COUNTY OF MONTEREY
HOUSING & COMMUNITY DEVELOPMENT
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INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title:	Packard Julie E Tr
File No.:	PLN200315
Project Location:	Next to parcel with addresses of 1957 & 1965 Highway 1, Moss Landing
Name of Property Owner:	Packard Julie E Tr
Name of Applicant:	Resource Conservation District of Monterey County
Assessor's Parcel Number(s):	413-081-004-000 and 413-081-003-000
Acreage of Property:	216.16 and 97.36
General Plan Designation:	Ag. Preserve 40 ac. min. / Ag. Conservation 40 ac. min.
Zoning District:	CAP(CZ) / AC(CZ) / RC(CZ)
Lead Agency:	Monterey County Housing and Community Development
Prepared By:	Denise Duffy and Associates
Date Prepared:	January 2024
Contact Person:	Fionna Jensen, Senior Planner, Monterey County Housing and Community Development
Phone Number:	(831) 796-6407

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

Description of Project:

Introduction

The description included below is based primarily on the *Technical Memorandum of Stormwater Denton Pond for Agricultural Runoff*, prepared by the Resource Conservation District of Monterey County ("RCDMC"), dated October 2020, revised June 2021.

The project consists of improvements to an existing detention pond ("Proposed Project") located within the Packard Ranch (hereafter referred to as the "Ranch"), in Moss Landing between Highway One and the Elkhorn Slough. See **Figure 1. Regional Map** for more detail. The applicant proposes to improve and expand the detention pond so that the runoff is detained and slowed to reduce the amount of sediment entering the Elkhorn Slough, and to potentially create habitat for waterfowl and amphibians, see **Figure 2. Site Plans**. The expanded detention pond would cover an area of approximately 0.99 acres.

Background

The Proposed Project is located on the Packard Ranch, an approximate 1,100-acre multi-use ranch in the Elkhorn Slough watershed, located just north of Moss Landing between Highway One and the Elkhorn Slough. Approximately 143 acres of land is used for crop production on an elevated, generally level portion of the site about 100 feet above sea level. The subject property (APN: 413-081-004-000) is located on a 97-acre portion of the Ranch, supports farming, cattle, and horses, and hosts over 40 stockwater ponds constructed for wildlife use. Several agricultural fields were retired from production between 1998 and 2004 and restored to native habitat by the property owner, including a 3-acre field, located just south of Struve Road. In 2017, a 0.1-acre pond was constructed on the east side of the 3-acre retired field to capture stormwater runoff and provide habitat for birds, wildlife, and the special status amphibians known to occur on the property. The existing pond has a depth of approximately 5 feet and a capacity of 561 cubic yards or 0.35-acre feet. The existing 0.1-acre detention pond captures runoff from approximately 38.6 acres of meadow and irrigated land on the Ranch. A barn and several greenhouses are located on the site, however, runoff from the buildings does not flow into the existing pond. Prior to entering the detention pond, the concentrated runoff from the drainage area enters a fenced area at three locations: the northeast, east, and southeast, see **Figure 3. Proposed Project Drainage**. The captured runoff then gently sheet flows to the existing detention pond. The existing detention pond is operated by using an outlet pipe that releases water down a small gully which flows east towards Elkhorn Slough. The 0.1-acre detention pond is currently undersized to adequately capture the runoff from approximately 38.6 acres of agriculture production and restored grassland and lacks both the hydroperiod and infrastructure to be managed for amphibian breeding.

Proposed Improvements

The applicant proposes to expand the existing detention pond to cover an area of approximately 0.99 acres on APN: 413-081-004-000. The expanded detention pond would include an earthen berm on the east side to ensure runoff is contained. There is an existing berm on the east side of the detention pond. During construction, excavated material from the detention pond would be placed along the eastern berm to create a more stable slope. An outlet structure would be installed into the berm on APN: 413-081-003-000. The outlet structure would be a perforated pipe connected to a solid pipe through the improved berm with a water level control structure. The 36-inch diameter corrugated outlet pipe (plastic or metal) would be set in a concrete pad. The water level control structure has weir boards that can be raised so the pond can be periodically drained or lowered to the desired height to hold water for habitat. The expanded detention pond would be deepest towards the east side of the pond, adjacent to the improved berm.

Regional Map

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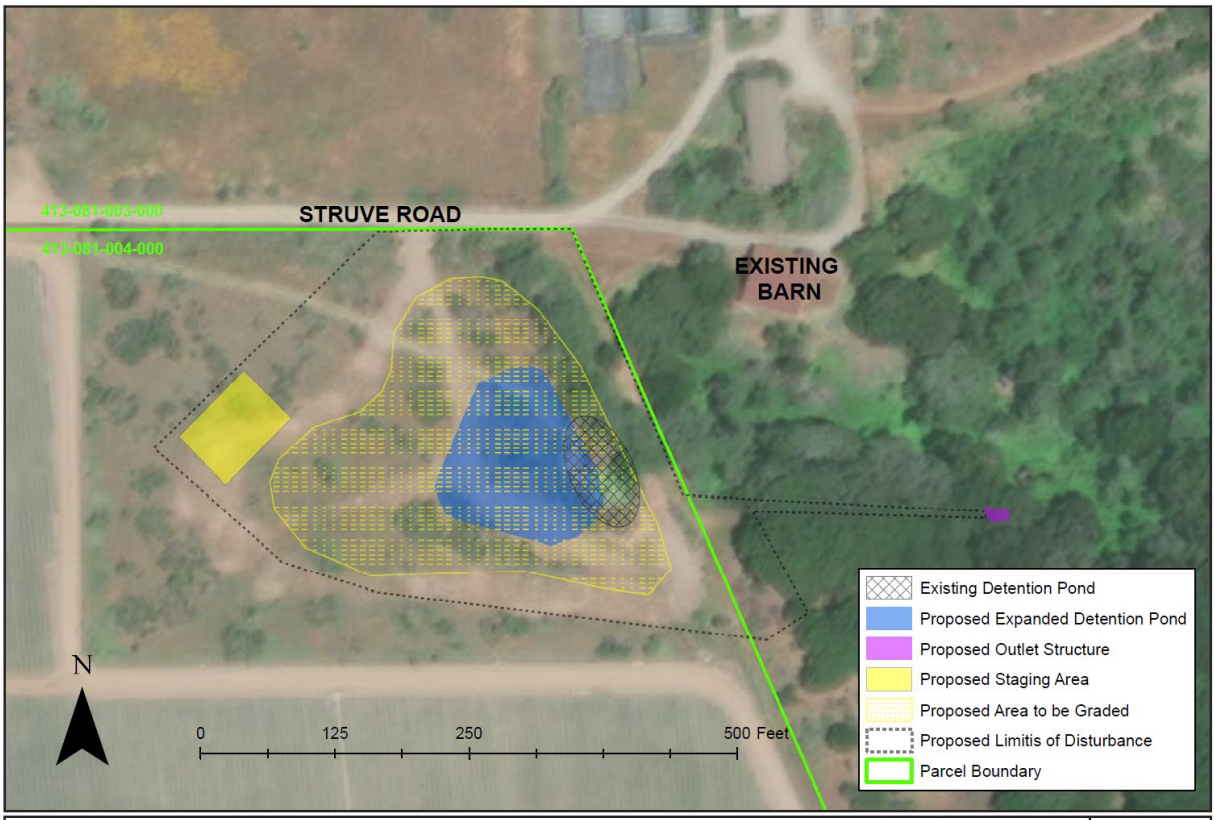
Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 1



Site Plans

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Packard Ranch Stormwater Detention Pond
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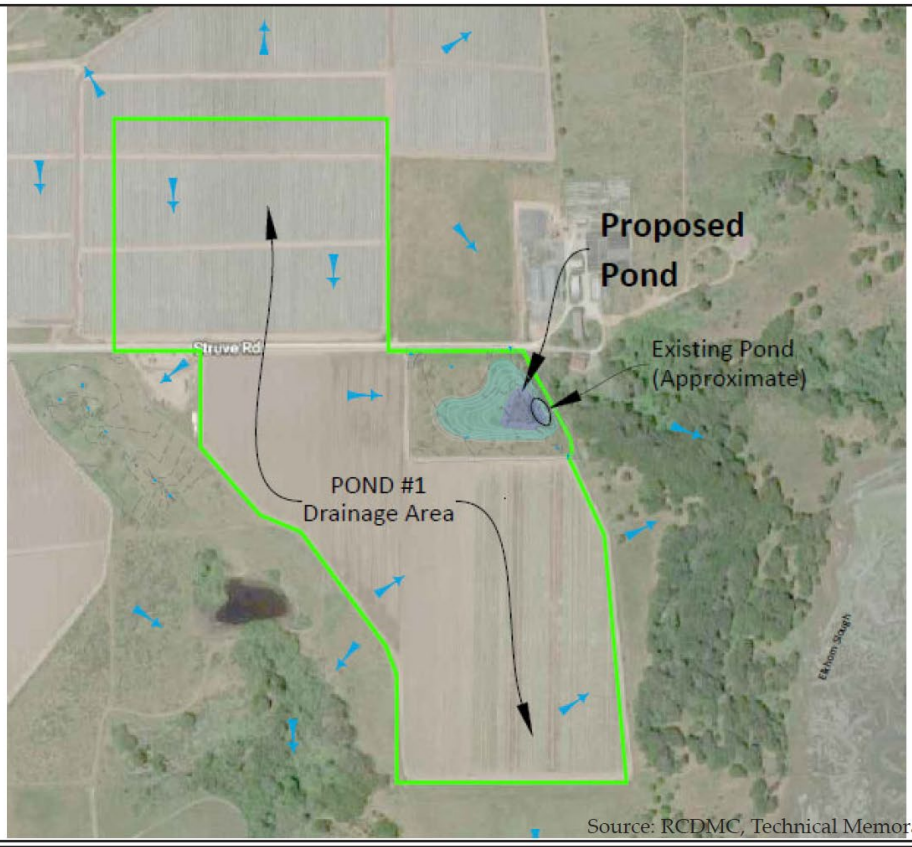
Figure 2



Proposed Project Drainage

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Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 3

The Proposed Project does not include any changes to the existing flow path of the agricultural runoff. Under Proposed Project conditions, the water would continue to filter through existing vegetation prior to entering the new detention pond.

Construction

The applicant prepared a Construction Management Plan, dated June 16, 2021, for the Proposed Project. The existing pond would be expanded by cutting below the existing grade and placing relatively minor amounts of fill in specific areas to create the contours of the expanded detention pond. The Proposed Project site would be accessed via Struve Road via Highway 1. A crew of up to 4 construction workers would be required during construction. Sufficient parking is available onsite near the Proposed Project site. Staging and stockpiling would occur in the immediate vicinity of the project site. Excavated materials would be stockpiled on site and dispersed throughout the Ranch. Construction traffic would be limited to the crew's access to the site, the contractor mobilization and demobilization, and the delivery of pipe and rock. Construction equipment would include an excavator, passenger vehicles, a flatbed semi-truck, a dump truck, and a water truck (Source: 48).

Grading

The Proposed Project would disturb approximately 1.2 acres and require 8,100 cy of cut and 1,635 cy of fill (including the construction of the berm). The excess cut would be distributed onsite at the owner's direction. Approximately 240 cubic yards of material would be graded per day. If stockpile of material is required, the stockpile would be located in the southeast corner of the proposed limits of disturbance and encompassed with fiber rolls.

Operation and Maintenance

The Proposed sediment basin would remove, collect, and provide temporary storage of sediment and water. The Proposed Pond would reduce sediment transport and slow the transport of flow to Elkhorn Slough from adjacent organic, agricultural fields. It is also intended to maintain a 4-ft deep pool in a portion of the pond until mid-July to support amphibian breeding, to ensure the pond can be drained to control non-native predators, such as bullfrogs, and to provide shallow depth areas for amphibian egg-laying, waterfowl food sources, and a mix of open water and vegetated areas for cover from predators. If the Proposed Pond has not drained naturally by the end of summer, Proposed Project objections would be accomplished by implementing and evaluating the effectiveness of appropriate strategies of control, which may include fulling draining/dewatering the Proposed Pond or directly removing invasive species, such as American Bullfrogs.

The estimated life span of the Proposed Project would be at least 20 years. Maintenance of the Proposed Pond and its components (outlet pipe, water level control structure, and lined waterway) would be conducted on an as need and periodic basis. Maintenance or repair activities would be limited to September 1 to October 15 and required to follow the recommendations of the prepared Operations and Maintenance Plan (Monterey County Library No. LIB240044; Source: 60).

Schedule

Construction is anticipated to begin in the July of 2024 and is expected to last approximately two months. The hours of construction would be 8:00am to 5:00pm, Monday through Friday. The phases of construction are broken down below:

- Mobilization – 1 day
- Pond Excavation – 33 days
- Material Screening – 10 days
- Berm Construction – 10 days
- Revegetation – 10 days
- Outlet Pipe and Weir Installation – 3 days

Required County Permits

The Proposed Project would require the granting of a Coastal Development Permit ("CDP") for the improvement of a storm water detention pond, a water level control structure, and an outlet structure. A grading permit would also be required to allow approximately 8,100 cubic yards of cut and 1,635 cubic yards of fill. The granting of a Coastal Development Permit to allow

development within 100 feet of Environmentally Sensitive Habitat Area would also be required. The Monterey County Zoning Administrator is the appropriate authority to consider the Proposed Project.

Surrounding Land Uses and Environmental Setting:

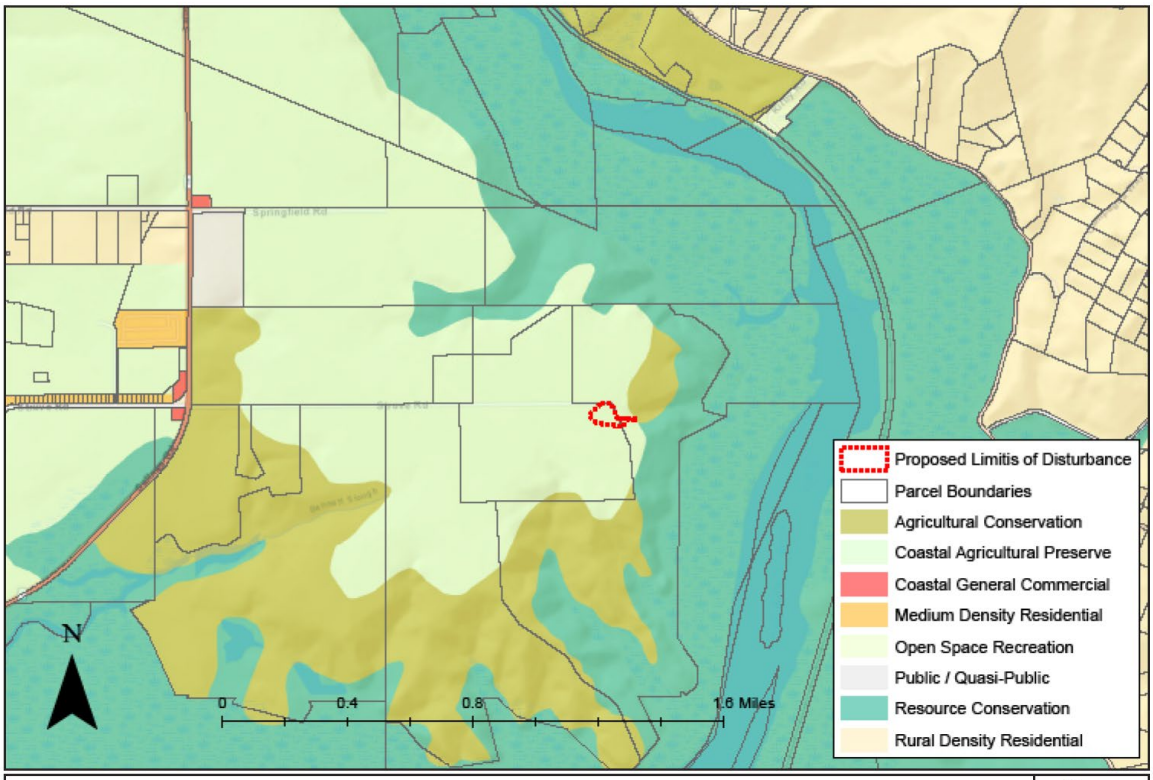
The proposed limits of disturbance, hereinafter referred to as the Proposed Project site, is located on two parcels; APN 413-081-004-000 includes the expanded detention pond and APN 413-081-003-000 includes the outlet structure. The Ranch is located at the end of Struve Street, north of Moss Landing and east of Highway 1, within unincorporated Monterey County. The project site is located west of the Elkhorn Slough. The Ranch is within the North County Land Use Planning area but not within the Moss Landing Community Plan.

