

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 **A RESOLUTION OF THE SAN BENITO COUNTY)**
3 **BOARD OF SUPERVISORS ADOPTING THE FINAL)**
4 **MITIGATED NEGATIVE DECLARATION, CEQA)**
5 **FINDINGS, MITIGATION MEASURES AND THE)**
6 **MITIGATION MONITORING AND REPORTING)**
7 **PROGRAM, FOR THE ROCKS ROAD BRIDGE)**
8 **(NO. 43C-0053) REPLACEMENT AT PINACATE)**
9 **ROCK CREEK PROJECT (DISTRICT 2))**

Resolution No. 2017-_____

7 **WHEREAS**, the County of San Benito has conducted environmental review of the Rocks Road
8 Bridge Replacement at Pinacate Rock Creek Project (“Rocks Road Bridge Project”) under the
9 California Environmental Quality Act (CEQA), by preparing an Initial Study/Mitigated Negative
10 Declaration entitled “CEQA Initial Study and Mitigated Negative Declaration: Rocks Road Bridge
11 (No. 43C-0053) Replacement at Pinacate Rock Creek Project”, attached hereto and incorporated
12 herein by reference as Exhibit A; and

11 **WHEREAS**, the Custodian of Records for the Rocks Road Bridge Project, including the Initial
12 Study and Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and
13 all other relevant documents pertaining to the Rocks Road Bridge Project, the Initial Study and
14 Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program, is the San
15 Benito County Resource Management Agency Director, and the records are filed in the project
16 record located at the San Benito County Resource Management Agency, Public Works Division,
17 2301 Technology Parkway, Hollister, California; and

16 **WHEREAS**, the County of San Benito circulated the Initial Study/Mitigated Negative Declaration
17 for public review from August 19, 2014 to September 17, 2014; and

18 **WHEREAS**, the Governor’s Office of Planning and Research, State Clearinghouse and Planning
19 Unit (“State Clearinghouse”) circulated the Initial Study/Mitigated Negative Declaration to selected
20 state agencies for review in compliance with State Clearinghouse review requirements for draft
21 environmental documents; and

21 **WHEREAS**, no state agencies submitted comments, nor were any public comments received by the
22 County concerning the Initial Study/Mitigated Negative Declaration on or before the close of the
23 public review period on September 17, 2014; and

23 **WHEREAS**, the Board of Supervisors of the County of San Benito reviewed the Rocks Road
24 Bridge Project Initial Study/Mitigated Negative Declaration, together with the proposed mitigation
25 measures, CEQA findings and Mitigation Monitoring and Reporting Program, at its regularly
26 scheduled meeting of April 11, 2017; and

26 **WHEREAS**, on April 11, 2017, the Board of Supervisors heard and received all oral and written
27 testimony and evidence that was made, presented, or filed, and all persons present at the meeting
28 were given an opportunity to hear and be heard with respect to any matter related to the Initial
Study/Mitigated Negative Declaration and proposed Mitigation Monitoring and Reporting Program;
and

1 **WHEREAS**, at the conclusion of the public comment period, the Board of Supervisors deliberated
2 and considered the merits of the Rocks Road Bridge Project Initial Study/Mitigated Negative
3 Declaration; and

4 **WHEREAS**, based on the CEQA findings, Mitigation Measures, and other findings set forth in this
5 Resolution, and based on staff's recommendations, public testimony and evidence received, and all
6 other evidence in the administrative record, the Board of Supervisors desires to adopt the Final
7 Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

8 **NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of the County of San
9 Benito, that based on all evidence in the administrative record for the project, the Board hereby
10 finds and determines as follows:

11 **Section 1.** The above recitals are all true and correct. All capitalized terms in this Resolution
12 shall have the meaning given to them unless otherwise defined henceforth.

13 **Section 2. CEQA Findings:**

14 **Finding 1:** The Initial Study/Mitigated Negative Declaration for the Rocks Road Bridge
15 Project has been prepared in compliance with the provisions of the California Environmental
16 Quality Act, the State CEQA Guidelines and the San Benito County Implementing
17 Procedures for the California Environmental Quality Act.

