

County of San Benito, CA

Ray Espinosa
County Administrative Officer
481 Fourth Street
County Administration Building
Hollister, California 95023
www.cosb.us



Meeting Agenda- **POSTED AND FINAL**

April 11, 2017 - 9:00 AM

Board of Supervisors

Jaime De La Cruz

Board Chairman

District No. 5

Anthony Botelho

Vice-Chair

District 2

Mark Medina

District 1

Robert Rivas

District 3

Jerry Muenzer

District 4



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,
California

REGULAR MEETING AGENDA - POSTED AND FINAL

April 11, 2017

9:00 AM

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.
- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.

Each individual speaker will be limited to a presentation total of (3) minutes.

CALL TO ORDER

- a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Robert Rivas, District #3.

- b. Acknowledge Certificate of Posting

- c. **Presentations and Recognitions**

BOARD OF SUPERVISORS

Approve Proclamation declaring April 22, 2017 as Walk a Mile in Her Shoes Day in San Benito County and present proclamation to Community Solutions and the Emmaus House.

SBC FILE NUMBER: 430

- d. **Public Comment**

Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

e. **Department Head Announcements: Information Only**

f. **Board Announcements: Information Only**

CONSENT AGENDA

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

1. **ASSESSOR'S OFFICE - T. SLAVICH**

Adopt Resolutions establishing Agricultural Preserves and authorize chairman to sign these Land Conservation Act Contracts.

SBC FILE NUMBER: 7

RESOLUTION NO'S: 2017-30, 2017-31

2. **BOARD OF SUPERVISORS**

Approve appointment of Mr. Tim Foley as the District #1 representative on the Parks and Recreation Commission for the period of April 11, 2017 through December 31, 2021.

SBC FILE NUMBER: 93

3. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Adopt Resolution in support of California Budget Augmentation for Senior Nutrition Programs and Resolution in support of legislation and California Budget Augmentation for Local Long Term Care Ombudsman Programs.

SBC FILE NUMBER: 119

RESOLUTION NO: 2017-32

RESOLUTION NO: 2017-33

4. **COUNTY ADMINISTRATIVE OFFICE - R. ESPINOSA**

Approve letter in support of legislation that would provide the option for San Benito County to consolidate the offices of Auditor-Controller and Treasurer-Tax Collector and authorize the Chairman to sign the letter of support.

SBC FILE NUMBER: 608

5. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**

Request to Appoint Qualified Candidates at Salary Step above "C" Step for the Positions of Assistant Auditor and Auditor-Accountant III.

SBC FILE NUMBER: 608

6. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**

Approve out of state travel for Melinda Casillas, Steve Coffee, Nathanael Lierly, Joe Paul Gonzalez, Cynthia Larca and additional attendees as may be

designated by the CAO not to exceed a total of six attendees to attend the Tyler Connect 2017 User Conference to be held on May 7 - 10, 2017 at the Henry B. Gonzalez Convention Center in San Antonio, TX. The cost of attendance for each participant is \$950.00 (Package A) for all Sessions & Conference Activities. Staff has also budgeted \$1500.00 for each person to purchase round trip flights, lodging, meals and ground transportation if the Board approves this request.

SBC FILE NUMBER: 608

7. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**

Approval and adoption of the Community Services & Workforce Development (CSWD) Work Experience Program Non-Financial Worksite Agreement for San Benito County.

SBC FILE NUMBER: 939

8. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**

Approve Agreement with County Medical Services Program Governing Board for the County Wellness & Prevention Pilot Program in the amount of \$225,000.00.

SBC FILE NUMBER: 130

9. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**

Adopt Resolution Ratifying Letting of Contracts to Remediate Local Emergency, Confirming County Administrator's Authority to Enter Into Emergency Contracts Under Public Contracts Code 22050, Finding that there is a Need to Continue Emergency Action Action; and Finding Repair Work Exempt from CEQA As An Emergency Project. **(4/5 vote required)**

SBC FILE NUMBER: 75.5

RESOLUTION NO: 2017-34

10. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**

Adopt Resolution Recognizing the Continuing Proclamation of a Local Emergency in San Benito County.

SBC FILE NUMBER: 75.5

RESOLUTION NO: 2017-35

11. **RESOURCE MANAGEMENT AGENCY**

Approval of contract with In Studio Architecture in an amount not to exceed \$15,000.00 for architectural design services for the Sheriff's Locker Room project for the period if March 28, 2017 through December 31, 2017.

