

County of San Benito

River Parkway and Regional Park Project

Final **Environmental Impact Report**

SCH #2013091072



October 2016

E n v i r o n m e n t a l S c i e n t i s t s P l a n n e r s E n g i n e e r s

San Benito County River Parkway and Regional Park Project

Final Environmental Impact Report

Prepared for:
San Benito County
481 4th Street
Hollister, CA 95023

Contact:
Adam Goldstone,
Capital Improvement Project Manager
(831) 636-4000
Email: agoldstone@cosb.us

Prepared by:
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437 Figueroa Street, Suite 203
Monterey, California 93940

October 2016

This report is printed on recycled paper.

**San Benito County
River Parkway and Regional Park Project**

Final
Environmental Impact Report

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1.0 INTRODUCTION

1.1 PURPOSE OF THE EIR PROCESS

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the County of San Benito to evaluate the potential environmental impacts of the proposed San Benito County River Parkway and Regional Park Project (collectively, the “project”). The project consists of two components: (1) the approximately 20-mile River Parkway, and (2) an approximately 31-acre Regional Park, located along the River Parkway. The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision-makers and the public about a project’s potential significant environmental effects, identify feasible ways to minimize significant effects, and consider a reasonable range of alternatives to the project. This Final EIR has been prepared with assistance from San Benito County’s planning and environmental consultant, Rincon Consultants, Inc. The Final EIR has been reviewed by County staff for completeness and adequacy in accordance with Public Resources Code (PRC) Sections 21000–21177 and the *State CEQA Guidelines*.

As prescribed by the *State CEQA Guidelines* Sections 15088 and 15132, the lead agency, the County of San Benito, is required to evaluate comments on significant environmental issues received during the 45-day public comment period from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This Final EIR, together with the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150), as well as all appendices attached thereto, will comprise the Environmental Impact Report (EIR) for this project. Pursuant to the requirements of CEQA, the County of San Benito must certify the EIR as complete and adequate prior to approval of the project or a project alternative.

This Final EIR contains individual responses to each comment received during the public review period for the Draft EIR. In accordance with *State CEQA Guidelines* Section 15088(b), the written responses describe the disposition of significant environmental issues raised. As required under CEQA, the County of San Benito and its consultants have provided a good faith effort to respond in detail to all significant environmental issues raised by the comments.

1.2 EIR CERTIFICATION PROCESS AND PROJECT APPROVAL

In accordance with the requirements of CEQA and the procedures of San Benito County, the EIR must be certified as complete and adequate prior to approval of the proposed project. Once the EIR is certified and all information considered, using its independent judgment, the County can take action to go forward with the proposed project, make changes, or select an alternative to the proposed project. While the information in the EIR does not constrain the County’s ultimate decision under its land use authority, San Benito County must respond to each significant effect and mitigation measure identified in the EIR as required by CEQA by making findings supporting its decision.

A Draft EIR for this project was circulated for public review and comment on May 18, 2016 and concluded on July 1, 2016 (SCH #2013091072). This Final EIR for the project was completed on October 14th, in accordance with applicable timing and notice requirements. This EIR is an informational document prepared by the County that must be considered by decision makers before approving the proposed project.



1.3 FINAL EIR SECTIONS

Pursuant to Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this Final EIR consists of the following:

- a. A list of persons and organizations that commented on the Draft EIR - see Section 2.0, *Comments and Responses*.
- b. Comments received on the Draft EIR - see Section 2.0, *Comments and Responses*.
- c. The County's responses to significant environmental points raised in the 45-day public review and comment period - see Section 2.0, *Comments and Responses*.
- d. Revisions to the Draft EIR - Any edits/updates in this Final EIR to the text in the Draft EIR are shown in ~~strikeout~~ for deletions and underline for additions in Section 3.0, *Revisions to the Draft EIR*.
- e. Any other information added by the County - see Section 3.0, *Revisions to the Draft EIR*.
- f. The mitigation monitoring and reporting program (MMRP) - see Section 4.0, *MMRP*.

2.0 RESPONSES TO COMMENTS

This section includes the comments received during circulation of the Draft Environmental Impact Report (EIR) for the San Benito County River Parkway and Regional Park Project (Project) and responses to those comments. Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments. These changes merely amplify and clarify the analysis and do not introduce significant new information or otherwise affect the analysis or conclusions of the EIR and thus do not require recirculation under State CEQA Guidelines § 15088.5. The changes to the EIR are further discussed in Section 3.0, *Revisions to the Draft EIR*. The changes to the EIR do not result in any new impacts or result in an increase in impacts or any new mitigation measures that would warrant recirculation of the Draft EIR.

The Draft EIR was circulated for a 45-day public review period that began on May 18, 2016 and ended on July 1, 2016. During this 45-day period, San Benito County (County) received comments from the public with four comments letters on the Draft EIR, as well as an acknowledgement from the State Clearinghouse regarding receipt of the Draft EIR (see below for OPR comment). The commenters and the page numbers on which each commenter's letters appear (as applicable) are listed below.

Comment Letters	Page No.
Commenter, Date of Letter	
1. Scott Morgan, California State Clearinghouse, July 6, 2016	2-2
2. John J. Olejnik California Department of Transportation, June 29, 2016	2-6
3. Peter Jones, Department of Parks and Recreation, June 29, 2016	2-8
4. John Perales, San Benito High School District, June 30, 2016	2-10
5. Michael G. Smith, June 1, 2016	2-14

The comment letters and the County's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has also been assigned a number. The responses to each comment identify first the number of the comment letter, followed by the number assigned to each issue (Response 2.1, for example, indicates that the response is for the first issue raised in *Comment Letter 2*).





Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 6, 2016

Adam Goldstone
San Benito County
Public Works Department
2301 Technology Parkway
Hollister, CA 95023

Subject: San Benito River Parkway and Regional Park EIR
SCH#: 2013091072

Dear Adam Goldstone:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 5, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1.1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED

JUL 11 2016

Enclosures
cc: Resources Agency

Public Works
San Benito County

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013091072
Project Title San Benito River Parkway and Regional Park EIR
Lead Agency San Benito County

Type EIR Draft EIR

Description The proposed project includes two related components: the 20-mile River Parkway and the attached 52-acre Regional Park site.

River Parkway: The guiding vision for the River Parkway is to provide multi-use (hiking/bicycling/equestrian) public trails, open space and parks along a 20-mile corridor of the San Benito River and Tres Pinos Creek.

Regional Park: Would consist of a circular "central hub", a softball complex, and several additional elements. It should be noted that the proposed 52-acre site contains a 21-acre parcel that is not currently available and therefore would not be included in near-term development of the Regional Park.

Lead Agency Contact

Name Adam Goldstone
Agency San Benito County
Phone 831-636-4000
email agoldstone@cosb.us
Address Public Works Department
2301 Technology Parkway
City Hollister
State CA **Zip** 95023
Fax

Project Location

County San Benito
City Hollister
Region
Lat / Long
Cross Streets Multiple
Parcel No. multiple
Township **Range** **Section** **Base**

Proximity to:

Highways 156, 101
Airports Hollister Municipal
Railways
Waterways San Benito River, Tres Pinos Creek
Schools San Benito High
Land Use Multiple Designations/Districts for the River Parkway; Rural Residential for the Regional Park

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 05/19/2016 **Start of Review** 05/19/2016 **End of Review** 07/05/2016

Jun. 29. 2016 9:36AM

RECEIVED 06/29/2016 09:47 916-323-3018

STATE CLEARINGHOUSE
No. 6699 P. 2



State of California • Natural Resources Agency

DEPARTMENT OF PARKS AND RECREATION

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Director

June 29, 2016

San Benito County
River Parkway and Regional Park DEIR
SCH#: 2013091072
ATTN: Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023

clear 7/5/16
Governor's Office of Planning & Research

JUN 29 2016

STATE CLEARINGHOUSE

Mr. Goldstone,

Thank you for the opportunity to comment on the County of San Benito River Parkway and Regional Park Project Draft EIR.

Hollister Hills State Vehicular Recreation Area (SVRA) is a nearly 7,000 acre park operated by California State Parks for off-highway vehicle (OHV) recreation. Hollister Hills SVRA has been in operation since 1975 and offers many miles of trails, tracks, and obstacle courses for all types of OHVs. Hollister Hills SVRA is a favorite destination for many families who enjoy the diversity of recreation opportunities and amenities which the park offers to the public.

As a unit of California State Parks, Hollister Hills SVRA supports public access to outdoor recreation opportunities and recognizes the positive benefits that may result from this project.

Although the proposed project does not border any portion of Hollister Hills SVRA we would like to be kept up to date on the progress of this project.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Peter Jones
California State Parks; Hollister Hills SVRA
District Services Manager
Peter.Jones@parks.ca.gov
831-636-5189

cc.

Department of Parks and Recreation; Acquisition and Development
CA Dept. of Water Resources; DPLA Environmental Review Unit

Letter 1

COMMENTER: Scott Morgan, California State Clearinghouse

DATE: July 6, 2016

Response 1.1

The commenter states that the Draft EIR was received by the Clearinghouse and was submitted to selected state agencies for review. The commenter also forwarded comment letters from California Department of Parks and Recreation. These comments have been received and noted, and no further response is required.