18 **Evidence:** *The relevant documents used in the preparation of the Initial Study and
19 Mitigated Negative Declaration are filed in the project record located at the San Benito
20 County Resource Management Agency, Public Works Division, 2301 Technology Parkway,
21 Hollister, California. Public review of the Initial Study/Mitigated Negative Declaration was
22 conducted from August 19, 2014 to September 17, 2014. The Notice of Availability of the
23 Mitigated Negative Declaration was mailed to the State Clearinghouse for circulation to
24 designated agencies and was posted at the following locations in the County: the project
25 site and the Resource Management Agency Office.*

26 **Finding 2:** The San Benito County Board of Supervisors has considered the Initial
27 Study/Mitigated Negative Declaration, together with all comments received during the
28 public review process.

Evidence: *The County did not receive any written comments to the Initial Study/Mitigated
Negative Declaration during the circulation period. The Board of Supervisors has
considered all information provided in the Initial Study/Mitigated Negative Declaration and
during the April 11, 2017 Board meeting, including any written and oral comments received
at the April 11, 2017 meeting and responses provided.*

Finding 3: The Initial Study/Mitigated Negative Declaration reflects the San Benito County
Board of Supervisors' independent judgment and analysis.

Evidence: *The San Benito County Resource Management Agency, assisted by LSA
Associates, Inc., a professional environmental consulting firm, prepared and circulated the
Initial Study/Mitigated Negative Declaration. The Board of Supervisors considered and*

1 reviewed the Initial Study/Mitigated Negative Declaration and considered all public
2 comments and information received, prior to taking action on the Final Mitigated Negative
3 Declaration. The Board of Supervisors, exercising its independent judgment and analysis,
4 decided to adopt the Final Mitigated Negative Declaration.

5
6 **Finding 4:** There is no substantial evidence that the proposed project will have a significant
7 effect on the environment.

8 **Evidence:** After consideration of the Initial Study/Mitigated Negative Declaration and
9 public comments and supplemental information received, the Board of Supervisors has found
10 that the project as proposed and described in the Final Mitigated Negative
11 Declaration, with the adoption of the Mitigation Measures, would not have a significant
12 effect on the environment.

13
14 **Finding 5:** The proposed mitigation measures will reduce potentially significant effects to
15 less than significant.

16 **Evidence:** After consideration of the Initial Study/Mitigated Negative Declaration, public
17 comments received and other information in the record, the Board of Supervisors has found
18 that the proposed mitigation measures will reduce potential effects to less than significant
19 and that no new evidence has been presented to the Board to indicate that revisions to the
20 proposed mitigation measures or to the project will reduce potentially significant effects to
21 less than significant. The Initial Study/Mitigated Negative Declaration has not been
22 substantially revised since public notice of its availability was provided, and no mitigation
23 measures or project revisions were added or required.

24 **Finding 6:** No avoidable significant effects have been identified requiring mitigation
25 measures or project revisions and there is no need to substantially revise and recirculate the
26 Initial Study/Mitigated Negative Declaration prior to its adoption.

27 **Evidence:** After consideration of the Initial Study/Mitigated Negative Declaration, public
28 comments received and other information in the record, the Board of Supervisors has found
that no evidence has been presented to the Board to indicate that the proposed mitigation
measures or project revisions will not reduce potential effects to less than significance. The
Initial Study/Mitigated Negative Declaration has not been substantially revised since public
notice of its availability was provided, and no mitigation measures or project revisions were
added or required.

Finding 7: No changes are proposed in the project which will require major revisions of the
Initial Study/Mitigated Negative Declaration due to the involvement of new significant
environmental effects or a substantial increase in the severity of previously identified
significant effects

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration and
public comments received, the Board of Supervisors has found that no changes are proposed
in the Rocks Road Bridge Project. The Initial Study/Mitigated Negative Declaration has not
been substantially revised since public notice of its availability was provided, and no
mitigation measures or project revisions were added or required.

1 **Finding 8:** No substantial changes have occurred with respect to the circumstances under
2 which the project is undertaken which will require major revisions of the Initial
3 Study/Mitigated Negative Declaration due to the involvement of new significant
4 environmental effects or a substantial increase in the severity of previously identified
significant effects.