SBC FILE NUMBER: 110

12. **RESOURCE MANAGEMENT AGENCY**

Resolution Adopting the Final Initial Study and Mitigated Negative Declaration (IS/MND), CEQA Findings, Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) for the Limekiln Road Bridge Replacement at Pescadero Creek Project.

SBC FILE NUMBER: 105

RESOLUTION NO: 2017-36

13. **RESOURCE MANAGEMENT AGENCY**

Resolution Adopting the Final Initial Study and Mitigated Negative Declaration (IS/MND), CEQA Findings, Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) for the Rocks Road Bridge Replacement at Pinacate Rock Creek Project (District 2).

SBC FILE NUMBER: 105
RESOLUTION NO: 2017-37

14. **SHERIFF'S OFFICE - D. THOMPSON**

Accept all bids received for the Sheriff's Office Radio System Upgrades project, award contract in the amount of \$48,594.95 to Metro Mobile as the lowest responsive, responsible bidder, approve the contract with Metro Mobile, authorize the Sheriff to execute the contract upon receipt of signed contract documents as required by the project specifications, and grant the Sheriff change order authority in an amount not to exceed 10% off contract award.

SBC FILE NUMBER: 110

15. **SHERIFF'S OFFICE - D. THOMPSON**

Adopt Resolution approving the submission of an application for off-highway grant funds.

SBC FILE NUMBER: 110

RESOLUTION NO: 2017-38

REGULAR AGENDA

For each regular agenda item, the following schedule shall occur:

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

16. **COUNTY COUNSEL'S OFFICE - M. GRANGER**

Receive update from staff and the ad hoc committee regarding the marijuana cultivation ordinance. Discussion of current status of interim urgency ordinance & development of a new marijuana cultivation ordinance, enforcement of existing San Benito County ordinance, and future actions to be taken under existing interim ordinance regarding applications for extended amortization periods. Provide direction to staff.

SBC FILE NUMBER: 160

17. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Receive presentation from Shawn Tennenbaum, Director of Human Resources for San Benito High School District, on a possible partnership between the County of San Benito and San Benito High to build a new aquatic facility.

SBC FILE NUMBER: 119

18. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Discuss proposal for Solar Energy Partnership between OpTerra Energy Solutions and the County of San Benito, and approve "Program Development Agreement in the amount of \$39,872.00 and authorize the CAO to approve any necessary amendments to this contract, in an amount not to exceed \$3,987 (10% of the contract amount).

SBC FILE NUMBER: 119

19. **RESOURCE MANAGEMENT AGENCY**

Accept all bids received for the Veterans Memorial Park Irrigation System

Improvements project, award contract in the amount of \$260,140.00 to Northern Underground Construction as the lowest responsive, responsible bidder, approve the contract with Northern Underground Construction effective April 11, 2017, authorize the RMA Director to execute the contract upon receipt of signed contract documents as required by the project specifications, and grant the RMA Director change order authority in an amount not to exceed \$25,000.00.

SBC FILE NUMBER: 127

20. **RESOURCE MANAGEMENT AGENCY**

Adopt Resolutions Making Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of Consultant Services Contracts With The Consulting Engineering Firms of Record to Complete The Engineering of The Rocks Road Bridge, Rosa Morada Bridge and Union Road Bridge Replacement Projects, and The Shore Road Bridge and San Felipe Road Bridge Guardrail Replacement Project.

SBC FILE NUMBER: 105

RESOLUTION NO'S: 2017-39, 2017-40, 2017-41, 2017-42

CLOSED SESSION

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) and (b), Ralph M. Brown Act.)

21. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito, City of Hollister, Superior Court of California, County of San Benito, Case No. CU-15-00056

SBC FILE NUMBER: 235.6

22. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL_ EXISTING LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Award Homes, Inc. v. County of San Benito, City of Hollister, et. al., Superior Court of California, County of San Benito, Case No. CU-15-00099

SBC FILE NUMBER: 235.6

23. **CLOSED SESSION PURSUANT TO SECTION 54956.95: LIABILITY CLAIMS** and **Conference with Legal Counsel-Existing Litigation.**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Egan v. San Benito County Sheriffs Office, Trindel Ins. Fund, WCAB, Case No. ADJ10049774

Claimant: Patricia Egan

Agency claimed against: San Benito County -(member Trindel Insurance Fund)

SBC FILE NUMBER: 235.6

24. **CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, Steve Coffee

Employee Organizations:
Institutions Association
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU Local 2015 (IHSS)
Deputy Sheriff's Association
Confidential
Confidential Management
Appointed Department Heads
Unrepresented Employees
SBC FILE NUMBER: 235.6

25. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9
Number of cases: 1
Facts and Circumstances Justifying Closed Session: Receipt of Notice of Violation and Settlement Offer dated March 10, 2017.
SBC FILE NUMBER: 235.6

ADJOURNMENT

Adjourn to the next special meeting of Tuesday, April 18, 2017.