See Letter 3 for responses to the above-referenced Parks and Recreation Department letter.



DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>

Letter 2

*Serious drought
Help save water!*

June 29, 2016

SBt-156-Var.
SCH# 2013091072

Adam Goldstone
San Benito County Planning Department
2301 Technology Parkway
Hollister, CA 95023

Dear Mr. Goldstone:

COMMENTS TO SAN BENITO RIVER PARKWAY AND REGIONAL PARK EIR

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

1. Caltrans is glad to see that the river parkway is consistent with local general plans and policies regarding pedestrian, bicycle, and roadway infrastructure.
2. While not completely defined, trail staging areas and access points appear to interact with three State right-of-way locations; these include U.S. 101, SR 156, and Highway 25. Caltrans requests the opportunity to be involved in the development and design of these locations.
3. Any work within the State right-of-way will require an encroachment permit issued from Caltrans. Detailed information such as complete drawings, biological and cultural resource findings, hydraulic calculations, environmental reports, traffic study, etc., may need to be submitted as part of the encroachment permit process.

2.1

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

RECEIVED**JUL 05 2016**

Public Works
San Benito County

cc: Jill Morales (D5)

Letter 2

COMMENTER: John J. Olejnik, California Department of Transportation

DATE: June 29, 2016

Response 2.1

The commenter states that the River Parkway project is consistent with local general plans, and policies regarding pedestrian, bicycle, and roadway infrastructure and requests to be involved in the development and design of trail staging areas and access points given the relative proximity of three state right-of-way locations. Additionally, the commenter states that any work within the State right of way would require an encroachment permit, and then sets forth anticipated information that may be required in connection therewith.

Caltrans would be contacted by County staff and consulted, as appropriate, in connection with the development of the project (including development of trail staging areas and access points along the proposed River Parkway) to the extent these portions of the project may impact Caltrans facilities/state rights-of-way, and any encroachment permit(s) required from Caltrans during construction activity would be obtained in accordance with applicable laws and regulations at the appropriate time once the alignment and specific location of the River Parkway's various segments have been refined and finalized.

Jun. 29. 2016 9:36AM

RECEIVED 06/29/2016 09:47 916-323-3018

STATE CLEARINGHOUSE
No. 6699 P. 2



State of California • Natural Resources Agency

Letter 3

DEPARTMENT OF PARKS AND RECREATION

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Director

June 29, 2016

San Benito County
River Parkway and Regional Park DEIR
SCH#: 2013091072
ATTN: Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023

clear 7/5/16
Governor's Office of Planning & Research

JUN 29 2016

STATE CLEARINGHOUSE

Mr. Goldstone,

Thank you for the opportunity to comment on the County of San Benito River Parkway and Regional Park Project Draft EIR.

Hollister Hills State Vehicular Recreation Area (SVRA) is a nearly 7,000 acre park operated by California State Parks for off-highway vehicle (OHV) recreation. Hollister Hills SVRA has been in operation since 1975 and offers many miles of trails, tracks, and obstacle courses for all types of OHVs. Hollister Hills SVRA is a favorite destination for many families who enjoy the diversity of recreation opportunities and amenities which the park offers to the public.

3.1

As a unit of California State Parks, Hollister Hills SVRA supports public access to outdoor recreation opportunities and recognizes the positive benefits that may result from this project.

Although the proposed project does not border any portion of Hollister Hills SVRA we would like to be kept up to date on the progress of this project.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Peter Jones
California State Parks; Hollister Hills SVRA
District Services Manager
Peter.Jones@parks.ca.gov
831-636-5189

cc.

Department of Parks and Recreation; Acquisition and Development
CA Dept. of Water Resources; DPLA Environmental Review Unit

Letter 3

COMMENTER: Peter Jones, Department of Parks and Recreation

DATE: June 29, 2016

Response 3.1

The commenter states that as a unit of the California State Parks, Hollister Hills State Vehicular Recreation Area (SVRA) supports public access to outdoor recreation opportunities and recognizes the positive benefits that may come from this project. In addition, while acknowledging that the project does not border any portion of the Hollister Hills SVRA, it would like to be kept up to date on its progress.

These comments have been received and noted. The California State Department of Parks and Recreation will be added to the mailing list for this project for purposes of receiving all published notices, and the County anticipates consulting with the California State Department of Parks and Recreation, as appropriate, regarding the project's progress as it proceeds through the implementation process, if it is approved by the County and other relevant agencies.





San Benito High School District

1220 Monterey Street
HOLLISTER, CALIFORNIA 95023-4708
PHONE (831) 637-5831
www.sbhsd.k12.ca.us

June 30, 2016

VIA EMAIL & U.S. MAIL

1999
1994
1988
California
DISTINGUISHED
SCHOOL
AWARD

San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023
parkrec@cosb.us



Re: River Parkway and Regional Park Draft EIR

To Whom It May Concern:

1987
1986
California
OUTSTANDING
ACHIEVEMENT
AWARD

We have obtained and reviewed a copy of the draft Environmental Impact Report ("DEIR") for the County of San Benito River Parkway and Regional Park Project ("Project"), dated May, 2016. The San Benito High School District ("School District") hereby submits the following comments with regard to the DEIR.



1984
United States
Department of
Education
EXEMPLARY
HIGH SCHOOL
AWARD

First and foremost, the School District owns the land south of San Benito High School on which a significant portion of Regional Park and bypass road portion of the Project would be developed. Yet the School District and the County have not entered into any agreement(s) or developed a shared understanding about the County's entitlement to develop this property and under what legal conditions or parameters it may do so. Various sections throughout the DEIR describe the Regional Park and its proposed amenities, in detail, but the School District and the County have yet to finalize any details regarding the use of the School District's property for the Regional Park. (See DEIR at ¶¶ 2.3.2, 3.2, and 4.1.1.b., among others.) Whether the Regional Park and/or some of its amenities will be subject to a shared use schedule with the High School may affect noise, traffic, parking and other portions of the analysis. Thus, until the parties have reached an agreement, the project description may be incomplete and the analysis potentially flawed as a result.

Secondly, the School District was not identified as a responsible agency for the Project. A responsible agency under the California Environmental Quality Act is an agency, other than the lead agency, that has some discretionary authority for carrying out or approving a project. (See Cal. Code Regs., tit. 14, sec. 15381.) Prior to the lead agency's determination to proceed with an EIR, the lead agency must have consulted with all responsible agencies and trustee agencies. (See Pub. Resources Code, sec. 21080.3(a).) Moreover, prior to completing an EIR, the lead agency must consult with and receive comments from each responsible agency, trustee agency, and any public agency that has jurisdiction by law with respect to

4.1

4.2

the Project. (See Pub. Resources Code, sec. 21153(a); Cal. Code Regs., tit. 14, sec. 15086(a).) A responsible agency has other legal obligations in order to comply with CEQA. (See, generally, Cal. Code Regs., tit. 14, sec. 15096(b).)

The School District should have been identified as a responsible agency for this Project, given that it owns the land on which a large portion of the Project is anticipated to be developed. Since the Notice of Preparation was initially circulated in 2013, the School District was not consulted or asked to participate in the County's CEQA process.

Until the School District and County reach agreement on the County's entitlement to use the land to develop the Project as described in the DEIR, the DEIR is premature, inaccurate and incomplete. We currently have a meeting scheduled with County representatives in mid-July and respectfully request that this process be delayed until the parties are able to reach agreement regarding the Project.

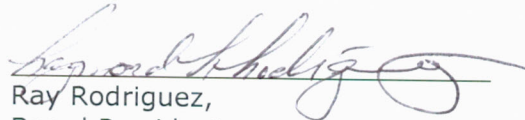
Thank you for your consideration.

Sincerely,

SAN BENITO HIGH SCHOOL DISTRICT



John Perales,
Superintendent
(831) 637-5831



Ray Rodriguez,
Board President

cc. Janet Mueller, Dannis Woliver Kelley

4.2, cont'd

Letter 4

COMMENTS: John Perales, San Benito High School District

DATE: June 30, 2016

Response 4.1

The commenter states that the School District owns the land south of San Benito High School for which a portion of the Regional Park and the proposed bypass road portion of the project would be developed. The commenter also states that an agreement between the County and the School District for use of the land has not been finalized and until it is finalized, the amenities that would be included in the park cannot be determined. Until this is complete the project description is inaccurate and the analysis may be potentially flawed as a result.

The commenter is correct in that an agreement between the County and the School District as to the School District's property has not yet been reached, as of the date of this Final EIR. However, this level of detail is not necessary for purposes of an adequate analysis and full disclosure of the project's potential impacts. Page 1-2 of the EIR states that the proposed Master Plans are meant to provide the general setting, opportunities and constraints for the River Parkway and Regional Park site and to provide general guidelines and concepts rather than a detailed alignment and design of the trail corridor and park amenities. It is anticipated that details regarding the ultimate project design of the trail corridor for specific segments and specific park amenities/uses would occur in the future as part of the project's implementation. For the Regional Park, as stated on page 2-14 of the Draft EIR, "the Regional Park would include various components which may include such features as asphalt basketball or multi-use courts, sand and/or turf areas for volleyball courts, ball fields or other sports activities, a swimming pool, playground(s), buildings / structures for community center activities such as gathering rooms or small classrooms, restrooms or administrative offices, garden areas, picnic areas, and surface parking lots." The features described in the EIR's Project Description are intended to provide a list of general uses and amenities, for purposes of a conservative analysis, which are typical of a diversified regional park that supports opportunities for active and passive recreation and conserves and enhances significant environmental or historical resources and features. However, the ultimate specific park amenities and the specific location of those amenities are not yet determined or defined to a level of detail that would warrant inclusion in the EIR. Rather, in this EIR, the general uses described above are based on a reasonable understanding of anticipated future uses/amenities and are considered sufficient to analyze the anticipated environmental impacts associated with general uses of a typical regional park and related trail system. Therefore, the project description is not inaccurate for the purposes of the EIR and instead, reflects a sufficiently stable project description for purposes of this environmental review process.