According to the Monterey County Land Use Plan for North County, the Proposed Project's western parcel (APN: 413-081-004-000; detention pond) is designated as "Agricultural Conservation – 40 acres minimum" and primarily zoned Coastal Agriculture Preserve (Coastal Zone) ("CAP (CZ)"). This property is under a Williamson Act contract. A small southern portion of this parcel is zoned Agriculture Conservation (Coastal Zone) ("AC (CZ)"). The eastern parcel (APN: 413-081-003-000; outlet structure) is designated as "Agricultural Conservation – 40 acres minimum" and "Resource Conservation - Wetlands and Coastal Strand," and split zoned: CAP (CZ), AC (CZ), and Resource Conservation (Coastal Zone) ("RC (CZ)"). See **Figure 4. Land Use Map** (Source: 34) and Monterey County Geographic Information System (GIS) (Source: 38).

Zoning for the areas surrounding the project site are listed below:

- North: Coastal Agricultural Preserve (Coastal Zone), Resource Conservation (Coastal Zone)
- South: Coastal Agricultural Preserve (Coastal Zone), Agricultural Conservation (Coastal Zone), Resource Conservation (Coastal Zone)
- West: Coastal Agricultural Preserve (Coastal Zone)

East: Resource Conservation (Coastal Zone) (Source: 38)



Land Use Map

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Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 4

Other public agencies whose approval is required:
California Coastal Commission: If approved by the Monterey County Zoning Administrator or other Appropriate Authority, the project would be appealable to the California Coastal Commission.

California Department of Fish and Wildlife ("CDFW"): The Proposed Project is within CDFW's jurisdiction for protection of special status species including the California tiger salamander ("CTS"), and the Santa Cruz long-toed salamander ("SCLTS").

U.S. Fish and Wildlife Service ("USFWS"): The US Fish and Wildlife Service is responsible for the protection of federally listed species under the Endangered Species Act. The Proposed Project is within the jurisdiction of the USFWS for the protection California Red Leg Frog ("CRLF"), California Tiger Salamander, and Santa Cruz Long Toed Salamander. The USFWS has issued a 10(a)(1)(A) permit (Federal Fish and Wildlife Permit # TE42300D-0) to the RCDSCC's Biologist (Camara Environmental Consulting) to take SCLTS, CTS, and CRLF in conjunction with surveys, and research and recovery activities for the purpose of enhancing species survival. In conjunction with the 10(a)(1)(A) permit, the USFWS has also issued a Programmatic Biological Opinion on the *Issuance of Recovery Permits and Recovery Projects in Santa Cruz, Monterey, and San Benito Counties, California* for California Red-Legged Frog, California Tiger Salamander, and Santa Cruz Long-Toed Salamander. The 10(a)(1)(A) permits such activities to occur in Monterey County. More details about the above referenced permit and the Biological Opinion can be found in **Section VI. 4, Biological Resources**.

Project Funding: The applicant is pursuing funding through the Natural Resource Conservation Service ("NRCS") for the Proposed Project. Preparation of the NEPA Environmental Assessment would be prepared by NRCS.

Permits Not Required: The applicant has provided correspondence from the U.S. Army Corps of Engineers ("USACE") stating that the USACE does not have jurisdiction over the Proposed Project site and therefore, clearance under Section 404 of the Clean Water Act would not be required. Based on correspondence with a representative from CDFW, the Proposed Project would not require approval from CDFW under Section 1602 of the Fish and Game Code for a Lake and Streambed Alteration Agreement ("LSAA"). In addition, the applicant has provided correspondence from the Central Coast Regional Water Quality Control Board ("CCRWQCB") verifying that the Proposed Project does not need a Construction General Permit (and therefore a Stormwater Pollution Prevention Plan does not need to be prepared), the CCRWQCB also stated that a Water Quality Certification under Section 401 of the Clean Water Act is not required for the Proposed Project.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan	☒	Air Quality Mgmt. Plan	☒
Specific Plan	☐	Airport Land Use Plans	☐
Water Quality Control Plan	☒	Local Coastal Program-LUP	☒

General Plan/Area Plan: Within the coastal areas of unincorporated Monterey County, the 1982 General Plan policies apply where the Local Coastal Program ("LCP") is silent. This typically is limited to noise policies as the LCP policies contain the majority of development standards applicable to development in the coastal areas. The project would involve the expansion of an existing detention pond. As proposed, the project would be consistent with the noise policies of the 1982 General Plan and would not create any noise other than minor and temporary construction noise. **CONSISTENT**

Water Quality Control Plan: The subject property lies within Region 3 of the CCRWQCB which regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. Operation of the project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of Monterey County Code, the Proposed Project shall be required to submit a drainage and erosion control plan to HCD-Environmental Services prior to issuance of construction permits. For additional discussion on hydrology and water quality, please refer to **Section VI.10** of this Initial Study. **CONSISTENT**

Air Quality Management Plan: The 2012-2015 and the 2008 Air Quality Management Plan ("AQMP") for the Monterey Bay Region address attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin ("NCCAB") that includes unincorporated areas of Monterey County. California Air Resources Board ("CARB") uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. The closest air monitoring site in San Juan Bautista has given no indication during project review that implementation the Proposed Project would cause significant impacts to air quality or greenhouse gas emissions. **CONSISTENT**

Local Coastal Program LUP: The project is subject to the North County Land Use Plan (LUP) which is part of the Certified LCP for Monterey County. Implementing regulations for these plans are found within the Monterey County Coastal Implementation Part 1, Title 20 of the Monterey County Coastal Zoning Ordinance and Part 2, Regulations for Development in the North County Land Use Plan area. As proposed, conditioned, and mitigated, the proposed construction of the expanded detention pond is consistent with the LUP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

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

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☐ Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the Proposed Project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

Mineral Resources: Mineral resources are determined in accordance with the Surface Mining and Reclamation act of 1975 ("SMARA"), and the California Geological Survey ("CGS"), which maps regional significance of mineral resources. No known mineral resources are known to exist on site. The property is also not designated as a mineral resource recovery site on any local land use plan. For these reasons, no impacts would result from the loss of availability of a known mineral resource (Source: 6, 37).

Population and Housing: The Proposed Project would result in improvements to an existing detention pond. Based on the limited scope of the proposed development, the project would not induce population growth in the area, either directly or indirectly, and would not displace, alter the location, distribution, or density of human population in the area in any way, or create a demand for additional or replacement housing. Therefore, the Proposed Project would not result in impacts related to population and housing.

Public Services: The Proposed Project would not create new impacts to public services as it is limited to the expansion of an existing detention pond. The project site is located in a rural area served by the North County Fire Protection District, Monterey County Sheriff's Department, and North Monterey County Unified School District. The project would have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The project would have no measurable effect on existing public services. The project would not result in an increase in demand and would not require expansion of services to serve the project. Therefore, the Proposed Project would not result in impacts related to public services (Sources: 32, 44).

Recreation: The Proposed Project would not result in an increase in the use of existing neighborhood and/or regional parks or other recreational facilities causing substantial physical deterioration. No parks, trail easements, or other recreational opportunities would be adversely impacted by the project, as the project consists of the expansion of an existing detention pond in a rural area. The project would not create new or additional recreational demands and would not result in impacts to recreation resources. Therefore, the Proposed Project would not result in impacts related to recreation (Source: 32).

Transportation: The project involves the expansion of an existing detention pond in a rural area. The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. CEQA Guidelines section 15064.3, subdivision (b) includes criteria for analyzing

transportation impacts. The proposed improvements would not generate new traffic nor increase the number of permanent vehicle trips. The contribution of temporary construction traffic from the Proposed Project would not cause any roadway or intersection level of service to be degraded nor increase vehicle miles traveled. Construction-related activities would temporarily increase traffic from trips generated by the workers on the construction site; however, no adverse impact is expected to occur due to the small scale of the Proposed Project. No impacts would result due to conflict with CEQA Guidelines section 15064.3 subdivision (b). The project would not substantially increase hazards due to a design feature (e.g., there are no sharp curves or dangerous intersections near the project site). No impact would result from a geometric design feature. The Proposed Project would not result in inadequate emergency access. The project would not intensify existing levels of traffic. In addition, construction would not require the closure of any public roads. Therefore, the proposed project would not result in impacts related to transportation (Source: 32).

Utilities and Service Systems: The Proposed Project consists of the expansion of an existing detention pond and would not require any additional utilities including water, wastewater treatment, electric power, natural gas, or telecommunications. The Proposed Project would include improvements to the stormwater and agricultural drainage management of the Ranch. The Proposed Project would not require a connection to water supplies. The Proposed Project would not require a connection to a wastewater treatment provider. For these reasons, the Proposed Project would not result in any impacts to utilities and service systems (Source: 32).

Wildfire: The Proposed Project site is located within a "Local Responsibility Area" in the maps prepared by the California Department of Forestry and Fire Protection ("Cal Fire"). In addition, the Proposed Project area is not within an area designated as a very high fire hazard severity zone. The Proposed Project is surrounded by agricultural and open space uses (Source: 10). The Proposed Project would not create any barriers that would impair emergency or other vehicle movement since it is not part of a transportation network that is frequently used by emergency vehicles. Highway 1 is located over one mile to the west of the Proposed Project site and is the only available access to Struve Road. Highway 1 is a major evacuation route the area. As described above in **Transportation/Traffic**, the Proposed Project would not generate additional traffic which would interfere with evaluation in an emergency. For these reasons, the Proposed Project would not substantially impair the execution of an established emergency evacuation plan, and no impact would result. The Proposed Project would not exacerbate wildfire risks due to slope, prevailing winds, or other factors due to the relatively level area that the project lies on, the lack of surrounding susceptible areas, and the lack of fire hazard area. Therefore, there would be no impact. Due to the lack of naturally susceptible wildfire areas within close proximity to the Proposed Project, the requirement of installation or maintenance of infrastructure would not be required. The project would not expose people or structures to significant risks as there are no areas in close proximity which are susceptible to wildfire. Therefore, there would be no impact (Source: 10).

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 (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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.

Signature — February 28, 2024 (Date)

Fionna Jensen, Senior Planner
Housing and Community Development

V. EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must 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.

4) "Negative Declaration: Less Than Significant with Mitigation 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).

5) Earlier analyses may be 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 should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   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 significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Source: 35)	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 35)	☐	☐	☐	☒
c) 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 point). 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?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The Proposed Project site is zoned Coastal Agricultural Preserve (CAP (CZ)). According to Policy 2.2.2.1 of the North County LUP, views to and along the ocean shoreline from Highway One, Molera Road, Struve Road and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points shall be protected. See **Figure 5. Site Photos** for photographs of the proposed expanded detention pond site.

Site Photos

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Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 5

Aesthetics 1(a). Less than Significant

The project site is not located in a designated visually sensitive area. Once completed, the earthen berms surrounding the pond would be the only above grade features. The berms would be relatively short in height and would blend into the surrounding setting. For these reasons, the berms would not be visible from a distance or from any public viewing areas. The existing fence around the existing detention pond would remain. The project site is currently being utilized for agricultural, rangeland, and restoration; there are no designated scenic resources on site within a state scenic highway that would be damaged because of the project. For these reasons impacts on the scenic vista would be considered less than significant (Source: 35).

Aesthetics 1(b). No Impact

The properties are located at the east end of Struve Road and therefore are unable to not block shoreline (Pacific Ocean) views. As mentioned above, the only above-grade aspect of the project are earthen berms. The proposed berms will not be visible from any scenic corridor, nor will they block views of Elkorn Slough. Therefore, due to location and design, the Proposed Project would have no impact to scenic resources (Source: 35).

Aesthetics 1(c). No Impact

The existing visual character of the Proposed Project area is primarily agricultural in nature. Elkhorn Slough is an important scenic resource in this area of the County and is located less than 0.25 miles to the east of the Proposed Project site; however, the Proposed Project site is not visible from Elkhorn Slough due to topography, existing vegetation, and distance. As noted above, the proposed improvements to the detention pond do not include any above ground structures, and therefore would not be visible outside of the Ranch. The Proposed Project is in a rural area and would not be visible from any public viewpoints. For these reasons, the Proposed Project would have no impact on the existing visual character or quality of public views of the site and its surroundings.

Aesthetics 1(d). No Impact

The Proposed Project does not include any lighting. In addition, construction involved in the Proposed Project would not require nighttime lighting. The Proposed Project would have no impact on day or nighttime views resulting from a new source of lighting.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 With Mitigation 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 non-agricultural use? (Source: 5)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 38)	☐	☐	☒	☐
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))? (Source: 3, 4, 5)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 3, 4, 5)	☐	☐	☐	☒

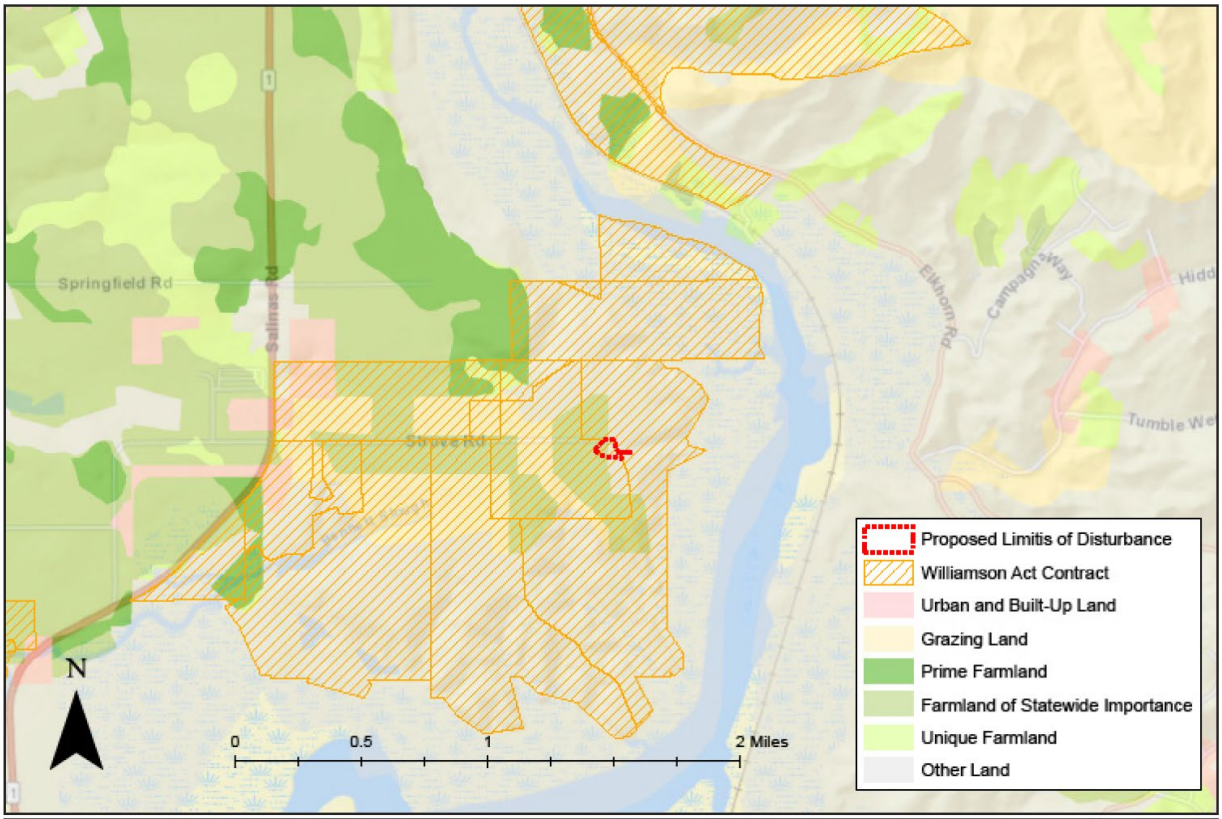
2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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 With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Proposed Project site is zoned Coastal Agricultural Preserve (CAP(CZ)). According to Monterey County GIS, the Proposed Project site is designated as Other Land, but other parts of the Ranch are designated as Farmland of Statewide Significance. The project parcel is also under a Williamson Act Contract. This means that the use on the property is restricted to agricultural or related open space uses. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. There is no forest land on the Proposed Project site. See **Figure 6. Agricultural Resources Map** for a depiction of the mapped Farmlands and Williamson Act land within the Proposed Project vicinity. The Proposed Project went before the Monterey County Agricultural Advisory Committee ("AAC") on August 26, 2021. During the meeting, the ACC voted (8 ayes, 0 noes, 3 absent) to recommend approval of the project to the Monterey County Planning Commission (Source: 40).