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

<i>In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000</i>

at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number:

MEETING DATE: 4/11/2017

DEPARTMENT:

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER:

SBC DEPT FILE NUMBER:

SUBJECT:

Pledge of Allegiance to be led by Supervisor Robert Rivas, District #3.

AGENDA SECTION:

Pledge of Allegiance

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
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Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number:

MEETING DATE: 4/11/2017

DEPARTMENT: BOARD OF SUPERVISORS

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER: Janet Slibsager

SBC DEPT FILE NUMBER: 430

SUBJECT:

BOARD OF SUPERVISORS

Approve Proclamation declaring April 22, 2017 as Walk a Mile in Her Shoes Day in San Benito County and present proclamation to Community Solutions and the Emmaus House.

SBC FILE NUMBER: 430

AGENDA SECTION:

Presentations and Recognitions

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:**STAFF RECOMMENDATION:**

Approve Proclamation declaring April 22, 2017 as Walk a Mile in Her Shoes Day in San Benito County and present proclamation to Community Solutions and the Emmaus House.

ADDITIONAL PERSONNEL:**ATTACHMENTS:**

Description	Upload Date	Type
Proclamation-Walk a Mile in Her Shoes Day	3/7/2017	Proclamation



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District 1

Anthony Botelho
District 2

Robert Rivas
District 3

Jerry Muenzer
District 4

Jaime De La Cruz
District 5

PROCLAMATION “WALK A MILE IN HER SHOES DAY”

WHEREAS, “Walk a Mile in Her Shoes” Day is intended to draw attention to the fact that rape, sexual assault, and intimate partner abuse remain serious issues in our society; and

WHEREAS, in addition to the immediate physical and emotional costs, rape, sexual assault and intimate partner abuse may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, no one person, organization, agency or community can eliminate rape, sexual assault, or intimate partner abuse on their own—we must work together to educate our entire population about what can be done to prevent rape, sexual assault, and intimate partner abuse, support survivors and their significant others, and

WHEREAS, “Walk a Mile in Her Shoes” literally asks men to walk a mile in women’s shoes to help men better understand and appreciate women’s experiences; and

WHEREAS, “Walk a Mile in Her Shoes” expands the dialogue between men and women on gender differences, gender relationships and gender violence and for men to also publicly demonstrate their courage and commitment to preventing gender violence; and

NOW, THEREFORE BE IT RESOLVED that the San Benito County Board of Supervisors designates April 22, 2017 as “Walk a Mile in Her Shoes” Day in San Benito County.

In witness of the approval of this proclamation by the San Benito County Board of Supervisors on this 11th day of April, 2017.

Jaime De La Cruz, Chairman
San Benito County Board of Supervisors



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 1.

MEETING DATE: 4/11/2017

DEPARTMENT: ASSESSOR

DEPT HEAD/DIRECTOR: T. Slavich

AGENDA ITEM PREPARER: Tom Slavich

SBC DEPT FILE NUMBER: 7

SUBJECT:

ASSESSOR'S OFFICE - T. SLAVICH

Adopt Resolutions establishing Agricultural Preserves and authorize chairman to sign these Land Conservation Act Contracts.

SBC FILE NUMBER: 7

RESOLUTION NO'S: 2017-30, 2017-31

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Based on previous actions taken by the Board of Supervisors at a duly noticed public hearing, the property owner is required to complete new Land Conservation Act Contracts when a division or lot-line adjustment of an existing contract is completed. The contracts are ready to be signed and processed for recording. Also, resolutions are required to authorize the establishment of Agricultural Preserves. These documents are submitted for final approval by the Board

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Adopt Resolutions establishing Agricultural Preserves and authorize the Chairman of the Board of Supervisors to sign these LCA Contracts and Resolutions.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
LCA Contract and Board Resolution (Freitas)	4/3/2017	Contract
LCA Contract and Board Resolution (Watson)	4/3/2017	Contract

**SAN BENITO COUNTY
LAND CONSERVATION CONTRACT**

THIS CONTRACT made and entered into this _____ day of _____, 20_____,
by and between FREITAS LOUIS F - PATRICIA ANN REV LIV TRUST

_____, hereinafter referred to as "Owner (s)", and the COUNTY OF SAN BENITO, a political
subdivision of the State of California, hereinafter referred to as "County":

WITNESSETH:

The purpose of this contract is to qualify the land subject hereto for land assessment purposes as provided in
the Land Conservation Act of 1965, as amended, as said Act existed at the time of execution of this contract.