If the proposed Master Plans are approved by the County Board of Supervisors detailed planning and implementation of the River Parkway and Regional Park would continue in the future with specific amenities and project features. In the event and to the extent that any proposed uses/amenities other than those described in the proposed Master Plans and within the EIR are ultimately sought to be constructed, then, at that time, based on information then



available, the County would be required to make the determination under CEQA as to whether such proposed uses/amenities are considered to be outside the scope of this EIR, and thus potentially require additional environmental review.

Response 4.2

The commenter states that the School District owns a portion of the land on which the project is proposed and therefore should have been identified as a responsible agency for the Project.

The commenter is correct that the School District would be considered a responsible agency. Therefore, page 1-5 of the EIR has been modified as follows:

A “responsible agency” refers to a public agency other than the “lead agency” that has discretionary approval over the project. As some portions of the trail reaches will be located in Hollister, the City of Hollister would be a responsible agency for the proposed project. Additionally, the San Benito High School District owns a portion of the Regional Park project site; therefore, the High School District is also a responsible agency. In addition, if individual segments proposed for implementation encroach onto properties managed by other agencies or otherwise fall within their respective jurisdictions, these agencies may also be responsible agencies for those segments. Possible responsible agencies include, but are not limited to, the California Department of Parks and Recreation, Bureau of Land Management, Caltrans, and/or United States Fish and Wildlife Service.

In addition, initial conversations and coordination with the High School District began at the inception of this project and continued for several years. However, during the EIR preparation and review, various staff changes at the County resulted in slower project progress and subsequently, a lack of continued communication with the High School District. With the arrival of additional staff at the County, there has been consistent communication and coordination with the High School District, including monthly progress meetings.

Letter 5

From: Michael Smith [michael.smith.g@gmail.com]

Sent: Wednesday, June 01, 2016 11:13 AM

To: parkrec

Cc: jaime De La Cruz; Raymond Friend; Valerie Egland; Don Podd; Lynda Pettibone-Smith

Subject: "River Parkway and regional Park EIR Comments"

To whom it may concern:

I reviewed the San Benito County River Parkway and Regional Park Project Draft Environmental Impact Report (EIR) and want to voice my approval for the proposed project, specifically, Alternative 1. I believe that a public investment in this region of San Benito County habitat will benefit the human species coexistent with other natural wildlife in future generations subsequent to initial capital project construction.

Based on my limited experience of EIR due diligence and due process, I am aware that mitigating environmental impacts, up to and including potential 'takings' of certain threatened species as defined by federal authorities, is often a very expensive course of action which can add potentially millions of dollars of unanticipated expense to the construction costs of a public parkway of this scope.

Still, I believe San Benito County with its present and future populations, deserves to enjoy such a park and recreational facility to improve the health, welfare and safe access to trails - especially for bicyclists subject to road hazards and traffic accidents on city streets - as proposed in the River Parkway and Regional Park plan.

Thank you.

Michael G. Smith
771 Las Palmas Drive
Hollister, CA 95023
831-902-8169

michael.smith.g@gmail.com<<mailto:michael.smith.g@gmail.com>>

5.1

Letter 5

COMMENTER: Michael G. Smith

DATE: June 1, 2016

Response 5.1

The commenter states his support for the project due to the nature of parks and recreational facilities providing the ability for residents to improve their health and welfare, and to provide safe access to trails particularly for bicyclists. The commenter also noted that compliance with federal laws and regulations, such as those related to the protection of threatened species, can add significant, unanticipated costs to these types of projects.

These comments have been received and noted. No further comment is required.

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3.0 REVISIONS TO THE DRAFT EIR

The following section provides a summary record of all proposed text revisions to the Draft EIR. These revisions are the result of comments received during the 45-day public review period, and directly respond to those comments. These revisions merely serve as clarifications and amplifications on the content of the EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines section 15088.5. The revisions serve to clarify and strengthen the content of the EIR, but do not introduce significant new information.

Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where new text is added.

3.1 REVISIONS TO THE DRAFT EIR

Page 1-5 in Section 1.0, *Introduction*, of the EIR has been modified as follows:

A “responsible agency” refers to a public agency other than the “lead agency” that has discretionary approval over the project. As some portions of the trail reaches will be located in Hollister, the City of Hollister would be a responsible agency for the proposed project. Additionally, the San Benito High School District owns a portion of the Regional Park project site; therefore, the High School District is also a responsible agency. In addition, if individual segments proposed for implementation encroach onto properties managed by other agencies or otherwise fall within their respective jurisdictions, these agencies may also be responsible agencies for those segments. Possible responsible agencies include, but are not limited to, the California Department of Parks and Recreation, Bureau of Land Management, Caltrans, and/or United States Fish and Wildlife Service.

Pages 4.3-17 to 4.3-18 in Section 4.3, *Air Quality*, of the EIR has been modified to show that impacts would be less than significant and reference to implementation of Mitigation Measure T-1 is not required. The discussion in Impact AQ-4 was based on a previous, preliminary iteration of the project that included a potential closure of Nash Road; however, ultimately, the County, in its discretion, determined that said potential closure was not properly part of the project and thus reference thereto was removed prior to the finalization and circulation of the Draft EIR. The reasons for this determination were summarized in the Draft EIR. As noted in Section 2.0, *Project Description*, of the Draft EIR (page 2-13), the potential closure of Nash Road from West Street to Monterey Street (Nash Road Closure) was determined not to be properly a part of the proposed project (either the Regional Park or the River Parkway) because it was determined to be a separate project, in that it would require action by the Hollister City Council, and otherwise outside of the purview of this EIR. In connection with the preliminary analysis that was prepared during the administrative draft EIR process, preliminary traffic analysis of the Nash Road Closure was prepared as well and then inadvertently included in the discussion of Impact AQ-4 of the Draft EIR, along with a cross-reference to a Mitigation Measure T-1, which was not included in Section 4.12, *Traffic and Transportation*, of the Draft EIR (page



4.12-14). As explained above, said preliminary analysis was inadvertently included in the Draft EIR and is not relevant here since the Nash Road Closure is not part of the project to be evaluated in the Draft EIR. Thus these changes set forth in this Section of the Final EIR merely clarify and update the language in Impact AQ-4 of the Draft EIR to eliminate the above-referenced inadvertent error, consistent with the project description and discussion of traffic impacts and mitigation measures. Therefore text changes noted below correct the text included in the Air Quality section of the Draft EIR, remove the traffic scenario that inadvertently and incorrectly references a Closure of Nash Road scenario, and remove the inadvertent and incorrect reference to a non-existent Mitigation Measure T-1. Since under the proposed project (which does not include Closure of Nash Road as part of the project) none of the intersections or roadways would result in an increase in congestion that would result in the need for CO hotspot analysis, no mitigation is required, and impacts would be less than significant.

Impact AQ-4 The proposed project would not ~~could~~ result in a scenario related to an increase in traffic at congested roadways or intersections that warrants a CO hotspot analysis. ~~However, with mitigation incorporated that improves traffic conditions at the Access Road/San Benito Street intersection, a quantitative CO hotspot analysis is not required, and Impacts related to CO hotspots would therefore be Class III, significant but mitigable less than significant.~~

As noted in Section 4.3.2(a) (Methodology and Significance Thresholds), a significant CO impact would occur if project-generated traffic would degrade LOS operations at County roadways or intersections, such that those roadways or intersections would degrade from LOS D or better to LOS E or F with the addition of project-generated traffic. In addition, a significant CO impact would occur if project generated traffic would increase delay by 10 seconds or more on any intersections that currently operate at LOS E or F. As noted in Section 4.12, *Transportation/Traffic*, the proposed project would increase traffic in the project vicinity. However, as shown under the “Existing Plus Project” conditions (as shown in Tables 4.12-75, ~~on page through 4.12-913~~), the project’s increase of traffic would not degrade any existing roadways or intersections from LOS D or better to LOS E or F, and the project would not result in a delay of 10 seconds or more. ~~Impacts would be less than significant. Although it currently operates at LOS “F” during the weekday PM Peak hour, the unsignalized Access Road (Baler Alley) at San Benito Street intersection is projected to operate at LOS “F” during the weekday PM peak under the “Existing plus Project with the Access Road and Closure of Nash Road between West Street and Monterey Street” scenario. Further the delay increase would be approximately 17.3 seconds as a result of the proposed project (as shown in Table 4.12-9). Because the proposed project would result in an increase in delay of 10 seconds or more at this intersection, which currently operates at LOS F, impacts related to CO hotspots could be significant unless mitigation is incorporated.~~

