resources, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and recreation; however these potential impacts will be reduced to a less-than-significant level with implementation of the mitigation measures included in this report, which shall be included in project's Mitigation Monitoring and Reporting Program, conditions of approval, and construction plans. Since impacts were reduced to a less-than-significant level, this project will not result in impacts that are cumulatively considerable.

The project will not result in substantial adverse effects to human beings, either directly or indirectly, since each potentially significant impact can be reduced to a less-than-significant level with the implementation of the mitigation measures provide in this document. No other substantial adverse effects to human beings are anticipated as a result of this project.

Less Than Significant Impacts

Less-than-significant environmental impacts would be for air quality, transportation and traffic, noise, and agricultural resources.

Air Quality

The proposed project would not conflict or obstruct the implementation of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) Air Quality Guidelines or the North Central Coast Air Basin state and federal ambient air quality standards. The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Transportation and Traffic

The proposed project will not have any effect on traffic volume or any interruption of traffic during construction. Currently, local service to the project site is provided only by Rancho San Carlos Road. A driveway to the sanitary sewer station, which also serves as a class III bike trail, provides direct access to the project. In the future, when the fourth segment of the bike trail is completed, the trail will be accessible from State Highway 1.

Noise

The proposed project's major source of existing noise is from the agricultural operations in the adjacent fields and will be in compliance with the guidelines set forth in the Monterey County General Plan.

Agricultural Resources

There are two parcels within the APE that contain portions of land that are designated as "prime farmland" (APN 157-121-001 and APN 157-181-003) (Monterey County Farmland GIS data, 2002). The majority of the alignment is located on existing farm roads within grazing and urban land designations. An existing farm road borders the agricultural land to the north.

No Impact

There are no expected impacts to land use and planning, utilities and service systems, population and housing, public services, and mineral resources.

Land Use and Planning

The proposed project, being adjacent to the Carmel River and agricultural and grazing lands, will not divide an established community. The project is located within the jurisdiction of the Greater Monterey Peninsula Area Plan, the Monterey County Carmel Local Coastal Plan, and the Carmel Valley Master Plan, and is consistent with these plans. In addition, this project is consistent with the goals, objectives, and policies established in the 2005 TAMC General Bikeways Plan, the 2005 Regional Transportation Plan (RTP), and the 2001 Monterey County General Bikeways Plan. There are no conflicts between the proposed project and any applicable plans. The project will not impact any land use and planning issues.

Utilities and Service Systems

No waste discharge will result from the proposed project and no water supply will be required for the bicycle trail. The project will not require or result in the construction or expansion of water or wastewater facilities. Other than limited construction debris, no solid waste will be generated by the project. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Population and Housing

The proposed project consists of one segment of a larger bicycle trail. The project will not induce population growth in the area, as no homes or businesses are proposed. The project will not indirectly induce growth as no infrastructure or roads are proposed with this project. There are no housing units that exist within the project APE or will be impacted by this project.

Public Services

The project is not anticipated to impact public services. The bicycle trail, when complete, will be wide enough to accommodate emergency vehicles. The project will not adversely affect public service ratios, response times, or other performance objectives, nor will it adversely affect schools or park facilities.

Mineral Resources

No significant mineral resources have been identified in the project area. According to the Monterey County General Plan, there are no large mines or mining operations currently occurring in the project areas. Therefore, the project will have no adverse impacts to mineral resources.

Conclusion

Subject to the incorporation of the mitigation measures from the environmental review and the conditions of approval, staff recommends approval of the applicant's Initial Study/Mitigated Negative Declaration proposed by staff. In the future, should the applicant wish to allow additional uses, independent environmental evaluation will be required.

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** CEQA – On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).

(b) Potentially adverse environmental effects were identified during staff review of the development application.

(c) Monterey County and Denise Duffy Associates prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA – Planning Department and is hereby incorporated by reference (File No. PLN080106). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazardous Materials, Hydrology and Water Quality, and Recreation. Substantial evidence supports the conclusion that impacts will be less-than-significant with mitigation incorporated for these issues.