WHEREAS, OWNER possesses certain real property located within County, which property is presently
devoted to agricultural use and is described as follows:

(Either Assessor's parcel number (s) or legal description)

021-060-035-000 and 021-060-036-000

WHEREAS, said property is situated within an agricultural preserve heretofore established by County as
Preserve No _____, and,

WHEREAS, both Owner and County desire to limit the use of said property to agricultural and compatible
uses in order to discourage premature and unnecessary conversion of such land to urban use, recognize that such
land has substantial value to the public as open space and the preservation of such land in such use constitutes
an important physical, social, esthetic, and economic asset to County,

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein and the
substantial public benefits to be derived therefrom, do hereby agree as follows:

1. The within Contract is made and entered into pursuant to the Land Conservation Act of 1965, as
amended at the time of execution of this Contract, and is subject to the applicable provisions thereof.

2. During the term of this Contract the above described land shall not be used for any purpose, other than
agricultural and compatible uses. No structures shall be erected upon said land except such structures as may be
directly related to and compatible with allowed uses hereunder.

3. If any action in eminent domain for the condemnation of any land described herein is hereafter filed, or
any portion of the property is acquired in lieu of condemnation, the provisions of Sections 51290-51295 of the
California Government Code shall apply.

4. This contract shall be effective commencing on the 31st day of December, 20____ and shall remain in
effect for an initial period of ten (10) years therefrom. Each year, on the anniversary date of this Contract, one
year shall be automatically added to the initial term, unless notice of non-renewal is given as provided in
Section 51245 of the California Government Code.

5. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, inasmuch as the parties recognize and agree that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the method of calculating the assessed value of the subject land due to the restrictions placed thereon.

6. This contract may not be cancelled except in the manner provided in Sections 51280 through 51287 of the Government Code of California.

7. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

8. In the event the land under this contract is divided, a contract identical to the contract then covering said land shall be executed by the Owner (s) of each parcel created by the division at the time of the division. Any such division shall be made only upon approval of County and upon condition that each parcel after division meets the requirements for an agricultural preserve. County shall require, as a condition of the approval, the execution of the contracts provided for in this paragraph.

IN WITNESS WHEREOF, the parties hereto have executed the within Agreement the day and year first above written.

OWNERS SIGNATURE

Joseph A. Messick for

NAME (TYPEWRITTEN)

FREITAS, LOUIS F. -

FREITAS, PATRICIA ANN

REV LIV TRUST

NOTE: Each Signature Must Be Notarized

COUNTY OF SAN BENITO

By _____
Chairman of the Board of
Supervisors of said County.

ATTEST:

Clerk of said Board

BY: _____
Deputy Clerk of the said Board

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL

Shirley L. Murphy 4/3/17
DEPUTY COUNTY COUNSEL DATE

(attach acknowledgements)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

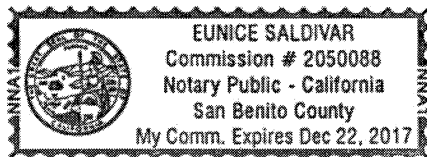
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of San Benito)
 On Feb. 1, 2017 before me, Eunice Saldivar, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Joyce A. Merrill
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Eunice Saldivar
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document San Benito County
 Title or Type of Document: Land Conservation Contract Document Date: Feb. 1, 2017
 Number of Pages: 5 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Joyce A. Merrill

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☒ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Louis F. & Patricia Ann Freitas Rev. Liv. Trust

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RESOLUTION NO. _____

RESOLUTION ESTABLISHING AGRICULTURAL PRESERVE

WHEREAS, an application has been filed establishing an agricultural preserve within the meaning of the California Land Conservation Act of 1965 with respect to the following described property: (Either Assessor's parcel number (s) or legal description):

021-060-035-00 and 021-060-036-00

WHEREAS, a public hearing has been had upon such application in the manner prescribed by the said Act. NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the said land meets the requirements prescribed for eligibility for an agricultural preserve.
2. That the said land is hereby designated and established as an agricultural preserve within the meaning of and pursuant to the California Land Conservation Act of 1965 and shall be known as Preserve No. _____
3. That the compatible uses authorized for such preserve are those set forth in Chapter 19.01, Article II "Agricultural Preserves" of the San Benito County Code heretofore adopted by this Board.
4. The Chairman of the Board is hereby authorized to execute on behalf of the County of San Benito, a Land Conservation Contract with the owner of the lands within the agricultural preserve created hereby.

