Mitigated Negative Declaration

Laguna Grande Trail and Vegetation Maintenance Strategy

January 2023

Prepared by

EMC Planning Group

MITIGATED NEGATIVE DECLARATION

LAGUNA GRANDE TRAIL AND VEGETATION MAINTENANCE STRATEGY

PREPARED FOR

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January 2023

PROPOSED MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	Laguna Grande Trail and Vegetation Maintenance Strategy
Lead Agency	Laguna Grande Regional Park Joint Powers Agency (JPA)
Project Proponent	Laguna Grande Regional Park JPA
Project Location	401 Virgin Ave, Monterey, CA 93940
Project Description	The proposed project involves updates to the Laguna Grande Regional Park Trail Maintenance Strategy. The purpose is to provide the JPA with a clear set of priorities and means for maintaining the trails and vegetation throughout the park. The project will implement maintenance strategies to create a more accessible, safe, and vibrant park for the surrounding community and region.
Public Review Period	January 18, 2023 to February 17, 2023
Written Comments To	Chris Schmidt, Senior Associate Planner City of Monterey, Planning Office 570 Pacific Street, Monterey, CA 93940 schmidt@monterey.org
Proposed Findings	The Laguna Grande Regional Park Joint Powers Agency is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency Laguna Grande Regional Park Joint Powers Agency that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Air Quality

AQ-1 All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

Biological Resources

BIO-1 Prior to ground disturbance, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, California red-legged frog, Coast Range newt, western pond turtle, burrowing owl, tricolored blackbird, American badger, Monterey dusky-footed woodrat, Monterey shrew, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which disturbance activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

The qualified biologist will train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor will check for animals under any equipment such as vehicles and stored pipes within active disturbance areas. The monitor will also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If a special-status species is observed within an active disturbance area, the qualified biologist will be notified immediately and all work within 50 feet of the individual will be halted and all equipment turned off until the individual has left the disturbance area.

The Laguna Grande Regional Park Joint Powers Authority shall document evidence of completion of this training prior to ground disturbance.

BIO-2 A qualified biologist shall conduct preconstruction surveys following the guidance documented in the *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005) no more than two weeks (14 days) prior to the start of disturbance activities. The invasive removal, maintenance or

improvement footprints will be surveyed for potential migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to the Laguna Grande Regional Park Joint Powers Authority prior to ground disturbance.

If California red-legged frog is found, the Laguna Grande Regional Park Joint Powers Authority will coordinate with the USFWS and/or CDFW to determine the appropriate course of action per the requirements of FESA and/or CESA (e.g., obtaining Incidental Take Permits) and implement the permit requirements prior to ground disturbance.

BIO-3 The following measures from the USFWS *Programmatic Biological Opinion for Issuance of Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, including Authorizations Under 22 Nationwide Permits, for Projects that May Affect the Threatened California Red-legged Frog in Nine San Francisco Bay Area Counties, California* (USFWS 2014) shall be implemented:

a. Plans shall delineate a 100-foot boundary from the outer edge of riparian vegetation along the lake and drainages.

b. A qualified biologist shall be on site during all activities within 100 feet from the outer edge of riparian vegetation along the lake or drainage that where California red-legged frog may be encountered.

c. To the extent possible, all ground-disturbing work within 100 feet from the outer edge of riparian vegetation along the lake and drainage shall be avoided between November 1 and March 31, the time period when California red-legged frogs are most likely to be moving through upland areas.

d. All ground-disturbing work within 100 feet from the outer edge of riparian vegetation should be accomplished during the dry season, with no disturbance activities occurring during rain events or within 24 hours following a rain event.

e. Prior to disturbance activities, exclusionary fencing shall be placed to keep construction vehicles and personnel from impacting potentially jurisdictional waters and riparian/wetland habitat outside of work areas. A biological monitor shall supervise the installation of exclusionary fencing and monitor at least once per week until disturbance activities are complete to ensure that the protective exclusionary fencing remains intact. Exclusion

fencing material shall be selected to avoid accidental entrapment of wildlife species, such as fencing with a smaller gauge or no gaps at all (e.g., Animex™ fencing).

f. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic shall be restricted to established roads, disturbance areas, equipment staging, storage, parking, and stockpile areas.

g. If a California red-legged frog is encountered, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. A qualified biologist shall then assess the situation and select a course of action that shall avoid or minimize adverse effects to the animal.

h. Uneaten human food and trash attracts crows, ravens, coyotes, and other predators of the California red-legged frog. A litter control program shall be instituted at each project site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the project site at the end of each working day.

i. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of the California red-legged frog.

j. No insecticides or herbicides shall be used at the project site during construction or long-term operational maintenance where there is the potential for these chemical agents to enter the river, or uplands that contain potential habitat for the California red-legged frog.

k. For on-site storage of pipes, conduits, and other materials that could provide shelter for special-status species, an open-top trailer shall be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials.

l. To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog is most actively moving and foraging.

m. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used at the project site because California red-legged frogs can become entangled and trapped in them. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.

n. Trenches or pits one foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent the California red-legged frog from falling into them.

BIO-4 To avoid/minimize impacts to burrowing owls potentially occurring within invasive removal, maintenance or improvement footprints, a biologist qualified in ornithology shall conduct surveys for burrowing owl. The approved biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the invasive removal, maintenance or improvement footprints no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to the methods for take avoidance described in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). If no burrowing owls are found, a letter report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

BIO-5 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), all disturbance activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests will occur within 14 days prior to start of disturbance activities, with the final survey conducted within 48 hours prior to disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will

be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

b. If the qualified biologist documents active nests within the invasive removal, maintenance or improvement footprints or in nearby surrounding areas, an appropriate buffer between each nest and active disturbance area shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to ground disturbance, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during disturbance activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority.

BIO-6 Not more than 14 days prior to the commencement of ground-disturbing activities, a qualified wildlife biologist shall conduct surveys of the grassland habitat within or adjacent to invasive removal, maintenance or improvement footprints to identify any potential American badger burrows/dens. If the survey results are negative (i.e., no badger dens observed), a letter report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

If the results are positive (badger dens are observed), the qualified biologist shall determine if the dens are active by installing a game camera for three days and three nights to determine if the den is in use.

a. If the biologist determines that a den may be active, coordination with the CDFW shall be undertaken to develop a suitable strategy to avoid impacts to American badger. The strategy may include the following: the biologist shall install a one-way door in the den opening and continue use of the game camera. Once the camera captures the individual exiting the one-way door, the den can be excavated with hand tools to prevent badgers from reusing them. If the biologist determines that the den is a maternity den, disturbance activities shall be delayed during the maternity season

(February to August), or until the badgers leave the den on their own accord or the biologist determines that the den is no longer in use.

b. If the game camera does not capture an individual entering/exiting the den, the den can be excavated with hand tools to prevent badgers from reusing them.

BIO-7 A qualified biologist shall conduct preconstruction surveys for woodrat nests within invasive removal, maintenance or improvement footprints. All woodrat nests shall be flagged for avoidance of direct impacts where feasible. If impacts cannot be avoided, woodrat nests shall be dismantled no more than three days prior to dismantling so that the occupants do not attempt to rebuild. Nests are to be slowly dismantled by hand in order to allow the occupants to disperse.

BIO-8 Approximately 14 days prior to tree removal or disturbance activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed and in trees within 50 feet of invasive removal, maintenance or improvement footprints. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

If no roosting sites or bats are found, a letter report confirming absence shall be prepared and submitted to Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with CDFW.

If bats are found roosting outside of the nursery season (May 1 through October 1), CDFW shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan will be submitted to CDFW for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the

nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) shall be established around the roosting site within which no activities including tree removal or structure disturbance shall occur until after the nursery season.

BIO-9 Arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat within 25 feet of invasive removal, maintenance or improvement footprints will be protected from disturbance. Prior to activities adjacent to arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat, a qualified botanist will erect environmentally sensitive area fencing around areas near the invasive removal, maintenance or improvement area to identify and protect sensitive plant communities or Environmentally Sensitive Habitat Areas. The location of the fencing will be marked in the field with stakes and flagging. Vegetation clearing activities, vehicle operation, material and equipment storage, and other surface-disturbing activities will be prohibited within the fenced environmentally sensitive area.

BIO-10 If avoidance cannot be accommodated within invasive removal, maintenance or improvement plans, then the Laguna Grande Regional Park Joint Powers Authority shall be responsible for ensuring the implementation of a restoration plan. The restoration plan shall be designed by a qualified biologist and shall include the following:

a. Prior to implementation of invasive removal, maintenance, or improvement activities, the location and extent of the areas to be restored will be clearly delineated and mapped. A plant palette shall be determined, with preference to plant species endemic to coastal Monterey County. The plant palette used for restoration will be reviewed and approved by the Laguna Grande Regional Park Joint Powers Authority.

b. The restoration plan will include seed collection and transplantation/preservation or restoration/preservation guidelines. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native invasive plants. Monitoring will occur for a minimum of five years after mitigation area installation to verify that

restoration activities have been successful and will include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years.

c. The abundance of annual plants naturally varies from year to year depending on multiple factors including disturbance and rainfall. The performance standard for successful mitigation will be a minimum 2:1 replacement ratio (i.e. two plants observed in the restoration area for each plant lost from the impact area) during at least one spring occurring in year 3, 4, or 5 after installation. The plan will contain options for corrective action and extended maintenance/monitoring if the performance standard is not achieved during the 5-year monitoring period.

d. During each monitoring effort undertaken in the restoration area, a qualified biologist will conduct a comparison of spring survey conditions from the previous year(s) and prepare a written report for the Laguna Grande Regional Park Joint Powers Authority. If adaptive management (corrective measures) are warranted, a description and recommendation will be included in the annual report.

BIO-11 Prior to disturbance in or within 25 feet adjacent to wetlands, a qualified biologist will prepare a wetland delineation to determine the extent of potential wetlands and waterways regulated by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife. If the U.S. Army Corps of Engineers claims jurisdiction, the Laguna Grande Regional Park Joint Powers Authority will retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the Laguna Grande Regional Park Joint Powers Authority shall proceed with the qualified biologist in obtaining an Individual Permit from the U.S. Army Corps of Engineers. The Laguna Grande Regional Park Joint Powers Authority will also retain a qualified biologist to coordinate with the Regional Water Quality Control Board to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the Laguna Grande Regional Park Joint Powers Authority will also retain a qualified biologist to coordinate with the California Department of Fish and Wildlife to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to jurisdictional features that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

i. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of disturbance activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.

Or

ii. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

BIO-12 Per section 8.54.060 of the Seaside City Ordinance, the zoning administrator, or his designee (a qualified forester or arborist) will prepare a report on trees based on the applicant's plans and a site inspection of the land. Implementation of specific protections for preserved trees during disturbance activities will be followed; and replacement plantings for damaged or removed trees will be installed.

Cultural Resources

CR-1 If any archeological, prehistoric, or historic subsurface resources, including tribal cultural resources, are discovered during ground-disturbing (including tree and vegetation removal, path widening):

a. All work within 50- meter (165 feet) shall be halted and a qualified archaeologist shall be consulted to assess the significance of the finding according to CEQA Guidelines Section 15064.5.

b. If any find is determined to be significant, representatives from the City of Monterey Recreation Department and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation.

c. All significant prehistoric cultural materials and or tribal cultural resources recovered shall be; returned to Native American tribes traditionally and culturally affiliated with the area.

d. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations.

e. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be implemented.

f. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

CR-2 California Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Monterey County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours, who would, in turn, notify the person the Native American Heritage Commission identifies as the Most Likely Descendant of any human remains. Further actions shall be determined, in part, by the desires of the Most Likely Descendant. The Most Likely Descendant has 48 hours to make recommendations regarding the disposition of the remains following notification from the Native American Heritage Commission of the discovery. If the Most Likely Descendant does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Geology and Soils

GEO-1 All construction personnel must receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The Laguna Grande Regional Park Joint Powers Authority shall document evidence of completion of this training prior to ground disturbance

GEO-2 If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.

Tribal Cultural Resources

TCR-1 The Laguna Grande Regional Park JPA will notify the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria two-weeks prior to any earth-moving activity and the Tribe's cultural resource specialist(s) will be allowed onsite for monitoring. Appropriate safety protocols shall be adhered to by all people on-site during the project or site access may be revoked. The Tribe's treatment protocol should be implemented.

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A. BACKGROUND

Project Title	Laguna Grande Trail and Vegetation Maintenance Strategy
Lead Agency Contact Person and Phone Number	Laguna Grande Regional Park Joint Powers Agency 831-646-3910
Date Prepared	December 5, 2022
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	401 Virgin Ave, Monterey, CA 93940
Project Sponsor Name and Address	Chris Schmidt Joint Powers Authority of Monterey (Monterey Representative) schmidt@monterey.org
Local Coastal Program/General Plan Designation	City of Seaside: Coastal Parks and Open Space (CPOS) City of Monterey: Parks and Open Space
Zoning	City of Seaside: Coastal Parks and Open Space (CPOS) City of Monterey: Open Space

The Laguna Grande Regional Park ("park") is largely comprised of an emergent wetland with a system of trails for the public use. The park consists of approximately 13.3 acres; 80.5 percent (10.7 acres) of which is located within the City of Seaside and 19.5 percent (2.6 acres) located within the City of Monterey. The entire park, with the exception of a small portion adjacent to Canyon Del Rey Boulevard, is located within the Coastal Zone. It's nestled between Del Monte Boulevard to the north, Canyon Del Rey Boulevard to the east, and Fremont Boulevard and the City of Del Rey Oaks to the south. The park is located south of State Route 1, approximately one-half mile north of the Monterey Regional Airport, and five miles southwest of the California State University Monterey Bay campus. The park is surrounded by urban development on all sides, with commercial to the north, residential to the east, commercial and residential to the south, and residential to the west.