Agricultural Resources Map

April 2022

Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 6

Agricultural and Forest Resources 2(a, e). No Impact

The Proposed Project would not covert any agricultural land to another use. The project includes improvements to an existing detention pond that serves as management resource to the agricultural operations of the Ranch. The Proposed Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the Monterey County Important Farmland Map (Source: 5). The Proposed Project would result in no impact from the conversion of farmland to a non-agricultural use.

Agricultural and Forest Resources 2(b). Less than Significant

The Williamson Act (California Land Conservation Act of 1965: Government Code Section 51200 et. seq.) is a state agricultural land protection program in which local governments elect to participate. The intent of the program is to preserve agricultural lands by discouraging their premature and unnecessary conversion to urban uses. The Proposed Project property is under a Williamson Act Contract. While restricted by a Williamson Act contract, the land cannot be used for any other purpose than the commercial production of agricultural commodities, and uses outlined in the contract's compatible use list. The proposed expansion to the existing detention pond would not change the use of the property to a non-agricultural use. The expanded detention pond would serve as a component of the existing agricultural operations onsite (Source: 38). Therefore, the proposed project would not alter the subject property's devotion to the commercial production of agricultural commodities. Implementation of the Proposed Project constitutes a less than significant impact resulting from a conflict with a Williamson Act contract.

Agricultural and Forest Resources 2(c, d). No Impact

The Ranch does not include any forest land, timberland, or timberland zoned Timberland Production (Sources: 3, 4, 5). No impact would result to these resources.

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 30)	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Source: 29)	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations? (Source: 30)	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source: 30)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

The project site is located within the NCCAB, which is under the jurisdiction of the Monterey Bay Air Resources District ("MBARD"). The MBARD is responsible for producing an AQMP that reports air quality and regulates stationary sources throughout the NCCAB. Project construction would involve equipment typically used excavation projects including a tractor backhoe, loading trucks, and pickup trucks. This equipment would emit air pollutants such as carbon monoxide (CO), particulate matter less than 10 microns in diameter (PM_{10}) and 2.5 microns in diameter ($PM_{2.5}$), and nitrogen oxides (NO_X). Impacts related to the emission of air pollutants during construction would be temporary and would last approximately two (2) months.

Air Quality 3(a). Less than Significant

CEQA Guidelines §15125(b) requires that a project be evaluated for consistency with applicable regional plans, including the AQMP. MBARD is required to update their AQMP periodically; the most recent update was adopted in March 2017. This plan addresses attainment of the State ozone standard and Federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments ("AMBAG") and other indicators. Consistency determinations are issued for commercial, industrial, residential, and infrastructure related projects that have the potential to

induce population growth. A project is considered inconsistent with the AQMP if it has not been accommodated in the forecast projections considered in the AQMP. The Proposed Project does not include new housing or commercial development, and operation and maintenance of the Proposed Project would not require new employees. The project would not cause and/or otherwise induce population growth, as the Proposed Project involves improves to an existing detention pond. In addition, due to the lack of operational emissions, the project would not cause any long-term adverse air quality affects (Source: 30). As a result, the project would result in a less than significant impact resulting from conflicts with and/or otherwise obstruct the implementation of MBARD's AQMP.

Air Quality 3(b). Less than Significant

According to the MBARD CEQA Guidelines, a project would have a significant short-term construction impact if the project would emit more than 82 pounds per day or more of PM_{10}. Further, the MBARD CEQA Guidelines set a screening threshold of 2.2 acres of construction earthmoving per day, meaning that if a project results in less than 2.2 acres of earthmoving, the project is assumed to be below the 82 pounds per day threshold of significance. The Proposed Project would result in less than 2.2 acres of earthmoving per day, as the proposed expansion of the detention pond only covers 1.2 acres. As a result, the Proposed Project would be below the threshold and would have a less than significant impact to air quality from construction activities. The construction-related impacts would not violate any air quality standards. Grading on the site would be subject to the regulations contained on Monterey County Code sections 16.08 – Grading and 16.12 – Erosion Control. Implementation of these requirements would ensure dust from grading activities are controlled. Operational emissions would not be substantial as they would only involve a very limited number of vehicle trips and minimal energy usage associated operation and maintenance of the expanded detention pond (Source: 29). Therefore, the Proposed Project would result in less than significant impacts to air quality during construction.

Air Quality 3(c). Less than Significant

The Proposed Project is located in a rural area; there are no schools, childcare centers, hospitals, or nursing homes within a 1-mile radius to the Proposed Project site that could be impacted by air pollutants. As stated above, the Proposed Project would not generate substantial pollutant emission during construction or operation of the proposed expanded detention pond which would cause an impact to these receptors (Source: 30). For these reasons, the Proposed Project would have a less than significant impact on sensitive receptors due to pollutant concentrations.

Air Quality 3(d). Less than Significant

There may be intermittent odors from construction associated with diesel exhaust that could be noticeable at times to residences in close proximity. However, given the limited construction duration and the lack of residences and sensitive receptors in the area, potential intermittent odors are not anticipated to result in odor complaints and would not affect a substantial number of people (Source: 30). A less than significant impact would result from other emissions, including odors.

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation 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, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 47, 60, 61)	☐	☒	☐	☐
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 Game or US Fish and Wildlife Service? (Source: 47, 61)	☐	☒	☐	☐
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, filling, hydrological interruption, or other means? (Source: 47)	☐	☒	☐	☐
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? (Source: 47)	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 32, 47)	☐	☐	☐	☒

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 47)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The RCDSCC prepared a Biotic Report for the Proposed Project, dated June 18, 2020 and revised on July 5, 2022 and November 7, 2023 (HCD – Library No. LIB220120). The Biotic Report is a primary source for the discussion below (Source: 47).

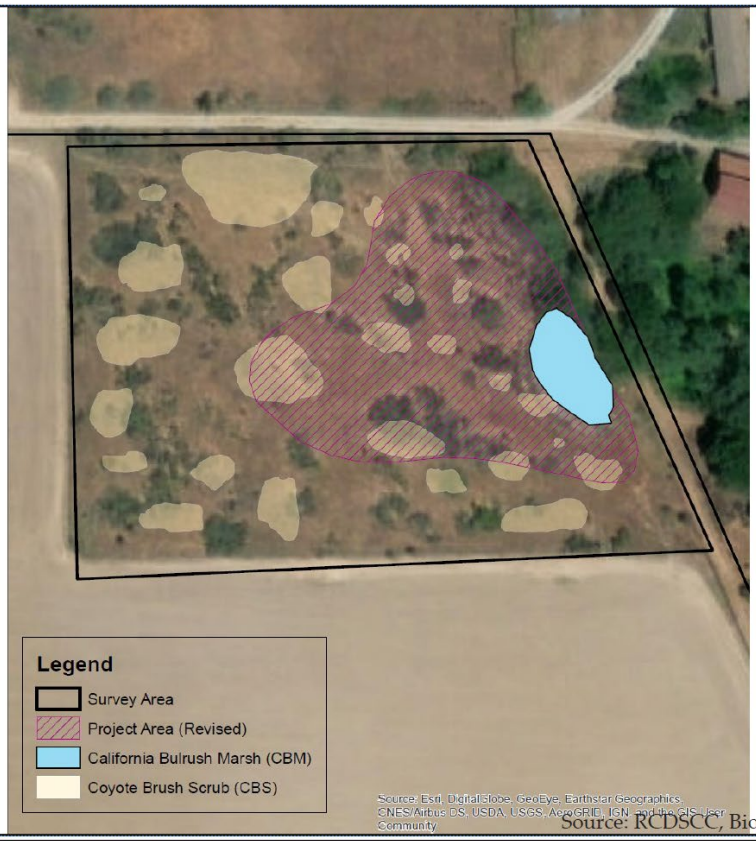
Survey Methodology

The biotic resources of the project site were assessed through literature review, site visit observations, topographic maps, and aerial photos. The major plant communities discussed below were identified during the site visits, see **Figure 7. Vegetation Types**. Kelli Camara of the RCDSCC conducted site visits for the Proposed Project on February 2 and March 5, 2020 (Source: 16).

In addition, two electronic databases were accessed to determine recorded occurrences of sensitive communities and species. Information was obtained from the California Native Plant Society's ("CNPS") Electronic Inventory and CDFW's California Natural Diversity Database ("CNDDB") (Sources: 13, 15).

Special-Status Species

Special-status species are those plants and animals that have been formally listed or proposed for listing as endangered or threatened, or are candidates for such listing, under the federal Endangered Species Act ("ESA") or the California Endangered Species Act ("CESA"). Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of rare or endangered under the CEQA Guidelines Section 15380 are also considered special-status species. Animals on the CDFW's list of "species of special concern" (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or CESA. To note, CDFW includes some animal species that are not assigned any of the other status designations in CNDDB "Special Animals" list; however, these species have no legal or protection status and are not analyzed in this IS/MND (Source: 15).



Source: RCDSCC, Biotic Report, November 2023

Vegetation Types

February 2024

Packard Ranch Stormwater Detention Pond
Initial Study / Mitigated Negative Declaration

Figure 7

Plants listed as rare under the California Native Plant Protection Act ("CNPPA") or included in CNPS California Rare Plant Ranks (CRPR; formerly known as CNPS Lists 1A, 1B, 2A, and 2B) are also treated as special-status species as they meet the definitions of Sections 2062 and 2067 of CESA and CEQA Guidelines Section 15380. In general, CDFW requires that plant species on CRPR 1A (Plants presumed extirpated in California and Either Rare or Extinct Elsewhere), CRPR 1B (Plants rare, threatened, or endangered in California and elsewhere), CRPR 2A (Plants presumed extirpated in California, but more common elsewhere); and CRPR 2B (Plants rare, threatened, or endangered in California, but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California be considered as part of the CEQA process. CNPS CRPR 4 species (plants of limited distribution) may, but generally do not, meet the definitions of Sections 2062 and 2067 of CESA, and are not typically considered in environmental documents relating to CEQA. While other species (i.e., CRPR 3 or 4 species) are sometimes found in database searches or within the literature, these do not meet the definitions of Section 2062 and Section 2067 of CESA and are not analyzed in this IS/MND (Source: 13).

Raptors (e.g., eagles, hawks, and owls) and their nests are protected in California under Fish and Game Code Section 3503.5 which states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto." In addition, protected species under Fish and Game Code Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation but thought by experts to be rare or in serious decline may also be considered special-status animal species in some cases, depending on project-specific analysis and relevant, localized conservation needs or precedence.

Sensitive Habitats

Sensitive habitats are defined by local, State, or Federal agencies as those habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity.

CDFW classifies and ranks the State's natural communities to assist in determining the level of rarity and imperilment. Vegetation types are ranked between S1 and S5. For vegetation types with ranks of S1-S3, all associations within the type are considered to be highly imperiled. If a vegetation alliance is ranked as S4 or S5, these alliances are generally considered common enough to not be of concern; however, it does not mean that certain associations contained within them are not rare (Source: 47).

Existing Conditions

Habitat Types

Two habitat types, coyote brush scrub and hardstem and California bulrush marsh, occur within the Proposed Project site, see **Figure 7. Vegetation Types** (Source: 47). Although there is a pond on the subject property, the Proposed Project site does not support any riparian habitat, drainages or creeks subject to California Department of Fish and Wildlife (CDFW) jurisdiction. No regulated habitats would be affected by the Proposed Project.

Coyote Brush Scrub. The majority of the vegetation in the project area is classified as coyote brush scrub. This portion of the property is dominated by coyote brush (*Baccharis pilularis*) and a groundcover of native perennial grasses including tufted hairgrass (*Deschampsia caespitosa*) and red fescue (*Festuca rubra*). Coyote brush is a perennial evergreen shrub that is referred to as a pioneer species, because it is one of the first shrubs to appear after plants have been removed by cultivation or fire. It blooms in early winter when most other plants are dormant. It provides critical food in the form of nectar for many native species of bees, wasps, butterflies, and flies and cover for wildlife. Coyote brush is not a special-status or sensitive plant species, but rather a very common plant. In this case, CDFW identifies the coyote brush's association with tufted hair grass (*Deschampsia caespitosa*) as a sensitive plant alliance on their Natural Communities List. CDFW ranks the coyote brush scrub alliance occurring within the project area as S1 (sensitive) (Source: 47).

The native understory plants provide forage and nesting habitat for birds and other wildlife. The property is known to host a wide array of bird species. The wildlife value of the coastal scrub at this site is low because the habitat is fragmented and surrounded by agricultural production to the north, south, and west. There is a corridor of Oak woodland habitat to the east of the Proposed Project Site. A portion of the proposed outlet pipe would be located within an existing gully. This gully currently provides a natural drainage course for the surrounding area. The proposed outlet pipe would have a less than significant impact to the Oak woodland habitat due to minimal ground disturbance. No trees are proposed for removal.

Hardstem and California Bulrush Marsh. The existing pond consists of predominantly open water habitat with surrounding marsh, dominated by broadleaf cattail (*Typha latifolia*), willow (*Salix sp.*), and yellow nutsedge (*Cyperus esculentus*). The wildlife value of the marsh at this site is low because of its size. Cattails provide nesting sites for redwinged blackbirds, ducks, and geese. However, the steep side slopes of the existing detention pond limit the growth of seed-bearing species, which are critical for migrating bird species. Limited open water habitat limits the use by the California red-legged frog ("CRLF") and the lack of basking habitat limits use by the western pond turtle ("WPT"). Many bird species could potentially use this marsh for nesting and cover. The project would improve the quality and quantity of habitat for these species. CDFW does not rank the hardstem and California bulrush marsh as sensitive (Source: 47).

Special Status Plant Species

Plant species of concern include those listed by either the Federal or State resource agencies as well as those identified as rare by the CNPS (List 1B). The search of the CNPS and the CNDDB inventories identified the special-status plant species with potential to occur in the project area. No special-status plant species were observed within the project area due to the lack of suitable attributes for special-status species within the greater project region. The project area lacks specialized micro habitats conducive to the occurrence of special-status plant species. For annual species that were not detectable during the survey period, the species presence/absence evaluation was based on habitat suitability (Source: 13 and 15).

Special-status plant species known to occur or with the potential to occur within the project vicinity, along with their legal status, habitat requirements, and likelihood to occur within the project site, are included in **Table 1. Special-Status Plant Species** (Source: 47).

Table 1. Special-Status Plant Species

Scientific Name	Common Name	Status	General Habitat	Habitat Present/Absent	Rationale
Arctostaphylos hookeri ssp. *hookeri*	Hooker's manzanita	CNPS List 1B.2	Broadleaf upland forest, chaparral, coniferous forests; open sites	A	No suitable habitat; not observed, presumed absent
Arctostaphylos pajaroensis	Pajaro manzanita	CNPS List 1B.1	Broadleaf upland forest, chaparral, open sites	A	No suitable habitat; not observed, presumed absent
Centromadia parryi ssp *congdonii*	Congdon's tarplant	CNPS List 1B.1	Grassland, moist areas	A	No suitable habitat; not observed, presumed absent
Chorizanthe pungens var. *pungens*	Monterey spineflower	FT CNPS List 1B.2	Oak woodland, chaparral, scrub; sandy substrate	A	High levels of thatch; not observed, presumed absent
Cordylanthus rigidus ssp. *littoralis*	seaside bird's-beak	CE CNPS List 1B.1	Elevated marine terraces with sandy soils; maritime chaparral; edges of oak woodland	A	No suitable habitat; not observed, presumed absent
Ericameria fasciculata	Eastwood's goldenbush	CNPS List 1B.1	Coastal scrub and coastal dunes	A	No suitable habitat; not observed, presumed absent
Erysimum ammophilum	sand-loving wallflower	CNPS List 1B.2	Openings in chaparral, sand dunes; sand substrate	A	No suitable habitat; not observed, presumed absent
Gilia tenuiflora ssp. *arenaria*	sand gilia	FE CT CNPS List 1B.2	Openings in chaparral, sand dunes; sand substrate	A	No suitable habitat; not observed, presumed absent
Holocarpha macradenia	Santa Cruz tarplant	FT CE CNPS List 1B.1	Coastal prairie and grasslands with sandy soil types	A	No suitable habitat; not observed, presumed absent
Piperia yadonii	Yadon's rein orchid	FE CNPS List 1B.1	Chaparral, coastal bluff scrub	A	No suitable habitat; not observed, presumed absent
Rosa pinetorum	pine rose	CNPS List 1B.2	Pine woodland	A	No suitable habitat; not observed, presumed absent
Trifolium hydrophilum	saline clover	CNPS List 1B.2	Vernal pools, marshes, swamps	A	No suitable habitat; not observed, presumed absent

Special Status Wildlife Species

Special status wildlife species include those listed, proposed or candidate species by either the Federal or the State resource agencies as well as those identified as State species of special

concern. In addition, all raptor nests are protected by the Fish and Game Code, and all migratory bird nests are protected by the Federal Migratory Bird Treaty Act ("MBTA").