(d) The Draft Initial Study/Mitigated Negative Declaration was submitted to the State Clearinghouse on April 24, 2008 for a 30-day public review period to responsible and trustee agencies, interested groups, and individuals. The Notice of Availability was also published in the Herald and Carmel Pine Cone on April 15, 2008, and was posted on site from April 15 to May 15, 2008. The public review period for the Draft IS/MND ended on May 24, 2008.

(e) The Monterey County Resource Management Agency – Public Works Department, (located at 168 W. Alisal Street, 2nd Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

(f) A Condition Compliance and Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval.

(g) For purposes of implementing Section 753.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 753.5. Therefore, payment of the Fish and Game fee is required.

(h) Evidence that has been received and considered includes the application, materials, and technical reports, which are listed under Appendices of the Initial Study and contained in project file PLN080106.

- (i) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
- **Aesthetics.** Seven mitigation measures for Aesthetic are in the proposed Mitigated Negative Declaration. Primarily, these mitigation measures require the applicant to prepare a pre-construction survey, disturbance or removal of vegetation not to exceed the minimum necessary to complete operations, final trail alignment shall avoid riparian tree species greater than 6.0 inches in diameter at breast height, protective fencing shall be placed, trees or vegetation not required for removal shall be provided appropriate protection, no fueling or maintenance of equipment shall take place in the riparian habitats identified, and erosion control and slope stabilization measures shall be implemented. (Mitigation Measures #6 through #12 identified in the Biological Resource section).
 - **Biological Resources.** No special-status plant species were observed during the site surveys, and none are expected to occur due to a lack of appropriate habitat, as described in the NES (**Appendix A**). Therefore, no impacts to special-status plant species will occur, and no mitigation is required. No impacts to special-status plant species will occur, and no mitigation is required. Impacts to federally listed wildlife species may result.

The project has the potential to impact individual California Red-legged Frog (CRLF), a federally threatened species. The project will adversely affect, but not adversely modify, 1.3 acres of CRLF critical habitat. Adverse effects include the removal of 0.4 acre of riparian habitat and 0.9 acre of grassland habitat that lies within 200 feet of the edge of riparian vegetation associated with the Carmel River. Because the project involves federal funding from the Federal Highways Administration (FHWA), the FHWA will be required to comply with Section 7(a)(2) of the ESA to consult with the USFWS to ensure that their activities will not jeopardize the species or adversely modify designated critical habitat for the CRLF.

DD&A did not observe any raptor or other avian nests during site visits; however, if construction occurs during the nesting season (generally March 15 to August 1), there is the potential to impact nesting raptors and riparian avian species. Nesting birds are protected by the MBTA and CDFG Code therefore disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFG and is considered a significant impact. Currently there is existing noise from on-going farming and tractor operations in the area. The bike trail will create on-going disturbance by bicycle and pedestrian traffic, but will not result in any additional traffic noise.

Presence of the Monterey dusky-footed Woodrat and its nests were identified during field survey and assumed within the riparian habitat of the project APE. Impacts to the Monterey dusky-footed woodrat may include permanent loss of riparian habitat directly adjacent to the bike trail. This disturbance may preclude nesting in riparian habitat directly adjacent to the bike trail. The loss of habitat is mitigated through the

through the implementation of Mitigation Measure #13, which requires the restoration of riparian habitat at a 3:1 ratio.

The riparian habitat identified within in the APE is sycamore, black cottonwood, arroyo willow, red alder, and California buckeye. The understory is dominated by California blackberry and poison hemlock. The proposed project will require the permanent removal of 1.1 acres of riparian habitat, thus likely requiring a Streambed Alteration Agreement from the CDFG.

A wetland assessment was performed with the APE indicating that no vegetated wetlands occur within the APE. However, there is approximately 82 linear feet of unvegetated drainage channel located in riparian habitat adjacent to the toe of slope within the APE. Approximately 134.5 square feet (sq ft) or 0.0003 acre of unvegetated waters was identified. Construction could permanently fill 134.5 sq ft (0.0003 acre) of potentially jurisdictional waters requiring a permit from the ACOE and a water discharge permit from the RWQCB in satisfaction of Section 401 of the Clean Water Act (CWA) if any portion of the waters is permanently filled.

Although Mitigation Measures #1 and #7 through #13 reduce the level of impact to waters of the U.S, additional mitigation measures are required to reduce the impact to a less-than-significant.