Figure 1, Location Map, shows the location of the project and Figure 2, Aerial Photograph, illustrates the park and its surroundings.

Laguna Grande Regional Park is managed separately by their respective owners and operators, Monterey Peninsula Regional Park District (MPRPD), City of Seaside, and City of Monterey. The portion of the park within the City of Seaside is completely within the coastal zone and is guided by the policies and implementation contained in the *City of Seaside Local Coastal Program* ("LCP").

Background

Laguna Grande Lake was once a flowing estuary called the Canyon Del Rey Creek, collecting runoff from the 16.8 square mile Canyon Del Rey watershed and flowing into the Monterey Bay. Laguna Grande Lake and Roberts Lake, which existed as a single body of water, were separated in the 1880s by the Southern Pacific Railroad. Over time, the surrounding landscape developed and populations grew, the creek, the wetlands and estuary slowly filled and eventually were cut off from the bay. Slowly landfill operations filled in the marsh areas and edges of the lakes transforming this body of water into its current state.

In 1950, the County of Monterey established Laguna Grande Regional Park. In 1976, the cities of Seaside and Monterey and MRPD formed the Laguna Grande Regional Park Joint Powers Agency (JPA) to coordinate the development and maintenance of the park.

Several plans have previously been prepared and adopted for the area. In 1976, the JPA adopted Seaside's 1975 conceptual plan (Laguna Grande Redevelopment General Conceptual Plan) as its first step in preparation of a master plan for the park. In 1978, the *Laguna Grande Regional Park Master Plan and EIR Addendum* (Laguna Grande Regional Park Joint Powers Agency) (master plan) was prepared for Laguna Grande jointly by the cities of Monterey and Seaside and the Monterey Peninsula Regional Park District. However, the master plan was never fully implemented. The northern end of the park was built out with playgrounds, fields and park facilities. The south end of the park, meant to become an extension of the lake, was not completed due to lack of funds.

Description of Project

Project Summary

The proposed project involves updates to the Laguna Grande Regional Park Trail Maintenance Strategy (Appendix A) by way of maintenance and enhancement of the existing trail system. The purpose is to provide the JPA with a clear set of priorities and means for maintaining the trails and vegetation throughout the park. The project will implement maintenance strategies to create a more accessible, safe, and long-lasting park for the surrounding community and region.

The following are some of the key items the project will include:

Seasonal Trail Development

- Provide eight-foot-wide seasonal mulch trails through southern riparian woodland with seasonal foot bridges for creek crossing; and
- Mitigate habitat removal with invasive removal and restoration planting.

Vegetation Clearing

- Clearing and limbing around trail curves and corners as well as around illegal camp sites to improve access for monitoring and cleaning; and
- Clearing at docks.

Trail Maintenance and Improvements

- Replace sections of trail impacted by root damage or erosion and repair/replace culverts under trails;
- Add mulch seasonally to portions of seasonal trail that are degraded; and
- Provide formal trail connection to Fremont Boulevard and along Virgin Street.

Accessibility Improvements

- Restore accessibility to north bridge and install accessible paths to docks to make compliant with local building codes;
- Repair areas with trip hazards; and
- Provide trail connection with anticipated Fort Ord Trail and Greenway Project (FORTAG) segment that will travel through the park utilizing the existing trail and provide access to trail users from Del Monte Boulevard to the north and from the corner of Freemont Street and canyon Del Rey to the south.

Invasive Species Removal and Restoration Planting

- Restore native plantings where invasives are fully removed; and
- Create new native habitat along southern gravel trail.

Lighting

- Repair or replace existing lighting; and
- Extend new lighting along the southern gravel trail.

Figure 3, Site Photographs, provides a visual of the existing conditions at the park. Figure 4, Overall Site Plan - North, and Figure 5, Overall Site Plan – South, include the proposed project's site plan for the north and south sides of the property.

Project Goals

The project provides direction to meet the regulations for maintenance of sensitive habitats and around bodies of water set forth by the state and federal government agencies.

The stated goals of the project are:

1. Address Encampment, Health and Safety Concerns;
2. Improve Personal Safety; and
3. Maintain and Improve Quality of Natural Resources.

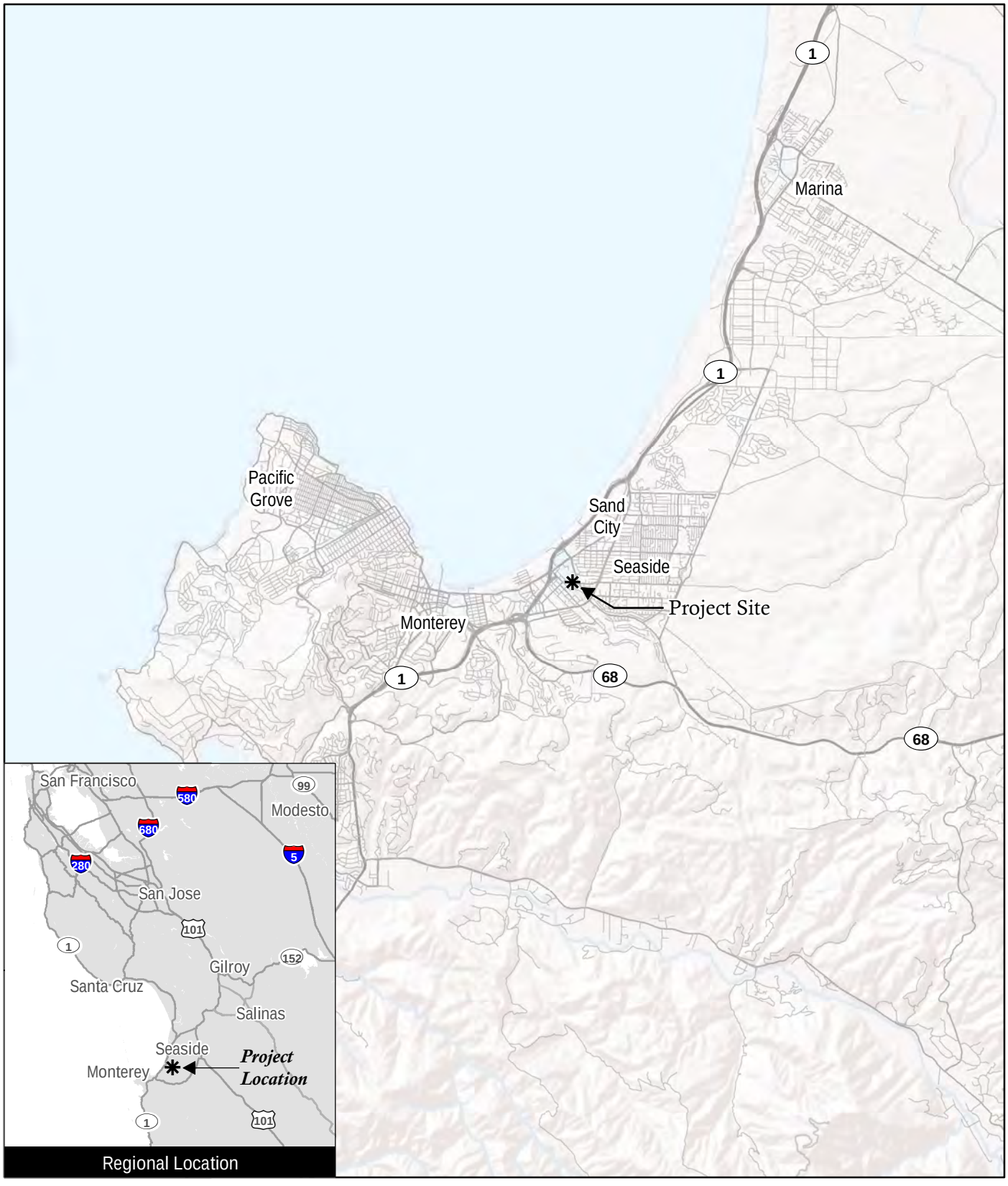
Other Public Agencies Whose Approval is Required

- City of Monterey;
- City of Seaside;
- Regional Water Quality Control Board; and
- U.S. Army Corps of Engineers.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The tribe KaKoon Ta Ruk band of Ohlone-Costanoan Indians of the Big Sur Rancheria ("Tribe") requested consultation. The Tribe did not provide its treatment protocol for environmental review. The JPA concluded the consultation process without incorporating additional mitigation measures recommended by the Tribe.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



Source: ESRI 2014

Figure 1

Location Map

Laguna Grande Trail and Vegetation Maintenance Strategy – Initial Study

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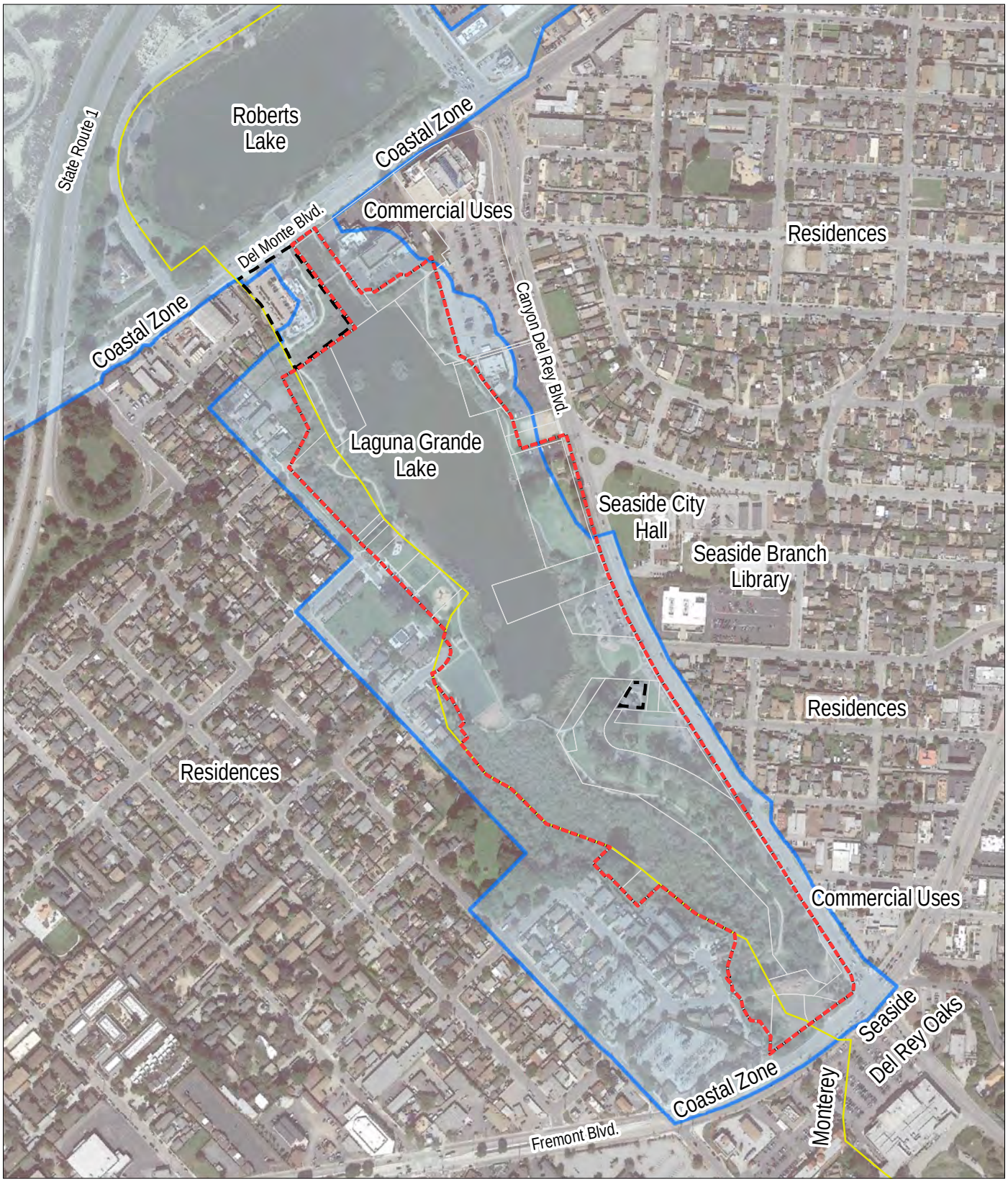

0 500 feet

Laguna Grande Park Boundary
Parcels Not Included in Project
City Boundary
Parcels
Coastal Zone

Source: Monterey County GIS 2022, Google Earth 2022

Figure 2

Aerial Photograph

Laguna Grande Trail and Vegetation Maintenance Strategy – Initial Study

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① On the northeast side of the project site facing southwest across Laguna Grande Lake.

② On the southside of the project site facing southwest.

Project Site

Source: Google Earth 2022
Photographs: EMC Planning Group 2021, Laguna Grande Reginal Park Joint Powers Authority 2022

③ On Branner Avenue facing the park's soccer field.

④ On the north side of the project site facing south across laguna Grande Lake.