Mitigation Measures. Impacts would be less than significant and no mitigation is required. Mitigation Measure T-1 in Section 4.12, *Traffic and Transportation*, would be required to reduce traffic impacts at the Access Road at San Benito Street intersection. Mitigation Measure

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~~T-1 would require that prior to operation of the Regional Park, San Benito Street shall be modified through this intersection to include a two-way left turn (TWLT) median lane. Implementation of Mitigation Measure T-1 is projected to improve operations during the PM peak hour at the Access Road/San Benito Street intersection to LOS "C" under the Existing Plus Project Access Road and Closure scenario. Thus, with implementation of Mitigation Measure T-1, impacts related to CO hotspots would be reduced to a less than significant level.~~

Significance After Mitigation. Impacts would be ~~reduced to a less than significant level with implementation of Mitigation Measure T-1 in Section 4.12, Traffic and Transportation.~~

Page 4.3-19 in Section 4.3, *Air Quality*, has been changed to remove the inadvertent and incorrect reference to a non-existent Mitigation Measure T-1.

d. Cumulative Impacts. The MBUAPCD 2008 CEQA Air Quality Guidelines includes guidelines on analyzing cumulative impacts pertaining to ozone and localized pollutants. As described therein, inconsistency with the AQMP is considered a cumulative adverse air quality impact. As discussed in Impact AQ-1, the proposed project would be consistent with, and in fact would help to implement, the AQMP. Therefore, based on the 2008 CEQA Air Quality Guidelines, the project would not result in a cumulative adverse air quality impact.

As noted in the 2008 CEQA Air Quality Guidelines, consistency with the AQMP does not necessarily mean that a project will not have a project-specific adverse air quality impact. As described in Impacts AQ-2 and AQ-3 above, impacts related to construction and operational emissions would be less than significant. In addition, as indicated in Impact AQ-4, ~~with implementation of Mitigation Measure T-1, the proposed project would not cause operations at County roadways or intersections to degrade to LOS E or F, and would also incorporate traffic improvements as mitigation to ensure that all intersections operate at acceptable levels and thus would not result in impacts related to CO hotspots with the incorporation of the identified mitigation would be less than significant.~~ Further, as indicated in Impact AQ-5, the proposed project would not create objectionable odors affecting a substantial number of people. Therefore, individual project-specific air quality impacts from the proposed project would also be less than significant.

Because the proposed project would be consistent with the AQMP and would result in less than significant impacts pertaining to ozone and localized pollutants, the project's contribution to cumulative air quality impacts would be less than significant.

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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

1.1 OVERVIEW

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the River Parkway and Regional Park Project (Project), proposed in San Benito County, California. Public Resources Code Section 21081.6(a) requires that a Lead Agency adopt an MMRP prior to approving a project in order to mitigate or avoid potentially significant impacts that have been identified. The purpose of the MMRP is to ensure that the required mitigation measures identified are implemented as part of the overall project implementation. In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the Environmental Impact Report (EIR) for the River Parkway and Regional Park Project. The table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring frequency; and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification.

1.2 ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the County is responsible for taking all actions necessary to implement the mitigation measures according to the provided specifications and for demonstrating that each action has been successfully completed. The County, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor.

The following table will be used as the checklist to determine compliance with each required mitigation measure.

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Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
Aesthetics					
AES-4 Lighting Plans and Specifications. Prior to the issuance of any building permits for the project, lighting plans and specifications for all exterior lighting fixtures and light standards shall be submitted to the San Benito County Planning & Building Department for review and approval. Consistent with lighting requirements in Chapter 19.31 of the County Code of Ordinances, the plans shall demonstrate that all outdoor light fixtures, except streetlights, shall be located, aimed or shielded so as to minimize stray light trespass across property boundaries. Lighting plans for any exterior lighting fixtures in the River Parkway corridor within the city limits of Hollister shall be submitted to the City of Hollister Planning Division for review and approval. These lighting plans shall show all light sources fully shielded from off-site view and downcast where they might adversely affect adjacent properties.	Lighting plans and specifications must be submitted for review and approval.	Once, prior to issuance of building permits.	San Benito County		
Agricultural Resources					
AG-1 Agricultural Conservation. Prior to issuance of any grading permits, San Benito County shall provide that for every one (1) acre of Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) on the Regional Park site that is permanently converted to non-agricultural use as a result of project development, one (1) acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said mitigation shall be satisfied by the applicant through: 1) Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of 18.2 acres of Prime Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or 2) Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San	Provide evidence of the recorded easement(s), deed restriction(s), or evidence of payment to the County Planning Department or qualifying entity, such as the San Benito County Agricultural Trust, for approval.	Prior to issuance of any grading permits.	San Benito County		



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<p>Benito County Agricultural Trust, to be applied toward the future purchase of a minimum of 18.2 acres of Prime Farmland in San Benito County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or</p> <p>3) Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of 18.2 acres of Prime Farmland in San Benito County. The amount of the payment shall be equal to 110% of the amount determined by the qualifying entity or a licensed appraiser; or</p> <p>4) Any combination of the above.</p> <p>Prior to issuance of any grading permits for the project, the applicant shall provide evidence of the recorded easement(s), deed restriction(s), or evidence of payment to the County Planning Department or qualifying entity, such as the San Benito County Agricultural Trust, for approval to demonstrate compliance with this Mitigation Measure AG-1.</p>					
<p>AG-3(a) Notice of Agricultural Activities The following information shall be added to the proposed notices on on-going agricultural activities:</p> <ul style="list-style-type: none"> Trail users are advised to stay on the trail and be alert to operating machinery and equipment near the trail. The legal ramifications for trespassing or being on the trail after it is closed. 	Information must be added to proposed notices.	Continuous	San Benito County		
<p>AG-3(b) Landscaping Coordination. For portions of the River Parkway adjacent to agricultural operations, any ornamental plant material used along the trail shall be comprised of native and indigenous species. The selected plant palette shall be reviewed by the Agricultural Commissioner's office prior to approval of landscape plans. Any plant material which may host pests destructive to agriculture shall be prohibited.</p>	Submit list of proposed plants for review and approval.	Prior to approval of landscape plans.	San Benito County		
BIOLOGICAL RESOURCES					



Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
B-1(a) Special Status Plant Species Surveys. Prior to any vegetation removal, grubbing, or other construction activity for the Regional Park and/or River Parkway components of the project (including staging and mobilization), seasonally-timed special status plant surveys shall be conducted by a qualified biologist no more than two years before initial ground disturbance. These surveys shall be conducted for Monterey spineflower within annual grassland and coastal oak woodland habitat where project impacts will occur. The purpose of these surveys is to document the location(s), acreage(s), and approximate number(s) of Monterey spineflower within construction and mitigation areas so that mitigation can be accomplished. The surveys shall coincide within the bloom period for this species (April through July) and all Monterey spineflower identified on-site shall be mapped onto a site-specific aerial photograph and topographic map at a scale of no less than 1"=200'. Surveys shall be conducted in accordance with the County, CDFW, and USFWS protocols (California Department of Fish and Wildlife, 2009; U.S. Fish and Wildlife Service, 2000). A report of the survey results shall be submitted to San Benito County and/or the implementing entity for review and approval.	Surveys must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		
B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation. If Monterey spineflower or other special status plants are found during special status plant surveys [pursuant to mitigation measure B-1(a)], the implementing entity shall redesign the segment to avoid impacting these plant species to the greatest extent feasible. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent to protect them from harm. If avoidance is not feasible, seed and/or other plant material (whole plants, underground root structures, etc.) shall be collected from on-site rare plants prior to removal, and/or from other local populations of plant species to be impacted. Seed shall be distributed in areas not proposed for development that have the appropriate habitat characteristics necessary to support the restoration. Seed collection shall be conducted by a	Surveys and restoration plans must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		



Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
<p>qualified biologist holding a rare plant collection voucher/permit. Topsoil may also be salvaged and distributed over temporarily disturbed areas following completion of construction activities provided it is free of non-native invasive species.</p> <p>The total number and/or total acreage for each special status plant species that will be impacted shall be determined once the final design of the project is completed and prior to initiation of ground disturbance activities. Impacted species shall be restored on-site at a minimum of a 2:1 ratio (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to San Benito County for approval and/or implementing entity. The restoration plan shall include, at a minimum, the following components:</p> <ul style="list-style-type: none"> • Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type); • Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]; • Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values); • Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan); • Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule); • Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports); • Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least twice 					