Special status wildlife species were evaluated for their potential presence in the project area as described in **Table 2. Special-Status Wildlife Species** below (Source: 47).

Table 2. Special-Status Wildlife Species

Scientific Name	Common Name	Federal Status	State Status	CDFW Status	Habitat Preference and Potential for Occurrence in Project Impact Areas
Agelaius tricolor	tricolored blackbird	None	Threatened	SSC	MODERATE. Found in marshes, grasslands, and wetlands adjacent to grasslands. Suitable habitat is present at the project site.
Ambystoma californiense	California tiger salamander	Threatened	Threatened	None	VERY LOW. Ephemeral wetlands and adjacent oak woodland uplands. Suitable habitat is not present at the project site.
Ambystoma macrodactylum croceum	Santa Cruz long-toed salamander	Endangered	Endangered	None	LOW. Ephemeral wetlands and adjacent grassland. Suitable habitat is present at the project site.
Anniella pulchra nigra	black legless lizard	None	None	SSC	UNLIKELY. Loose, sandy soils or leaf litter, typically in sand dunes along the coast. Suitable habitat is not present at the project site.
Asio flammeus	short-eared owl	None	None	SSC	UNLIKELY. Found in open grasslands, agricultural areas, marshes, wet meadows, and shorelines. Suitable habitat is present at the project site.
Athene cunicularia	burrowing owl	None	None	SSC	UNLIKELY. Found in grasslands, rangelands, agricultural areas and other open dry areas with low vegetation. Suitable habitat is not present at project site
Charadrius alexandrinus nivosus	western snowy plover	Threatened	None	SSC	UNLIKELY. Found in coastal beaches. Suitable habitat is not present at the project site.
Emys marmorata	western pond turtle	None	None	SCC	UNLIKELY. Found in aquatic habitats with exposed areas for basking. Suitable habitat is not present at the project site.
Eucyclogobius newberryi	tidewater goby	Endangered	None	SCC	UNLIKELY. Found in coastal lagoons and brackish water zones. Suitable habitat is not present at the project site.
Rallus longirostris obsoletus	California clapper rail	Endangered	Endangered	None	UNLIKELY. Found in marshes along mudflats and in tidal sloughs.
Rana draytonii	California red-legged frog	Threatened	None	SCC	MODERATE. Found in creeks, ponds, marshes, springs adjacent to upland habitat. Suitable habitat is

Table 2. Special-Status Wildlife Species

Scientific Name	Common Name	Federal Status	State Status	CDFW Status	Habitat Preference and Potential for Occurrence in Project Impact Areas
					present at the project site.
Riparia	bank swallow	None	Threatened	None	UNLIKELY. Found nesting in vertical banks adjacent to rivers, streams, and other water bodies. Suitable habitat is not present at the project site.

Tricolored Blackbird. The tricolored blackbird is a state Threatened species and a CDFW species of special concern. This species is common locally throughout the Central Valley and in coastal districts from Sonoma County south. These birds are summer residents in northeastern California, occurring regularly only at Tule Lake, but found as far south as Honey Lake in some years. In winter, this species becomes more widespread along the central coast and San Francisco Bay area. Tricolored blackbirds breed near fresh water, preferably in emergent wetlands with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs, which also serve as their preferred nesting habitat. Nests are built of mud and plant materials over or near fresh water, especially in emergent wetlands. This species is highly colonial, and the minimum nesting colony size is approximately 50 pairs. Drinking water is likely required, at least when seeds and grains are the major foods. Suitable foraging habitat for tricolored blackbird is present within the riparian area adjacent to the Proposed Project area (Source: 22, 49).

California Red-legged Frog (CRLF). The CRLF is listed as a federally threatened species and is also a CDFW species of special concern. The CRLF is the largest native frog in California (44-131 mm snout-vent length) and was historically widely distributed in the central and southern portions of the state. Adults generally inhabit aquatic habitats with riparian vegetation, overhanging banks, or plunge pools for cover, especially during the breeding season. They may take refuge in small mammal burrows, leaf litter, or other moist areas during periods of inactivity or to avoid desiccation. Radiotelemetry data indicates that adults engage in straight-line breeding season movements irrespective of riparian corridors or topography and they may move up to two miles between non-breeding and breeding sites. During the non-breeding season, a wider variety of aquatic habitats are used including small pools in coastal streams, springs, water traps, and other ephemeral water bodies. CRLF may also move up to 300 feet from aquatic habitats into surrounding uplands, especially following rains, where individuals may spend days or weeks (Sources: 1, 24, 41).

This species requires still or slow-moving water during the breeding season where it can deposit large egg masses, which are most often attached to submergent or emergent vegetation. Breeding typically occurs between December and April depending on annual environmental conditions and locality. Eggs require six to 12 days to hatch, and metamorphosis generally occurs after 3.5 to seven months, although larvae are also capable of over-wintering. Following metamorphosis, generally between July and September, juveniles are 25-35 mm in size. Juvenile CRLF appear to have different habitat needs than adults. Jennings and Hayes (1988) recorded juvenile frogs mostly from sites with shallow water and limited shoreline or emergent vegetation. Additionally,

it was important that there be small one-meter breaks in the vegetation or clearings in the dense riparian cover to allow juveniles to sun themselves and forage, but to also have close escape cover from predators. Jennings and Hayes also noted that tadpoles have different habitat needs and that in addition to vegetation cover, tadpoles use mud. It is speculated that CRLF larvae are algae grazers, however, foraging larval ecology remains unknown (Source: 25).

It has been shown that occurrences of CRLF are negatively correlated with presence of non-native bullfrogs, although both species are able to persist at certain locations, particularly in the coastal zone. It is estimated that CRLF has disappeared from approximately 75% of its former range and has been nearly extirpated from the Sierra Nevada, Central Valley, and much of southern California (Sources: 18, 24).

The 10(a)(1)(A)[1] permit issued by the USFWS to Camara Environmental Consulting authorizes Camara Environmental Consulting (Project Biologist) to take and handle SCLTS, CTS, and CRLF in conjunction with surveys, and research and recovery activities for the purpose of enhancing species survival (Source: 61). Although CDFW has not issued authorization to RCDMC or Camara Environmental Consulting for the take and handle of SCLTS and CTS, no take or handle of these species would occur with implementation of the Proposed Project. The 10(a)(1)(A) permit (Federal Recovery Permit No. TE42300D-0) expires on September 10, 2024. Though it is not anticipated, if construction of the Proposed Project extends past September 10, 2024, Camara Environmental Consulting shall coordinate with USFWS for reauthorization/renewal of this permit (Source: 16). As condition of approval (Condition No. 8), prior to issuance of building or grading permits, the Applicant/Owner shall submit to HCD-Planning a copy of the approved or reauthorized 10(a)(1)(A) permit from the USFWS.

USFWS issued a Programmatic Biological Opinion ("BO") dated November 9, 2018, on the *Issuance of Recovery Permits and Recovery Projects in Santa Cruz, Monterey, and San Benito Counties, California* for California Red-Legged Frog, California Tiger Salamander, and Santa Cruz Long-Toed Salamander (Source: 59). The BO is referenced in the 10(a)(1)(A) permit issued to Camara Environmental Consulting. The BO covers actions completed by Camara Environmental Consulting in Monterey, San Benito, and Santa Cruz Counties related to conservation benefits for the California red-legged frog, California tiger salamander, and Santa Cruz long-toed salamander. Authorized activities the maintenance, repair, and enhancement of existing breeding ponds; the creation of additional breeding ponds; the enhancement of upland habitat, salvaging animals due to pond drying, and restoration of habitat. The Proposed Project aims to control sedimentation in Elkhorn Slough and create a more viable breeding bond for amphibians and other wildlife. Therefore, the Proposed Project and on-going operation and maintenance activities would be covered under the BO and 10(a)(1)(A) permit.

The Ranch has over 40 stock water ponds, nearly half of which have been previously documented to support breeding by CRLF. Although CRLF have not been documented at the project site, protocol-level surveys have not been completed and known breeding locations are

[1] Endangered Species Act Section 10(a)(1)(A) allows USFWS to issue permits for the purposeful or direct take of an Endangered Species Act - listed species only for scientific purposes or to enhance the propagation or survival of listed species (National Oceanic and Atmospheric Administration, 2021).

within 2,000 linear feet. As such, the species is considered to have a moderate potential to occur within the project area. The Proposed Project activities would be authorized by USFWS under the 10(a)(1)(A) permit (Federal Recovery Permit No.: TE42300D-0) and associated BO described above.

Santa Cruz long-toed Salamander (SCLTS). The SCLTS is listed as a federal and state endangered species and is also a California fully protected species. The SCLTS is a subspecies of long-toed salamander (*Ambystoma macrodactylum*) that occurs in a small number of restricted localities in Santa Cruz and Monterey Counties. This subspecies is known to use several different plant community types for upland habitat, including riparian, willow thickets, coast live oak woodlands, dense coastal scrub, coastal chaparral, and Monterey pine forest. Adults use upland areas immediately adjacent to their breeding site, as well as the surrounding areas up to 0.6 km; however, SCLTS has been recorded as far as 1.6 km (1.0 mi) from the nearest breeding site. For much of the year SCLTS find refuge in cool, moist places, such as small mammal burrows or under decayed wood piles, logs, or thick leaf litter. The upland habitat must also support an abundance of prey. Adult and sub-adult SCLTS eat a variety of invertebrates, including earthworms, slugs, isopods, beetles, and spiders (Sources: 51).

Adult SCLTS migrate to breeding sites at night during rain events between November and March, with peak activity between December and February. During migration, the SCLTS may be found under surface objects such as rocks or logs near the breeding site. Ideal breeding locations appear to be shallow, temporary, freshwater ponds that lack fishes and hold water at least through the spring months; however, they may also breed in permanent waterbodies, such as sloughs. Males often arrive at breeding sites before females and may stay longer. Females lay approximately 300 eggs singly on submergent aquatic vegetation in shallow water, approximately five to eight cm (2-3.2 inches) below the surface. Eggs hatch within 15-30 days and the larvae metamorphose between 90 and 145 days after hatching, depending on water temperature and food availability. Terrestrial juveniles may spend the entire first summer of life in mammal burrows or under surface objects in the immediate vicinity of the breeding pond (Source: 18).

California Tiger Salamander. The CTS is a federally and state threatened species. The CTS is a large, stocky salamander most commonly found in annual grassland habitat, but also occurring in the grassy understory of valley-foothill hardwood and chaparral habitats, and uncommonly along stream courses in valley-foothill riparian habitats. Adults spend most of their lives underground, typically in burrows of ground squirrels and other animals. The CTS has been eliminated from an estimated 55 percent of its documented historic breeding sites. Currently, about 150 known populations of CTS remain. The CTS persists in disjunct remnant vernal pool complexes in Sonoma County and Santa Barbara County, in vernal pool complexes and isolated stock ponds scattered along a narrow strip of rangeland on the fringes of the Central Valley from southern Colusa County south to northern Kern County, and in sag ponds and human maintained stock ponds in the coast ranges from the San Francisco Bay Area south to the Temblor Range (Source: 58).

Above-ground migratory and breeding activity may occur under suitable environmental conditions from mid-October through May. Adults may travel long distances between upland and breeding sites; adults have been found two kilometers (1.24 miles) from breeding sites. Breeding occurs from November to February, following relatively warm rains. The CTS breeds and lays eggs primarily in vernal pools and other temporary rainwater ponds. Permanent human-made ponds are sometimes utilized if predatory fishes are absent; streams are rarely used for reproduction. Eggs are laid singly or in clumps on both submerged and emergent vegetation and on submerged debris in shallow water. Males typically spend six to eight weeks at breeding ponds, while females typically spend only one to two weeks. Eggs hatch within 10-14 days and a minimum of 10 weeks is required to complete development through metamorphosis, although the larval stage may last up to six months and some larvae in Contra Costa and Alameda Counties may remain in their breeding sites over the summer (Sources: 28).

One occurrence of CTS was documented in the CNDDB 2 miles to the west of the Proposed Project site in 1973. No known observations had been documented on the property or adjacent area.at the time the biotic assessment was originally completed (June 18, 2020; Source: 47). However, in 2021, one CTS was documented in a pond located 3000 linear feet to the west of the Proposed Project site through both aquatic sampling and eDNA analysis (Source: 47). This was the first detection of CTS in the area since the species was found at Proposed Project site in 1973. The sampled pond is just less than an acre, is surrounded by extensive grasslands, and vegetation is readily cleared due to cattle and horse access. Subsequent aquatic and eDNA sampling of this pond was completed in 2022 and detected no CTS. No known observations have been documented on the project site, including extensive surveys by Nina Akhavan (2008), who performed aquatic sampling at numerous ponds on Ranch from 2004 – 2007 to collect data on California red-legged frog biology, as well as to remove bullfrogs. Akhavan found no CTS during this time.

While the Proposed Project area is within dispersal distance, the subject pond lacks the characteristics (low vegetation, regular disturbance, etc.) typically associated with ponds inhabited by CTS. In addition, CTS have not been detected elsewhere in the McClusky Slough area despite extensive surveys in the last 5 years, including pit traps, aquatic sampling and eDNA analysis. The CTS population numbers in this geographic region and on the property specifically would be expected to be extremely low and thus their potential to occur within the project area would be very low. See above discussion regarding the issued 10(a)(1)(A) permit and associated BO.

Biological Resources 4(a). Less than Significant with Mitigation Incorporated

The potential for the Proposed Project to cause impacts to sensitive or special-status species is described below.

Nesting Birds. Raptors and other protected avian species have the potential to nest within the survey area. Construction activities, including vegetation removal and trenching, during the breeding and nesting seasons could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the survey area (Source: 8, 13, 49). This would be a potentially significant impact that can be reduced to a less than significant level with application

of the County's standard "RAPTOR/MIGRATORY BIRD NESTING" condition of approval which requires the applicant to obtain a biologist prepared pre-construction bird nesting survey during the typical nesting season (February 22 – August 1), if construction occurs during this period. If nesting birds or other protected avian species are found on within 300 feet of the project site and within 30 days of construction activities, an appropriate buffer plan shall be established by the project biologist.

Tricolored Blackbird. This species is listed as threatened by CDFW. Construction of the expanded detention pond could disrupt the potential of the tricolored blackbird to nest in the emergent vegetation near the Project site. This is considered a potentially significant impact. Application of the County's standard "RAPTOR/MIGRATORY BIRD NESTING" condition of approval, as described above, would reduce this to impact to a less than significant level by avoiding take of this listed species through establishment of a buffer plan if this species, or any other protected avian species, is identified during the pre-construction nesting survey.

Santa Cruz Long Toed Salamander. SCLTS is listed as a fully protected species by CDFW and the USFWS. This means that this species "…may not be taken or possessed at any time and no provision of [the CDFW] code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species, although take may be authorized for necessary scientific research (Source: 8).

The project area is located within a highly productive agricultural area at higher elevation than the surrounding McClusky Slough. The property is within the McClusky metapopulation for the SCLTS: however, the agricultural uses present between McClusky Slough and the Proposed Project site present a significant barrier to dispersal of this species into the Proposed Project site. Although the three documented breeding sites were assumed extirpated due to elevated salinity levels (USFWS 2009), recent eDNA studies show that there is still a small population in McClusky Slough. eDNA sampling of several ponds on the Ranch resulted in negative findings for SCLTS. Based on this information and input from USFWS, CDFW, and experts (Mori, 2023 and Mitcham, pers. Comm., 2023) (Source: 47), SCLTS is considered extremely unlikely to occur within the Proposed Project site and therefore potential impacts would be less than significant and no mitigation would be required. Although this would be a less than significant impact, adherence to best management practices and having a biological monitor who would conduct a pre-construction biological education program, aquatic sampling, and eDNA sampling would further reduce potential impact.