Figure 3
Site Photographs

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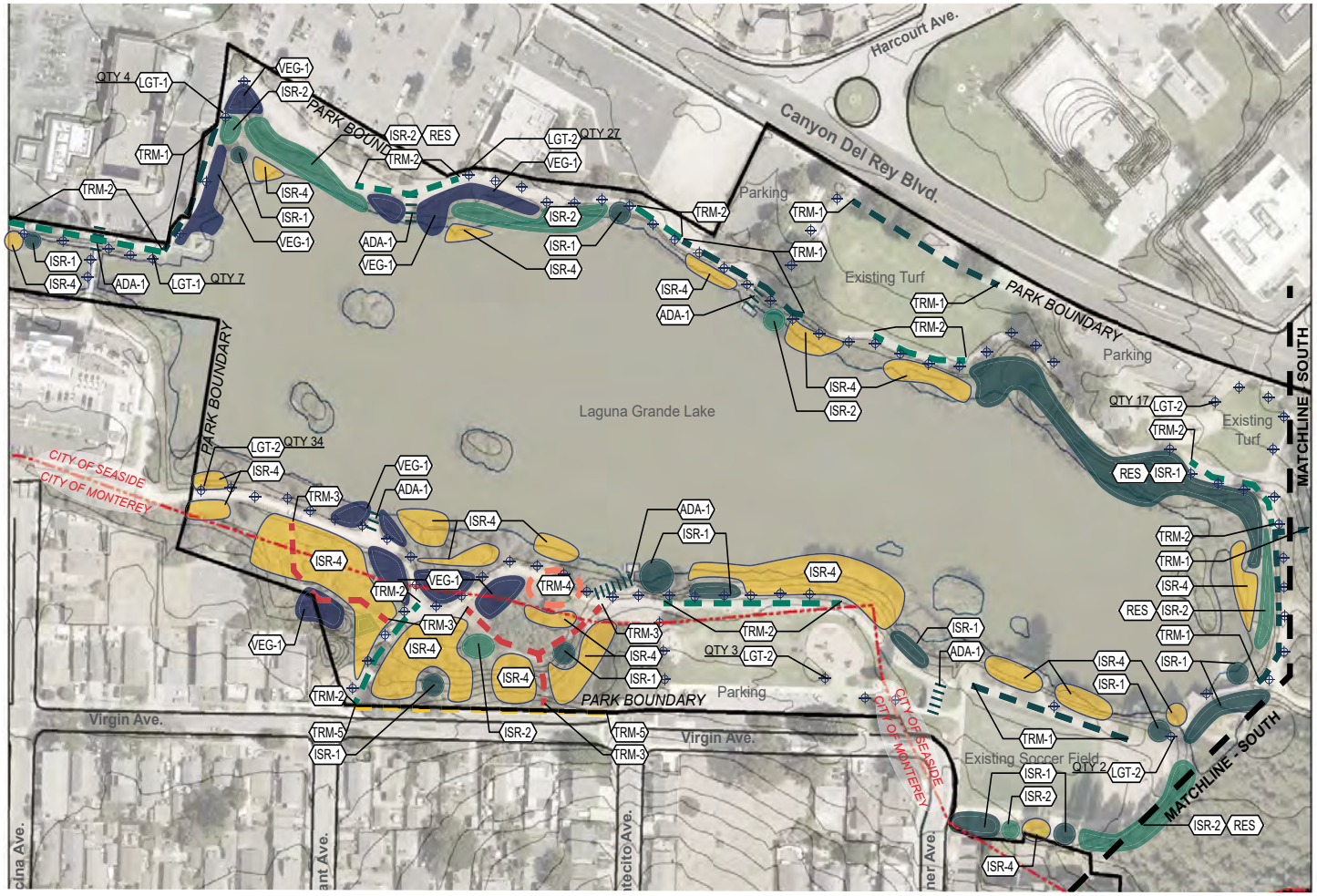

LEGEND

South Woods Seasonal Trail Development

- STR-1 — Enhance Existing Social Trails Similar to Seasonal Trails
- STR-2 — Seasonal Mulch Trail to Finish Loop

Vegetation Clearing

- VEG-1 — Clear and Limb
- VEG-2 — Clearing of Vegetation and Debris Consistent with Current Maintenance Practices

Trail Maintenance and Improvements

- TRM-1 — Replace Trail Impacted by Roots
- TRM-2 — Repair Edge of Trail - Erosion
- TRM-3 — Add Mulch to Seasonal Trail
- TRM-4 — Repair/replace Culverts
- TRM-5 — Provide Formal Trail Connection

Accessibility Improvements

- ADA-1 — Restore Trail Accessibility
- ADA-2 — Accessibility Improvements per FORTAG Trail Alignment. See Figure 3.

Invasive Species Clearing

- ISR-1 — Clearing - Priority 1 (1-3 years)
- ISR-2 — Clearing - Priority 2 (1-5 years)
- ISR-3 — Clearing - Priority 3 (6-10 years)
- ISR-4 — Clearing - Priority 4/5
- ISR-5 — Priority 6 - No Action
- RES — Restore Planting at Invasive Clearing Areas
- MIT — Habitat Removal Mitigation Planting

Lighting

- LGT-1 — Repair/Replace Existing Lighting
- LGT-2 — Extend New Lighting

0 300 feet

Source: Laguna Grande Regional Park Joint Powers Authority 2022

Figure 4

Overall Site Plan - North

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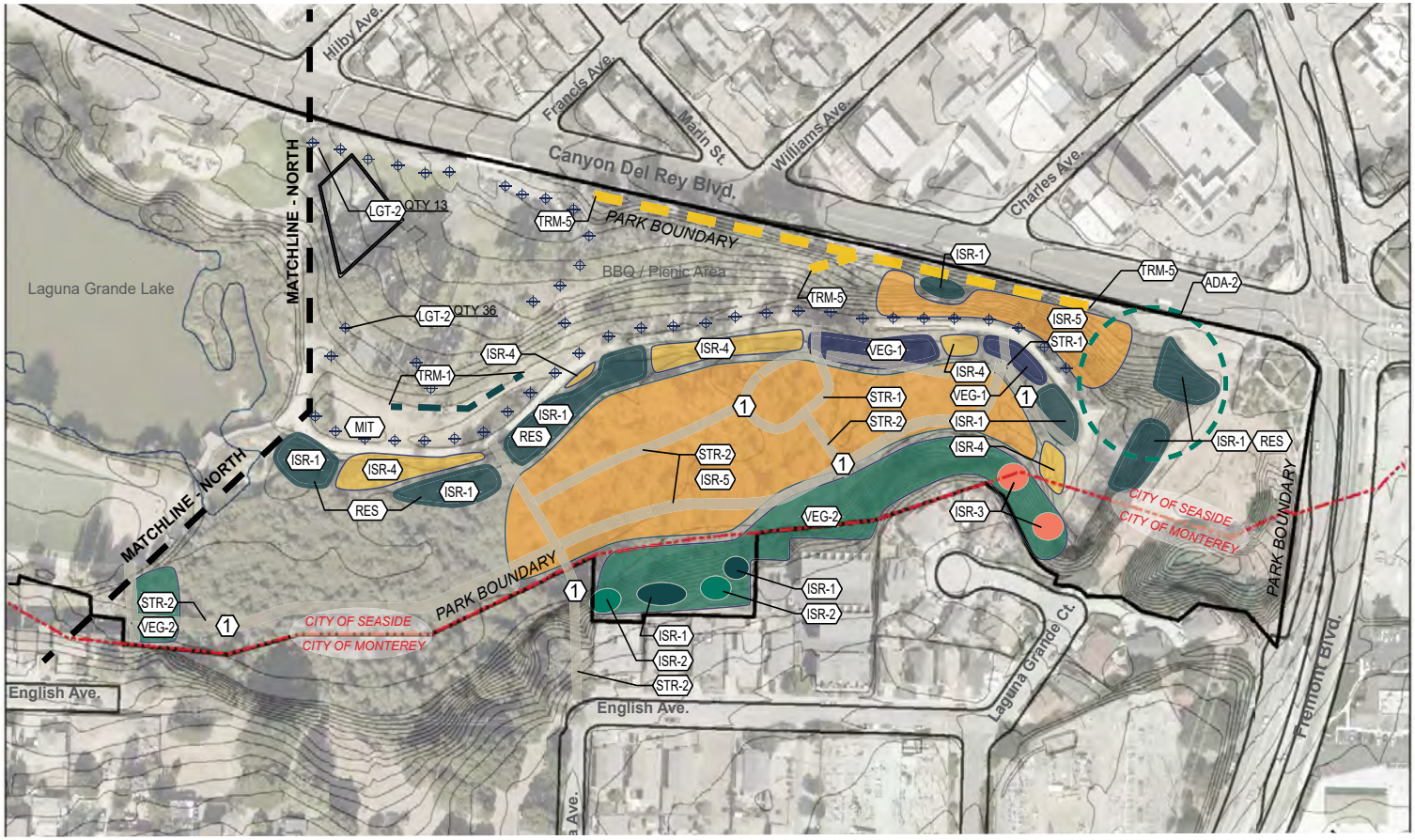

LEGEND

South Woods Seasonal Trail Development

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- ISR-4 — Clearing - Priority 4/5
- ISR-5 — Priority 6 - No Action
- RES — Restore Planting at Invasive Clearing Areas
- MIT — Habitat Removal Mitigation Planting

Lighting

- LGT-1 — Repair/Replace Existing Lighting
- LGT-2 — Extend New Lighting

0 300 feet

Source: Laguna Grande Regional Park Joint Powers Authority 2022

Figure 5

Overall Site Plan - South

This side intentionally left blank.

B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards & Hazardous Materials	☐ Recreation
☐ Air Quality	☐ Hydrology/Water Quality	☐ Transportation
☐ Biological Resources	☐ Land Use/Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology/Soils	☐ Population/Housing	☐ Mandatory Findings of Significance

C. DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Name and Title Date

D. Evaluation of Environmental Impacts

Notes

1. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
2. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
3. "Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, "Earlier Analyses," may be cross-referenced).
4. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
    a. "Earlier Analysis Used" identifies and states where such document is available for review.
    b. "Impact Adequately Addressed" identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. "Mitigation Measures"—For effects that are "Less-Than-Significant Impact with Mitigation Measures Incorporated," mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
6. "Supporting Information Sources"—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
7. The explanation of each issue identifies:
    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b.	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c.	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Comments:

a. The proposed project includes the maintenance and enhancement of the existing trail system at the Laguna Grande Regional Park. The Laguna Grande Regional Park is identified within the City of Seaside's LCP and the City of Monterey General Plan as a visual resource. The following policy from the LCP applies to the project:

> Policy NCR-LG 2.1.B – Management of Visual Resources
>
> i. Coordinate with the Regional Park District to provide viewshed improvements to areas identified on Figure 2-4 as a component of Coastal Visitor-Serving Commercial land use development and park improvements proposed for Laguna Grande.
>
> ii. The City shall develop Gateway Guidelines for the Fremont Corridor adjacent to Laguna Grande Park.

The following policy from the City of Monterey General Plan applies to the project:

> Policy d.3.
>
> Coordinate with the City of Seaside to assure that Roberts Lake and Laguna Grande remain as marsh habitat and scenic resources for both Seaside and Monterey.

The proposed project complies with Policy NCR-LG 2.1.Bi through its intent on enhancing and preserving the park and its trails and clearing invasive species vegetation that has overgrown and blocked views of the Laguna Grande Lake. The scenic resource (i.e., Laguna Grande Regional Park) would benefit from implementation of the proposed project occurring. The proposed project complies with Policy d.3 as it is a collaborative effort to maintain and enhance the exiting habitat and scenic resources for both Seaside and Monterey.

b. The nearest state scenic highway is the eligible portion of State Route 1 located approximately 0.17 miles west of the site (it is eligible from the intersection of Fremont Boulevard going north and the official state designated portion of State Route 1 is from this intersection going south). The official state designated portion of State Route 1 is located approximately one mile southwest of the project site. Therefore, the proposed project would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

c. The project site is within an urbanized area on the border of the cities of Seaside and Monterey. The proposed project involves the maintenance and enhancement of the existing trail system within Laguna Grande Regional Park and would have no conflicts with the zoning of the project site or other regulations governing scenic quality. The proposed project would be in compliance, and beneficial, to the regulations governing scenic quality in the area because the purpose of the project is to preserve and enhance the scenic quality of the Laguna Grande Regional Park.

d. The proposed project includes repairing existing lighting and extending new lighting in areas where the park trail has no ambient street lighting. However, the lighting involved with the project would be minimal and is meant for the safety of trail users. There would be no glare concerns with this project.

Although the project would create new sources of light, these sources would be minor and down-casted for the safety of the public using the trails and, therefore, would not significantly affect day or nighttime views in the area.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Comments:

a. The project site does not contain any prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, the project would not convert these farmlands to nonagricultural use.

b. The project site does not include any farmlands, therefore, there are no conflicts with Williamson Act contracts. The project site is zoned Coastal Parks and Open Space (CPOS) (City of Seaside) and Open Space (City of Monterey) and, therefore, the project would not conflict with existing zoning for agricultural use.

c. The project site is zoned Coastal Parks and Open Space (CPOS) (City of Seaside) and Open Space (City of Monterey). There are also no forest lands or timberland zones within the City of Seaside; therefore, the project would not conflict with the existing zoning of forest lands or timberlands.

d. The project site is zoned Coastal Parks and Open Space (CPOS) (City of Seaside) and Open Space (City of Monterey). Therefore, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.

e. The project site is zoned Coastal Parks and Open Space (CPOS) (City of Seaside) and Open Space (City of Monterey) and would not involve other changes in the existing environment which result in the conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d.	Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

Comments:

a. The project site is located in the North Central Coast Air Basin (hereinafter "air basin"), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter "air district"). Regional air districts must prepare air quality plans specifying how state air quality standards will be met. The air district's currently adopted plan is *2012-2015 Air Quality Management Plan*. The air district specifies air quality management plan consistency for population-related projects only. The proposed project involves improvements to the Laguna Grande Regional Park, which would not result in an increase in population. Therefore, the project would not conflict with or obstruct the implementation of the applicable air quality plan.

b. The air district is responsible for monitoring air quality in the air basin, which is designated, under state criteria, as a nonattainment area for ozone and suspended particulate matter (PM_{10}). Under federal criteria, the air basin is at attainment (8-hour standard) for ozone and particulates. Table 1, North Central Coast Air Basin Attainment Status, presents a summary of attainment status with federal and state standards.