Although the project will not require in-channel work and direct contact with steelhead will not occur (i.e., handling or removing the species from the project site), a small portion of the project is directly adjacent to the Carmel River and indirect impacts to steelhead may result from sedimentation and contamination as a result of erosion from disturbed portions of the project site. Implementation of Mitigation Measures #1 through #4 and #7 through #13 and compliance with the ESA will reduce the project impacts to a less-than-significant level.

- **Cultural Resources.** The background search found one archaeological site within 0.62 mile of the project area, but none within or immediately adjacent to the project. No physical evidence of historic or prehistoric cultural resources was found during the field survey.

Although no historic or archaeological resources were identified during investigation of the project site, it is possible that buried prehistoric or historic archaeological materials, including human remains, may be exposed during construction. The possible uncovering of archaeological materials during construction is a potentially significant impact that would be reduced to a less-than-significant level with implementation of Mitigation Measure #18.

- **Geology/Soils.** The site is not located in an Alquist-Priolo Earthquake Fault Zone. The nearest active or potentially active fault is the Monterey Bay-Tularcitos Fault, which is located approximately three miles northeast of the project site. The major hazards in the project area from active and potentially active faults would be from ground shaking

shaking and the secondary effects of liquefaction or slope failure/landsliding. The site is in an area classified as having a high potential for liquefaction. The project will be designed to comply with all applicable building codes related to seismic hazards and safety. The results of the “Preliminary Geotechnical Investigation for Carmel Valley Bicycle” report indicate that from a geotechnical engineering standpoint, the project may be developed as proposed provided that the recommendations from the report are included in the design and construction. Since the study was preliminary and does not include detailed grading, foundation, or pavement design criteria, a final geotechnical investigation should be prepared to address these issues once project details (e.g., depth of cut, fills, etc.) are finalized. This is considered a potentially significant impact that can be reduced to a less-than-significant level with implementation of Mitigation Measure #19.

- **Hazards and Hazardous Materials.** The project does not involve the use of hazardous materials. However, construction activities would require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). If an accident during construction were to result in the release of hazardous materials into the environment, there is a potential for a significant impact to occur given the proximity of portions of the project to the Carmel River. Although Mitigation Measures #1, #9, and #11 identified in the **Biological Resources** section will reduce this potentially significant impact, they will not reduce the impact to a less-than-significant level. Therefore, additional mitigation is required to reduce the impact to a less-than-significant level.
- **Hydrology and Water Quality.** According to the Monterey County Soil Survey, susceptibility to erosion at the project site is moderate to highly erodable. Grading, cutting, and filling during construction could result in erosion impacts especially if construction were to take place during the wet weather season. The proposed project will disturb more than one acre of land during construction. Therefore, a Notice of Intent is required to be filed with the State Water Resources Control Board to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activities. Application of standard Best Management Practices during construction in compliance with an erosion control plan (preparation of which is a standard construction specification) and the SWPPP, in addition to implementation of relevant mitigation measures (Mitigation Measures #1 and #7 through #13) identified in the **Biological Resources** section, would reduce potential erosion impacts to a less-than-significant level.
- **Recreation.** The proposed project will consist of the construction of a bicycle trail that will create a recreational opportunity for residents and visitors to the area. Because the proposed trail will not directly connect to any existing recreational facilities, the project will result in only a slight increase in visitation to existing recreational facilities (e.g., local and regional parks). This slight increase in visitation is not considered

considered substantial and, therefore, will not result in the substantial physical deterioration, or the acceleration of, existing recreational facilities.

The proposed project is a recreational facility that the construction of which, as documented in this report, may result in significant environment impacts to the following resources: aesthetics, biological resources, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and recreation. However, mitigation measures have been provided in this document to reduce all potentially significant impacts to a less-than-significant level. Therefore, no additional mitigation measures are required.