California Red-Legged Frog. The Proposed Project is located within the known dispersal range of CRLF and potential habitat for this species is present within the survey area. Construction activities, including vegetation removal and trenching, within the project site may result in direct mortality of individuals, if present at the time of construction. This would be considered take of a federally listed species and a significant impact under CEQA. Potential impacts to CRLF resulting from construction of the Proposed Project are covered by the 10(a)(1)(A) permit and associated BO. Implementation of **Mitigation Measures No. 1, 2, and 3** would ensure that impacts to CRLF would be reduced to a less than significant level. It should be noted that **Mitigation Measures No. 1, 2, and 3** are consistent with the conditions of approval for the

10(a)(1)(A) permit and associated BO. See the below discussion regarding potential on-going impacts on CRLF resulting from operation and maintenance of the Proposed Project.

California Tiger Salamander. As described above, the potential for CTS is considered very low within the Proposed Project site. Moreover, the Proposed Project would facilitate the recovery of this species by creating additional breeding and upland habitat for CTS. The Proposed Project activities would be authorized by USFWS under the 10(a)(1)(A) permit and associated BO described above. CDFW has recommended that RCDMC obtain an Incidental Take Permit for the Proposed Project to address the unlikely potential that CTS occupy the Proposed Project site. However, based on the above provided information and input from USFWS and other experts (Source: 47), CTS is considered to have a very low potential to occur within the project area. As a precaution for the very unlikely event that a CTS is observed prior to or during project activities, implementation, and adherence to **Mitigation Measure Nos. 1, 2 and 3** would avoid take of CTS. Avoidance and minimization measures of **Mitigation Measure No. 1, 2, and 3** would be consistent with Statewide Programmatic Biological and Conference Opinion (FWS References: 2022-0005149-S7). The USFWS 10(a)(1)(A) permit was issued to Camara Environmental Consulting (Project Biologist), who would be the Project Biologist to implement all mitigation measures associated with the protection and avoidance of CTS and CRLF.

Implementation of the Proposed Project would have potential indirect benefits to several aquatic species, including CRLF and CTS. The Proposed Pond's primary purpose is to remove, collect and provide temporary storage of sediment and water. The pond will reduce sediment transport and slow the transport of flow to Elkhorn Slough from adjacent organic, agricultural fields. This would have positive benefits to the water quality of Elkhorn Slough. A portion of the Proposed Pond is also intended to maintain a 4-ft deep pool until mid-July. This project component will support amphibian breeding, ensure the pond can be drained to control non-native predators, and provide shallow depth areas for amphibian egg-laying, waterfowl food sources, and a mix of open water and vegetated areas for cover from predators.

The introduction and spread of American bullfrog have led to the decline of CRLF and other amphibian populations. Bullfrogs prey on larval and juvenile frogs directly and often outcompete the native frogs for resources. Carnivorous adult Bullfrogs prey on native amphibians, while herbivorous tadpoles outcompete native tadpoles for algal food resources (Source: 47). Bullfrog populations are known to exist within the dispersal distance of the Proposed Project. The Proposed Project in anticipated to be a seasonal wetland that dries in the summer. Thus, the Proposed Pond would no longer be ideal Bullfrog breeding habitat and Bullfrog larvae in the pond would be eradicated. If bullfrogs are detected in the Proposed Pond and the pond is not naturally dry by the end of summer, achieving the project objectives would be accomplished by implementing and evaluating the effectiveness of appropriate strategies of control, which may include dewatering (fulling draining) the Pond and/or direct removal of invasive species. The Applicant has prepared an Operation and Maintenance Plan (O&M Plan; Source: 60) for the Proposed Project. The O&M Plan includes monitoring requirements and on-going recommendation relating to maintenance and repair activities within the Pond, management of the pond (i.e., the addition or removal of weir boards), and upland habitat maintenance activities. Adherence to the O&M Plan, as required through application of a non-standard Condition of

Approval, would ensure potential impacts on CTS and CRLF associated with the on-going operation and maintenance of the Proposed Pond are less than significant.

Mitigation Measure No. 1 would require that the Applicant/Owner contract with a qualified biologist (Project Biologist; Camara Environmental Consulting) to prepare a pre-construction biological education program addressing CRLF and CTS. The biological education program would establish a chain of command for field crews and other on-site personnel and establish the biological monitor(s) and the persons in charge of, and responsible for, all facets of project implementation. **Mitigation Measure No. 2** would require that Camara Environmental Consulting be contracted with to monitor all construction and ground disturbing activities (and dewatering activities, if required). Adherence to Mitigation Measure No. 2 would require that construction activities occur between July 1 and October 31, or prior to July 1 if the existing wetland has been dry for a minimum of 30 days. Additionally, Mitigation Measure No. 2 would require that Camara Environmental Consulting conduct aquatic sampling and eDNA sampling a minimum of two times in spring prior to the start of construction activities. If water exists in the pond on July 1, the Camara Environmental Consulting shall sample the pond within two days of dewatering to ensure that there are no CTS or CRLF in the pond. If CTS or CRLF are encountered during aquatic sampling, CDFW and the USFWS will be notified, and no project activities will occur until authorization has been obtained. If dewatering is required, intakes shall be completely screened, consistent with CDFW (2001) screening guidelines or latest updates to those guidelines to avoid entrainment or impingement of larval amphibians. On an on-going basis, Mitigation Measure No. 2 would also limit maintenance and repair activities to between September 1 to October 15, when water levels are expected to be low or dry. Adherence of **Mitigation Measure No. 3** would require implementation of best management practices to ensure impacts to special status species and water quality are less than significant.

Biological Resources 4(b). Less than Significant with Mitigation Incorporated

The project area does not support any riparian habitat, drainages, or creeks subject to CDFW jurisdiction. No regulated habitats would be affected by the Proposed Project. However, the Proposed Project would impact approximately 6,272 square feet or 0.144 acres of tufted hairgrass/coyote brush habitat as a result of construction activities. The Coyote brush's association with Tufted hairgrass (*Deschampsia caespitosa*) makes this scrub habitat a sensitive plant alliance per CDFWs Natural Communities List. In addition, coyote brush scrub habitat is present immediately adjacent to the project site and could be impacted in work were to occur outside of the project limits. Therefore, mitigation would be required to reduce the impacts to a level of less than significant.

Adherence to **Mitigation Measure No. 4** would require that the Applicant/Owner, in consultation with a qualified biologist, develop and implement a Tufted hairgrass salvage and re-planting plan. Salvaged plants shall be re-planted on-site, within a 32,200 square foot planting zone, as shown in Figure 6 of LIB220120; Source: 47). Additionally, **Mitigation Measure No. 4** would also allow the project biologist to supplement the tufted hairgrass salvage and re-planting by collecting seed from existing tufted hairgrass plants, and broadcast seed onto the temporarily impacted areas to increase site coverage of this species. The proposed planting zone or revegetation area correlates with the Proposed Project's detention pond boundaries. The

proposed detention pond is anticipated to be inundated for less than 6 weeks per year (proposed hydroperiod), creating optimum habitat conditions for Tufted hairgrass (see below discussion). The proposed replanting activities would achieve a similar density to the existing tufted hairgrass in approximately 4 to 5 years. **Mitigation Measure No. 4** would require on-going invasive species control and removal to aid native plant growth. Due to the ability of coyote brush to naturally colonize areas (through natural seed dispersal) as well as the presence of numerous young plants within the retained scrub, replanting of coyote brush shrubs would be not necessary.

Salvage and Seeding Viability

Salvage and re-planting, with supplemental seeding has been determined to be an appropriate mitigation strategy. The Proposed Project site was previously seeded (voluntary restoration) with tufted hair grass and this seeding was successful, as evident by the extensive stands of the species that currently inhabit the site. The success of that seeding suggests the soil, soil moisture and other conditions are conducive to species establishment. The ability of the species to re-establish on site is also consistent with information provided by the US Department of Agriculture (USDA) which indicates the species can quickly establish on disturbed sites. Lastly, other projects in the greater project area have demonstrated success in transplanting. For example, nursery plugs of tufted hair grass were planted at UCSC and Arana Gulch. The recent planting at Arana Gulch yielded 80% survival in Year 1, within no supplemental irrigation. A separate study found a 98% success of transplanted tufted hair grass (Source: 47).

Tufted hairgrass can tolerant saturated habitats along the edges of marshes and bogs. A study of flooding with native grasses found that tufted hair grass showed no mortality after 6 weeks of flooding (followed by 2 weeks of not being inundated) but did lose minimal biomass. This indicates that biomass production slowed during flooding but commenced soon thereafter. Wet meadow plants, which are continuously confronted with high soil moisture and temporary shallow soil flooding, probably possess traits that enable them to cope with oxygen limitation in the root zone and with unfavorable biogeochemical reduction processes (Source: 47). This suggests that planting tufted hairgrass plants along the edge of the Proposed Project could be inundated for up to six weeks, without significant mortality or loss of biomass. Therefore, the prepared biological report concludes that conditions at the Proposed Project site would be suitable for tufted hairgrass and **Mitigation Measure No. 4** would reduce potential impacts to a level of less than significant.

Biological Resources 4(c). Less than Significant with Mitigation Incorporated

The project area does not include any water or wetland features subject to RWQCB or USACE jurisdiction. Construction activities may temporarily alter water quality. Impacts could include increases in downstream turbidity and sedimentation levels and accidental spills of hazardous materials during construction activities. However, dewatering prior to the onset of construction activities and implementation of **Mitigation Measure No. 2** below, would minimize these effects to downstream habitat to a less than significant level. Short-term increases in turbidity during post- construction re-watering and subsequent higher flow events during the first winter storms post-construction may also occur, but the levels and duration of sedimentation and turbidity increases associated with the activities are expected to be comparable to background

winter storm event conditions and are not expected to rise to the levels that would cause harm to aquatic species. The Proposed Project would have a significant impact water quality; however, this impact would be reduced to a less than significant level with the implementation of **Mitigation Measure No. 2**.

Biological Resources 4(d). Less than Significant

In addition to the Proposed Project's primary goal of improving water quality in Elkhorn Slough, it also includes habitat enhancement. Implementation of the Proposed Project would have a beneficial impact on migratory species. The area surrounding the Proposed Project site is use for agricultural or grazing and would provide little habitat for wildlife species. As a result, construction of the Proposed Project would not 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. This represents a less-than-significant impact, and no mitigation is required.

Biological Resources 4(e). No Impact

The Proposed Project does not include the removal of trees and would therefore not conflict with local policies or ordinances pertaining to tree preservation policies and similar biological resource protections. Therefore, no impacts would result.

Biological Resources 4(f). No Impact

The Ranch is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan. Therefore, implementation of the project would have no impact relative to these resources.

Mitigation Measures

Mitigation Measure No. 1: Biological Education Program for Employees (BEPE)
A qualified biologist shall prepare a Biological Education Program for Employees (BEPE). This worker training session shall be conducted with all project staff and construction personnel. The training shall instruct attendees on habitat sensitivity, identification of special-status species, required practices prior to start of construction, general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, and penalties for non-compliance.

The qualified biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: a) a review of the project boundaries; b) all special-status species that may be present, their habitat, and proper identification; c) the specific mitigation measures that will be incorporated into the construction effort; d) the general provisions and protections afforded by the regulatory agencies; and e) the proper procedures if a special-status animal is encountered within the project site. The construction foreman is responsible for making sure that all personnel that will be onsite, including all new workers and subcontractors, review the Employee Education Program materials. Upon completion of training, each attendee shall sign a form as evidence of training

attendance and understanding of all conservation and protection measures that were presented by the Biologist. The sign-in sheet must be maintained on-site by the construction foreman and presented upon request.

Mitigation Measure Action No. 1a: Prior to issuance of grading and/or building permits from Building Services, the applicant/owner shall submit to HCD-Planning for review and approval a copy of a contract with a qualified biologist to prepare the BEPE and to provide the required training.

Mitigation Measure Action No. 1b: Prior to issuance of grading and/or building permits from Building Services, applicant/owner shall submit to HCD-Planning for review and approval a fact sheet and/or other supporting materials prepared by the project biologist for distribution to all onsite employees.

Mitigation Measure Action No. 1c: Prior to project-related ground disturbance, the project biologist shall conduct a worker training session for all project staff and upon completion of the training session, applicant/owner shall provide to HCD-Planning a copy of the form signed by all training attendees.

Mitigation Measure Action No. 1d: Prior to final inspection from Building Services, applicant/owner shall submit to HCD-Planning a brief report prepared by the project biologist as to incidents regarding species covered during the training session.

Mitigation Measure No. 2: Project Biologist (Monitoring and Mitigation Implementation)

The project proponent shall retain Camara Environmental Consulting ("Project Biologist") as a qualified biologist to monitor all ground disturbing and construction activities (i.e., vegetation removal, grading, excavation, or similar activities) and ensure that **Mitigation Measures No. 1, 2, and 4** and their respective actions are implemented. Any handling and relocation protocols of special-status wildlife species shall be determined in coordination with the applicable regulatory agency (CDFW and/or USFWS) prior to any ground disturbing activities and conducted by a qualified biologist with appropriate scientific collection permit. Construction activities shall occur between July 1 and October 31, or prior to July 1 if the existing wetland has been dry for a minimum of 30 days. The Project Biologist contract shall include:

- Mitigation Measure No. 1: Preparation and implementation of a Biological Education Program for Employees (BEPE);
- Mitigation Measure No. 2: Use of CDFW or USFWS approved protocols for the handling and relocation of CTS and CRLF, monitoring of all ground disturbing and construction related activities, preparation of a monitoring log, and establishment of monitoring responsibilities, which include but are not limited to:
    - A chain of command for field crews and other on-site personnel will be established prior to commencement of all activities. This program will establish the biological monitors and the persons in charge of, and responsible for, all facets of project implementation. The specific chain-of-command will be defined at the pre-activity meeting to be held immediately prior to the initiation of work.

- Biological monitors will have the full responsibility and authority of stopping work activities, if any crews or personnel are not complying with the provisions outlined in this document and/or conditions in any other authorization from the USFWS and/or CDFW.
- Prior to the start of work, areas will be identified by the biological monitor-in-charge and approved by the Service as acceptable locations to which covered species may be relocated if these species are encountered within a work area. Relocation areas will be a minimum of 500 yards from the boundary of any work area and will not include staging areas or roads. Covered species will not be removed from the work area or maintained in captivity overnight without prior notification and written approval by the USFWS and CDFW, unless the animal is in need of emergency medical assistance. Medical assistance will be provided to injured animals by a certified wildlife veterinarian familiar with amphibian care.
- Only biological monitors specifically authorized by the USFWS and CDFW to handle covered species will be allowed to handle, transport, and relocate individuals of these species. When transporting individuals, precautions will be taken to ensure that the animals are not over stressed and are maintained in safety. Such measures include keeping animals in a cool, dark, and safe location, providing adequate hydration, maintaining a stable cool temperature to avoid over-heating, and ensuring holding tanks are kept clean to prevent the spread of disease.
- Biological monitors will check for any covered species under vehicles and equipment that are parked for more than 30 minutes.
- To maintain safety and limit the chance of take or habitat disturbance, communication systems consisting of a simple system of hand signals or handheld radios will be utilized to ensure proper communication between the monitors, truck drivers, equipment operators, and field personnel to use during habitat enhancement and related activities.
- Both the USFWS and CDFW will be notified immediately if any of the covered species are injured or killed during the course of any project related activity. All other incidental observations will be reported in the daily field monitoring forms or notes.

- Mitigation Measure No. 4: Review and installation of protective fencing around the retained Coyote brush scrub, and monitoring of the site at least once per week until construction is complete to ensure that the protective fencing remains intact;
- Mitigation Measure No. 4: Preparation and implementation of a Tufted Hairgrass Restoration Plan; and
- Final report submitted to HCD-Planning for review and approval that is sufficient in detail to explain how protection objectives have been met and any impacts incurred outside those previously analyzed including, but not limited to, deviation from measures, modifications required in the field, occurrences of halting construction and/or any other issues identified.