Passed and adopted by the Board of Supervisors of the County of San Benito, State of California, this ____ day of _____, 20____, by the following vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Chairman of said Board

ATTEST:

Clerk of said Board

By: _____
Deputy Clerk of the said Board

CLCA Form (11-67), Rev.(1-13)

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL

Shirley L. Murphy 4/2/17
DEPUTY COUNTY COUNSEL DATE

**SAN BENITO COUNTY
LAND CONSERVATION CONTRACT**

THIS CONTRACT made and entered into this _____ day of _____, 20_____,
by and between Michael A. Watson and Stacey Watson, husband and wife

_____, hereinafter referred to as "Owner (s)", and the COUNTY OF SAN BENITO, a political
subdivision of the State of California, hereinafter referred to as "County":

WITNESSETH:

The purpose of this contract is to qualify the land subject hereto for land assessment purposes as provided in the Land Conservation Act of 1965, as amended, as said Act existed at the time of execution of this contract.

WHEREAS, OWNER possesses certain real property located within County, which property is presently devoted to agricultural use and is described as follows:
(Either Assessor's parcel number (s) or legal description)

Assessor's Parcel Number 021-060-034

WHEREAS, said property is situated within an agricultural preserve heretofore established by County as Preserve No _____, and,

WHEREAS, both Owner and County desire to limit the use of said property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of such land to urban use, recognize that such land has substantial value to the public as open space and the preservation of such land in such use constitutes an important physical, social, esthetic, and economic asset to County,

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. The within Contract is made and entered into pursuant to the Land Conservation Act of 1965, as amended at the time of execution of this Contract, and is subject to the applicable provisions thereof.
2. During the term of this Contract the above described land shall not be used for any purpose, other than agricultural and compatible uses. No structures shall be erected upon said land except such structures as may be directly related to and compatible with allowed uses hereunder.
3. If any action in eminent domain for the condemnation of any land described herein is hereafter filed, or any portion of the property is acquired in lieu of condemnation, the provisions of Sections 51290-51295 of the California Government Code shall apply.
4. This contract shall be effective commencing on the 31st day of December, 20____ and shall remain in effect for an initial period of ten (10) years therefrom. Each year, on the anniversary date of this Contract, one year shall be automatically added to the initial term, unless notice of non-renewal is given as provided in Section 51245 of the California Government Code.

5. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, inasmuch as the parties recognize and agree that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the method of calculating the assessed value of the subject land due to the restrictions placed thereon.

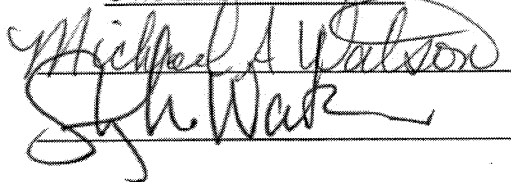
6. This contract may not be cancelled except in the manner provided in Sections 51280 through 51287 of the Government Code of California.

7. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

8. In the event the land under this contract is divided, a contract identical to the contract then covering said land shall be executed by the Owner (s) of each parcel created by the division at the time of the division. Any such division shall be made only upon approval of County and upon condition that each parcel after division meets the requirements for an agricultural preserve. County shall require, as a condition of the approval, the execution of the contracts provided for in this paragraph.

IN WITNESS WHEREOF, the parties hereto have executed the within Agreement the day and year first above written.

OWNERS SIGNATURE



NAME (TYPEWRITTEN)

Michael A. Watson

Stacey Watson

NOTE: Each Signature Must Be Notarized

COUNTY OF SAN BENITO

By _____

Chairman of the Board of
Supervisors of said County.