Table 1 North Central Coast Air Basin Attainment Status

Pollutant	California Standards	National Standards
O_3	Non-attainment	Attainment
PM_{10}	Non-attainment	Attainment
$PM_{2.5}$	Attainment	Attainment
CO	Unclassified (San Benito County)	Attainment
NO_2	Attainment	Attainment
SO_2	Attainment	Attainment
Pb	Attainment	Attainment

SOURCE: Monterey Bay Air Resources District 2017

As identified in Table 1, with respect to national standards, the air basin has achieved attainment.

The air district has developed criteria pollutant emissions thresholds, which are used to determine whether or not a proposed project would violate an air quality standard or contribute to an existing violation during operations and/or construction. A significant environmental impact would occur if the proposed project would generate emissions that would exceed state thresholds for criteria air pollutants.

Operational Impacts

Based on the air district's CEQA Air Quality Guidelines (hereinafter "air district CEQA Guidelines"), a project would have a significant operational air quality impact if it would:

- Emit 137 pounds per day or more of direct and indirect volatile organic compounds (VOC);
- Emit 137 pounds per day or more of direct and indirect nitrogen oxides (NOx);
- Directly emit 550 pounds per day or more of carbon monoxide (CO);
- Emit 82 pounds per day or more of suspended particulate matter (PM_{10}) on-site and from vehicle travel on unpaved roads off-site; or
- Directly emit 150 pounds per day or more of sulfur oxides (SOx).

The proposed project involves maintenance of the Laguna Grande Regional Park. During operations, the only energy demand would be the electricity used for the existing and proposed lighting sources along the park trails. This planned source of energy demand would replace the existing source of energy demand from the lights and create new sources of energy through the extension of new lighting on park trails that have no ambient street light. Air emissions from this electricity generation would not significantly increase relative to existing baseline conditions. Therefore, the project would not contribute to cumulative operational air emissions in the air basin and would have no cumulative impact.

Construction Impacts

Pursuant to the air district's CEQA Guidelines, if activities disturb more than 2.2 acres then dust control measures are needed. As a park maintenance project, the amount of surface disturbance that would occur on any given day would be minimal and less than 2.2 acres. Therefore, fugitive dust emissions impacts would be less than significant.

However, it is recommended that hand tools are used where possible and mechanical equipment greater than 50 horsepower must meet the Environmental Protection Agency's Tier 3 engines. Further, the use of electric equipment should be minimized as much as possible.

c. According to the air district CEQA Guidelines, a sensitive receptor is generally defined as any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes.

The proposed project involves minimal construction activities as it is all maintenance and enhancement of the existing trail system. However, the project site is surrounded by residences to the west and east.

The project would not require intensive use of diesel-powered construction equipment that would generate significant diesel exhaust containing toxic air contaminants. Further, dust emissions should be minimal as described in "b" above. Nevertheless, the adjacent sensitive receptors could be exposed to pollutant concentrations that could conservatively be considered potentially significant. The Joint Powers Authority will implement the following measure to reduce this impact to a less-than-significant level.

Mitigation Measure

AQ-1 All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

d. The proposed project, as a maintenance and enhancement project of the existing Laguna Grande Regional Park's trail system, would not produce new odors during operation. The minimal activities that would occur during the implementation phase would not involve demolition or substantial grading activities that could temporarily generate objectionable odors.

4. BIOLOGICAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
c.	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filing, hydrological interruption, or other means?	☐	☒	☐	☐
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Comments:

This section is based on reconnaissance-level biological field surveys and focused plant surveys conducted by EMC Planning Group biologist Patrick Furtado, M.S., on May 18, May 24, and June 15, 2021, to document existing plant communities/wildlife habitats and evaluate the potential for special-status species to occur on the project site. Biological resources were documented in field notes, including species observed, dominant plant communities, significant wildlife habitat characteristics, and riparian and wetland habitat. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant

communities and wildlife habitats. Habitat quality and disturbance levels were also described. The results of the focused plant surveys are included in the *Laguna Grande Regional Park Vegetation Mapping and Focused Plant Survey Results* [Appendix A of the *Laguna Grande Regional Park Trail and Vegetation Maintenance Strategy* ("Maintenance Strategy"), which is Appendix A of this initial study) BFS 2022].

Prior to conducting the surveys, Mr. Furtado reviewed aerial photographs, natural resource database mapping and reports, and other relevant scientific literature. This included searching the U.S. Fish and Wildlife Service (USFWS) Endangered Species Database (USFWS 2021), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CDFW 2021), and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS 2021) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project site. Special-status species in this report are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by the CNPS.

Critical habitat is a designation used by the USFWS for specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. The project site is not within a critical habitat area.

The *Laguna Grande Regional Park Trail and Vegetation Maintenance Strategy* ("Maintenance Strategy", BFS 2022) includes three major goals, one of which is to maintain and improve the quality of natural resources through the preservation and protection of existing habitat, removal of invasive vegetation, and the mitigation of habitat disturbance as a result of vegetation removal. Appendix B of the Maintenance Strategy identifies specific guidelines for invasive, non-native plant removal/control.

Laguna Grande Regional Park contains over 13 acres of native plant and wildlife habitat and is a refuge for over 200 species of migratory and resident birds. Three dominant habitat types were identified during the reconnaissance-level biological survey of the project site: arroyo willow woodland, California bulrush marsh, and ruderal/weedy vegetation. These habitats are described in detail below and are shown in Figures 1 and 2 of the focused plant survey report in Appendix A of the Maintenance Strategy (Appendix A of this initial study).

Arroyo Willow Woodland. The most extensive plant community at Laguna Grande Park is the arroyo willow (*Salix lasiolepis*) riparian woodland. This native plant community grows in discontinuous patches along the shoreline of the lake and forms a dense and wide woodland along Canyon del Rey Creek south of the lake. Other riparian tree species found with arroyo willow are box elder (*Acer negundo*), black cottonwood (*Populus trichocarpa*), and Pacific willow (*Salix lasiandra*). Abundant soil moisture allows the growth of a well-developed understory composed of native shrubs including California blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), and creek dogwood (*Cornus sericea*). Ground cover consists of mugwort (*Artemisia douglasiana*), hedge nettle (*Stachys bullata*), and giant horsetail (*Equisetum telmateia* var. *braunii*). Coast live oak (*Quercus agrifolia*) grow on the drier edge of the riparian corridor.

The park has perhaps the largest extent of native arroyo willow woodland in the local urban landscape and each spring and summer the wetland provides home to hundreds of nesting birds such as downy woodpecker (*Dryobates pubescens*), chestnut-backed chickadee (*Poecile rufescens*), Swainson's thrush (*Catharus ustulatus*), Hutton's vireo (*Vireo huttoni*), orange-crowned warbler (*Leiothlypis celata*), and Wilson's warbler (*Cardellina pusilla*) (Roberson 2002).

The arroyo willow woodland riparian vegetation is dense and structurally complex making this community exceptionally diverse. Bird diversity is especially high and includes visiting species from the American tropics. These birds are known as Neotropical migrants and include stunningly attractive species such as Townsend's warbler (*Setophaga townsendi*) and yellow warbler (*Setophaga petechia*). Abundant riparian food and cover allow them to nest successfully before returning to their winter accommodations in the tropics.

The riparian habitat makes Laguna Grande Park one of the top bird watching hotspots on the Central Coast. In fact, clumps of willow growing at creek and river mouths along the Central Coast are a specialized habitat known as "vagrant traps." Clumps of willow attract misoriented migrating birds in the spring and fall. These "vagrants" are sometimes thousands of miles from their regular migration corridors and offer rare bird observations (Roberson 2002).

The freshwater lake ringed by the arroyo willow woodland also provides excellent resting and foraging habitat to numerous waterfowl including Canada goose (*Branta canadensis*), mallard (*Anas platyrhynchos*), bufflehead (*Bucephala albeola*), ruddy duck (*Oxyura jamaicensis*), double-crested cormorant (*Phalacrocorax auritus*), and pied-billed grebe (*Podilymbus podiceps*).

California Bulrush Marsh. California bulrush (*Schoenoplectus californicus*) grows in patches, often alternating with willow, along the lake shoreline. Also commonly called tule, bulrush is dominant in the herbaceous layer with other associated wetland plants such as broad-leaved cattail (*Typha latifolia*), Pacific silverweed (*Potentilla anserina*), fat hen (*Atriplex prostrata*), fleshy jaumea (*Jaumea carnosa*), willow herb (*Epilobium ciliatum*), Pacific oenanthe (*Oenanthe sarmentosa*), and curly dock (*Rumex crispus*). Emergent trees and shrubs may be present at low cover including arroyo willow, pacific willow, creek dogwood, California blackberry, and poison oak.

This marsh habitat supports a wealth of bird and other wildlife such as red-winged blackbird (*Agelaius phoeniceus*), sora (*Porzana carolina*), Virginia rail (*Rallus limicola*), green heron (*Butorides virescens*), black-crowned night-heron (*Nycticorax nycticorax*), marsh wren (*Cistothorus palustris*), and the strikingly beautiful common yellowthroat (*Geothlypis trichus*). The emergent marsh vegetation provides food, nest sites, and materials.

Ruderal Vegetation. Areas of ruderal vegetation are found in pockets on the west side of Laguna Grande Lake and in the southernmost area of the park near Fremont Street. Ruderal refers to disturbed habitat and is characterized by weedy, non-native grasses such as ripgut brome (*Bromus diandrus*), wild oats (*Avena fatua*), and foxtail barley (*Hordeum murinum*). These grasses are mostly introduced from Europe and are highly adapted to the Mediterranean climate of California. Other invasive plant species are also dominant here and include Italian thistle (*Carduus*

pycnocephalus), wild radish (*Raphanus sativus*), fennel (*Foeniculum vulgare*), French broom (*Genista monspessulana*), poison hemlock (*Conium maculatum*), wild mustard (*Hirschfeldia incana*), and bristly ox-tongue (*Helminthotheca echioides*).

a. **Special-Status Species.** Special-status species are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the U.S. Fish and Wildlife Service (USFWS) or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, California Native Plant Society (CNPS) Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) was conducted for the target Seaside USGS quadrangle, and eight surrounding quadrangles (Monterey OE N, Marina, Salinas, Monterey, Spreckels, Soberanes Point, Mount Carmel, and Carmel Valley) to generate a list of potentially occurring special-status wildlife species in the project vicinity (CDFW 2021). Records of occurrence for special-status plants were also reviewed for those twelve USGS quadrangles in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS 2021). A U.S Fish and Wildlife Service (USFWS) Endangered Species Program threatened and endangered species list was generated for San Benito County (USFWS 2021). Appendix B, Special-Status Species in the Project Vicinity, presents tables with CNDDB results, which lists special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the site. Figure 6, Special-Status Species Known to Occur in the Project Vicinity, presents a map with CNDDB results.

Special-Status Plant Species. Of the special-status plant species known to occur in the project vicinity identified in Appendix B, the following species have the potential to occur on the project site: arcuate bush-mallow (*Malacothamnus arcuatus*), bent-flowered fiddleneck (*Amsinckia lunaris*), blue coast gilia (*Gilia capitata* ssp. *chamissonis*), Choris' popcorn-flower (*Plagiobothrys chorisianus* var. *chorisianus*), coast triquetrella (*Triquetrella californica*), Diablo helianthella (*Helianthella castanea*), fragrant fritillary (*Fritillaria liliacea*), Franciscan thistle (*Cirsium andrewsii*), Hickman's cinquefoil (*Potentilla hickmanii*), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), pappose tarplant (*Centromadia parryi* ssp. *parryi*), perennial goldfields (*Lasthenia californica* ssp. *macrantha*), rose leptosiphon (*Leptosiphon rosaceus*), San Francisco Bay spineflower (*Chorizanthe cuspidata* var. *cuspidata*), San Francisco campion (*Silene verecunda* ssp. *verecunda*), San Francisco owl's-clover (*Triphysaria floribunda*), and western leatherwood (*Dirca occidentalis*).

Source: ESRI 2021, CDFW CNDDB 2021

Figure 6

Special-Status Species Known to Occur in the Project Vicinity

Laguna Grande Trail Maintenance CEQA

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EMC Planning Group associate biologist Patrick Furtado completed focused plant surveys for special-status plant species on May 24, 2021 and June 15, 2021 in accordance with current California Department of Fish and Wildlife (CDFW 2009) and California Native Plant Society (CNPS 2001) rare plant survey protocols. According to the United States Drought Monitor, the project site is located in an area experiencing severe drought conditions at the time of surveys (National Drought Mitigation Center 2021).

Mr. Furtado also visited nearby special-status plant reference populations for seaside bird's beak (*Cordylanthus rigidus* ssp. *littoralis*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), Yadon's rein orchid (*Piperia yadonii*), and sand-loving wallflower (*Erysimum ammophilum*) to determine that these plant species were identifiable at the time of the surveys.

All suitable habitats for special-status plant species within the Laguna Grande Park survey area were systematically surveyed and plant species observed were recorded in field notes. Plant species were identified in the field or collected for subsequent identification using plant keys contained in *The Jepson Manual: Vascular Plants of California* (Baldwin et. al 2012). Taxonomy follows the *Jepson Flora Project* (2022) for scientific and common names.