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				Date	Comments
<p>the approximate total number of impacted plants and/or percent relative cover and/or density equivalent to impacted site;</p> <ul style="list-style-type: none"> An adaptive management program and remedial measures to address any shortcomings in meeting success criteria; Notification of completion of compensatory mitigation and agency confirmation; and Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). <p>The restoration plan shall be implemented for a period of at least five years or until restoration has been deemed complete based on the established success criteria.</p>					
<p>B-1(c) California Red-Legged Frog and California Tiger Salamander, Avoidance and Minimization. The following avoidance and minimization measures are adapted from the Programmatic Formal Endangered Species Act Consultation on Issuance of Permits under Section 404 of the Clean Water Act or Authorizations under the Nationwide Permit Program for Projects that May Affect the California Red-legged Frog issued on January 1999 by the USFWS. Consultation shall occur with the USFWS to determine that 1) the project is covered under the above programmatic formal consultation through issuance of USACE permits under Section 404 of the Clean Water Act, or 2) take of federally protected species is not anticipated through implementation of the measures below as determined through informal consultation with the USFWS if no federal permits are pursued. Consultation shall also occur with the CDFW for state protected species to either obtain a state Incidental Take Permit or establish concurrence that take would not occur.</p> <ul style="list-style-type: none"> Within two weeks of the initiation of construction activities of each segment (including mobilization and staging), a CDFW/USFWS-approved biologist shall conduct a survey of the construction area for all life stages of CRLF and CTS. All areas where these species occur shall be avoided until the approved biologist has determined that these species are no 	Surveys must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		



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				Date	Comments
<p>longer present. No life stages of these species shall be relocated without a take authorization from the USFWS and/or CDFW. If relocation is authorized, a suitable relocation site shall be identified prior to initiation of construction activities and shall be located within the same watershed/streamcourse greater than 500 feet from the project site.</p> <ul style="list-style-type: none"> • Work activities in or adjacent to suitable habitat shall be completed between April 1 and November 1 to the greatest extent feasible. • A CDFW/USFWS-approved biologist shall be present on-site during all ground disturbing activities, including vegetation removal, grading, and exclusion fence installation and removal. Once these activities have been completed, the approved biologist shall conduct periodic inspections of the work site of not less than once per week when construction activities are occurring in/adjacent to suitable habitat. Additional site visits should occur during rain events when special status amphibians are likely to be mobile to ensure that they are not entering work areas. • The implementing entity shall designate a representative who will oversee implementation of all avoidance and minimization measures when the CDFW/USFWS-approved biologist is not present. This representative shall be trained by the CDFW/USFWS-approved biologist in the identification of special status amphibians and in the implementation of all avoidance and minimization measures. This representative shall not have the authority to handle special status species. • Both the implementing entity's representative and the CDFW/USFWS-approved biologist shall have the authority to halt any action which may result in the take of special status species. • Prior to start of construction, exclusion fencing shall be placed along the project boundaries in areas where suitable habitat is present. This fence shall consist of solid silt fencing placed at a minimum of 3 feet above grade and 2 feet below grade and shall be attached to wooden stakes placed at intervals of not more than 5 feet. The fence shall be inspected weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete. 					



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				Date	Comments
<ul style="list-style-type: none"> All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies. At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. The CDFW/USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly. If any federally and/or state protected species are harmed, the CDFW/USFWS-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured special status species shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours. 					
<p>B-1(d) Steelhead Impact Avoidance and Minimization. . Once the final design for the trail alignment for the River Parkway has been determined, a USFWS-approved steelhead biologist shall conduct a habitat assessment of the project impact areas to identify suitable habitat for steelhead. If suitable habitat for steelhead cannot be avoided, any in-stream portions of the proposed River Parkway (where drainage crossings require in-stream work) shall be dewatered/diverted. A dewatering/diversion plan shall be prepared and submitted to the NMFS, and CDFW for review and approval. All dewatering/diversion activities shall be monitored by a qualified fisheries biologist. The fisheries biologist shall be responsible for capture and relocation of fish species out of the work area during dewatering/diversion installation.</p> <ul style="list-style-type: none"> The implementing entity shall designate a representative to monitor on-site compliance of all avoidance and minimization 	Habitat assessment must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		



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Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
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<p>measures. This representative shall be trained by a qualified fisheries biologist in the identification of the target species and the assessment of the potential for take based on the proposed activities. The representative shall consult with the biologist as necessary to ensure compliance. The representative and the biologist shall have the authority to halt any action which may result in the take of listed species.</p> <ul style="list-style-type: none"> • Only NMFS/CDFW-approved biologists shall participate in the capture and handling of listed species. • No equipment shall be permitted to enter wetted portions of any affected drainage channel. • All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access. • Work within and adjacent to streams shall not occur between November 1 and May 1. Unless otherwise approved by NMFS and the CDFW. • If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline. • If water is to be pumped around work sites, intakes shall be completely screen with wire mesh not larger than five millimeters to prevent animals from entering the pump system. <p>If any steelhead are harmed during implementation of the project, the project biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid further harm to steelhead.</p>					
<p>B-1(e) Least Bell's Vireo and Western Yellow-billed Cuckoo Surveys. Development activities within 500 feet of the San Benito River and Tres Pinos Creek riparian corridors shall be avoided during the least Bell's vireo (April 10 to July 31) and western yellow-billed cuckoo (May 15 to July 17) breeding season. If breeding season avoidance is not feasible, a permitted biologist shall conduct focused presence/absence surveys in accordance with the USFWS protocols for least</p>	<p>If species are detected, habitat assessment must be reviewed and approved.</p>	<p>Prior to issuance of any grading permits for the site.</p>	<p>San Benito County</p>		



Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
<p>Bell's vireo (2001) and standardized methods for yellow-billed cuckoo survey (Halterman et al, 2009; Laymon, 1998). Any survey methodology that deviates from these protocols shall be approved by the USFWS prior to initiation of the first survey. Surveys shall focus on riparian habitat associated with the San Benito River and Tres Pinos Creek within the River Parkway Trail corridor and adjacent suitable habitat out to 500 feet. Protocol surveys shall be conducted within one year of start of construction (i.e. breeding season prior to), and will continue annually until completion of construction activities if presence is documented in the first year. Documentation of findings, including a negative finding must be submitted to the USFWS for review. If neither species is detected, no further actions are required.</p> <p>If least Bell's vireo or western yellow-billed cuckoo are found nesting within the survey area, all project activities shall be halted within 500 feet of the nest site and territory for the remainder of the breeding season. The USFWS and CDFW shall be notified immediately. Should development activities within this zone be required during the breeding season, than additional consultation with USFWS and CDFW shall be required to establish suitable monitoring procedures and buffers to ensure that "take" does not occur.</p> <p>If "take" of least Bell's vireo or western yellow-billed cuckoo is necessary to complete development activities, the applicant is required to obtain the applicable regulatory take permit(s). Compensatory mitigation, if necessary, would be determined in coordination with the wildlife agencies.</p>					
<p>B-1(f) San Joaquin Kit Fox Surveys and Avoidance Measures. Once the final design has been developed for the proposed River Parkway project, but prior to the start of construction, a CDFW/USFWS approved biologist shall conduct a SJKF early evaluation as well as surveys for SJKF in accordance with the USFWS San Joaquin Kit Fox Survey Protocol for the Northern Range (USFWS, 2009). The results of the early evaluation and surveys shall be submitted to the USFWS and CDFW. If the regulatory agencies determine that "take" of SJKF is likely as a result of either the proposed Regional Park or the proposed River Parkway project, the</p>	<p>Surveys must be submitted for review and approval.</p>	<p>Prior to issuance of any grading permits for the site.</p>	<p>San Benito County</p>		



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<p>applicant is required to obtain the applicable regulatory take permit(s). Compensatory mitigation, if necessary, would be determined in coordination with the wildlife agencies.</p> <p>The following avoidance and minimization measures for SJKF shall be implemented during construction of the Regional Park and any sections of the River Parkway Trail project considered to be suitable SJKF habitat. These measures are adapted from the USFWS Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS, 1999):</p> <ul style="list-style-type: none"> • San Joaquin kit fox pre-construction surveys shall be conducted not more than 14 days prior to the beginning of ground disturbance and/or construction associated with the proposed River Parkway Trail project and the proposed Regional Park to determine if potential or occupied dens are present on-site or within 250 feet of the project sites. If an occupied den is located on-site, an avoidance buffer shall be established as follows: • Potential den: 50 feet – demarcated with flagged stakes • Atypical den: 50 feet – demarcated with flagged stakes • Known den: 100 feet – demarcated with orange construction fencing that fully encircles the den, but allows for passage of kit foxes should they be present. • Natal/pupping den: at least 500 feet – USFWS must be contacted • Essential vehicles may operate on existing roads and necessary foot traffic will be permitted. All other construction, vehicle operation, material storage, or any other type of surface-disturbing activity shall be prohibited within avoidance buffer. A qualified biologist will monitor the den site to determine when the den site has been vacated. Once it has been confirmed that SJKF are no longer present, the avoidance buffer may be removed and construction may proceed. • To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by 					



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				Date	Comments
<p>plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted under measure No. 9 referenced below.</p> <ul style="list-style-type: none"> • Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site. • No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens. • Use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. • In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance. 					