Mitigation Measure Action No. 2a: Prior to issuance of grading and/or building permits from Building Services, the Owner/Applicant shall submit to HCD-

Planning for review and approval the contract with Camara Environmental Consulting ("Project Biologist) to monitor all ground disturbing construction activities (i.e., vegetation removal, grading, excavation, or similar activities) and ensure implementation and compliance with Mitigation Measures No. 1, 2, and 4 and their respective actions. Should HCD-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Action No. 2b: Prior to final inspection from Building Services, applicant/owner shall a submit a final report, prepared by the Project Biologist, to HCD-Planning for review and approval that is sufficient in detail to explain how protection objectives have been met and any impacts incurred outside those previously analyzed including, but not limited to, deviation from measures, modifications required in the field, incidents regarding the species covered during the BEPE training session and other species identified during construction activities, occurrences of halting construction and/or any other issues identified.

Mitigation Measure No. 3: Best Management Practices

The following best management practices shall be implemented by the Proposed Project applicant, or their selected contractor, during construction to reduce impacts to special-status wildlife species. The Proposed Project applicant shall include a note on the construction plans (grading and/or building) encompassing the language contained in this mitigation measure, including all compliance actions.

a. Refueling of equipment will be conducted using heavy-gauge tarps made of chemically resistant polypropylene or other impervious material with vertical sides for spill containment. These containment tarps will be set up under the equipment prior to servicing or refueling. Once the work is completed, the tarp and its contents must be immediately removed from the property and all contaminants properly disposed of offsite. Standard operating procedures will be implemented immediately in case of fuel spillage.
b. Prior to conducting plant removal or treatments, the permittee will make every reasonable attempt to ensure that covered species are not hidden within the plant or the residual plant mailer to be treated.
c. Pond or upland enhancement activities will be described in the annual work plan and will specify the areas where work will be performed, the dates during which the work will be performed, and a description of the work to be performed.
d. Pond and upland enhancement activities could include vegetation removal, basin deepening or recontouring, sediment removal, berm repair and strengthening, and planting vegetation, all of which may be performed manually or using heavy machinery. Draining of ponds to perform the authorized work should only occur during part of the year when the larval life stage has been completed and before the subsequent breeding season. This timeframe corresponds to a work period typically between August 15 and October 15. Within 2 days of the start of work on a pond, that pond will be sampled by a qualified biologist to ensure that all covered species from

that pond are in the post metamorphic stage and will be minimally affected by draining of the pond.

e. All disturbance during construction will be kept to a minimum to avoid additional impacts to sensitive habitats.
f. All inactive areas (defined as a five-day period) will have all necessary soil stabilization practices in place two days after identification of inactivity and/or before a rain event, whichever comes first.
g. Erosion control and sediment detention devices have been incorporated into the project design and will be in place prior to October 1 and the onset of rains for the purposes of minimizing fine sediment and sediment/water slurry input to flowing water, and of detaining water to retain sediment on-site. These devices will be placed at all locations where the likelihood of sediment input exists. Sediment collected in these devices will be disposed of away from the collection site and outside riparian areas and flood hazard areas.
h. Spoils and grubbed material will be disposed of on-site, in a location greater than 100 ft from drainage areas and will avoid sensitive upland, wetland and riparian habitats. The material will be stabilized with straw wattles or other materials,
i. The use and/or storage of petroleum-powered equipment (if applicable) will be accomplished in a manner to prevent the potential release of petroleum materials into US Waters and Waters of the State. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
j. All excavation and grading activities will be scheduled for, and will occur during, dry weather periods.
k. A contained area will be designated for equipment storage, short-term maintenance, and refueling and will be located at least 100-feet from all water bodies.
l. Vehicles will be inspected for leaks and repaired immediately.
m. Leaks, drips and other will must be cleaned up immediately to avoid soil, surface water or groundwater contamination.
n. Major vehicle maintenance and washing will be done in a manner that protects the environment (at a minimum on a paved surface where all wash water, drippings, runoff, etc. is collected and properly disposed, and preferably offsite).
o. All spent fluids (including motor oil, radiator coolant, and/or other fluids) and used vehicle batteries will be collected, stored, and recycled as hazardous waste off site.
p. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings, and/or seals on construction equipment will be replaced. All mechanical equipment will be inspected on a daily basis to ensure there are no motor oil, transmission fluid, hydraulic fluid, and/or coolant leaks. All leaks will be repaired in the equipment staging area or other suitable location (away from watercourses) prior to resumption of construction activity.
q. All exposed/disturbed areas and access roads left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend of native erosion control grass seed. Seeded areas will be mulched.
r. Project activities will be restricted to dry weather. Project activities shall be timed with awareness of precipitation forecasts according to the National Weather Service (NWS) 72-hr forecast for the Project area. Project activities will cease when the

National Weather Service (NWS) 24-hour weather forecast indicates a 40 percent chance or higher of precipitation of at least 0.25-inch of precipitation. All necessary erosion control measures shall be implemented prior to the onset of precipitation. Any construction equipment and materials shall be removed if inundation is likely. Project activities halted due to precipitation may resume after a dry out period of 24-hours after the above referenced wet weather.

Mitigation Measure Action No. 3: Prior to the issuance of grading and/or building permits from Building Services, owner/applicant shall submit to HCD-Planning for review and approval construction plans (grading and/or building) containing the language of this mitigation measure. The Owner/Applicant shall adhere to this condition on an on-going basis for the duration of the project lifetime.

Mitigation Measure No. 4: Tufted Hairgrass Restoration Plan

The Proposed Project area supports 27 stands of tufted hairgrass (0.522 acres) (including stands that also intermix with coyote brush), a sensitive plant community. Coyote brush scrub habitat shall be avoided to the greatest extent feasible. A total of 0.144 acres will be impacted with implementation of the Proposed Project. Coyote brush scrub habitat outside of the limits of grading and staging area (approximately 15 standards) are not planned for removal and therefore shall be protected prior to and during construction to the maximum possible through the use of exclusionary fencing. The Project Biologist shall supervise the installation of protective fencing and monitor the site at least once per week until construction is complete to ensure that the protective fencing remains intact. The Project Biologist shall develop and submit to HCD-Planning for review and approval a Tufted Hairgrass Restoration Plan. Tufted hairgrass stands shall be salvaged to the maximum extent feasible during grading activities. The salvaged plants shall be replanted on-site within the designated replanting zone (see Figure 6 of LIB220120). Although anticipated to be successfully salvaged, if the salvaged plants are anticipated to not provide adequate re-planting coverage, the Project Biologist shall collect seeds from existing tufted hairgrass to supplement the replanting activities. Due to the ability of coyote brush to naturally colonize areas (through natural seed dispersal) as well as the presence of numerous young plants within the retained scrub, replanting of coyote brush shrubs is not required. Invasive species shall be removed and controlled on an on-going basis. The Tufted Hairgrass Restoration Plan, at a minimum, shall include the following elements:

1. A detailed description of the Tufted hairgrass salvage and/or seed collection methods;
2. A description of a monitoring program (minimum monitoring period of three years or until success criteria are met), including specific methods of data collection and analysis, goals and objectives, success criteria, and adaptive management if the criteria are not met.
3. On-going procedures to control non-native species invasion.
4. A funding mechanism.
5. Preparation of annual monitoring reports. The monitoring reports shall include, but are not limited to: the results of the data collection, dates and description of all maintenance activities conducted during the reporting period, photographic documentation, description of the general health and vigor of the vegetation, description of any pests or

circumstances substantially affecting the vegetation, description of any changes in the physical environment since the end of the previous reporting period and since the beginning of the monitoring period, the number and species of plants that are unhealthy or have died during the reporting period and since the beginning of the monitoring period, and recommendations for further maintenance and management that a be necessary for maintaining the success criteria in the Tufted Hairgrass Restoration Plan.

6. A final report shall be submitted at the end of the monitoring period and shall include a cumulative analysis, summary of the data collected throughout the duration of the monitoring period, and a definitive statement as to the success of the restoration/enhancement based on the success criteria provided in the Habitat Plan. If it is determined that the success criteria have not been met, a supplemental report shall be prepared that identifies the causes of failure and suggests measures that will achieve success, and the monitoring period shall be extended one year. At the end of this extended period, an additional report shall be prepared as described above. This report shall satisfy the same criteria as outlined above for the final report. If at the end of the extended monitoring period the report indicates the success criteria have not been met, the monitoring shall be extended again, and the process repeated until success is achieved.

Mitigation Measure Action 4a: Prior to issuance of permits from Building Services, the applicant/owner shall submit to HCD-Planning a copy of a contract with a qualified biologist to supervise installation of protective fencing and monitor the site at least once per week until construction is complete to ensure that the protective fencing remains intact.

Mitigation Measure Action 4b: Prior to issuance of grading and/or building permits from Building Services, the applicant/owner shall submit for review and approval to HCD-Planning and CDFW a Habitat Restoration/Enhancement Plan (Habitat Plan) prepared by the Project Biologist.

Mitigation Measure Action 4c: On an annual basis for a minimum of 3 years following completion of the Tufted hairgrass restoration, the Project Biologist shall submit a status report to HCD-Planning for review and approval. At the end of the monitoring period, the Applicant/Owner shall submit for review and approval to HCD-Planning a final report prepared by the Project Biologist. This final report shall discuss the success of the Tufted Hairgrass Restoration Plan using the pre-determined success criteria. If it is determined that the success criteria have not been met, a supplemental report shall be prepared that identifies the causes of failure and suggests measures that will achieve success, and the monitoring period shall be extended one year until the success criteria have been met.

5. CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source: 10, 34, 36, 45)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source: 34, 36, 45)	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 34, 36, 45)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

The Proposed Project is pursuing funding from the NRCS a federal agency, for the Proposed Project; therefore, triggering consultation under Section 106 of the National Historic Preservation Act ("NHPA"), described below. The NHPA was passed in 1966 and established a partnership between the federal government and state, tribal, and local governments for preservation activities. Section 106 of the NHPA requires that all federal agencies planning actions (including the use of pass-through federal funds or approvals for projects, as the case for the Proposed Project) consider the potential effects of their Proposed Projects on historic properties. Historic properties are historic resources that are either listed in, or eligible for listing in, the National Register of Historic Places. Under the NHPA, the State Historic Preservation Officer ("SHPO") is responsible for consulting with the federal agency and providing recommendations and comments on a federal agency's determinations. As part of this process the federal agency prepares and submits the project's Area of Potential Effects ("APE"). The APE is the geographic area within which the Proposed Project may directly or indirectly cause changes in the character or use of historic properties.

A *Section 106 Review Summary Report* was prepared by the RCDMC, approved on June 2, 2020 (HCD – Library No. LIB220121). Additionally, section 20.144.110 of the North County Coastal Implementation Plan (Part 2) requires the submittal of a Phase I archaeological report for all development located within an area of high archaeological sensitivity, such as the subject properties. The *Section 106 Review Summary Report* meets the requirements of a Phase 1 Archaeological report, which include but are not limited to: a field survey by the archaeologist, survey of available State resource information, description of the site's sensitivity and any identified archaeological resources, and recommended mitigation measures. This is the primary source document for the discussion below (Source: 43).

The Project's APE was surveyed by a pedestrian crew of three by pacing transects spaced approximately 1-3 meters apart. The project location was accessed from a dirt farm road that

borders the pond installation site to the immediate north. The APE area is bordered to the east by another unimproved service road and bordered to the south and west by active farm fields. The site planned for pond development is an existing wetland covered by wetland plants, including cattails. The eastern most area contained a pool of standing water. The ground was covered by thick wetland vegetation and bunch grasses, although underlying soils were observed by animal burrows and agricultural irrigation cuts. The soils show obvious signs of long-term water saturation, including gleying and carbon enrichment. No artifacts or features were observed within the pond APE installation site. The area is low-lying relative to the surrounding fields and has likely served as a water catchment basin for most of the historic period. No prehistoric materials were observed within the pond APE or within the service road grades or farm fields. The survey did not reveal any evidence of cultural resources.

On June 4, 2020, the SHPO issued a letter to the NRCS stating that they concur with the finding that no historic properties would be affected by the Proposed project (Source: 10).

The potential for inadvertent impacts to cultural resources will be controlled by application of the County's standard condition (see language below), which requires the contractor to stop work if previously unidentified resources are discovered during construction.

> ***Standard Condition PD003(A)****: "If during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery."*

Cultural Resources 5(a). No Impact

In accordance with CEQA Guidelines Section 15064.5, a historical resource is one that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources ("CRHR"). Public Resources Code Section 21084.1 states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. A field survey of the Proposed Project area conducted on January 23, 2020, resulted in negative findings. The *Section 106 Review Summary Report* concluded that there are no resources within the APE and did not recommend any avoidance and minimization measures. In addition, the results of the California Historic Resources Information System ("CHRIS") at the Northwest Information Center ("NWIC") were negative for recorded historic-era cultural resources within 0.25 miles of the project site (Source: 10, 34, 36, 45). As a result, the project would have no impact to historical resources.

Cultural Resources 5(b, c) Less than Significant with Mitigation

Public Resources Code Section 21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. No archaeological resources were identified within the project site during the survey; however, it is possible that unrecorded archaeological resources are present beneath the ground surface and that such resources could be exposed and damaged during construction. The subject parcel is located within an area of high archaeological sensitivity as identified by the Monterey County Geographic Information System; however, the Proposed Project site has been utilized for agricultural cultivation for an extended period of time and discovery of archaeological resources or human remains have not been documented. Although not anticipated, there is the potential for inadvertent discovery of archaeological resources during construction, which may result in potential inadvertent damage or disturbance to a resource. The potential inadvertent discovery of archaeological resources and/or human remains and potential inadvertent damage or disturbance during construction would be considered a significant impact (Source: 34, 36, 45). This impact can be mitigated to a less-than-significant level with the implementation of the **Mitigation Measure No. 5** and application of the above-mentioned standard condition of approval.

Mitigation Measure

Mitigation Measure No. 5: Pre-Construction Cultural Resources Training Program and On-Call Archaeological Monitor

To reduce potential impacts on cultural resources that may be discovered during development onsite, a qualified archaeological (i.e., an archaeologist registered with the Register of Professional Archaeologists [RPA] or a Registered Archaeologist [RA] under the supervision of an RPA) shall be retained to prepare and conduct a pre-construction cultural resources training program with all construction crew and serve as an on-call monitor for the duration of all project-related ground-disturbing activities. The purpose of the pre-construction cultural resources training program shall be to train the construction crew on how to identify potential cultural resources, and procedures for if previously unknown cultural resources are identified during construction operations. If at any time, potentially significant archaeological resources or intact features are discovered, Condition of Approval PD003(A) shall be adhered to. The Archaeological Monitor shall review and evaluate any inadvertent discoveries to determine if they are historical resource(s) and/or unique archaeological resources or tribal cultural resources under CEQA, and work in coordination with the Tribal Monitor (Mitigation Measure No. 6). If the Archaeological Monitor determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource or tribal cultural resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation. The Professional Archaeologist shall recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Tribal cultural resources shall be evaluated in accordance with Mitigation Measure No. 4. The contract shall require that the Archaeological Monitor keep a log of inadvertent discoveries and submit a final report summarizing compliance actions with HCD-Planning.

5a: Prior to the issuance of permits from Building Services, the Applicant/Owner shall submit to HCD-Planning a copy of the contract between the Applicant/Owner and a qualified archaeologist. The contract shall include the requirements of this mitigation and specify that the archaeologist will prepare and conduct a pre-construction cultural resources training for all construction crew. The contract shall also specify that the archaeologist will be retained on an "on-call" basis for all ground disturbing construction to review, identify, and evaluate cultural resources that may be inadvertently exposed during construction.

5b: Prior to initial ground disturbance, the Applicant/Owner shall submit evidence to HCD-Planning demonstrating that the pre-construction cultural resources training meeting occurred as required by this mitigation. Such evidence shall be in the form of a letter from the qualified archaeologist and a list of meeting attendees.

5c: On an on-going basis, if archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and a plan of action formulated and implemented, with the concurrence of HCD-Planning. Data recovery shall be implemented during the construction and excavation monitoring. If intact archaeological features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The Applicant/Owner shall allow the on-site Tribal Monitor (see Mitigation Measure No. 6) an opportunity to make recommendations for the disposition of potentially significant archaeological materials found.

5d: Prior to final of construction permits, a final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University.

6. ENERGY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source: 2, 5, 6, 17, 37)		☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: 2, 5, 6, 17, 37)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Starting in 2018, all PG&E customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy ("3CE"), formerly known as Monterey Bay Community Power. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE's standard electricity offering, is carbon free and is classified as 30 percent renewable. Of the electricity provided by 3CE in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (3CE, 2019).