ATTEST:

Clerk of said Board

BY: _____

Deputy Clerk of the said Board

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL


DEPUTY COUNTY COUNSEL DATE

(attach acknowledgements)

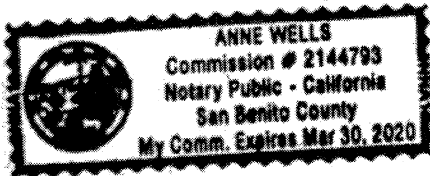
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN BENITO)

On November 10, 2016, before me, Anne Wells, Notary Public, personally appeared Michael A. Watson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Anne Wells

(Seal)

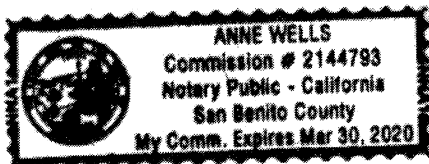
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN BENITO)

On November 14, 2016, before me, Anne Wells, Notary Public, personally appeared Stacey Watson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Anne Wells

(Seal)

RESOLUTION NO. _____

RESOLUTION ESTABLISHING AGRICULTURAL PRESERVE

WHEREAS, an application has been filed establishing an agricultural preserve within the meaning of the California Land Conservation Act of 1965 with respect to the following described property: (Either Assessor's parcel number (s) or legal description):

Assessor's Parcel Number 021-060-034

WHEREAS, a public hearing has been had upon such application in the manner prescribed by the said Act. NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the said land meets the requirements prescribed for eligibility for an agricultural preserve.
2. That the said land is hereby designated and established as an agricultural preserve within the meaning of and pursuant to the California Land Conservation Act of 1965 and shall be known as Preserve No. _____
3. That the compatible uses authorized for such preserve are those set forth in Chapter 19.01, Article II "Agricultural Preserves" of the San Benito County Code heretofore adopted by this Board.
4. The Chairman of the Board is hereby authorized to execute on behalf of the County of San Benito, a Land Conservation Contract with the owner of the lands within the agricultural preserve created hereby.

Passed and adopted by the Board of Supervisors of the County of San Benito, State of California, this ____ day of _____, 20_____, by the following vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Chairman of said Board

ATTEST:

Clerk of said Board

By: _____
Deputy Clerk of the said Board

CLCA Form (11-67), Rev.(1-13)

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL

Shirley L. Murphy 4/2/17
DEPUTY COUNTY COUNSEL DATE



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 2.

MEETING DATE: 4/11/2017

DEPARTMENT: BOARD OF SUPERVISORS

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER: Chase Graves

SBC DEPT FILE NUMBER: 156

SUBJECT:

BOARD OF SUPERVISORS

Approve appointment of Mr. Tim Foley as the District #1 representative on the Parks and Recreation Commission for the period of April 11, 2017 through December 31, 2021.

SBC FILE NUMBER: 93

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

See attached application.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Approve appointment of Tim Foley and the District #1 representative on the Parks and Recreation Commission.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
P&R applications	3/31/2017	Cover Memo

**SAN BENITO COUNTY
BOARDS AND COMMISSIONS**

MEMBERSHIP APPLICATION

I hereby express an interest in being nominated for membership on the following committee: (PLEASE PRINT)

BOARD/COMMISSION: Parks & Recreation

NAME: TIM FOLEY

PHONE: 831 245-5799

ADDRESS: 141 McMath Dr

CITY: HOLLISTER ZIP: 95023

LENGTH OF RESIDENCY: 27 years

SUPERVISOR DISTRICT: 1

OCCUPATION: Retired Supt of Schs.

EDUCATION: MA, BA University of Redlands

AFFILIATIONS: Pinnacles Partnership Board

REASON(S) FOR SEEKING APPOINTMENT: Community Service
at a critical time for SB County

DATE: 3-21-17 SIGNATURE: Timothy Foley

Return completed form to:

SAN BENITO COUNTY Chase Graves
Attention: ~~Linda Churchill~~, Clerk of the Board
481 Fourth Street
Hollister, CA 95023

Any questions, please call: (831) 636-4000 ext: 13
01/08/07 lc

**SAN BENITO COUNTY
BOARDS AND COMMISSIONS**

MEMBERSHIP APPLICATION

I hereby express an interest in being nominated for membership on the following committee: (PLEASE PRINT)

BOARD/COMMISSION: Park and Recreation Commissioner

NAME: Marie LoBue Peterson

PHONE: 831-801-6554

ADDRESS: 6350 Dunnville Way

CITY: Hollister ZIP: 95023

LENGTH OF RESIDENCY: 18 years

SUPERVISOR DISTRICT: Mark Medina District 1

OCCUPATION: Real estate Broker - Dual Pride Properties

EDUCATION: B.S. Business Management

AFFILIATIONS: San Benito County Realtors Association,
Italian Catholic Federation, Sacred Heart Alumni