No special-status plant species were observed within the Laguna Grande Regional Park survey area. Appendix A of the Maintenance Strategy presents the results of the focused plant survey, including maps and a list of all plant species that were observed at the park during the focused plant surveys (the Maintenance Strategy is Appendix A of this initial study). Survey results are generally considered valid for five years.

Special-Status Wildlife Species. Wildlife species identified with the potential to occur on the project site include:

- California red-legged frog (*Rana draytonii*);
- Coast Range newt (*Taricha torosa*);
- Western pond turtle (*Emys marmorata*);
- Burrowing owl (*Athene cunicularia*);
- Tricolored blackbird (*Agelaius tricolor*);
- American badger (*Taxidea taxus*);
- Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*);
- Monterey shrew (*Sorex ornatus salarius*);
- Hoary bat (*Lasiurus cinereus*); and
- Townsend's big-eared bat (*Corynorhinus townsendii*).

Special-Status Amphibians and Reptiles. The following special-status amphibian and reptile species occur in the project vicinity and were assessed for the potential to occur on the project site: California red-legged frog, Coast Range newt, and Western pond turtle.

California Red-legged Frog. A federally-listed threatened species and California Species of Special Concern, California red-legged frog occurs in lowlands and foothills primarily in perennial or ephemeral ponds, pools, and streams where water remains long enough (14-28 weeks) for breeding and metamorphosis of tadpoles. Specific breeding sites include streams, creeks, ponds, marshes, sag ponds, deep pools, backwater areas, dune ponds, lagoons, and estuaries. California red-legged frog may disperse from their aquatic breeding habitats to upland habitats during the dry season. They prefer upland habitats that provide moisture to prevent desiccation and protection from predators, including downed logs, woody vegetation, boulders, moist leaf litter, or other refugia during the dry season. In areas where upland habitats do not contain structure, they take refuge in burrows. However, if there is sufficient water at their breeding location, they may remain in aquatic habitats year-round instead of moving to adjacent uplands.

During wet seasons, frogs can move long distances between habitats, traversing upland areas or ephemeral drainages. Dispersal distances are typically less than 0.3 mile, with a few individuals moving 1.2-2.2 miles. Seeps and springs in open grasslands can function as foraging habitat or refugia for wandering frogs.

CNDDB records indicate that the closest known occurrence of California red-legged frog is approximately 2.5 miles south of the project site (Occurrence No. 939, CNDDB 2021). There are no known occurrences within the project area lake or drainages, however breeding and upland habitat is potentially present. If impacts to California red-legged frog occur, they could be significant. Implementation of mitigation measures BIO-1, BIO-2 and BIO-3 would reduce this potential, significant impact to California red-legged frog to a less-than-significant level.

Mitigation Measures

BIO-1 Prior to ground disturbance, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, California red-legged frog, Coast Range newt, western pond turtle, burrowing owl, tricolored blackbird, American badger, Monterey dusky-footed woodrat, Monterey shrew, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which disturbance activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

The qualified biologist will train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor will check for animals under any equipment such as vehicles and stored pipes within active disturbance areas. The monitor will also check all excavated

steep-walled holes or trenches greater than one foot deep for trapped animals. If a special-status species is observed within an active disturbance area, the qualified biologist will be notified immediately and all work within 50 feet of the individual will be halted and all equipment turned off until the individual has left the disturbance area.

The Laguna Grande Regional Park Joint Powers Authority shall document evidence of completion of this training prior to ground disturbance.

BIO-2 A qualified biologist shall conduct preconstruction surveys following the guidance documented in the *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005) no more than two weeks (14 days) prior to the start of disturbance activities. The invasive removal, maintenance or improvement footprints will be surveyed for potential migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to the Laguna Grande Regional Park Joint Powers Authority prior to ground disturbance.

If California red-legged frog is found, the Laguna Grande Regional Park Joint Powers Authority will coordinate with the USFWS and/or CDFW to determine the appropriate course of action per the requirements of FESA and/or CESA (e.g., obtaining Incidental Take Permits) and implement the permit requirements prior to ground disturbance.

BIO-3 The following measures from the USFWS *Programmatic Biological Opinion for Issuance of Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, including Authorizations Under 22 Nationwide Permits, for Projects that May Affect the Threatened California Red-legged Frog in Nine San Francisco Bay Area Counties, California* (USFWS 2014) shall be implemented:

a. Plans shall delineate a 100-foot boundary from the outer edge of riparian vegetation along the lake and drainages.

b. A qualified biologist shall be on site during all activities within 100 feet from the outer edge of riparian vegetation along the lake or drainage that where California red-legged frog may be encountered.

c. To the extent possible, all ground-disturbing work within 100 feet from the outer edge of riparian vegetation along the lake and drainage shall be avoided between November 1 and March 31, the time period when California red-legged frogs are most likely to be moving through upland areas.

d. All ground-disturbing work within 100 feet from the outer edge of riparian vegetation should be accomplished during the dry season, with no disturbance activities occurring during rain events or within 24 hours following a rain event.

e. Prior to disturbance activities, exclusionary fencing shall be placed to keep construction vehicles and personnel from impacting potentially jurisdictional waters and riparian/wetland habitat outside of work areas. A biological monitor shall supervise the installation of exclusionary fencing and monitor at least once per week

until disturbance activities are complete to ensure that the protective exclusionary fencing remains intact. Exclusion fencing material shall be selected to avoid accidental entrapment of wildlife species, such as fencing with a smaller gauge or no gaps at all (e.g., Animex™ fencing).

f. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic shall be restricted to established roads, disturbance areas, equipment staging, storage, parking, and stockpile areas.

g. If a California red-legged frog is encountered, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. A qualified biologist shall then assess the situation and select a course of action that shall avoid or minimize adverse effects to the animal.

h. Uneaten human food and trash attracts crows, ravens, coyotes, and other predators of the California red-legged frog. A litter control program shall be instituted at each project site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the project site at the end of each working day.

i. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of the California red-legged frog.

j. No insecticides or herbicides shall be used at the project site during construction or long-term operational maintenance where there is the potential for these chemical agents to enter the river, or uplands that contain potential habitat for the California red-legged frog.

k. For on-site storage of pipes, conduits, and other materials that could provide shelter for special-status species, an open-top trailer shall be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials.

l. To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog is most actively moving and foraging.

m. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used at the project site because California red-legged frogs can become entangled and trapped in them. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.

n. Trenches or pits one foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent the California red-legged frog from falling into them.

Coast Range Newt. Coast Range newt is a California Species of Special Concern. This species is endemic to California and distributed along the coast and coast range mountains from central Mendocino County south to San Diego County. It is found from sea level to at least 1,280 meters on Mt. Hamilton in Santa Clara County. Coast Range newt burrows in or uses soil, fallen logs, or debris for cover. Central California localities are found in wet forests, oak forests, chaparral, and rolling grasslands. It will occupy upland habitats when not breeding. During reproduction, Coast Range newts will migrate to intermittent streams, rivers, lakes, and ponds where they lay eggs in shallow water attached to submerged rocks or twigs. CNDDB records indicate one occurrence of Coast Range newt approximately six miles southwest of the project site (Occurrence No. 70, CNDDB 2021). There are no known occurrences within the project area lake or drainages, however breeding and upland habitat is potentially present. Mitigation measure BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-2 and BIO-3, which require preconstruction surveys and measures for the protection of California red-legged frog, would also protect Coast Range newt, if present. Implementation of these measures would reduce the potential, significant impact to Coast Range newt to a less-than-significant level and no additional measures are recommended.

Western Pond Turtle. Western pond turtle is a California Species of Special Concern. It is uncommon to common in suitable aquatic habitat throughout California including freshwater marshes, stock ponds, lakes, rivers, and streams. This species is considered omnivorous. Aquatic plant material, including pond lilies, beetles and a variety of aquatic invertebrates as well as fishes, frogs, and even carrion have been reported among their food. Pond turtles require basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks. Turtles slip from basking sites to underwater retreats at the approach of humans or potential predators.

CNDDB records indicate one occurrence of western pond turtle approximately 3.5 miles southwest of the project site (Occurrence No. 1014, CNDDB 2021). There are no known occurrences within the lake or drainages, however breeding and upland habitat is potentially present. Mitigation measure BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-2 and BIO-3, which require preconstruction surveys and measures for the protection of California red-legged frog, would also protect western pond turtle, if present. Implementation of these measures would reduce the potential, significant impact to western pond turtle to a less-than-significant level and no additional measures are recommended.

Special-Status Birds. The following special-status bird species occur in the project vicinity and were assessed for the potential to occur on the project site: burrowing owl, tricolored blackbird, and protected nesting birds and raptors.

Burrowing Owl. Burrowing owl is a California Species of Special Concern. Burrowing owls live and breed in burrows in the ground, especially in abandoned California ground squirrel burrows. Optimal habitat conditions include large open, dry and nearly level grasslands or prairies with short to moderate vegetation height and cover, areas of bare ground, and populations of burrowing mammals. A general, non-specific record for this species has been recorded approximately 900 feet north and west of the project site (Occurrence No. 574, CNDDB 2021). The project site's non-native grassland provides marginally suitable foraging habitat for burrowing owl, and a few scattered small mammal burrows on the site could be utilized for nesting habitat, but burrowing owl has low potential to occur on the site. If burrowing owl is present on or adjacent to invasive removal, maintenance or improvement footprints, disturbance activities could result in the loss or disturbance of individual animals. This would be a significant adverse environmental impact. Implementation of mitigation measures BIO-1, presented earlier, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-4 would reduce this potentially significant impact to less than significant.

Mitigation Measure

BIO-4 To avoid/minimize impacts to burrowing owls potentially occurring within invasive removal, maintenance or improvement footprints, a biologist qualified in ornithology shall conduct surveys for burrowing owl. The approved biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the invasive removal, maintenance or improvement footprints no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to the methods for take avoidance described in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). If no burrowing owls are found, a letter report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (CBOC 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the CDFW verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance Buffers (meters)		
		Low	Med	High
Nesting Sites	April 1 – Aug 15	200 m	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m

If burrowing owl is found and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that would be impacted, thus ongoing surveillance during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.

If surveys locate occupied burrows in or near invasive removal, maintenance or improvement footprints, consultation with the CDFW shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. Once the absence of burrowing owl has been confirmed or a plan is in place to avoid or minimize impacts, a letter report will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority.

Protected Nesting Birds. Protected nesting birds have the potential to nest in buildings or structures, on open ground, or in any type of vegetation, including trees, during the nesting bird season (January 15 through September 15). The project site contains a variety of potential habitats for nesting birds. Ground disturbance can impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during disturbance activities. If protected bird species are nesting adjacent to the invasive removal, maintenance or improvement footprints during the bird nesting season, then noise-generating activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests. Implementation of Mitigation Measures BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-5 would reduce potential, significant impacts to nesting birds to less than significant.

Mitigation Measure

BIO-5 To avoid impacts to nesting birds during the nesting season (January 15 through September 15), all disturbance activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests will occur within 14 days prior to start of disturbance activities, with the final survey conducted within 48 hours prior to disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter

report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

b. If the qualified biologist documents active nests within the invasive removal, maintenance or improvement footprints or in nearby surrounding areas, an appropriate buffer between each nest and active disturbance area shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to ground disturbance, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during disturbance activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority.

Tricolored Blackbird. Tricolored blackbird is a California Species of Special Concern found mostly throughout the Central Valley and San Francisco Bay Delta regions. Tricolored blackbirds forage in annual grasslands; wet and dry vernal pools and other seasonal wetlands; and croplands. They also forage occasionally in riparian scrub habitats and along marsh borders. Tricolored blackbirds' nest near freshwater marshes. There are CNDDB records indicating tricolored blackbird activity within five miles of the project site, and riparian and wetland vegetation along the lake and drainage may support this species. Measures recommended for the protection of nesting birds (above) are anticipated to determine if tricolored blackbirds are present and provide protection during disturbance activities, if needed.

Special-Status Mammals

The following special-status mammal species occur in the project vicinity and were assessed for the potential to occur on the project site: American badger, Monterey dusky-footed woodrat, hoary bat, and Townsend's big-eared bat.

American Badger. American badger is a California Species of Special Concern. It is an uncommon, permanent resident found throughout most of the state, except in the northern North Coast area. This large member of the weasel family uses most shrub, forest, and herbaceous habitats with friable soils suitable for burrows. Prey species include fossorial rodents such as rats, mice, chipmunks, ground squirrels, and pocket gophers. Badger diet shifts seasonally depending on the availability of prey and may also include reptiles, insects, earthworms, eggs, birds, and carrion. Mixed oak woodland, coastal scrub, and grassland habitats provide cover, drier soils for burrowing, and prey resources for this species. A historic record for American badger was recorded

approximately 700 feet east of the project site (Occurrence No. 171, CDFW 2021), and a more recent (1992) observation was recorded approximately 2.3 miles east of the project site (Occurrence No. 241, CDFW 2021). Open grassland areas and openings along trails provide suitable habitat for the American badger. American badgers are known to occur in the region and could den and forage on the project site. Ground disturbance could result in impacts to this species from direct mortality or injury. Loss or harm to American badger is considered a significant adverse impact. Implementation of Mitigation Measure BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-6 would reduce potential, significant impacts to American badger to less than significant.