2. **FINDING:** **CEQA** – Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

EVIDENCE: (a) Monterey Bay Unified Air Pollution Control District (MBUAPCD) letter dated April 22, 2008. The letter states the MBUACPD monitors air quality at eight monitor stations and the National Park Services operates a station at the Pinnacles National Monument. MBUAPCD also attached a current listing of their monitoring stations. The text of the Draft IS/MND has been revised in response to this comment. **Please refer to Section 3.0, Revisions of the Draft IS/MND.**

- (b) Letter dated May 15, 2008 from Heritage Development, LP, indicates they are supportive of the project but would like specific alignment adjustments done to accommodate development plans for their property that is under review by the Planning Department (PLN060603). Heritage Development, LP would also like to incorporate their parcels to the IS/MND. Following is the response to their specific comments:

1. D2 – Section IX – Land Use/Development

The discussion provided in this comment does not provide any rationale but states “We disagree with the ‘no impact’ finding in this section.” As noted in the letter, the subject property is included within the Comprehensive Development Plan for the Santa Lucia Preserve. Requirements for land development and off-setting mitigation are addressed in the Greater Monterey Peninsula Area Plan and the Monterey County General Plan (Board of Supervisor’s Resolution 93-115). This additional information has been included in the amended text of the Draft IS/MND. **Please refer to Section 3.0, Revisions to the Draft IS/MND.** This information amplifies and clarifies the background planning documents for the area of the project but does not change the conclusion in the Initial Study regarding impact finding. The Board of Supervisors adoption of Resolution No. 93-115, amending the Greater Monterey Peninsula Area Plan (GMPAP) was to provide a legal and entitlement framework to guide the Rancho San Carlos Partnership (the property owners) in its planning, based on protection and management of the ranch’s resources.

The *Comprehensive Development Plan, Resource Management Plan, and Combined Development Permit* were application material that responded to the Board’s recommendations and requirements. The

general plan amendments and the Comprehensive Development Plan generally address siting and planning requirements for the 100-acre Heritage Development property. As noted in the letter, Figure 1-20 of the Comprehensive Development Plan shows a conceptual “public trail” alignment. Although the location in the Comprehensive development Plan does not align specifically with the proposed location for the project (as shown on Figure 2 of the Draft Initial Study), there is a reasonable proximity and alignment. The Comprehensive Development Plan was not meant to be a technical planning map but an overall guiding document and plan for the development of the Santa Lucia Preserve.

The commenter writes that it is their understanding from their interpretation of the Comprehensive Plan that the proposed trail location and approval would be in conjunction with review and approval of development plans for their property (Heritage Development). We cannot find reference to any requirement for this to occur in our reading of the Comprehensive Development Plan and approval documents for the Santa Lucia Preserve or Rancho San Carlos.

2. D-3 – Section IX- Land Use/Development

Comment acknowledged. The commenter states that during the course of public review and action by Monterey County hearing bodies on the Heritage Project (Reference: PLN060603), “it may be possible that proposed development is recommended to be relocated to address natural resources considerations.” This is not a comment on the Initial Study and no response is required.

3. D-4 – Section IX – Land Use/Development

Comment acknowledged. The County has met with the landowner at the Heritage Development property to discuss the alignment revisions proposed by Heritage Development. The design plan for the trail alignment has not been completed. CEQA Guidelines do not require an Initial Study/Mitigated Negative Declaration to analyze project alternatives (CEQA Guidelines Section 15126.6(f)(2)). The Draft IS/MND analyzes the potential impacts of the proposed trail based on specific assumptions and the established Area of Potential Effect (APE) (see page 7 of the Draft IS/MND). As described on page 7 of the Draft IS/MND, the trail alignment will be designed to avoid environmental impacts to the greatest extent feasible. If during the design phase of the project it is determined that the trail may result in a new significant impact, the Draft IS/MND would need to be revised to analyze the new potential impact and recirculated for public review, if necessary (CEQA Guidelines 15162).

4. D5 – Section XV – Transportation/Traffic

During the design phase of the project, the portion of the trail alignment along the section identified in this comment will be designed to accommodate both bicycle and vehicle traffic within the APE analyzed in the Draft IS/MND. Please also refer to **D4** above.

5. D6- Section XV – Transportation/Traffic

Figures 2, 4A and 4B have been modified to show the new APN's assigned to the property. **Please refer to Section 3.0, Revision to the Draft IS/MND.**

6. D6 – Text and Map Adjustments

Figure 2 and the text on page 7, second paragraph, have been modified to reflect the new APNs assigned to the property. Please refer to **Section 3.0, Revisions to the Draft IS/MND.** Figures 4A and 4B, which show the APE of the proposed alignment, will be updated to show the new APNs of the property when the design plans are completed.