REASON(S) FOR SEEKING APPOINTMENT: I would like to give
back my experience and man hours to the town I

DATE: 3/21/17 SIGNATURE: Marie L. Peterson love.
Hollister

Return completed form to:

SAN BENITO COUNTY Chase Graves
Attention: Linda Churchill, Clerk of the Board
481 Fourth Street
Hollister, CA 95023

Any questions, please call: (831) 636-4000
01/08/07 lc

ext: 13



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 3.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY ADMINISTRATION OFFICE

DEPT HEAD/DIRECTOR: Ray Espinosa

AGENDA ITEM PREPARER: Janet Slibsager

SBC DEPT FILE NUMBER: 119

SUBJECT:

COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Adopt Resolution in support of California Budget Augmentation for Senior Nutrition Programs and Resolution in support of legislation and California Budget Augmentation for Local Long Term Care Ombudsman Programs.

SBC FILE NUMBER: 119

RESOLUTION NO: 2017-32

RESOLUTION NO: 2017-33

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:**CURRENT FY COST:****STAFF RECOMMENDATION:**

Adopt Resolution in support of California Budget Augmentation for Senior Nutrition Programs and Resolution in support of legislation and California Budget Augmentation for Local Long Term Care Ombudsman Programs.

ADDITIONAL PERSONNEL:**ATTACHMENTS:**

Description	Upload Date	Type
Resolution-Long Term Care Ombudsman Programs	4/4/2017	Resolution
Resolution-Senior Nutrition Programs	4/4/2017	Resolution

RESOLUTION NO. 2017-

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SAN BENITO IN SUPPORT OF CALIFORNIA BUDGET AUGMENTATION
FOR LOCAL LONG TERM CARE OMBUDSMAN PROGRAMS**

WHEREAS, AB 550 (Reyes) revises the Department of Aging Funding Formula (Welfare & Institutions Code Section 9719.5) for the 35 local Long-Term Care Ombudsman Programs from the 1989 allocation of \$35,000 local program base to \$100,000 local program base; and,

WHEREAS, the State and Federally mandated purpose of the Long-Term Care Ombudsman Program is to ensure the highest possible quality of life and care for residents of long-term care facilities; and,

WHEREAS, through a combination of paid staff and well-trained certified volunteers, the Ombudsman organizations provide regular, unannounced in-person visits and resident advocacy; and,

WHEREAS, the ombudsman organizations identify and resolve complaints, in addition to ensuring that facilities are free from health and safety issues, serving as eyes, ears and advocates for residents, particularly the 60% of residents without family members visiting to observe care and report problems; and,

WHEREAS, well-trained certified volunteer Ombudsmen in California's long-term care facilities are the single most cost effective opportunity to prevent complaints of neglect and abuse from occurring; and,

WHEREAS, an adequately funded Ombudsman Program is a vital part of the long-term care safety net; and,

WHEREAS, when Ombudsman Programs are able to fulfill the State and Federal service mandates, not only do care facility residents benefit with higher quality of life and care, but also the State reduces costs for new complaints that would otherwise be referred directly to the licensing agencies.

THEREFORE, BE IT RESOLVED that the San Benito County Board of Supervisors endorses a State of California Budget Increase in the Department of Aging funding model for 35 local Ombudsman programs and encourages the passage of AB 550 (Reyes).

DULY PASSED AND ADOPTED this 11th day of April, 2017 by the Board of Supervisors of the County of San Benito, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAIME DE LA CRUZ, Chair

San Benito County Board of Supervisors

ATTEST:

Chase Graves

Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

By: _____

Barbara Thompson

Assistant County Counsel

RESOLUTION NO. 2017-

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SAN BENITO IN SUPPORT OF CALIFORNIA BUDGET AUGMENTATION
FOR SENIOR NUTRITION PROGRAMS**

WHEREAS, the health and independence of older Californians is a foundation of a thriving California; and,

WHEREAS, food-insecure seniors are at greater risk for chronic health conditions, including being 60 percent more likely to experience depression, 53 percent more likely to report a heart attack, 52 percent more likely to develop asthma and 40 percent more likely to report an experience of congestive heart failure; and,

WHEREAS, seniors represent the fastest growing age group in the country, with over 1,000 Californians turning 65 every day for the next fifteen years; and,

WHEREAS, twice as many seniors in California are living in poverty than a decade ago; and,

WHEREAS, the provision of nutritious food is perhaps the most basic component of health, especially for frail and vulnerable seniors; and,