Mitigation Measure

BIO-6 Not more than 14 days prior to the commencement of ground-disturbing activities, a qualified wildlife biologist shall conduct surveys of the grassland habitat within or adjacent to invasive removal, maintenance or improvement footprints to identify any potential American badger burrows/dens. If the survey results are negative (i.e., no badger dens observed), a letter report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

If the results are positive (badger dens are observed), the qualified biologist shall determine if the dens are active by installing a game camera for three days and three nights to determine if the den is in use.

a. If the biologist determines that a den may be active, coordination with the CDFW shall be undertaken to develop a suitable strategy to avoid impacts to American badger. The strategy may include the following: the biologist shall install a one-way door in the den opening and continue use of the game camera. Once the camera captures the individual exiting the one-way door, the den can be excavated with hand tools to prevent badgers from reusing them. If the biologist determines that the den is a maternity den, disturbance activities shall be delayed during the maternity season (February to August), or until the badgers leave the den on their own accord or the biologist determines that the den is no longer in use.

b. If the game camera does not capture an individual entering/exiting the den, the den can be excavated with hand tools to prevent badgers from reusing them.

After dens have been excavated and the absence of American badger confirmed, a letter report will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority.

Monterey Dusky-Footed Woodrat. The Monterey dusky-footed woodrat is a California species of Special Concern typically found within dens chaparral or oak woodland habitats with moderately dense understory growth and abundant dead wood for nest construction. Monterey dusky-footed woodrat is known to occur in the project vicinity and woodland and riparian habitat at the project site is considered potential habitat. Removal or

disturbance of habitat during nesting season is considered a significant impact. Implementation of Mitigation Measure BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-7 would reduce potential, significant impacts to Monterey dusky-footed woodrat to less than significant.

Mitigation Measure

BIO-7 A qualified biologist shall conduct preconstruction surveys for woodrat nests within invasive removal, maintenance or improvement footprints. All woodrat nests shall be flagged for avoidance of direct impacts where feasible. If impacts cannot be avoided, woodrat nests shall be dismantled no more than three days prior to dismantling so that the occupants do not attempt to rebuild. Nests are to be slowly dismantled by hand in order to allow the occupants to disperse.

Monterey Shrew. The Monterey shrew is a California species of Special Concern. This species is an endemic subspecies of shrew occurring only on the Monterey Peninsula. Preferred habitats include riparian areas and other moist microclimates with available insect prey. Little is known about this species, since it is difficult to locate and does not survive well in traps due to very high metabolic rates. A general observation of this species has been recorded to include the project site; however, the record is from 1919 and it the current distribution of Monterey shrew in the area is unknown (Occurrence No. 3, CDFW 2021). Riparian and woodland habitats within the project area could support this species, if present. Disturbance activities at the project site could result in the loss of individuals on or adjacent to the project site. Mitigation measure BIO-1, presented above, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-2 and BIO-3, which require preconstruction surveys and measures for the protection of California red-legged frog would also protect Monterey shrew, if present. Implementation of these measures would reduce the potential, significant impact to Monterey shrew to a less-than-significant level and no additional measures are recommended.

Special-Status Bats. Trees and/or buildings or structures on or adjacent to the project site could provide roosting habitat for state-listed species of special concern hoary bat and Townsend's big-eared bat. Hoary bat is a solitary species that generally prefers dense foliage of medium to large trees. Townsend's big-eared bat prefers roosting and nesting found in caves, tunnels, mines, and buildings. These species have been identified as occurring within 1.2 and seven miles to the west and east of the project site, however little is known about their distribution in the project vicinity (CNDDB 2021). Activities at the project site could result in the disturbance of roost and natal sites occupied by special-status bats on or adjacent to invasive removal, maintenance or improvement footprints, if present. Implementation of mitigation measures BIO-1, presented earlier, which requires a training session on special-status species potentially present on the site for all personnel, and BIO-8 would reduce this potential, significant impact to special-status bats to a less-than-significant level.

Mitigation Measure

BIO-8 Approximately 14 days prior to tree removal or disturbance activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed and in trees within 50 feet of invasive removal, maintenance or improvement footprints. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

If no roosting sites or bats are found, a letter report confirming absence shall be prepared and submitted to Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.

If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with CDFW.

If bats are found roosting outside of the nursery season (May 1 through October 1), CDFW shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan will be submitted to CDFW for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) shall be established around the roosting site within which no activities including tree removal or structure disturbance shall occur until after the nursery season.

b. **Riparian Habitat or Sensitive Natural Communities**. The Laguna Grande Lake was originally part of a larger estuary flowing into the Pacific Ocean. As areas adjacent to the estuary were filled and developed, Laguna Grande Lake was isolated from the ocean. Riparian and wetland habitats, including arroyo willow woodland and California bulrush marsh, can be found throughout the park (see Figures 1 and 2 of the focused plant survey report in Appendix A of the Maintenance Strategy, which is Appendix A of this initial study). Natural Communities are California vegetation types ranked by their rarity and threat by CDFW. Natural Communities with ranks of S1-S3 are considered "sensitive

natural communities" to be addressed in the environmental review processes of CEQA and its equivalents. Both arroyo willow woodland and California bulrush marsh are listed by CDFW as sensitive natural communities. In addition, both communities are also considered Environmentally Sensitive Habitat Areas (ESHA) by the California Coastal Commission (CCC), as well as the emergent wetland and estuarine habitats associated with Laguna Grande Lake.

Disturbance activities could result in the disturbance of arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat if present within or adjacent to invasive removal, maintenance or improvement footprints. Policy LUD-CZ 3.1A of the LCP/LUP identifies a minimum 50-foot buffer of ESHA is typically required, however the buffer may be reduced to 25 feet in conjunction with additional mitigation measures, including implementation of a restoration plan. Where possible, a 25-foot buffer of ESHA will be incorporated into project plans, however impacts where invasive removal and restoration activities intended to improve ESHA are unavoidable. Implementation of mitigation measures BIO-9 and BIO-10 would reduce this potential, significant impact to sensitive natural communities and ESHA to a less-than-significant level.

Mitigation Measures

BIO-9 Arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat within 25 feet of invasive removal, maintenance or improvement footprints will be protected from disturbance. Prior to activities adjacent to arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat, a qualified botanist will erect environmentally sensitive area fencing around areas near the invasive removal, maintenance or improvement area to identify and protect sensitive plant communities or Environmentally Sensitive Habitat Areas. The location of the fencing will be marked in the field with stakes and flagging. Vegetation clearing activities, vehicle operation, material and equipment storage, and other surface-disturbing activities will be prohibited within the fenced environmentally sensitive area.

BIO-10 If avoidance cannot be accommodated within invasive removal, maintenance or improvement plans, then the Laguna Grande Regional Park Joint Powers Authority shall be responsible for ensuring the implementation of a restoration plan. The restoration plan shall be designed by a qualified biologist and shall include the following:

a. Prior to implementation of invasive removal, maintenance, or improvement activities, the location and extent of the areas to be restored will be clearly delineated and mapped. A plant palette shall be determined, with preference to plant species endemic to coastal Monterey County. The plant palette used for restoration will be reviewed and approved by the Laguna Grande Regional Park Joint Powers Authority.

b. The restoration plan will include seed collection and transplantation/preservation or restoration/preservation guidelines. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native invasive plants. Monitoring will occur

for a minimum of five years after mitigation area installation to verify that restoration activities have been successful and will include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years.

c. The abundance of annual plants naturally varies from year to year depending on multiple factors including disturbance and rainfall. The performance standard for successful mitigation will be a minimum 2:1 replacement ratio (i.e. two plants observed in the restoration area for each plant lost from the impact area) during at least one spring occurring in year 3, 4, or 5 after installation. The plan will contain options for corrective action and extended maintenance/monitoring if the performance standard is not achieved during the 5-year monitoring period.

d. During each monitoring effort undertaken in the restoration area, a qualified biologist will conduct a comparison of spring survey conditions from the previous year(s) and prepare a written report for the Laguna Grande Regional Park Joint Powers Authority. If adaptive management (corrective measures) are warranted, a description and recommendation will be included in the annual report.

c. Wetlands and Waters of the U.S. A review of the National Wetlands Inventory online database was conducted to identify the closest jurisdictional aquatic features on or adjacent to the project site (USFWS 2021). As shown on Figure 7, National Wetlands Inventory, three types occur within the project boundary: freshwater emergent wetland, freshwater forested/shrub wetland, and lake. Areas of wetland vegetation, including cattail, common reed, and bulrush/tule, and riparian vegetation, including arroyo willow woodland, are shown on Figures 1 and 2 of the focused plant survey report in Appendix A of the Maintenance Strategy, which is Appendix A of this initial study. Potentially jurisdictional features include Laguna Grande Lake, associated wetland or riparian woodland areas adjacent to the Lake, and the drainage associated with Canyon del Rey Creek.

If located within or adjacent to invasive removal, maintenance or improvement footprints, impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. Policy LUD-CZ 3.1C of the LCP/LUP identifies a minimum 50-foot buffer of ESHA, including wetlands, is typically required, however the buffer may be reduced to 25 feet in conjunction with additional mitigation measures, including implementation of a restoration plan. Where possible, a 25-foot buffer of ESHA will be incorporated into project plans, however impacts where invasive removal and restoration activities intended to improve ESHA are unavoidable. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure

BIO-11 Prior to disturbance in or within 25 feet adjacent to wetlands, a qualified biologist will prepare a wetland delineation to determine the extent of potential wetlands and waterways regulated by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife. If the U.S. Army Corps

of Engineers claims jurisdiction, the Laguna Grande Regional Park Joint Powers Authority will retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the Laguna Grande Regional Park Joint Powers Authority shall proceed with the qualified biologist in obtaining an Individual Permit from the U.S. Army Corps of Engineers. The Laguna Grande Regional Park Joint Powers Authority will also retain a qualified biologist to coordinate with the Regional Water Quality Control Board to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the Laguna Grande Regional Park Joint Powers Authority will also retain a qualified biologist to coordinate with the California Department of Fish and Wildlife to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to jurisdictional features that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

i. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of disturbance activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.

Or

ii. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

d. **Wildlife Movement.** Terrestrial species must navigate a habitat landscape that meets their needs for breeding, feeding and shelter. Natural and semi-natural components of the landscape must be large enough and connected enough to meet the needs of all species that use them. Wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites.

Laguna Grande Regional Park is one of the largest remaining freshwater open spaces in the area. The proposed project includes measures to remove invasive species, enhance and restore habitats, and improve trail facilities. These measures are anticipated to provide beneficial impacts to habitat for wildlife, and further facilitate movement through the park to Canyon del Rey. No mitigation measures are necessary.

Source: ESRI 2022, USFWS 1998

Figure 7

National Wetland Inventory Map

Laguna Grande Trail and Vegetation Maintenance Strategy – Initial Study

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e. **Local Biological Resource Policies/Ordinances.** The City of Monterey General Plan includes a Conservation Element that provides direction for the conservation, development and utilization of natural resources. Goal b, Water Quality, protects "creeks, lakes, wetlands, beaches, and Monterey Bay from pollutants" and calls for retaining and restoring "wetlands, riparian areas, and other habitats, which provide remediation for degraded water quality." Goal d, Flora and Fauna and Marine Resources, seeks to "protect the character and composition of existing native vegetative communities. Conserve, manage, and restore habitats for endangered species, and protect biological diversity represented by special status plant and wildlife species." This goal is supported by policies such as Policy d.5, which calls for reducing "biotic impacts to a less-than-significant level on project sites by ensuring that mitigation measures identified in biotic reports are incorporated as conditions of approval for development projects."

The City of Seaside General Plan includes a Conservation and Open Space Element containing "goals and policies to protect and maintain natural resources such as water, soils, wildlife and minerals, and prevent wasteful resource exploitation, degradation and destruction." Additionally, it contains "goals and policies to manage open space areas including undeveloped lands and environmentally constrained areas." Policy COS-4.2 calls for the protection and enhancement of "creeks, lakes, and adjacent wetlands for their value in providing visual amenity, habitat for wildlife, and recreational opportunities."

Implementation plans require close consultation "with the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW) during the discretionary project permitting and CEQA review of any project that may result in the alteration of a stream bed, involve the removal of vegetation in wetland and riparian habitats, or disturb Waters of the United States." Public development projects are also required "to comply with the City of Seaside's certified Local Coastal Program, which protects natural features within the beachfront areas in the City, including the Laguna Grande/Roberts Lake Areas."

The Laguna Grande/Roberts Lake Local Coastal Program was adopted by the Monterey City Council in 1981 with an accompanying Land Use Plan developed in 2000. Its policies seek "to preserve and enhance the natural resources, environmental quality, and community character of the coastal zone." It calls for shoreline improvements to Laguna Grande Lake to be "designed so as to encourage use by wildlife."

The Seaside LCP/LUP was adopted in 2013 and contains a number of policies applicable to the protection of natural resources. Policy NCR-CZ 1.1.C limits development to minimize adverse effects to natural coastal resources. Policies NCR-CZ 1.2.A and NCR-CZ 1.2.B include the definition of ESHA and measures for the protection of ESHA. Policies NCR-CZ 1.3.A and NCR-CZ 1.3.B include the definition of wetlands and measures for the protection of aquatic resources. Policy LUD-CZ 3.1A identifies the need for site-specific biological analysis, setbacks from ESHA, and mitigation requirements. Policy LUD-CZ 3.1B identifies the need for a site-specific vegetation management report, including a plant inventory, appropriate buffers, and mitigation

requirements. Policy LUD-CZ 3.1C identifies the need for a site-specific wetland delineation and guidelines for the protection of wetland resources, including permit acquisition and compensatory mitigation.

Additional policies specific to the Laguna Grande Subarea include Policy NCR-LG 1.1.A, which requires using the best available methods for vegetation management for exotic and invasive plant removal, planting, and maintenance of native vegetation. Policy NCR-LG 4.1.A requires the protection of water quality within Laguna Grande Lake to improve recreational opportunities and preserve and enhance habitat values.