7. D-7- Project Approval

Although a portion of the proposed trail project lies within the Heritage Development property, it is not linked to the Heritage Development project under CEQA statute. The two projects have independent utility, and the separate processing of these projects would not be considered “segmentation” or “piecemealing” under CEQA statute. CEQA Guidelines Section 15378(a) defines a “project” to mean “the whole of an action” that may result in either a direct or reasonable foreseeable indirect physical change in the environment. The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by government agencies and does not mean each separate government approval (CEQA Guidelines 15378(c)). The two projects have different objectives and are independent in both construction and operation. The proposed trail alignment has distinct purposes and is not dependent on other pending or planned projects for their complete construction and operation. Specifically, the proposed project is not dependent on the Heritage Development or any other reasonably foreseeable projects for their construction or operation and would not come about as a consequence of the Heritage Development project, nor would approval of the proposed project commit the lead agency to proceed with the Heritage Development Project or any other future project. Therefore, the two projects are not linked under CEQA statute and the lead agency can proceed with the environmental review process for each project separately.

- (c) Letter dated May 23, 2008 was received from the Department of Fish and Game stating that the department has specific comments regarding issues related to loss of riparian habitat, Federally listed species, and avoidance and mitigation for impacts to nesting birds and non-listed sensitive species. Following is the response to their specific comments:

1. A2 - Bird Protection

Potential impacts to nesting raptors and birds that may result from tree removal and other construction activities are described on page 59 of the Draft IS/MND. Mitigation Measure 5 on page 60 of the Draft IS/MND was provided to reduce potential impacts to a less-than significant level. In response to comments received from CDFG, Mitigation Measure 5 has been modified. Please refer to **A7** below and **Section 3.0, Revisions to the Draft IS/MND.**

2. A3 – Stream Alteration Notification

Although no construction activities are proposed within the bed or bank

bank of the Carmel River, construction activities will occur within the riparian habitat associated with the river. Therefore, as discussed on page 61 of the Draft IS/MND, it is likely that the project will require a Streambed Alteration Agreement from CDFG. Mitigation Measures 7 through 13 were provided in the Draft IS/MND to reduce potential impacts to the riparian habitat to a less-than-significant level.

3. A4 – Riparian Habitat

Mitigation Measure 8 on page 61 of the Draft IS/MND has been modified as requested. Please refer to **Section 3.0, Revisions to the Draft IS/MND.**

4. A5 – Federally Listed Species (California red-legged frog)

As stated in Mitigation Measure 4 on page 59 of the Draft IS/MND, the County will be required to implement the *Reasonable and Prudent Measures* and *Terms and Conditions* from the Programmatic Biological Opinion for California red-legged frogs. Per CDFG’s request, the County will provide CDFG a copy of the California red-legged frog survey report for the surveys conducted in compliance with the biological opinion.

5. A6 – Federally Listed Species (Steelhead)

The Draft IS/MND includes mitigation measures that will reduce potential impacts to steelhead habitat to a less-than-significant level. These measures include, but are not limited to: working within a confined work window (Mitigation Measure 1); placement of fencing to keep construction equipment and personnel from impacting steelhead habitat adjacent to the APE (Mitigation Measure 2); employing BMPs to reduce the transport of sediment from the site into steelhead habitat (Mitigation Measure 3); keeping disturbance and vegetation removal to the minimum necessary (Mitigation Measure 7); and avoiding the removal of riparian tree species to the greatest extent feasible (Mitigation Measure 8).

As described on page 58 of the Draft IS/MND, because this project involves federal funding from the Federal Highways Administration (FHWA), the FHWA will be required to comply with Section 7(a)(2) of the ESA to consult with the USFWS to ensure that their activities will not jeopardize the species or adversely modify designated critical habitat for the California red-legged frog. The FHWA will also be required to comply with Section 7(a)(2) of the ESA to consult with NOAA Fisheries to ensure that their activities will not jeopardize steelhead or adversely modify designated critical habitat for steelhead. It was not known at the time this document was prepared whether the FHWA had initiated the Section 7 consultation process with the USFWS or NOAA Fisheries. However, the ESA process is separate from the CEQA process, and, completion of the Section 7 process is not required for a lead agency to adopt an IS/MND.