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<ul style="list-style-type: none"> Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or the wildlife biologist at (530) 934-9309. The USFWS should be contacted at Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825, (916) 414-6620 or (916) 414-6600. The Sacramento Fish and Wildlife Office and CDFW should be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS at the address listed under measure number 7. Fencing of the project site shall incorporate wildlife-friendly fencing design. Fencing plans may use one of several potential designs that would allow SJKF to pass through the fence while still providing for Project security and exclusion of other unwanted species (i.e. domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow species such as San Joaquin kit fox access into and through the Project site would be appropriate designs. All project lighting shall be directed downward and towards the interior of the Project site, thus avoiding light pollution into adjacent open areas. Use of lighting shall be the minimum necessary to achieve safety and security on the site. 					
B-1(g) FESA and CESA Consultation. To ensure compliance with FESA and CESA, San Benito County shall obtain either Incidental Take Permits (ITP) or written concurrence that	County must show proof of ITP's.	Prior to issuance of any grading permits for the site.	San Benito County		



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implementation of the River Parkway component of the project will not require permits for CRLF, SJKF, CTS, steelhead, western yellow-billed cuckoo, and least Bell's vireo, and that the Regional Park component of the project will not require permits for CRLF, SJKF or CTS. Issuance of ITPs for these species may involve compensatory mitigation, habitat restoration, and/or development of habitat conservation plans in consultation with CDFW and/or USFWS. ITPs may include a variety of other required mitigation that would be generally consistent with those measures outlined above.					
<p>B-1(h) Conduct Burrowing Owl Surveys. A qualified biologist shall conduct a pre-construction clearance surveys prior to ground disturbance activities within all suitable habitat to confirm the presence/absence of burrowing owls. The surveys shall be consistent with the recommended survey methodology provided by CDFW (2012). Clearance surveys shall be conducted within 14 days prior to construction and ground disturbance activities. If no burrowing owls are observed, no further actions are required.</p> <p>If burrowing owls are detected during the pre-construction clearance surveys, avoidance buffers will be implemented in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993) minimization mitigation measures. Coordination with the CDFW by a qualified biologist shall occur to establish the appropriate avoidance buffer distances specific for the project's activities and level of expected disturbance.</p> <p>If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan will be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993). The Plan shall be provided to the applicable local CDFW office prior to implementation. A qualified biologist shall coordinate with the CDFW to determine the appropriate exclusion methods (passive or active relocation) for the project to relocate burrowing owls to a suitable offsite location. Relocation of owls can only occur during the non-breeding season.</p>	Surveys must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		



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<p>B-1(i) Western Pond Turtle, Western Spadefoot, San Joaquin Coachwhip and Coast Range Newt Survey, Capture, and Relocation. Not less than 14 days prior to the start of all construction activities for the Regional Park and/or the River Parkway (including staging and mobilization), a San Benito County approved biologist shall conduct surveys for western pond turtle, western spadefoot, San Joaquin coachwhip and Coast Range newt within suitable habitat. The biologist shall also oversee installation of exclusion fencing where suitable habitat is present to prevent these species from entering active work areas. If any of these species are identified within the work area they shall be captured and relocated to suitable habitat within the same or nearest suitable habitat. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed. The relocation site shall include suitable micro habitat and ecological features for each species as follows:</p> <ul style="list-style-type: none"> • Western pond turtle habitat shall include a pool surrounded by vegetation for escape cover. • Western spadefoot habitat shall include open sandy or gravelly areas within the San Benito River or Tres Pinos Creek basins • San Joaquin coachwhip habitat shall include suitable small mammal burrows to provide immediate escape and cover • Coast Range newt habitat shall include moist woodland habitat with abundant moist ground cover. <p>During the rainy season (approximately November 1 to April 15), western pond turtles and Coast Range newts may actively move through upland habitats outside of drainages. Western spadefoot and San Joaquin coachwhip can occur in upland habitat at any time of the year. If any of these species are observed by construction personnel within or adjacent to the project area, the animal's location shall be communicated to the San Benito County approved biologist. Only the San Benito County-approved biologist shall capture and relocate wildlife. Construction personnel are not permitted to handle animals.</p> <p>A report of all pre-construction survey efforts for each segment shall be submitted to the implementing entity within 30 days of</p>	<p>Surveys must be submitted for review and approval.</p>	<p>Prior to issuance of any grading permits for the site.</p>	<p>San Benito County</p>		



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completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include for each captured special status animal, the UTM coordinates and habitat descriptions of the capture and release site (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s).					
<p>B-1 (j) Special Status Bat Surveys and Impact Avoidance. A San Benito County approved biologist shall conduct a bat roost-habitat assessment and conduct presence/absence surveys for special status bats where suitable roosting habitat is present. Bat surveys shall be conducted in consultation with the CDFW. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. Surveys shall be conducted not less than 30 days prior to initiation of construction activities for each trail segment.</p> <p>Areas where special status bats are located shall be avoided where feasible. If impacts to bats cannot be avoided, exclusionary devices, such as netting, shall be installed by a San Benito County approved biologist around the roost(s) after the bats have left the roost in the evening and shall be monitored for a minimum of three days to ensure that no bats return to the roost. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. Exclusion of bats must commence prior to establishment of maternity colonies, which varies by species. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.</p> <p>If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), bat boxes near the impacted roost shall be installed to reduce the impact to the bat species present. Bat boxes shall be species-specific in dimensions and should mimic a tree hollow or crevice. Bat boxes shall be installed at a height that is appropriate for the</p>	Surveys must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		



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<p>bat species and anti-predator measures, such as small metal spikes on the top, shall be included to protect bats.</p> <p>A report of survey efforts shall be submitted to the implementing entity within 30 days of completion of the surveys for each segment to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys. If exclusion devices and/or bat boxes are utilized, the report shall describe how these methods were employed.</p>					
<p>B-1 (k) American Badger Pre-construction Surveys and Impact Avoidance. A qualified biologist shall conduct pre-construction clearance surveys for American badger within the Regional Park Site and within suitable habitat within the final River Parkway impact areas (once the final trail alignment has been determined). Clearance surveys should be conducted for American badger, within 14 days of the start of any ground-disturbing activity. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of that portion of the site being disturbed. If no potential American badger or kit fox dens are present, no further mitigation is necessary. If special status species are detected or potential American badger dens are present, the following measures will be implemented:</p> <ul style="list-style-type: none"> • If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction. • If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one way doors at burrow entrances, monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped using active dens within the project 	<p>Surveys must be submitted for review and approval.</p>	<p>Prior to issuance of any grading permits for the site.</p>	<p>San Benito County</p>		



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<p>boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.</p> <ul style="list-style-type: none"> Construction activities shall not occur within 30 feet of active badger dens. 					
<p>B-1(l) Pre-construction Surveys for Nesting Birds. For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the CFGC and the MBTA (including, but not limited to, Cooper's hawk, Swainson's hawk, tricolored blackbird, California horned lark and loggerhead shrike) shall be conducted by a qualified biologist no more than 14 days prior to initiation of construction activities for the Regional Park, and/or within the final River Parkway impact area (once the final trail alignment is determined), including construction staging and vegetation removal. The surveys shall include the entire disturbance areas plus a 200-foot buffer around any disturbance areas. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.</p>	Surveys must be submitted for review and approval.	Prior to issuance of any grading permits for the site.	San Benito County		
<p>B-1(m) Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities for each trail segment (including staging and mobilization), all personnel associated with the Regional Park or River Parkway construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the applicable project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory</p>	Personnel must attend WEAP training and show proof of training.	Prior to issuance of any grading permits for the site.	San Benito County		



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status and general ecological characteristics of sensitive resources, and careful review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP training and understand the information presented to them. The form shall be submitted to San Benito County to document compliance.					
B-2 (a) Jurisdictional Delineation. Once the final design has been developed for the River Parkway (or for each individual trail segment), but prior to the start of construction of the River Parkway, a qualified biologist shall conduct a jurisdictional delineation of the entire segment disturbance area at those locations where construction activity could affect jurisdictional waters. The jurisdictional delineation shall determine if features are under the jurisdiction of the USACE, RWQCB, and/or CDFW. The result shall be a preliminary jurisdictional delineation report that shall be submitted to San Benito County, USACE, RWQCG and CDFW, as appropriate, for review and approval. Permits shall be obtained from each agency where applicable.	Preliminary jurisdictional delineation report that shall be submitted.	Prior to the start of construction of the River Parkway.	San Benito County		
B-2(b) Wetland and Riparian Habitat Restoration. Impacts to jurisdictional wetland and riparian habitat shall be mitigated at a ratio of 2:1 for each segment, and shall occur as close to the impacted habitat as possible but within the same watershed. A Habitat Restoration Plan shall be developed by an biologist approved by San Benito County in accordance with mitigation measure B-1(a) above and shall be implemented for no less than five years after construction of the segment, or until San Benito County and/or the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful.	A habitat restoration plan must be submitted for review and approval.	Prior to issue of grading permit for the site.	San Benito County		
B-2(c) Landscaping Plan. If landscaping is proposed for any portion of the River Parkway, a qualified biologist/landscape architect shall prepare a landscape plan for that segment(s) where landscaping is proposed. This plan shall indicate the locations and species of plants to be installed throughout the	Landscaping plan must be submitted for review and approval.	Prior to issue of grading permit for the site.	San Benito County		