Energy 6(a, b). Less than Significant

The project would require energy during construction to operate construction equipment and for construction worker vehicle trips to and from the site. The project entails the expansion of an existing detention pond. Given the limited scale of the project, construction energy use would be nominal and short-term. As such, it would not be considered wasteful, inefficient or unnecessary due to the scale of the project. Operational energy demand would be minimal and would include energy needed to operate the outlet structure. PG&E would provide electricity. The project would be required to comply with all standards set in California Building Code ("CBC") Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. Compliance with these regulations would ensure the Proposed Project would not conflict with state or local plans for renewable energy or energy efficiency (Source: 2, 5, 6, 17, 37). Therefore, the Proposed Project would result in a less than significant impact and would not conflict with a state or local plan for renewable energy or energy efficiency.

7. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation 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:				
i) 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? (Source: 7, 39, 45) Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking? (Source: 39, 45)	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Source: 39, 45)	☐	☐	☒	☐
iv) Landslides? (Source: 39, 45)	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil? (Source: 45)	☐	☐	☒	☐
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? (Source: 39, 45)	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 39, 45, 52)	☐	☐	☒	☐

7. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 47)	☐	☐	☐	☒
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (Source: 34)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Pacific Crest Engineering, Inc. prepared the *Geotechnical Investigation for the Packard Ranch Pond Improvements* (HCD - Library No. LIB210135). The investigation is dated May 2021 and is the primary source document for the discussion below (Source: 45).

Surface Conditions

The Proposed Project is located on the eastern edge of a terrace that slopes very gently towards the east. It is bordered by a rough graded road to the north and agricultural fields to the west and south. On its east side a rough graded road separates to Proposed Project from the head of a drainage swale that flows eastern towards the Elkhorn Slough.

Subsurface Conditions

As part of their investigation, Pacific Crest preformed subsurface exploration consisting of four test borings drilled in the proposed pond area. These borings extended 8 to 35 feet below existing grade. The general subsurface conditions are described below.

The subsurface profile encountered during two of the four test borings consisted of a surficial 1.5 to 2 foot layer of silty sand underlain by interbedded layers of clayey sand, sandy clay, and silty sand. In general, the sand fraction appeared to become somewhat coarser at about 11 to 12 feet below ground surface but still contained significant percentages of fine-grained material. All of the above materials were medium dense to dense/hard in consistency. The Proposed Project site is located adjacent to Elkhorn Slough on an elevated plain which is mapped as being underlain by coastal terrace deposits. These deposits consist of, marine sand and are overlain by silt, sand, and gravel.

The other two test borings were drilled on the existing berm and encountered about 5 feet of fill underlain by interbedded clayey sand, sandy clay, and silty sand. The fill material consisted of silty and clayey sand and was generally medium dense. Where the fill transitioned to native

materials at about 5 feet below ground surface, the density decreased and was described as loose in one of the test borings.

During the site visit conducted on April 5, 2022, it appeared that the existing detention pond was filled with several feet of water. Runoff water from winter rains remains in the pond for some months and depending on the types of crops in the adjacent fields, the pond is replenished with runoff from irrigation. Based on this, it appears that water is perched on or in the subsoils and that water is maintained in the pond for much of the year.

Groundwater was not encountered in the test borings and no evidence of shallow groundwater was observed at the site. The depth of groundwater tables may vary with location and can fluctuate with variations in rainfall, runoff, irrigation, and other changes to the conditions.

Geotechnical Hazards

Typical geotechnical hazards include seismic shaking, ground surface fault rupture, liquefaction, lateral spreading, landsliding, and expansive soils. A discussion of these hazards is presented below.

Faulting and Seismicity

Mapped faults that have to potential to generate earthquakes that could significantly affect the Proposed Project are listed below in **Table 3**.

Table 3. Distance to Significant Faults

Fault Name	Distance (miles)	Direction
San Andres	8	Northeast
Sargent	12	Northeast
Monterey Bay – Tularcitos	14	West
Calaveras	19	Northeast
San Gregorio	21	West

Due to the proximity of the site to active and potentially active faults, it is reasonable to assume the site will experience high intensity ground shaking during the lifetime of the project. The Proposed Project site is located on thick-soft soil deposits, which are more likely to experience more destructive shaking, than project sites founded on bedrock. General shaking will be more intense closer to earthquake epicenters. The investigation includes design parameters to be used by the Proposed Project's structural engineers that are intended to reduce to potential structural damage to an acceptable risk level.

Ground Surface Fault Rupture

The Proposed Project site is not mapped within a fault hazard zone (Source: 37). Ground surface fault rupture typically occurs along the surface of active faults during significant seismic events. The nearest fault trace is mapped approximately 8 miles from the site. Based on this information, Pacific Crest concluded that the potential for surface fault rupture is considered low.

Liquefaction and Lateral Spreading

The Monterey County Geologic Hazard Map indicates that there is a low hazard of landsliding and a low hazard of liquefaction at the site. No features indicative of large or moderate scale landsliding were observed at in the immediate vicinity during the site visit.

The Proposed Project site is not mapped within a liquefaction hazard zone (Source: 37). Liquefaction tends to occur in loose, saturated fine-grained sands and coarse silt, or clays with low plasticity. Pacific Crest did not identify liquifiable soils as part of their investigation. In addition, groundwater was not encountered during the site visit. For these reasons, the Pacific Crest concluded that the potential for liquefaction is occur at the Proposed Project site is considered low.

Liquefaction induced lateral spreading occurs when a liquified soil mass fails toward an open slope face or fails on an inclined topographic slope. Pacific Crest concluded that the Proposed Project site has a low potential for liquefaction and consequently the potential for lateral spreading is also considered low.

Landsliding and Stability

No landslide deposits are mapped within the subject site. Pacific Crest conducted additional quantitative analysis to evaluate the stability of the earthen berm on the east side of the pond. Their analysis included many conservative assumptions and concluded that the factors of safety against sliding are well above the widely accepted minimums.

Geology and Soils 7(ai). No Impact

The project is not in proximity to Alquist-Priolo Earthquake Fault zone according to mapping information available from the California Department of Conservation website, and as discussed in the section above the property is not within 1/8 mile of any known active or potentially active faults (Source: 7, 37, 45). Therefore, there would be no impact resulting from fault rupture based on the Alquist-Priolo Earthquake Fault Zoning Map.

Geology and Soils 7(aii). Less than Significant

The nearest identified major source of an earthquake is the San Andres fault, which is located approximately 8 miles northeast of the Proposed Project site. The Sargent, Monterey Bay-Tularcitos, Calaveras, and San Gregorio Faults are other likely major earthquake sources, see **Table 3** above. The geotechnical investigation indicates that strong seismic ground shaking is likely during the lifetime of the Proposed Project. This is considered a potential significant impact. The report identifies the primary method for reducing impact of ground shaking on the Proposed Project site is to design the buildings in accordance with the current 2021 CBC and includes design recommendations to achieve this. Therefore, impacts resulting from seismic ground shaking would be less than significant through compliance with Monterey County Code section 16.08.110(D),which requires all recommendations contained in the geotechnical investigation to be incorporated into the final construction and grading plans.

Geology and Soils 7(aiii). Less than Significant

The Proposed Project area has a low liquefaction potential. Liquefaction induced lateral spreading occurs when a liquefied soil mass fails toward an open slope face or fails on an inclined topographic slope. Due to the relatively flat project site and low liquefaction potential, the risk of lateral spreading is also considered to be low (Source: 37, 45). The Proposed Project would result in a less than significant impact resulting from its potential to cause substantial adverse effects involving seismic-related ground failure, including liquefaction.

Geology and Soils 7(aiv). Less than Significant

The subject site and immediate vicinity are relatively flat to gently sloping. The potential for landsliding to occur and adversely affect the proposed development is considered low. In addition, no landslide deposits were mapped onsite (Source: 37, 45). This is considered a less than significant impact.

Geology and Soils 7(b). Less than Significant

Based on the Monterey County GIS Hazard Maps, the erosion hazard rating of the Proposed Project site is considered to be moderate to high. Construction of the expanded detention pond could result in soil erosion and loss of topsoil by water and/or wind. Excavation activities would involve the removal of approximately 8,100 cubic yards of soil from the project site and require fill of approximately 1,635 cubic yards of soil. This is considered a potentially significant impact.

The project would be required to comply with Chapter 16.12, Erosion Control, of the Monterey County Code of Ordinance. This chapter sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions. It should be noted that the Proposed Project is exempt from Construction General Permit requirements, including the preparation of a Stormwater Pollution Prevention Plan ("SWPPP"). The geotechnical investigation includes recommendation to reduce impacts related to soil erosion and loss of topsoil (Source: 45). Compliance with Monterey County Code section 16.08.110(D) would ensure that all geotechnical investigation recommendations are implemented into final construction plans and reduce impacts resulting from erosion and loss of topsoil to a less than significant level.

Geology and Soils 7(c). Less than Significant

As stated in the discussion aiii. above, the Proposed Project would have a low potential to result in lateral spreading, subsidence, or liquefaction, which could damage the Proposed Project (Source: 37, 45). The Proposed Project would result in less than significant impacts due to unstable soil conditions.

Geology and Soils 7(d). Less than Significant

Expansive soils are those soils that are clayey and would shrink or swell significantly with changes in moisture content, often causing damages to structures. The Proposed Project site consists primarily of Santa Ynez fine sandy loam (ShC). Based on the sandy characteristics of the soil encountered at the surface of the site and the defined soil type, the potential for expansive soils is low (Source: 37, 45, 52). For this reason, the Proposed Project would have a less than significant impact due to risks to life or property resulting from expansive soil.

Geology and Soils 7(e). No Impact

The Proposed Project would not require installation of a septic system or alternative wastewater disposal system, as it consists of the expansion of an existing detention pond (Source: 45). For this reason, no impact would result.

Geology and Soils 7(f). Less than Significant

There are no significant paleontological resources within the vicinity of the Proposed Project site (Source: 34). For these reasons, a less than significant impact would result from the potential to destroy a paleontological resource or unique geologic feature.

8. GREENHOUSE GAS EMISSIONS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation 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? (Source: 2, 32)	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 2, 32)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Various gases in the earth's atmosphere, when exceeding naturally occurring or 'background' levels due to human activity, create a warming or greenhouse effect, and are classified as atmospheric greenhouse gases ("GHGs"). These gases play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back

into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide ("CO_2"), methane ("CH_4"), ozone ("O_3"), water vapor, nitrous oxide ("N_2O"), and chlorofluorocarbons ("CFCs"). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

Greenhouse Gas Emissions 8(a). Less than Significant

The project would not incrementally increase energy consumption at the project site or traffic in the surrounding vicinity. Temporary construction-related emissions would result from usage of equipment and machinery. Operationally, the project would not generate an increase to permanent greenhouse gas emissions because of the limited scope of the project (i.e., expansion of an existing detention pond) (Source: 2, 32). Therefore, impacts would be less than significant.

Greenhouse Gas Emissions 8(b). No Impact

Monterey County does not currently have an adopted GHG reduction plan with numerical reduction targets for individual uses and developments. The Proposed Project does not conflict with the policy direction contained in the Monterey County Municipal Climate Action Plan or the Association of Monterey Bay Area Government's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy because it would involve the expansion of an existing detention pond in an area zoned to allow such agricultural uses (Source: 2, 32). The Proposed Project would have no impact due to conflicts with plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases.

9. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation 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? (Source: 41)	☐	☐	☐	☒

9. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, would it create a significant hazard to the public or the environment? (Source: 11)	☐	☐	☐	☒
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 public use airport, would the project 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? (Source: 34)	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source: 9)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The California Department of Toxic Substances Control's ("DTSC") EnviroStor database, an online data management system for tracking DTSC's cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues, does not identify any contaminated sites within the vicinity of the Proposed Project. No hazardous materials are stored within the project site.

The Hazardous Waste and Substances Site ("Cortese") List is a planning tool used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of

information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California EPA ("CalEPA") to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The Proposed Project area is not within 0.25 miles of a hazardous materials site on the Cortese Site.

Hazards and Hazardous Materials 9(a, b). Less than Significant

Construction activities would require the temporary use of hazardous substances such as fuel and other petroleum-based products for operation of construction equipment. As a result, the Proposed Project would have the potential to result in the exposure of persons and/or the environment to an adverse environmental impact due to the accidental release of a hazardous material. However, the handling transport, use, and disposal of hazardous materials must comply with all applicable federal, state, and local agencies and regulations, including the Department of Toxic Substances Control; Occupational Health and Safety Administration ("OSHA"); California Department of Transportation ("Caltrans"); and the Monterey County Health Department - Hazardous Materials Management Services. In addition, the implementation of construction phase Best Management Practices and erosion control measures as required by the Monterey County Code Chapter 16.8 – Grading, would minimize potential impacts related to the routine transport and accidental release of hazardous materials. Any handling of hazardous materials would be limited to the quantities and concentrations set forth by the manufacturer and/or applicable regulations, and all hazardous materials would be securely stored in a construction staging area or similar designated location within the project site. For these reasons, the impact would be less than significant.

Hazards and Hazardous Materials 9(c). No Impact

The Proposed Project is not located within a quarter mile of a school (Source: 41). No impact would result.

Hazards and Hazardous Materials 9(d). No Impact

The Proposed Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Source: 11). No impact would result.

Hazards and Hazardous Materials 9(e). No Impact

The subject property is not located within an airport land use plan or within 2 miles of a public airport or public use airport and would not result in a safety hazard to airport operations. No impact would result.

Hazards and Hazardous Materials 9(f). Less than Significant

The subject property is located at the end of Struve Road, a small local street in a rural area. According to Monterey County GIS Struve Road is not identified as an evacuation route. The Proposed Project site is located more than one mile to the east of Highway 1, which is a designated evacuation route. During construction, there would be a maximum of four

construction workers onsite (Source: 37). Due to the minimal number of vehicles onsite, the impact would be less than significant.

Hazards and Hazardous Materials 9(g). Less than Significant

The Proposed Project is not located within a State Responsibility Area Fire Hazard Zone or Very High Fire Hazard Severity Zone and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires (Source: 9). Therefore, the project would have a less than significant impact due to exposure of people or structures to wildfire risk.

10. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source: 50)	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Source: 50)	☐	☐	☐	☒
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:				
i) result in substantial erosion or siltation on- or off-site? (Source: 51)	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Source: 51)	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 51)	☐	☐	☒	☐

10. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: 14, 20)	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: 21)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The project site is approximately 1,000 feet west of the Elkhorn Slough. The entire site is vegetated and is relatively flat. Stormwater and agricultural runoff generally drain west to east, with runoff first entering the existing detention pond and eventually into the Elkhorn Slough.

The North County Land Use Area is served primarily by groundwater pumped from local wells. The Proposed Project area overlies the Corralitos – Pajaro Valley Groundwater Basin as defined by the California Department of Water Resources ("DWR"). This groundwater basin is listed as critically over drafted in DWR Bulletin 118. Groundwater resources in the area are managed by the Pajaro Valley Water Management Agency ("PVWMA"). PVWMA is a special district that was formed manage water supplies, prevent overdraft, and to provide and ensure sufficient water supplies for present and anticipated needs within its boundaries. The Proposed Project does not propose to use any groundwater.

The Proposed Project area is located just outside the tsunami hazard area and the 100-year flood hazard zone (Source: 14, 18).

Hydrology and Water Quality 10(a). Less than Significant

Construction of the Project could result in temporary water quality impacts due to ground-disturbing activities (e.g., grading) and the use of hazardous materials (e.g., diesel fuel, gasoline, lubricants, oils, hydraulic fluids, etc.). Project construction would consist of localized grading and vegetation removal to facilitate the construction of the expanded detention pond. These activities could impact water quality due to temporary increases in sedimentation, erosion, hazardous material leakages (see **Section VI.9, Hazards and Hazardous Materials**). Ground-disturbing activities and vegetation removal could increase soil erosion and result in potential water quality impacts. These activities would occur during construction and would be temporary in nature. The implementation of standard construction phase Best Management Practices would minimize impacts during construction. These Best Management Practices include:

- Protecting existing storm drain inlets and stabilizing disturbed areas;
- Hydroseeding/re-vegetating disturbed areas;
- Properly managing construction materials;
- Managing waste, aggressively controlling litter, and implementing sediment controls; and

- Limiting grading to the minimum area necessary for construction and operation of the project.