6. A7 – Nesting Birds

Mitigation Measure 5 on page 60 of the Draft IS/MND has been modified as requested. Please refer to **Section 3.0 Revisions to the Draft IS/MND.**

7. A8 – Monterey Dusky-Footed Woodrat

Mitigation Measure 6 on page 60 of the Draft ISMND has been modified as requested. Please refer to **Section 3.0, Revisions to the Draft IS/MND.**

8. A9 – Western Pond Turtle

The western pond turtle requires permanent ponds, lakes, streams, irrigation ditches, or permanent pools along intermittent streams. Although this species is known to occur within the Carmel River, due to the lack of permanent water within the portion of the river that is within the known dispersal distance of this species from the project site, it is highly unlikely that western pond turtles occur within the APE. In addition, the project does not propose any work within the bed or bank of the river. As a result, impacts to the western pond turtle are considered less-than-significant. In response to CDFG's comment, the suggested mitigation measure has been added to the text of the Draft IS/MND to further reduce this less-than-significant impact. Please refer to **Section 3.0, Revisions to the Draft IS/MND.**

- (d) Letter dated June 16, 2008, received after the close of the public review period, from the Association of Monterey Bay Area Governments (AMBAG) states that AMBAG considered the project and has no comments at this time. The text of the Draft IS/MND has been revised in response to this comment. Please refer to **Section 3.0, Revisions to the Draft IS/MND.**

Exhibit C Resource Management Agency Department Public Works Department Condition Compliance & Mitigation Monitoring and/or Reporting Plan	Project Name: <u>Carmel Valley Class I Bicycle Trail Project</u> File No: _____ APNs: 157-121-001, 157-171-057, 157-181-001 157-181-006, 157-181-007, and 157-181-008 Approval by: <u>Planning Commission</u> Date: August 27, 2008
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.4 Biological Resources						
	1	All ground disturbing activities shall be confined to the “work window” of May 1 to October 15, or other dates as determined by CDFG and/or NOAA Fisheries to minimize potential indirect impacts to steelhead, including increased sedimentation and other water quality impacts.	A qualified biologist shall submit evidence to the Department of Public Works demonstrating that all ground disturbing activities are confined to the time period between May 1 and October 15. If work is to occur outside of the identified “work window,” CDFG and NOAA Fisheries shall be consulted. Work outside of the identified “work window” may not proceed unless authorized by CDFG and NOAA Fisheries.	Project Proponent/ Contractor/ Qualified Biologist	Prior to issuance of grading permit	
	2	Protective fencing shall be placed to keep construction vehicle and personnel from impacting steelhead critical habitat adjacent to the APE.	A qualified biologist shall submit evidence to the Department of Public Works demonstrating that appropriate fencing has been installed before commencement of construction.	Project Proponent/ Qualified Biologist	Prior to commencement of construction	

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	3	Best Management Practices shall be employed to reduce the transport of sediment from the site into adjacent sensitive fisher habitat.	The biological monitor shall be consulted in order to insure that adequate measures are implemented to prevent impacts to biological resources within the project vicinity. Written documentation shall be provided to the Department of Public Works demonstrating that adequate erosion control measures have been implemented.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction	
	4	The <i>Reasonable and Prudent Measures</i> and <i>Terms and Conditions</i> identified in the Programmatic Biological Opinion shall be implemented.	The biological monitor shall be consulted regarding implementation of required USFWS measures under the biological opinion.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	5	To avoid impacts to nesting birds, vegetation proposed for removal will be removed during the nonbreeding season (September 15 to February 14). If this is not possible and removal of trees and shrubs must occur during the breeding season (February 15 to September 14), pre-construction surveys shall be conducted for active nesting raptor and riparian avian species in all areas that may provide suitable nesting habitat that exist in or within 300 feet of the APE by a qualified biologist no more than seven days prior to the commencement of construction activities. If nesting birds are identified during pre-construction surveys, a minimum 250-foot no-disturbance buffer will be imposed within which no construction activities or disturbance will take place. A qualified biological monitor shall be on-site during work re-initiation in the vicinity of the nest offset to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work may proceed in the vicinity of an active nest until a qualified biologist has determined that all young are fledged and are no longer reliant upon the nest or parental care for survival.	If construction activities are initiated between February 15 and September 14 a qualified biological monitor shall conduct pre-construction surveys and submit written documentation to the Department of Public Works. If active nests are present, work may not proceed within the established no-disturbance buffer until a qualified biologist has determined all young have fledged and are no longer reliant upon the nest or parental care for survival.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction	