Mitigation measures contained in this section will mitigate impacts to biological resources to a less-than-significant level. With these considerations, the proposed project would not conflict with local policies and ordinances related to biological resources.

Trees. Chapter 37, Preservation of Trees and Shrubs, of the City Code of Monterey, assures preservation of trees and replacement of trees when removal is unavoidable. Section 37-12, Local Landmark Trees, defines oak trees with a ten-inch diameter trunk and conifers with a twelve-inch trunk as "local landmark trees." The "local landmark tree" category establishes a process for reviewing and recommending trees that should be protected and preserved because of their outstanding size, prominence, and/or health.

Chapter 8.54 of the Seaside City Ordinance restricts the removal of trees citywide. A tree is defined as a woody perennial plant which usually but not necessarily has a single trunk and a height of ten feet or more, or has a circumference of twenty inches measured at twenty-four inches above the ground. No person can conduct any tree cutting or removal without first obtaining a permit from the Director of Public Works. Section 8.54.060 outlines the requirements for tree removal permits for projects proposing new construction. Section 8.54.070 and 8.54.080 include replacement ratios and protection of trees during construction.

The proposed project includes the removal of non-native trees, including acacia, blue gum eucalyptus, white ash, Ngaio tree, cherry plum, and Chinese elm trees. Although no native trees are currently planned for removal, invasive removal, maintenance or improvement footprints will remove or encroach on protected trees. Impacts to protected trees are considered significant adverse environmental impacts. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure

BIO-12 Per section 8.54.060 of the Seaside City Ordinance, the zoning administrator, or his designee (a qualified forester or arborist) will prepare a report on trees based on the applicant's plans and a site inspection of the land. Implementation of specific protections for preserved trees during disturbance activities will be followed; and replacement plantings for damaged or removed trees will be installed.

f. **Conservation Plans.** There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site.

5. CULTURAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?	☐	☐	☐	☒
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	☐	☒	☐	☐
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Comments:

This section is based on the on the Northwest Information Center (NWIC) archival data record search and the archaeological pedestrian survey conducted by EMC Planning Group Inc.'s archaeologist on October 13, 2021. NWIC number for this project is NWIC #21-0317.

According to the NWIC records, there are no resources within the project area. There are two resources located within 1/8 the project area. The resources within 1/8 of the project include a 200-foot segment of the Southern Pacific Railroad and two obsidian isolates. The railroad segment lacks integrity and, therefore; there is not additional information regarding significant associations it may possess. Due to the two obsidian flakes being isolates they are not eligible for California Register of Historic Places (CRHR) listing. Additionally, according to the NWIC records there are a total of eleven reports located within 1/8-mile radius of the Laguna Grande Maintenance project. The project will not impact the resources mentioned in those reports.

The archaeological pedestrian survey results were negative. There was no trace evidence of cultural resources such as shell fragments, groundstone, debitage (flaked rock from toolmaking), or charring from hearths. There was a memorial plaque for the associate editor of the Monterey Peninsula, Ed Kennedy, observed and it is located near the bathrooms by the playground which is located next to the Russian Orthodox Church.

a. This project would have no impact to historic resources.

b. Although there was no trace evidence of archaeological resources on the surface of the project area there may be unknown buried archaeological resources, and could be damaged or destroyed by ground-disturbing construction activities associated with the proposed project plan. This would be considered a significant impact. Implementation of the following mitigation measures would reduce this potential, significant impact to a less than significant level.

Mitigation Measure

CR-1 If any archeological, prehistoric, or historic subsurface resources, including tribal cultural resources, are discovered during ground-disturbing (including tree and vegetation removal, path widening):

a. All work within 50- meter (165 feet) shall be halted and a qualified archaeologist shall be consulted to assess the significance of the finding according to CEQA Guidelines Section 15064.5.

b. If any find is determined to be significant, representatives from the City of Monterey Recreation Department and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation.

c. All significant prehistoric cultural materials and or tribal cultural resources recovered shall be; returned to Native American tribes traditionally and culturally affiliated with the area.

d. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations.

e. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be implemented.

f. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

c. There were no evidence of human remains on the surface, nonetheless the soils underlying the project site area and ground disturbing activities associated with the proposed project could damage or destroy previously undiscovered human remains. This would be a significant impact. Implementation of mitigation measure CR-1 and CR-2 would ensure potential impacts are less than significant.

Mitigation Measure

CR-2 California Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Monterey County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours, who would, in turn, notify the person the Native American Heritage Commission identifies as the Most Likely Descendant of any human remains. Further actions shall be determined, in part, by the desires of the Most Likely Descendant. The Most Likely Descendant has 48 hours to make recommendations regarding the disposition of the remains following notification from the

Native American Heritage Commission of the discovery. If the Most Likely Descendant does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

6. ENERGY

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Comments:

a-b. The proposed project includes the maintenance and enhancement of the trail systems within Laguna Grande Regional Park and would not directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy. The project would not conflict with state or local plans for energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☒	☐
	(2) Strong seismic ground shaking?	☐	☐	☒	☐
	(3) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	(4) Landslides?	☐	☐	☐	☒
b.	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d.	Be located on expansive soil, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Comments:

a. **Fault**. The Monterey Peninsula, including Seaside, is located in a seismically active area. The regional faults include the San Andreas and its eastern branches including the Monterey Bay Fault Zone and its on-land extensions, the Chupines and Navy Faults, the San Gregorio-Palo Colorado Fault Zone, the King City-Reliz-Rinconada Fault, and the

Zayante-Vergeles Fault. Local faults include Ord Terrace Fault and Seaside Fault (City of Seaside 2004). According to the Monterey County Parcel Report Web App, the Chupines Fault runs approximately 0.13 miles northeast of the project site and is classified as potentially active. However, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation 2022).

Implementation of the proposed project would not significantly increase exposure of people to rupture of a known fault because all trail users would be outdoors and the damage would be of a much smaller scale due to the lack of structures onsite (aside from the restroom facilities) where the threat from falling buildings and earthquake-induced fire is high. Further, it is impossible to anticipate a seismic event so there are no precautions that can be taken to avoid or reduce seismic events for trail users in the area. Therefore, this impact would be less than significant.

Seismic Ground-Shaking. According to the *Final Seaside General Plan EIR* ("Seaside General Plan EIR"), the entire City of Seaside, which includes the project site, is at risk for damage by seismic ground-shaking. However, as discussed under "Faults," all trail users would be outdoors and the damage would be of a small scale due to the lack of structures onsite (aside from the restroom facilities) where the threat from falling buildings and earthquake-induced ground-shaking is high. Further, no precautions can be taken for outdoor trail-users to avoid or reduce seismic events. This impact would be less than significant.

Liquefaction. According to the Monterey County Parcel Report Web App, the project site has high risk potential for liquefaction. However, the threat of liquefaction is higher for development projects since it causes structural instability in buildings due to the ground's failure to handle the stress load from the structures. The proposed project involves the maintenance and enhancement of the existing trail system at the Laguna Grade Regional Park, which would not result in direct or indirect adverse effects involving liquefaction. Therefore, the project would not directly or indirectly cause potential substantial adverse effects involving liquefaction.

Landslide. There is no history of landslides in the City of Seaside and landslides in the area are not identified on the U.S. Landslide Inventory (USGS 2022). As such, there is considered to be a negligible level of risk related to landslides. Therefore, this issue is not discussed further.

b. According to the Monterey County Parcel Report Web App, the project site has low and moderate erosion potential.

Construction. Phase one of the project implementation for individual portions of the trail system would result in a total ground disturbance that is less than 1.0 acre. Therefore, the project would not be subject to the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board.

Compliance with local regulations, such as the City of Seaside Municipal Code Section 15.32.180, City of Monterey Municipal Code Chapter 31.5, and Monterey County Code Chapter 16.12, that contain design standards, permitting, and grading regulations for runoff and erosion control would reduce soil erosion and the loss of topsoil. Compliance with these local regulations would reduce the risk of soil erosion during implementation of the proposed project, ensuring impacts would be less than significant.

Operation. As indicated previously, the project site has low and moderate erosion potential. As such, erosion may occur during project operation. The existing trail system includes gravel, DG, and mulch pathways with concrete limited to the existing restroom facilities and at bridge abutments on the north end of the site. The existing trail system includes unpaved shoulders on each side. Continued use of the trails has the potential to result in soil erosion and loss of topsoil. However, trail maintenance as part of the project would include upkeep of the gravel, DG, and mulch trails, ensuring soil compaction to reduce erosion. The project also includes installation of headers or curbs to maintain trail edges along the lake that has been impacted by erosion; this would also guide recreational users to stay on the trails, maintaining the natural habitat where there is the potential to increase erosion and soil loss. Therefore, implementation of the proposed project (i.e., maintenance to the trail system) would ensure impacts related to operational erosion would remain less than significant.

c. According to the LCP, lateral spreading is considered to be potentially significant at the project site (p. 3.5). However, the threat of lateral spreading is higher for development projects since it causes structural instability in the soil. The proposed project involves the maintenance and enhancement of the existing trail system at the Laguna Grade Regional Park, which would not result in the increase of existing adverse impacts involving soil that is unstable. Therefore, this impact would be less than significant

d. The Baywood Sand and Rindge Muck soils in the project area (Monterey County 2022) are generally not expansive, so risks associated with expansive soils are anticipated to be low. The proposed project as a park maintenance project would not create substantial direct or indirect risks to life or property.

e. The project site consists of a public restroom and would not involve septic systems. The proposed project would not result in any impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

f. The project site is not in an area of high paleontological sensitivity as shown on Figure 4.7-4 of the certified *Fort Ord Trail and Greenway Project Final Environmental Impact Report* (Transportation Agency for Monterey County, 2020) or the County of Monterey GIS maps (Monterey County, accessed 2022). In addition, the project does not include any construction activities requiring that a depth of disturbance beyond a maximum of a couple of feet. Therefore, it is improbable that paleontological resources would be discovered on-site given the low potential for such resources and extent of disturbance. However, there is still a possibility that construction activities could result in the

disturbance and/or accidental destruction of paleontological resources. Implementation of the following mitigation measures would reduce this potential, significant impact to a less-than-significant level.

Mitigation Measures

GEO-1 All construction personnel must receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The Laguna Grande Regional Park Joint Powers Authority shall document evidence of completion of this training prior to ground disturbance

GEO-2 If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.

8. GREENHOUSE GAS EMISSIONS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Comments:

a-b. The proposed project does not involve typical construction activities such as grading or demolition; the activities occurring during implementation of the proposed project would be a minor source of greenhouse gas (GHG) emissions. The Monterey Bay Air Resources District does not provide guidance for use by local lead agencies for assessing the impacts of GHG emissions either during construction or operation of development projects. Given this fact, lead agencies within the air district boundary have commonly referred to GHG impact analysis guidance provided by an adjacent air district – the Bay Area Air Quality Management District (reference BAAQMD's 2017 CEQA Guidelines). That guidance does not include a threshold of significance for construction phase GHG emissions; only operational emissions are subject to analysis for their potential to cause significant impacts. The Bay Area Air Quality Management District is expected to adopt new GHG impact analysis guidance for assessing GHG impacts of development projects in the coming months. That guidance is expected to be similar in regards to how construction emissions are addressed.

Relative to typical land use development projects, the proposed project includes only minor improvements that would not require the use of typical construction equipment and would only occur for short periods of time. GHG emissions from this activity would be minor and the GHG impact would be less than significant.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	☐	☐	☐	☒
e.	For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Comments:

a-b. The proposed project includes the maintenance and enhancement of the trail systems within Laguna Grande Regional Park. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c. The project site is located within one-quarter mile of the Cypress Continuation High School. However, the proposed project includes the maintenance and enhancement of

the trail systems within Laguna Grande Regional Park and would, therefore, not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste that would impact the school.

d. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (California Department of Toxic Substances Control 2022) and, as a result, would not create a significant hazard to the public or the environment.

e. The project site is located within two miles of the Monterey Peninsula Regional Airport and within the Monterey Peninsula Regional Airport Land Use Plan (Monterey County 2019). However, the project involves the maintenance and enhancement of the existing Laguna Grande Regional Park. Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area.

f. The proposed project involves the maintenance and enhancement of the existing Laguna Grande Regional Park and would not impact the three nearest evacuation routes pursuant to the Monterey County's peninsula region evacuation guide (Del Monte Avenue, Fremont Boulevard, and Canyon Del Rey Boulevard) (Monterey County Office of Emergency Services 2022). Therefore, the project would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g. The LCP identifies the project site as being within 2,400 meters of a moderate threat of wildfire (Figure 2-6). Refer also to Section 20, Wildfire. The project would not expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1)	Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(2)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
(4)	Impede or redirect flood flows?	☐	☐	☐	☒
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Comments:

a. As discussed in the response under "b" in Section 7.0, Geology and Soils, phase one of the project implementation for individual portions of the trail system would result in a total ground disturbance that is less than 1.0 acre. Therefore, the project would not be subject to the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board.

Homeless encampments occur within the Laguna Grande Regional Park creating water quality concerns due to anthropogenic debris. The proposed project would remove dense and overgrown vegetation within the area, which have attracted homeless encampments over the years. Maintaining the cleanliness of the site is anticipated to decrease, if not completely remove, the homelessness attraction of the area. Therefore, the proposed project would not substantially degrade surface or ground water quality and may improve the water quality standards of the site.

b. All runoff from the proposed project drains into the soil (or non-asphalt/concrete trails) onsite or drains through surface and subsurface pathways into the Laguna Grande Lake encouraging groundwater recharge. As a park maintenance and enhancement project, the proposed project would have no impact on groundwater supplies or interfere with groundwater recharge.

c. **Erosion**. As identified in Section 7.0, Geology and Soils, the project site contains low and moderate erosion potential.