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segment(s). Drought tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4 shall not be permitted. Species selected for planting shall be similar to those species found in adjacent native habitats.					
<p>B-2(d) Invasive Weed Prevention and Management Program. Prior to start of construction of each segment, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by San Benito County to prevent invasion areas adjacent native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication before any species can gain a foothold and out-compete native plant species for resources.</p> <p>All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.</p>	Invasive Weed Prevention and Management Program shall be developed and reviewed for approval.	Prior to issuance of grading permit for each segment.	San Benito County		
<p>B-2(e) Compensatory Mitigation for Loss of Purple Needle Grass Grassland Habitat. If the proposed Regional Park cannot be designed to avoid purple needlegrass grasslands on-site, the total acreage that will be impacted shall be determined once the final design of the Regional Park is completed and prior to initiation of ground disturbance activities. The compensatory mitigation ratios have been designed to provide for no-net-loss of valley needlegrass grassland habitat. To achieve this goal, a 1.5:1 (area restored/created/enhanced: area impacted) mitigation ratio is required. The restoration plan shall include, at a minimum, the following components:</p> <ul style="list-style-type: none"> Description of the project/impact site (i.e., location, 	Restoration plan must be enacted if the proposed Regional Park cannot be designed to avoid purple needlegrass grasslands on-site.	The restoration plan shall be implemented for a period of at least five years or until restoration has been deemed complete based on the established success criteria.	San Benito County		



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<p>responsible parties, areas to be impacted by habitat type);</p> <ul style="list-style-type: none"> • Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]; • Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values); • Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan); • Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule); • Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports); • Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of all planted material and 30 percent relative cover by vegetation type equivalent to impact area; • An adaptive management program and remedial measures to address any shortcomings in meeting success criteria; • Notification of completion of compensatory mitigation and agency confirmation; and • Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). <p>The restoration plan shall be implemented for a period of at least five years or until restoration has been deemed complete based on the established success criteria.</p>					
B-3(a) Fence Design. All project fencing shall be designed to facilitate wildlife movement through the proposed River Parkway and Regional Park and shall include:	Project fencing design must be submitted for review and approval.	Prior to issuance of a building or grading permit.	San Benito County		



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<ul style="list-style-type: none"> A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals; A minimum 12 inches between the top two wires, or top the fence with a wooden rail or mesh instead of wire to prevent animals from becoming entangled; and If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement. <p>The final fence design shall be reviewed by a San Benito County-approved biologist for approval.</p>					
B-3(b) Fish Passage. If it is determined that components of the River Parkway component of the project are to be located within the San Benito River or its tributaries, they shall be designed in a manner to allow for unimpeded fish passage (e.g. no structures that are perpendicular to stream flow be exposed or at a depth with moderate to high risk for exposure during high flow events).	Compliance of mitigation measure, must be shown on site plans.	Before issuance of grading permit.	San Benito County		
B-3(c) Construction Best Management Practices. The following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans for each segment of the River Parkway component and Regional Park: <ul style="list-style-type: none"> Designation of a 15 mile per hour speed limit in all construction areas. All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project. Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be 	BMP's must be incorporated into all grading and construction plans.	Prior to issuance of grading and construction permits.	San Benito County		



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<p>designed to fully contain polluted water and materials for subsequent removal from the site.</p> <ul style="list-style-type: none"> Daily construction work schedules shall be limited to daylight hours only [consistent with mitigation measure N-1(a) (Construction Hours) in Section 4.10, Noise]. Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition. Drip pans shall be placed under all stationary vehicles and mechanical equipment. All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week. <p>No pets are permitted on project site during construction.</p>					
<p>B-4 (a) Compliance with the Interim Woodlands Management Ordinance. If either of the proposed Regional Park and River Parkway components of the project cannot be designed to avoid woodlands on-site, the total acreage and type of the habitat, number of trees (including the species and each trees diameter at breast height) and canopy coverage that will be impacted shall be determined once the final design of the project component at issue is completed and prior to initiation of ground disturbance activities. This information shall be submitted to the County of San Benito to determine whether a tree pruning/ removal permit will be necessary. If a permit is necessary for impacts to woodlands, the County and/or implementing entity shall apply for and pay all associated fees for the acquisition of a permit. The fees would be applied to restoration activities that assure no net loss of woodlands habitat value.</p>	Project must comply with the Interim Woodlands Management Ordinance.	Prior to issuance of grading permit.	San Benito County		
CULTURAL RESOURCES					
<p>CR-1(a) Pre-Construction Prehistoric and Archaeological Resources Survey. Prior to the issuance of any grading permit for portions of the River Parkway trail segments which would involve land that has not been previously surveyed for cultural resources the County of San Benito and/or implementing entity shall contract with a qualified archaeologist to perform a Phase I cultural resources assessment. In the event that prehistoric or archaeological cultural resources are identified during the Phase I assessment, the implementing agency shall implement a Phase II subsurface testing program to determine the resource boundaries within the trail corridor/impact area,</p>	Cultural assessment must be submitted for review and approval.	Prior to issuance of grading permit.	San Benito County		



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<p>assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts.</p> <p>If the site is determined significant, the County of San Benito and/or implementing entity may choose to cap the resource area using culturally sterile and chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. A qualified archaeologist shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant prehistoric or archaeological cultural materials that could otherwise be tampered with. If the site is determined insignificant, no capping or further archaeological investigation shall be required, though archaeological monitoring may still be required. The results and recommendations of the Phase II and/or Phase III studies shall determine the need for construction monitoring.</p>					
<p>CR-1(b) Alteration of Potential Historical Bridges/Structures. Prior to issuing permits for development of trail segments that would result in alteration of existing rail bridges, trestle structures, or other structures greater than 50 years old (at the time development is anticipated to occur), a qualified architectural historian shall inventory and evaluate the significance of potentially historical bridges and other structures located along the proposed trail alignment.</p> <p>Preliminary investigations have identified one bridge, the Southside bridge (P-35-00327) within the River Parkway component study area. This bridge has been recommended ineligible for listing in the CRHR and therefore impacts to this resource would not be significant under CEQA. In addition, the Master Plans identified four bridges (Highway 156 Bridge, 4th Street Bridge, Nash Road Bridge, and Union Road Bridge) within the River Parkway component that may be altered as part of the proposed project.</p> <p>If these bridges or any other structures located along the proposed trail alignment are determined to be historical</p>	A report must be submitted by a professional architectural historian for review and approval.	Prior to issuance of grading permit.	San Benito County		



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<p>resources, the following shall be conducted prior to any rehabilitation, changes, alterations, or additions:</p> <p>A report shall be prepared by a professional architectural historian and shall be accompanied by requisite sets of large format camera Historic American Engineering Record (HAER) Level II black-and-white 8-by-10 inch archival quality prints taken by a professional photographer. A minimum of twelve views shall be documented (two profiles, two centerline shots, four abutment shots, and four engineering details) and two sets of prints shall be sent to the California State Library in Sacramento. Measured drawings shall be prepared of the structure under the supervision of a qualified architectural historian.</p> <p>After this effort, any proposed rehabilitation, changes, alterations, and additions to historical structures shall comply with the Secretary of the Interior Standards for Rehabilitation. Alterations shall be similar to the surrounding historical landscape and consistent with the character-defining features of the bridge/structure, as determined by procedures implementing the National Historic Preservation Act. Adjacent property owners and local government shall be consulted about the design details of any alterations to existing historical resources. Alterations shall be consistent with applicable local historic preservation policies and guidelines.</p>					
<p>CR-2(a) Archaeological Resource Construction Monitoring. Prior to the commencement of construction activities for each project component, if areas within each project component are identified in the Phase I or Phase II cultural resources assessments completed for the site as sensitive for cultural resources and archaeological monitoring of construction activities is recommended, the following procedures shall be followed:</p> <p>An orientation meeting shall be conducted by an archaeologist, general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if</p>	Orientation meeting must be conducted, and a qualified archaeologist must be present during all initial moving activities.	Orientation meeting prior to issuance of grading permit. Presence of archaeologist must be continuous.	San Benito County		



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<p>such a find is encountered.</p> <p>A qualified archaeologist shall be present during all initial earth moving activities with the culturally sensitive areas. In the event that unearthed prehistoric or archaeological cultural resources or human remains are encountered during project construction, Mitigation Measure CR-2(b) shall take effect.</p>					
<p>CR-2(b) Unanticipated Discovery of Cultural Remains. If cultural resource remains are encountered during construction or land modification activities, work shall stop and the County of San Benito and appropriate City or County planning, building department (depending on the jurisdiction in which the discovery occurs) or implementing entity shall be notified at once to assess the nature, extent, and potential significance of any cultural remains. The implementing entity shall implement a Phase II subsurface testing program to determine the resource boundaries within the trail corridor/impact area, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts.</p> <p>If the site is determined significant, the County of San Benito and/or implementing entity may choose to cap the resource area using culturally sterile and chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. A qualified archaeologist shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant cultural materials that could otherwise be tampered with. If the site is determined insignificant, no capping and or further archaeological investigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring.</p>	If cultural resources are encountered, work must be stopped until the County's authority arrives.	Continuous	San Benito County		
<p>CR-3 Paleontological Resource Construction Monitoring. Any excavations exceeding three feet in depth at the River Parkway component of the project shall be monitored on a full-time basis by a qualified paleontological monitor. Ground</p>	All excavation exceeding three feet must be monitored. If fossils are discovered,	Continuous	San Benito County		