In addition, erosion control measures as required by the Monterey County Code Chapter 16.8 – Grading, would lessen temporary construction phase water quality impacts; see **Section VI.7, Geology and Soils** for more information concerning potential erosion-related impacts (Source: 50). Therefore, impacts would be less than significant.

Hydrology and Water Quality 10(b). No Impact

The Proposed Project consists of the construction and operation of an expanded detention pond and therefore would not use any groundwater, nor would it interfere substantially with groundwater recharge (Source: 50). No impact would result.

Hydrology and Water Quality 10(c). Less than Significant

The project includes the construction of an expanded detention pond where an existing pond currently exists. Construction activities would involve vegetation clearing and excavation that would disturb land within the project site, this disturbance would be temporary. Construction would be required to comply with Monterey County Code Chapter 16.8 – Grading which would reduce impacts related to erosion and surface runoff. The Proposed Project would alter the existing drainage pattern of the site by gently grading the surrounding area to allow runoff to flow into the expanded detention pond. The detention pond has been designed to capture agricultural runoff as well as runoff from storm events. The expanded detention pond would store the water for a greater amount of time prior to discharging to the Elkhorn Slough, therefore reducing water quality impacts (Source: 51). For these reasons, impacts would be less than significant.

Hydrology and Water Quality 10(d). Less than Significant

The Proposed Project area is not located in a tsunami hazard area. In addition, the Proposed Project area is located outside the 100-year flood hazard zone. As a result, the Proposed Project would not risk the release of pollutants due to project inundation (Source: 14, 20). In the event of inundation of at the Proposed Project site, a less than significant impact would occur from the release of pollutants.

Hydrology and Water Quality 10(e). No Impact

The property lies within Region 3 of the Central Coast Regional Water Quality Control Board and is subject to the Regional Water Quality Control Plan and Central Coast Basin Plan ("Basin Plan") (Source: 21). As discussed in **Section III** of this Initial Study, the Proposed Project is consistent with these plans, and therefore, no impacts would occur.

11. LAND USE AND PLANNING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 34, 32)	☐	☐	☐	☒
b) Cause a 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? (Source: 34, 32)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

The Proposed Project site is within Accessor Parcel Numbers 413-081-004-000 (detention pond) and 413-081-003-000 (outlet), which contain CAP(CZ), AC(CZ) and RC (CZ) zoning districts. All proposed development is located within areas zoned CAP (CZ). The site is located on the west side of the North County Land Use Planning area, which is characterized by agricultural and conservation land uses. The project site is located to the west of the Elkhorn Slough. Surrounding land uses include agricultural conservation, agricultural preservation, and resource conservation, all within the Coastal Zone. The site is actively being used for row-crop production, grazing, and restoration and has historically been utilized for agricultural cultivation.

Land Use and Planning 11(a) – No Impact

As proposed and described above, the project is consistent with and would have no impact on the land use designation and/or zoning. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the North County Local Coastal Program (LCP). As designed and conditioned/mitigated, the project is consistent with applicable General Plan and LCP policies as discussed throughout this Initial Study. The surrounding land use consists primarily of agriculture and is rural in nature. Expansion to an existing detention pond is consistent with the agricultural in the area, and would not cut off connected neighborhoods or land uses from each other. No new roads, linear infrastructure, or other development features are proposed that would divide an established community or limit movement, travel or social interaction between established land uses. As proposed, the project would not physically divide an established community, and no impacts would occur.

Land Use and Planning 11(b) – Less than Significant with Mitigation Incorporated

The proposed project would be subject to the policies and regulations of the North County Land Use Plan (LUP). Chapter 4 of the LUP contains policies that pertain to Land Use and Development in unincorporated areas of North County. Given that the project involves improving and expanding the detention pond so that the runoff is detained and slowed to reduce the amount of sediment entering the Elkhorn Slough, and to potentially create habitat for waterfowl and amphibians, on a site that is

zoned for such uses, the project would not conflict with land use policies specified in the LUP. Also, the project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. Prior to implementation, the project would require issuance of grading and/or building permits and a Coastal Development Permit from the County of Monterey.

Chapter 2.3 of the LUP also contains policies related to the protection of biological resources. With implementation of **Mitigation Measures No. 1** through **No. 4 (**Biological Education Program for Employees, biological monitoring, best management practices, protective fencing, and sensitive habitat restoration) as described in **Section VI.4, Biological Resources***,* the project would not conflict with applicable LUP policies. Therefore, impacts related to conflicts with a land use plan would be less than significant with mitigation incorporated.

Chapter 2.9 of the LUP also contains policies related to the protection of archaeological resources. With implementation of **Mitigation Measure No. 5 (**onsite archaeological monitor) and **Mitigation Measure No. 6** (onsite tribal monitor), as described in **Section VI.5, Cultural Resources**, and **Section VI.18, Tribal Cultural Resources**, the project would not conflict with applicable policies of the LUP. Therefore, impacts related to conflicts with a land use plan would be less than significant with mitigation incorporated.

As designed, the project has the potential to impact biological and/or unknown or previously undiscovered archaeological or tribal cultural resources. Implementation of the mitigation measure identified above would reduce potential impacts related to land use and planning to a less than significant level.

12. MINERAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 6, 39)	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 6, 39)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

13. NOISE **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation 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 applicable standards of other agencies? (Source: 34, 32)	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels? (Source: 34, 32)	☐	☐	☒	☐
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, would the project expose people residing or working in the project area to excessive noise levels? (Source: 34, 32)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Noise is commonly defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels ("dB") with 0 decibels corresponding roughly to the threshold of hearing. Most sounds consist of a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Most environmental noise includes a conglomeration of noise from distant sources, which create a relatively steady background noise in which no particular source is identifiable. The primary source of existing noise in the Project vicinity is vehicle traffic along Highway 1. In determining the daily level of environmental noise, it is important to account for the difference in response of sensitive receptors to daytime and nighttime noises.

The 1982 Monterey County General Plan includes guidance for noise and provides land use compatibility guidelines for exterior community noise levels. No sensitive receptors or residences exist within the vicinity of the Proposed Project.

Noise 13(a). Less than Significant

Construction of the Proposed Project would generate a temporary noise increase in the vicinity of the project due to the use of equipment, trucks and machinery typically used during small scale construction projects. Construction activities would be required to comply with the Monterey

County Noise Ordinance as described in Chapter 10.60 of the County's Code of Ordinances. The ordinance applies to "any machine, mechanism, device, or contrivance" within 2,500 feet of any occupied dwelling unit and limits the noise generated to 85 dBA at a distance of 50 feet from the noise source. Noise generating construction activities are limited to the hours between 7 a.m. and 7 p.m. Monday through Saturday; no construction noise is allowed on Sundays or national holidays. Operationally, the project would not result in a permanent increase in ambient noise given that the project consists of the expansion of an existing detention pond (Source: 34, 32). Impacts would be less than significant.

Noise 13(b). Less than Significant

The Proposed Project is not subject to substantial groundborne vibration, nor would it generate any permanent source of groundborne vibration at nearby sensitive receptors. Construction activities may generate minimal groundborne vibration during, however, these activities would be temporary, and there no sensitive receptors or residences within the vicinity of the Proposed Project (Source: 34, 32). Therefore, impacts would be less than significant.

Noise 13(c). No Impact

The Proposed Project is not located within the vicinity of a private airstrip or an airport land use plan, or within two miles of a public airport or public use airport which has not adopted such a plan (Source: 34, 32). Therefore, the project would not expose any people residing or working in the project area to excessive noise levels due to proximity to an airport, and no impact would result.

14. POPULATION AND HOUSING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

15. PUBLIC SERVICES **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
a) Fire protection? (Source: 32, 46)	☐	☐	☐	☒
b) Police protection? (Source: 32)	☐	☐	☐	☒
c) Schools? (Source: 32)	☐	☐	☐	☒
d) Parks? (Source: 32)	☐	☐	☐	☒
e) Other public facilities? (Source: 32)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

16. RECREATION **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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? (Source: 32)	☐	☐	☐	☒
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? (Source: 32)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

17. TRANSPORTATION/TRAFFIC **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation 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? (Source: 32)	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (Source: 32)	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 32)	☐	☐	☐	☒
d) Result in inadequate emergency access? (Source: 32)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

18. TRIBAL CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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, 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:				
i) 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 (Source: 45)	☐	☒	☐	☐
ii) 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. (Source: 45)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

The Proposed Project site is located in a highly archaeologically sensitive area according to Monterey County GIS. Additionally, the site is located on land associated with the tribal history of regional native groups. California Assembly Bill ("AB") 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code §21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the CRHR or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

Monterey County Housing and Community Development sent a notification letter to the Esselen Tribe of Monterey County on September 4th, 2021, and to the Ohlone/Costanoan Esselen Nation ("OCEN") on September 9, 2021. Both the Esselen Tribe of Monterey County and OCEN requested to consult with Monterey County Housing and Community Development on the Proposed Project. During consultation, representatives of both tribes requested the on-site presence of a Native American monitor to observe all excavation activities associated with development of the site. The Esselen Tribe representative also requested that construction crew members be provided cultural resources training. In addition, the OCEN representative requested that OCEN be included in any resource recovery program or reburial, and that the applicant send the archaeological report to OCEN.

After the consultation with County staff, OCEN and the Esselen Tribe submitted letters to memorialize the requests made during the consultation and OCEN made additional requests including the following: 1) OCEN's Tribal leadership be provided with archaeological reports/surveys, including subsurface testing, and presence/absence testing; 2) all cultural items found be placed with OCEN; and 3) an OCEN monitor, approved by the OCEN Tribal Council, be used within OCEN's aboriginal territory.

Project construction activities would involve minor ground disturbance that has potential to result in adverse changes to the significance of tribal cultural resources, if such resources were exposed or damaged during construction. However, as discussed in the following sections, no evidence of tribal cultural resources was found during the course of project review.

Tribal Cultural Resources 18(ai). Less than Significant with Mitigation

The Proposed Project would not result in a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code Section 21074, that is listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources. Public Resources Code Sec. 21074 defines a tribal cultural resource as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: a) included or determined to be eligible for inclusion in the California Register of Historical Resources, [or] b) included in a local register of historical resources as defined in subdivision (k) of [Public Resources Code] Section 5020.1" (Public Resources Code Sec. 21027(a)).

The Proposed Project site is not listed in the California Register of Historic Resources nor is the site included in a local register of historical resources as defined in Public Resources Code Sec. 5020.1(k). Similarly, the Proposed Project site is not listed as eligible, nor has the site previously been identified as eligible for listing on the California Register of Historic Resources. The Proposed Project site is also not identified in a local register as defined in Public Resources Code Sec. 5020.1(k). Moreover, the NAHC review of their Sacred Lands Files did not yield any results for the project site. The RCDMC also did not identify any potential tribal cultural resources as part of the project specific *Section 106 Summary Review Report (HCD – Library No. LIB210135)*.

Although the Project site has not been listed in the California Register of Historic Resources, identified as eligible for listing, or included in the NAHC Sacred Land Files, Native American representatives contacted during the tribal consultation process identified that they consider the Proposed Project site part of their indigenous homeland and has the potential to contain ancient and sacred sites. The Native American representatives identified that they were not opposed to the Proposed Project but wanted to make sure appropriate measures were incorporated into.

While the tribal consultation process revealed potential concerns associated with the development of the Proposed Project, it is important to recognize that the Proposed Project site has been extensively disturbed in connection with historical use of the site for agricultural uses. Given the historic site disturbance associated with prior use, it is unlikely that the Proposed Project would affect an unknown or previously unidentified tribal cultural resources. **Mitigation Measure No. 5** (described in **Section VI.5**) would require cultural resources awareness training of construction crew members prior to soil disturbance and an on-call archaeological monitor. **Mitigation Measure No. 6** (described below) would require that, if tribal cultural artifacts or human remains are discovered, these resources are treated with appropriate dignity and respect. With implementation of the County's condition of approval for cultural resources (PD003A), included in **Section VI.5**, and **Mitigation Measures No. 5 and No. 6**, the potential impact to Tribal Cultural Resources would be less than significant.

Tribal Cultural Resources 18(aii). Less than Significant with Mitigation

As described under the response above, the NAHC review of their Sacred Lands Files did not yield any results for the project site, and the potential for discovery of tribal cultural resources within the project site is likely low due to prior site disturbance. Although unlikely, it is possible that unrecorded tribal cultural resources are present beneath the ground surface and that such resources could be exposed and damaged during construction of the Project. Furthermore, Native American representatives requested that mitigation measures be incorporated into the Proposed Project (Source: 45). This is a potentially significant impact that would be reduced to a less than significant level with the implementation of **Mitigation Measures No. 6 and No. 5 (**described in **Section VI.5)**.

Mitigation Measures

Mitigation Measure No. 6: On-Site Tribal Monitor

To ensure that Tribal Cultural Resources incur a less than significant impact if encountered, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be on-site and observe initial project-related excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

Mitigation Measure Action 6a: Prior to issuance of grading and/or building permits from Building Services, the Applicant/Owner shall submit evidence to the satisfaction of the Chief of HCD-Planning that a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, has been retained to monitor initial excavation activities associated with the proposed pond enlargement.

Mitigation Measure Action 6b: Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and the qualified archaeological monitor. Once cataloged, the qualified archaeological monitor will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society. A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

Mitigation Measure Action 6c: Prior to final inspection from Building Services, the Tribal Monitor or other appropriately NAHC recognized representative shall submit a letter to HCD-Planning confirming participation in the monitoring and provide a summary of archaeological and /or cultural finds or no finds, as applicable.

19. UTILITIES AND SERVICE SYSTEMS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or 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 adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 34)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

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 With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: 2, 9)	☐	☐	☐	☒
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 a wildfire? (Source: 2, 9)	☐	☐	☐	☒

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 With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: 2, 9)	☐	☐	☐	☒
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? (Source: 2, 9)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: See **Sections II** and **IV**.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1-61)	☐	☒	☐	☐
b) 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)? (Source: 1-61)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1-61)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Mandatory Findings of Significance (a). Less than Significant with Mitigation

The Proposed Project would not 1) degrade the quality of environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory. The Proposed Project would result in temporary construction-related impacts that would be mitigated to a less than significant level through the incorporation of mitigation measures identified in this IS/MND. As discussed in this Initial Study, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues. Potential impacts to

Biological Resources would be reduced to a less than significant level by the implementation of **Mitigation Measures No. 1** through **No. 4,** potential impacts to Cultural Resources would be reduced to a less than significant level with implementation of **Mitigation Measure No. 5** and the County's standard Condition of Approval for cultural resources (PD003A), and potential impacts related to Tribal Cultural Resources would be reduced to a less than significant impact with the implementation of **Mitigation Measure No. 6**. *This is a less than significant impact with mitigation incorporated* (Source: 1-61).

Mandatory Findings of Significance (b). Less than Significant

The Proposed Project would not result in a cumulatively considerable adverse environmental effect. To determine whether a cumulative effect requires an EIR, the lead agency shall consider whether the impact is significant and whether the effects of the project are cumulatively considerable (CEQA Guidelines §15064(h)(1). This IS/MND contains mitigation to ensure that all potential impacts would be minimized to a less than significant level. Temporarily disturbed areas would be restored following construction. In addition, the Project would not result in impacts beyond what was anticipated in the Monterey County General Plan and the Project would comply with all applicable North County LUP policies.

CEQA allows a lead agency to determine that a project's contribution to a potential cumulative impact is not considerable and thus not significant when mitigation measures identified in the initial study will render those potential impacts less than considerable (CEQA Guidelines 15064(h)(2). This IS/MND contains numerous mitigation measures to further minimize the Project's potential environmental effects (see **Mitigation Measures No. 1** through **No. 6**). This represents a less than significant impact. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND (Source: 1-61).

Mandatory Findings of Significance (c). Less than Significant

The Proposed Project would not have a substantial adverse effect on human beings, either directly or indirectly. This IS/MND contains mitigation to ensure that all potential impacts would be minimized to a less than significant level. The Project would have a beneficial impact by improving the quality of water entering Elkhorn Slough and providing aquatic habitat for amphibians and other wildlife. This represents a less than significant impact. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND (Source: 1-61).

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill ("SB") 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the California Department of Fish and Wildlife. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department's website at www.wildlife.ca.gov.

Conclusion: The project will be required to pay the fee unless the applicant can obtain a "no effect" determination from the California Department of Fish and Wildlife.

Evidence: Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN200315 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. SOURCES

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