During implementation of the proposed project, soil disturbance is minimal and would not result in substantial erosion or siltation on- or offsite. Compliance with local regulations, such as the City of Seaside Municipal Code Section 15.32.180, City of Monterey Municipal Code Chapter 31.5, and Monterey County Code Chapter 16.12, that contain design standards, permitting, and grading regulations for erosion control would ensure impacts remain less than significant.

Erosion may occur during project operation. However, trail maintenance as part of the project would include upkeep of the gravel, DG, and mulch trails, ensuring soil compaction to reduce erosion. Impacts from operational erosion would be less than significant. Refer back to Section 7.0, Geology and Soils, response to checklist question b for more detail.

Flooding and Runoff. All runoff from the proposed project drains into the soil (or non-asphalt/concrete trails) onsite or drains through surface and subsurface pathways into the Laguna Grande Lake. The water within the Laguna Grande Lake is connected through a man-made canal that runs underneath Del Monte Boulevard and directs the water flow towards the ocean. The proposed project includes repairing existing asphalt trails that are impacted by root growth and have become a concern for accessibility and safety. The proposed project would not increase the number of impervious surfaces at the project site or alter the existing drainage pattern. As a maintenance and enhancement park project, it would not create or contribute runoff water that would exceed the capacity of existing storm drainage systems. Onsite drainage and natural filtration of surface runoff would improve through the project's clearing of dense, overgrown vegetation and restoring native plant communities. Therefore, the proposed project would have no impacts on runoff and would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.

Flood Flows. The proposed project would repair and enhance the existing trail system at the Laguna Grande Regional Park and would not impede or redirect flood flows through its implementation.

d. The project site includes the Laguna Grande Lake; therefore, it is almost entirely within the 0.2 percent annual chance flood hazard zone (Zone AE) (FEMA 2022). Being in the coastal zone, the project site is also within a tsunami evacuation zone (City of Seaside 2013, Figure 2-7) and seiches could occur in the area.

However, the project is the maintenance and enhancement of the existing trail system at the Laguna Grande Regional Park and, therefore, would not exacerbate existing conditions related to flooding, tsunamis, or seiches on the site during or after implementation.

e. The proposed project, as a maintenance and enhancement park project, has no impact on groundwater and would, therefore, have no conflict with a sustainable groundwater management plan. Water quality would be improved at the Laguna Grande Regional Park as natural filtration of pollutants in surface waters onsite would occur through the project's clearing of dense, overgrown vegetation and restoring native plant communities.

As identified previously, the proposed project would have no impacts on groundwater and, therefore, would not conflict with or obstruct implementation of a sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Physically divide an established community?	☐	☐	☐	☒
b.	Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Comments:

a. The proposed project involves the maintenance and enhancement of the existing Laguna Grande Regional Park and, therefore, would not physically divide an established community.

b. The project involves trail maintenance and enhancement within the existing Laguna Grande Regional Park. These activities are supported and encouraged by, rather than conflicting with, the City of Seaside LCP, the City of Monterey General Plan, and the *Laguna Grande Regional Park Master Plan and EIR Addendum* (Laguna Grande Regional Joint Powers Agency 1978) that govern the area. The proposed project complies with the City of Seaside LCP: Policy NCR-LG 2.1.B by its intent on enhancing and preserving the park and its trails and clearing invasive species vegetation that has overgrown and blocked views of the Laguna Grande Lake; Policy NCR-CA 1.1.B through its implementation of native enhancement and restoration that will sustain the biological productivity of coastal waters; Policy PAR-CZ 1.1.B by maximizing and protecting pedestrian and bicycle connectivity and recreational opportunities in the coastal zone; Policy PAR-CZ 1.1.D by its protecting and enhancing public recreational facilities (i.e., Laguna Grande Regional Park); and Policy PAR-CZ 1.3.A through its maintenance of the existing trail system. The proposed project complies with the City of Monterey General Plan Policy d.3 as it is a collaborative effort to maintain and enhance the exiting habitat and scenic resources for both Seaside and Monterey.

With implementation of mitigation measures presented in section 4, the proposed project would not conflict with any local policies and ordinances related to biological resources. The project also does not conflict with or obstruct implementation of a sustainable groundwater management plan.

Therefore, the proposed project would not cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

12. MINERAL RESOURCES

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒

Comments:

a-b. The *2010 Monterey County General Plan* ("County General Plan") states that although Monterey County contains useful minerals, geological complexity caused by faulting and deformation makes further investigation difficult and inconclusive (Monterey County 2010). The County General Plan does not identify any specific mineral resources or mineral sites. The City of Monterey and the City of Seaside do not include any land zoned for mineral extraction and no mineral extraction occurs within the project area. No mineral resources are known to occur within the project site (United States Geological Survey 2022). Furthermore, as a project that does not include structures, the proposed project would not affect the long-term availability of mineral resources that could occur within the study area. Therefore, there would be no impact to mineral resources.

13. NOISE

Would the project result in:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	☐	☐	☒	☐
b.	Generation of excessive ground-borne vibration or ground borne noise levels?	☐	☐	☒	☐
c.	For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Comments:

a. Sensitive receptors (i.e., residences) surround the project site to the west and east, the nearest being on the southwestern border of the project site. The proposed project would not result in any impacts to ambient noise levels during its operation, but may result in temporary increases in ambient noise levels during its implementation activities. However, this noise would be temporary and be limited to daytime hours per the City of Seaside's Noise Ordinance (Section 9.12.030.D). Therefore, this potential impact is ensured to remain at a less-than-significant level.

b. Implementation activities associated with the proposed project include clearing non-native vegetation and overgrown brush, tree and limb removal, paving on existing trails to level out those that are a safety hazard due to root damage, implementation of a new eight-foot seasonal mulch trail through the southern riparian woodland, installation of a header or curb to maintain trail edges along the lakeside, repairing or replacing culverts under the existing park trails, and providing a formal trail connection to Fremont Boulevard. The majority of these activities would not involve ground-borne vibrations or the generation of excessive ground-borne noise levels. However, a few activities (such as improving existing trails with root damage, the installation of a header or curb, and the formal trail connection to Fremont Boulevard) may result in the generation of excessive ground-borne vibrations or noise levels.

Project construction activities would be temporary and within limited hours per the City of Monterey Municipal Code Section 38-112 to between 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 5:00 p.m. Sunday; and per the City of Seaside's Noise Ordinance (Section 9.12.030) to between 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. and 7:00 p.m. on Saturday, Sunday, and holidays ensuring potential impacts remain at a less-than-significant level.

c. The proposed project does not involve increasing the residential population of the region in a way that could expose people residing or working in the project area to excessive noise levels from the nearby Monterey Regional Airport located approximately 0.6 miles south of the project site.

14. POPULATION AND HOUSING

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b.	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments:

a-b. The proposed project involves the maintenance and enhancement of the trail systems within Laguna Grande Regional Park. The project does not involve inducing unplanned population growth in an area or displacing any numbers of existing people or housing.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☐	☒
b. Police protection?	☐	☐	☐	☒
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒
e. Other public facilities?	☐	☐	☐	☒

Comments:

a-c, e. The proposed project involves the maintenance and enhancement of the Laguna Grande Regional Park trail system and would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire, police, or school facilities, the construction of which could cause significant adverse environmental impacts.

d. The maintenance and enhancement of the project site have been discussed and planned for by the City of Seaside for years and was continuously put off due to the lack of funding. Implementation of the proposed project would result in a significant benefit to the park and City of Seaside and, therefore, would not increase the use of the park such that substantial physical deterioration of the facility would occur or be accelerated.

16. RECREATION

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Comments:

a-b. The proposed project's maintenance and enhancement of the Laguna Grande Regional Park trail system would not increase the residential population in the region it would serve and, therefore, would not directly result in an increased demand for and use of existing recreational facilities. However, the project itself would provide an improved recreational resource that already exists. The maintenance and enhancement of the project site have been discussed and planned for by the City of Seaside for years and was continuously put off due to the lack of funding. Implementation of the proposed project would result in a significant benefit to the park and City of Seaside and, therefore, would not increase the use of the park such that substantial physical deterioration of the facility would occur or be accelerated.

17. TRANSPORTATION

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b.	Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d.	Result in inadequate emergency access?	☐	☐	☐	☒

Comments:

a. The proposed project as a maintenance and enhancement of the existing trails system within the Laguna Grande Regional Park would not conflict, but rather comply, with the programs, plans, ordinances, and policies addressing the circulation of the area. The proposed project would benefit the existing pedestrian and bicycle facilities within the Laguna Grande Regional Park through its implementation of maintenance strategies that would create a more accessible, safe, and long-lasting park for the surrounding community and region.

b. The proposed project involves the maintenance and enhancement of the Laguna Grande Regional Park and would not increase the number of vehicles coming and going from the site. The proposed project's purpose of providing a clear set of priorities and means for maintaining the trails and vegetation throughout the project site has no association with transportation vehicle miles traveled. Therefore, the project would not conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b).

c. The proposed project involves the maintenance of the existing trail system within the Laguna Grande Regional Park and would improve existing hazards, not increase them. Therefore, there would be no impact.

d. The proposed project would clear non-native vegetation and overgrown brush to provide maintenance for emergency services foot access. At the southside of the project site, proposed tasks include enhancing an existing trail section and width for the use of Type 3 firetrucks and provide for a location for firetruck turnaround. Therefore, the proposed project would improve emergency access at the site.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or	☐	☒	☐	☐
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Comments:

a. (1,2) The CEQA statue as amended by Assembly Bill 52 (AB 52) (Public Resources Code Section 21073 and 21074) defines "tribal cultural resources", and "California Native American tribe" as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. Public Resources Code Section 21080.3.1 outlines procedures for tribal consultation as part of the environmental review process. On October 5, 2021, on behalf of the Laguna Grande Regional Park JPA, EMC Planning Group sent an offer of consultation letter to the tribal representatives of the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Esselen Tribe of Monterey County, Indian Canyon Mutsun Band of Costanoan, Kakoon Ta Ruk Band of Ohlone- Costanoan Indians of the Big Sur Rancheria, Ohlone/Costanoan- Esselen Nation, Rumsen Am:a Tur:ataj Ohlone, Salinan Tribe of Monterey, San Luis Obispo Counties, Santa Rosa Rancheria tachi Yokut Tribe, Tule River Indian Tribe, Wuksache Indian Tribe/ Eshom Valley Band, and Xolon-Salinan Tribe.

On October 25, 202, EMC Planning Group the City received a response letter and request for consultation with the Laguna Grande Regional Park JPA, from the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria ("Tribe"). No other requests for consultation per AB 52 were received. The Tribe has provided its Cultural

Resources Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria (Appendix C). In the unlikely event that cultural resources are encountered, outreach to the appropriate Native American tribal representatives would occur and implementation of mitigation measures outlined in Section 5.0, Cultural Resources, would be required to ensure that impacts related to tribal cultural resources are less than significant.

Mitigation Measure

TCR-1 The Laguna Grande Regional Park JPA will notify the KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria two-weeks prior to any earth-moving activity and the Tribe's cultural resource specialist(s) will be allowed onsite for monitoring. Appropriate safety protocols shall be adhered to by all people on-site during the project or site access may be revoked. The Tribe's treatment protocol should be implemented.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d.	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Comments:

a. The proposed project involves the maintenance and enhancement of the Laguna Grande Regional Park trail system and does not impact any facilities that use water, wastewater treatment, storm drainage, electric power, natural gas, or telecommunication facilities. Therefore, no impact would occur with implementation of the project.

b. The proposed project does not require the use of water and, therefore, would not impact water supplies.

c. The proposed project does not propose additional facilities that would generate water requiring water treatment or distribution facilities and, therefore, would not impact wastewater treatment providers.

d-e. The proposed project, as a maintenance and enhancement park project, would not generate solid waste and, therefore, would not result in excess solid waste of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals nor conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b.	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	☐	☐	☐	☒
c.	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d.	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Comments:

a-d. The project site is not located in or near a state responsibility area or land classified as very high fire hazard severity zone. The nearest high fire hazard in a state responsibility zone is located approximately 1.3 miles south of the project site (CalFire 2022). Therefore, no discussion is necessary.

21. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a.	Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☐	☒
c.	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Comments:

a. As discussed in Section 4, Biological Resources, there are several special-status species potentially occurring in the project vicinity including, but not limited to, California red-legged frog, Coast Range newt, western pond turtle, burrowing owl, tricolored blackbird, American badger, Monterey dusky-footed woodrat, Monterey shrew, special-status bats, and nesting birds and raptors. Arroyo willow woodland and California bulrush marsh located within the site are listed by CDFW as sensitive natural communities. In addition, both communities are also considered Environmentally Sensitive Habitat Areas (ESHA) by the California Coastal Commission (CCC), as well as the emergent wetland and estuarine habitats associated with Laguna Grande Lake. There are also protected trees on site.

Disturbance activities could result in impacts to special-status species, the disturbance of arroyo willow woodland, California bulrush marsh, wetlands or estuarine habitat, or protected trees. Implementation of Mitigation Measures BIO-1 through BIO-12 would reduce these potential impacts to a less-than-significant level.

As described in Section 5, Cultural Resources, the project site does not consist of historic structures on-site and is not known to contain any historic or prehistoric resources. However, it is possible that these resources could be accidentally uncovered during

grading and construction activities. In the event this should occur, Mitigation Measures CR-1 and CR-2 outlined in this section would ensure that the potential impacts would not be significant.

b. Based on the analysis provided in this initial study, the proposed project, the proposed project does not have individually limited, but cumulatively considerable impacts.

c. Based on the analysis provided in this initial study, the proposed project does not have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

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