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	6	A qualified biologist shall conduct pre-construction surveys for woodrat nests. All woodrat nests that may be affected by the project shall be dismantled by a qualified biologist prior to any construction activities. Dismantling will be done by hand, allowing any animals to escape either along existing woodrat trails or toward other available habitat. Nest shall be dismantled during the non-breeding season between October 1 and December 31 and within three days of the initiation of construction. If construction is not initiated within three days of the dismantling an additional survey and dismantling effort, if nests are found to be rebuilt, will need to occur within three days of the initiation of construction activities. If a litter of young is found during dismantling, nest material will be replaced and the nest left alone for two weeks. Construction activities within 25 feet of the nest must be postponed until a recheck of the nest is conducted to verify that young are capable of independent survival before proceeding with nest dismantling. Any woodrat nests that are adjacent to areas of grading or vegetation removal but are not scheduled for removal, will be avoided and protected during construction activities with a minimum 25-foot buffer.	A qualified biologist shall submit evidence to the Department of Public Works demonstrating that pre-construction woodrat nest surveys have been completed.	Project Proponent/ Contractor/ Qualified Biologist	Prior to commencement of construction	
	6b	A qualified biologist shall conduct pre-construction surveys for western pond turtles and their nests within 30 days prior to the commencement of construction activities. If an adult turtle is found in any areas prior to or during project-related construction activities, a qualified biologist shall relocate the individual from the site and relocate it to a suitable location, preferably along the Carmel River. If a buried nest of eggs is encountered during project-related construction activities, the CDFG does not recommend moving the eggs because of specific conditions required for development and hatching. If a nest is found within the construction area, construction will stop and the California Department of Fish and Game will be notified. Construction can be reinitiated subsequent to California Department of Fish and Game approval.	A qualified biologist shall submit evidence to the Department of Public Works demonstrating that pre-construction surveys have been completed.	Project Proponent/ Contractor/ Qualified Biologist	Prior to commencement of construction	

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	7	Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.	The biological monitor shall be consulted regarding the extent of vegetation removal and disturbance.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	8	The final bike trail alignment shall avoid to the greatest extent feasible all riparian tree species greater than 6.0 inches in diameter at breast height. Where feasible, sycamore trees shall be avoided in favor of other riparian species that reestablish more easily, such as willow and cottonwood trees.	The biological monitor shall be consulted regarding the extent of riparian tree removal and disturbance.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	9	Protective fencing shall be placed so as to keep construction vehicles and personnel from impacting riparian vegetation adjacent to the project site outside of work limits.	The project contractor, in consultation with the biological monitor, shall submit evidence to the Department of Public Works demonstrating that protective fencing has been installed.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	10	Trees or vegetation not required for removal, but directly adjacent to construction activities, shall be provided appropriate protection from impacts of construction activity. This includes fencing off shrubby vegetation and protective wood barriers for trees.	The project contractor shall submit evidence to the Department of Public Works demonstrating that adequate protective measures are installed.	Project Proponent/ Contractor	Prior to commencement of construction activities/ Ongoing	
	11	No fueling or maintenance of equipment shall take place in the riparian habitats identified. Mechanical equipment shall be serviced in designated staging areas located outside of these habitats. Water from equipment washing or concrete wash down shall be prevented from entering these habitats.	The biological monitor shall be consulted in order to insure that adequate measures are implemented to prevent impacts to biological resources within the project vicinity. Written documentation shall be provided to the Department of Public Works demonstrating that adequate erosion control measures have been implemented.	Project Proponent/ Contractor	Prior to commencement of construction activities/ Ongoing	