5 **Evidence:** *After consideration of the Initial Study/Mitigated Negative Declaration and*
6 *public comments received, the Board of Supervisors has found that no substantial changes*
7 *have occurred with respect to the circumstances under which the Rocks Road Bridge Project*
8 *is undertaken which would require major revisions of the Initial Study/Mitigated Negative*
9 *Declaration due to the involvement of new significant environmental effects or a substantial*
10 *increase in the severity of previously identified significant effects. The Initial*
Study/Mitigated Negative Declaration has not been substantially revised since public notice
of its availability was provided, and no mitigation measures or project revisions were added
or required.

11 **Finding 9:** No new information of substantial importance, which was not known and could
12 not have been known with the exercise of reasonable diligence at the time the public notice
13 of availability of the Initial Study/Mitigated Negative Declaration was provided shows that
the project will have one or more significant effects not discussed in the Initial
Study/Mitigated Negative Declaration.

14 **Evidence:** *After consideration of the Initial Study/Mitigated Negative Declaration and*
15 *public comments received, the Board of Supervisors has found that no new information of*
16 *substantial importance, which was not known and could not have been known with the*
17 *exercise of reasonable diligence at the time the public notice of availability of the Initial*
18 *Study/Mitigated Negative Declaration was provided, has been presented that shows the*
19 *Rocks Road Bridge Project will have one or more significant effects not discussed in the*
20 *Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative*
Declaration has not been substantially revised since public notice of its availability was
provided, and no mitigation measures or project revisions were added or required.

21 **Finding 10:** No new information of substantial importance, which was not known and
22 could not have been known with the exercise of reasonable diligence at the time the public
23 notice of availability of the Initial Study/Mitigated Negative Declaration was provided
shows that mitigation measures or alternatives previously found not to be feasible would in
fact be feasible and would substantially reduce one or more significant effects of the project.

24 **Evidence:** *After consideration of the Initial Study/Mitigated Negative Declaration and*
25 *public comments received, the Board of Supervisors has found that no new information of*
26 *substantial importance, which was not known and could not have been known with the*
27 *exercise of reasonable diligence at the time the public notice of availability of the Initial*
28 *Study/Mitigated Negative Declaration was provided, has been presented that shows*
mitigation measures or alternatives previously found not to be feasible would in fact be
feasible and would substantially reduce one or more significant effects of the project. All
significant effects of the Rocks Road Bridge project have been reduced to a level of
insignificance by the mitigation measures set forth in the Initial Study/Mitigated Negative

Declaration. The Initial Study/Mitigated Negative Declaration has not been substantially revised since public notice of its availability was provided, and no mitigation measures or project revisions were added or required.

Finding 11: No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the public notice of availability of the Initial Study/Mitigated Negative Declaration was provided shows that mitigation measures or alternatives which are considerably different from those analyzed in the Initial Study/Mitigated Negative Declaration would substantially reduce one or more significant effects of the project.

Evidence: After consideration of the Initial Study/Mitigated Negative Declaration and public comments received, the Board of Supervisors has found that no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the public notice of availability of the Initial Study/Mitigated Negative Declaration was provided, has been presented that shows mitigation measures or alternatives which are considerably different from those analyzed in the Initial Study/Mitigated Negative Declaration would substantially reduce one or more significant effects of the project. All significant effects of the Rocks Road Bridge project have been reduced to a level of insignificance by the mitigation measures set forth in the Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration has not been substantially revised since public notice of its availability was provided, and no mitigation measures or project revisions were added or required.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito, that it hereby adopts the *CEQA Initial Study and Mitigated Negative Declaration: Rocks Road Bridge (No. 43C-0053) Replacement at Pinacate Rock Creek Project*, attached hereto and incorporated hereby by reference as Exhibit A, incorporating the mitigation measures identified therein, and adopts the Mitigation Monitoring and Reporting Program set forth in Section 6.0.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Benito, State of California, at the meeting of said Board on this 11th day of April, 2017, by the following vote:

AYES: SUPERVISORS:
NOES: SUPERVISORS:
ABSENT: SUPERVISORS:
ABSTAIN: SUPERVISORS:

By: _____
Jaime De La Cruz, Chair

ATTEST:
Chase Graves, Clerk of the Board

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

By: _____

By: Shirley L. Murphy 4/5/17
Shirley L. Murphy, Deputy County Counsel

EXHIBIT A:

CEQA INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

ROCKS ROAD BRIDGE (NO. 43C-0053)
REPLACEMENT AT PINACATE ROCK CREEK PROJECT