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<p>disturbing activity that does not exceed three feet in depth shall not require paleontological monitoring. If no fossils are observed during the first 50 percent of excavations exceeding three feet in depth, paleontological monitoring shall be reduced to weekly spot-checking under the discretion of the qualified paleontologist.</p> <p>If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.</p>	qualified personnel shall recover them.				
GEOLOGY AND SOILS					
GEO-1 Fault Evaluation and Structural Setbacks. Prior to the issuance of a grading permit for the proposed Regional Park and related Access Road, a detailed fault evaluation shall be completed on-site by a registered civil or geotechnical engineer pursuant to applicable County Code and state law requirements. This evaluation shall include excavation of subsurface sediment through Holocene-age alluvium in an attempt to located Holocene-age fault displacements. A geologic report describing the potential for surface fault displacement throughout the Regional Park Site shall be prepared and reviewed by San Benito County. If fault displacement is identified, all human-occupied structures shall be set back a minimum of 50 feet from the fault break, in conformance with the Alquist-Priolo Earthquake Fault Zoning Act.	Detailed fault evaluation shall be submitted on-site by a registered civil or geotechnical engineer pursuant to applicable County Code and state law requirements.	Prior to issuance of grading permit.	San Benito County		
GEO-3 Geotechnical Report. Prior to site development of each reach of the River Parkway, and of the Regional Park	A site-specific geotechnical report shall	Prior to issuance of grading permit and	San Benito County		



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<p>(including the Access Road), a site-specific geotechnical report shall be prepared by a registered civil or geotechnical engineer and reviewed by San Benito County. This report shall include confirmation of the extent of any liquefaction, subsidence, and settlement potential of the underlying materials. To the extent determined appropriate by the engineer preparing the report, adequate techniques to minimize the identified hazards shall be prescribed and implemented. Suitable measures to reduce ground-failure impacts could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Specialized design of foundations by a structural engineer ▪ Removal or treatment of liquefiable soils to reduce the potential for liquefaction ▪ In-situ densification of soils ▪ Replacement or recompaction of soils, or ▪ Other alterations to the ground characteristics. 	be submitted for review and approval.	development.			
<p>GEO-4 Slope Stability Evaluation. Prior to issuance of grading permits for each reach of the River Parkway, a site-specific evaluation of the stability of riverbanks and adjacent terraces shall be performed by a registered engineering geologist or a registered professional civil or geotechnical engineer. If the potential for slope failure is found to exist, then setbacks or retaining walls, where approved by a registered engineering geologist or registered professional civil or geotechnical engineer, shall be identified and implemented as part of the project. The setback distance or design of the retaining walls shall be determined on a site-specific basis by the results of the landslide evaluation study.</p>	A site-specific evaluation of the stability of riverbanks and adjacent terraces shall be submitted for review and approval.	Prior to issuance of grading permit.	San Benito County		
<p>GEO-7 Soil Expansion Evaluation and Minimization. The site-specific geotechnical report required in Mitigation Measure GEO-3 shall include an evaluation of the potential for soil expansion of the underlying materials. If the segment under study is confirmed as being subject to expansive soil hazards, appropriate techniques to minimize hazards shall be prescribed and implemented. Suitable measures to reduce expansive soil hazards could include, but not be limited to: design of foundations by a structural engineer and/or or the replacement of soils beneath the segment.</p>	A site-specific geotechnical report shall be submitted for review and approval.	Prior to issuance of grading permit and development.	San Benito County		



Section 4.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1(a) Soil Sampling and Remediation. Prior to issuance of grading permits for each trail segment and the park (including permits for the Access Road), a soil assessment shall be completed for that segment under the supervision of a professional geologist or professional civil engineer to determine the presence or absence of contaminated soil along the proposed trail. If soil sampling indicates the presence of any contaminant in quantities not in compliance with applicable laws or regulations, coordination with San Benito County Environmental Health Services to develop and implement a program to remediate or manage the contaminated soil during construction. Disposal shall occur at an appropriate facility licensed to handle such contaminants and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. The remediation/disposal program shall be approved by San Benito County Environmental Health Services. All correspondence shall be submitted to San Benito County Environmental Health Services prior to issuance of grading permits. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation/disposal, a qualified environmental consultant shall prepare a report summarizing the project, the remediation/disposal approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.	A soil assessment shall be submitted for that segment under the supervision of a professional geologist or professional civil engineer to determine the presence or absence of contaminated soil along the proposed trail.	Once, prior to issuance of grading permits for each trail segment and road.	San Benito County		
HYDROLOGY AND WATER QUALITY					
H-3(a) Bridge Design. The plans for proposed trail bridges shall be submitted to the planning and/or building department of the jurisdiction in which the segment is located for review and approval. Bridges shall be designed to ensure that pre-project flood flows are not exceeded, such that upstream flooding does not occur. All bridge design requirements of the reviewing municipality, as well as all other applicable laws and regulations, shall be implemented. These may include, but would not be limited to: structural anchoring, increase in base-flood elevation, and floodproofing techniques, such as the use of paints, membranes or mortars to reduce seepage, reinforcement to resist water pressure, and addition of mass or weight to structure to resist flotation.	The plans for proposed trail bridges shall be submitted to the planning and/or building department of the jurisdiction in which the segment is located for review and approval.	Prior to issuance of building or grading permit for portion of the trail.	San Benito County		



Section 4.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
				Date	Comments
H-3(b) Trail Inspection Program. Within 10 calendar days following any flooding event, the trail shall be inspected by the County or its designee to determine if damage has occurred or if debris has collected and constricted water flow around the bridges. If damage or debris is found, it shall be promptly repaired or cleared. If repair is required, temporary signage shall be posted to indicate the trail's closure until damage is repaired. Routine bridge inspections shall be conducted by the Trail Manager or its designee on an annual basis.	Trail inspection must occur within 10 days of flooding.	Continuous, if flooding event occurs.	San Benito County		
H-3(c) Recreational Structure Location. The recreational structures included in the Regional Park shall not be located within the 100-year floodplain.	Proof of development outside the 100-year floodplan must be provided.	Once, prior to issuance of grading permit.	San Benito County		
NOISE					
N-1(a) Acoustical Shelters. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters if within 1,500 feet of a sensitive receptor (including residential and institutional land uses).	Note on any building or grading permit.	Continuous compliance through construction.	San Benito County		
N-1(b) Construction Equipment. Stationary construction equipment that generates noise that exceeds 60 dBA Ldn at the boundaries of adjacent sensitive receptors in the City or 65 dBA Ldn at the boundaries of adjacent sensitive receptors in the County shall be baffled to reduce noise and vibration levels. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.	Note on any building or grading permit.	Continuous compliance through construction.	San Benito County		
N-3 Amplified Noise Reduction. Prior to issuance of building permits for ball fields or any use that may involve amplified noise, the project proponent shall submit a sound control plan specifying sound level limits, permitted hours of operation, and noise monitoring requirements that ensure compliance with San Benito County noise standards. This plan shall include specifications showing the design of the amplification system, and identified sound barriers, as necessary.	The project proponent shall submit a sound control plan specifying sound level limits, permitted hours of operation, and noise monitoring requirements that ensure compliance	Prior to issuance of building permit.	San Benito County		



Section 4.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Monitoring Commencement and Frequency	Responsible Agency or Party	Compliance Verification	
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	with San Benito County noise standards.				
TRANSPORTATION/TRAFFIC					
T-2 Bike Lanes. During construction of the Regional Park, the striping on San Benito Street shall be renewed on its existing alignment from Union Road to Nash Road, and Class II bike lane signage and pavement markings shall be provided on San Benito Street from Sally Street to Nash Road.	Proof shall be submitted for review and approval.	During construction phase of Regional Park.	San Benito County		
T-3 Minimum Vehicle Storage Length. A minimum of two vehicle storage length (or 50 feet) shall be provided for the northbound driveway approach from the Access Road (Baler Alley) and for the driveway approach from the Westside Boulevard Extension.	Proper storage length must be shown on all site plans submitted.	Continuous	San Benito County		
T-5(a) Nash Road/Westside Boulevard Intersection. Prior to the issuance of a grading permit for the proposed Regional Park, the Nash Road/Westside Boulevard intersection shall be converted to an All-Way-Stop-Controlled (AWSC) intersection.	Proof of compliance with measure.	Prior to issuance of grading permit.	San Benito County		
T-5(b) Nash Road/West Street Intersection. Prior to the issuance of a grading permit for the proposed Regional Park, Nash Road shall be striped and modified through this intersection to include a two-way-left-turn (TWLT) median-lane. Alternatively, this intersection shall be signalized, with east-west and north-south permissive phasing.	Proof of compliance with measure.	Prior to issuance of grading permit.	San Benito County		
T-5(c) Nash Road/Monterey Street Intersection. Prior to the issuance of a grading permit for the proposed Regional Park, Nash Road shall be striped and modified through this intersection to include a two-way-left-turn (TWLT) median-lane. Alternatively, this intersection shall be signalized, with east-west and north-south permissive phasing.	Proof of compliance with measure.	Prior to issuance of grading permit.	San Benito County		
T-5(d) Nash Road/San Benito Street Intersection. Prior to the issuance of a grading permit for the proposed Regional Park, a westbound right-turn and a second eastbound through lane shall be added at the intersection of Nash Road and San Benito Street.	Proof of compliance with measure.	Prior to issuance of grading permit.	San Benito County		



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