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	12	Erosion control and slope stabilization measures shall be implemented to assure that disturbed slopes do not erode. Best Management Practices shall be employed to reduce the transport of sediment from the site into adjacent sensitive fisheries habitat. In addition, where feasible, alternative bank protection methods such as restoration of native vegetation, root wads, or other bioengineering methods of stabilization, shall be used.	The biological monitor shall be consulted in order to insure that adequate measures are implemented to prevent impacts to biological resources within the project vicinity. Written documentation shall be provided to the Department of Public Works demonstrating that adequate erosion control measures have been implemented.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction	
	13	Analysis of the project site has revealed that there are no appropriate locations within the APE to implement any riparian habitat enhancement, restoration, or creation as mitigation for impacts to riparian habitat resulting from the construction of the project. Therefore, off-site mitigation will be utilized and at a 3:1 mitigation ratio. A request to utilize credits at the Caltrans Carmel River Mitigation Bank (CRMB) to mitigate for impact to riparian habitat will be submitted to the Mitigation Bank Review Team (MBRT) upon completion and approval of this document. The Memorandum of Agreement (MOA) for the CRMB has been reviewed for consistency with the project. It has been determined that the use of credits from this bank for this project is consistent with the purpose, goals, objectives, guidelines, and policies of the CRMB.	The contractor or project proponent shall finalize the MOA for the CRMB and provide documentation to the County that the 3:1 mitigation ratio requirement has been met.	Project Proponent/ Contractor/ Qualified Biologist	Prior to commencement of construction activities	
	14	The final bike trail alignment shall avoid all potential jurisdictional waters of the U.S. to the greatest extent feasible.	The biological monitor shall be consulted regarding the extent of impact to waters of the U.S.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	15	Protective fencing shall be placed so as to keep construction vehicles and personnel from impacting waters of the U.S. not scheduled to be filled.	The project contractor, in consultation with the biological monitor, shall submit evidence to the Department of Public Works demonstrating that protective fencing has been installed.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	16	The grade of the existing drainage channel shall not be significantly altered in a way that would reduce the depth or duration of inundation within the existing channel.	The biological monitor shall be consulted regarding the extent of channel alteration.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
	17	The placement of culverts in portions of the drainage channel to convey flow under the bike trail shall be limited to the greatest extent feasible.	The biological monitor shall be consulted regarding the placement of culverts.	Project Proponent/ Contractor/ Biological Monitor	Prior to commencement of construction activities/ Ongoing	
3.5 Cultural Resources						
	18	If archaeological or human remains are discovered during construction within the project limits, the Caltrans District Environmental Planning Branch shall be notified immediately and work shall be halted within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist (project archaeologist) in accordance with the Programmatic Agreement. If the find is determined to be significant, a mitigation program shall be prepared in conformance with the protocol set forth in the CEQA Guidelines (Section 15064.5). A final report shall be prepared by the project archaeologist when the find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the complete work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.	Stop work within 50 meters (165 feet) of an uncovered resource and contact the Public Works Department and a qualified archaeologist immediately if cultural archaeological, historical or paleontological resources are uncovered. When contacted, the project proponent and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Project Proponent/ Contractor/ Qualified Archaeologist	Ongoing	

<i>Permit Cond. #</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.6 Geology and Soils						
	19	The County shall obtain a final geotechnical report and include the recommendations of the report in the final design and construction of the project.	The project proponent shall have prepared a project-specific geotechnical analysis by a registered engineer with geotechnical experience, subject to the review and approval of the County Public Works Director.	Project Proponent/ Registered Geotechnical Engineer	Prior to certification of final design plan	
3.7 Hazards and Hazardous Materials						
	20	Prior to commencement of construction activities, the contractor will prepare a Hazardous Materials Spill Response Plan, which details the protocol to follow in the event that a hazardous material is released into the environment. This plan shall be maintained on the project site, and all personnel working on the project site will be notified of its location.	The contractor shall submit evidence demonstrating that a Hazardous Materials Spill Response Plan has been prepared, subject to the review and approval of the Department of Public Works.	Project Proponent/ Contractor	Prior to commencement of construction activities	