WHEREAS, the Great Recession resulted in nutrition programs being forced to reduce services, lay off staff, establish waiting lists for service, or, in some cases, close senior meal sites completely; and,

WHEREAS, the Elder Economic Security Index (measuring the true cost of living for a senior in California) has found that *36% of all older Californians (age 65+) do not have enough income to meet their basic needs*; and,

WHEREAS, providing \$12.5 million in new funding for senior nutrition programs is estimated to save California ten times that much in reduced state payments for fewer hospitalizations, long-term care placements, emergency room use, and other medical costs; and,

NOW THEREFORE BE IT RESOLVED that the San Benito County Board of Supervisors endorses a State of California Budget Increase of \$12.5 million to senior nutrition programs, as defined in the Older Americans Act and the Older Californians Act, and publicly encourages our State representatives to support such an action.

DULY PASSED AND ADOPTED this 11th day of April, 2017, by the Board of Supervisors of the County of San Benito, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAIME DE LA CRUZ, Chair
San Benito County Board of Supervisors

ATTEST:
Chase Graves
Clerk of the Board

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

By: _____

Barbara Thompson
Assistant County Counsel



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 4.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY ADMINISTRATION OFFICE

DEPT HEAD/DIRECTOR: R. Espinosa

AGENDA ITEM PREPARER: Chase Graves

SBC DEPT FILE NUMBER: 943.1

SUBJECT:

COUNTY ADMINISTRATIVE OFFICE - R. ESPINOSA

Approve letter in support of legislation that would provide the option for San Benito County to consolidate the offices of Auditor-Controller and Treasurer-Tax Collector and authorize the Chairman to sign the letter of support.

SBC FILE NUMBER: 608

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Last legislative year the San Benito County Board of Supervisors discussed pursuing the cost-saving and effective reconsolidation of the elected offices of Auditor-Controller and Treasurer-Tax Collector. San Benito County staff has worked with staff at the State Capitol Legislative Office to add San Benito County to legislation that currently allows the counties of Mendocino, Santa Cruz, Sonoma, Trinity, and Tulare to consolidate the aforementioned elected offices.

This legislation would not automatically consolidate the offices of Auditor-Controller and Treasurer-Tax Collector, rather, the legislation would allow the San Benito County Board of Supervisors to

consolidate the offices if/when they make the decision to do so. If San Benito County is not added to this legislation it would be approximately five years before the County could again pursue the possibility of consolidating the offices as a result of the election cycle.

If the Board of Supervisors decided to consolidate these offices, the County of San Benito would benefit from an estimated County General Fund savings of over two-hundred-thousand dollars. Given the always present budgetary constraints the County is faced with, it is important that the County have the ability to consolidate these offices.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

n/a

CURRENT FY COST:

n/a

STAFF RECOMMENDATION:

Approve letter in support of consolidation of the offices of Auditor-Controller and Treasurer-Tax Collector and authorize the Chairman to sign the letter.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Proposed legislation	3/31/2017	Other
Letter of Support	4/7/2017	Cover Memo

Proposed Legislation to Amend GC 24304.2:

Notwithstanding Section 24300, in Mendocino County, San Benito County, Santa Cruz County, Sonoma County, Trinity County, and Tulare County, the board of supervisors, by ordinance, may consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector.

April 11, 2017

The Honorable Anna M. Caballero
California State Assembly District 30
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0030

Re: Proposed Legislation to Amend GC 24304.2

Dear Assemblymember Caballero:

Your many years of public service to this County have not gone unnoticed. On behalf of San Benito County, I wish to express our gratitude for your leadership and commitment to helping San Benito County.

In 2016, the Board of Supervisors discussed the potential of pursuing a cost-saving and effective reconsolidation of the elective Offices of Auditor-Controller and Treasurer-Tax Collector for San Benito County. Specifically, during the February 16th, 2016 Board of Supervisors Retreat Meeting, Board members expressed interest regarding the potential for legislation that would allow the County to consolidate the Offices of Auditor-Controller with the Treasurer-Tax Collector. This matter was further discussed at the 2017 Board retreat, and then again at the regular meeting of the Board of Supervisors held on April 11, 2017. At the April 11, 2017 meeting, this letter and the County's action to pursue this legislation was approved by the Board of Supervisors. As you know, the County is requesting identical legislative authority previously granted to the counties of Mendocino, Santa Cruz, Sonoma, Trinity and Tulare. As discussed at our meeting on December 21st, 2016, your assistance in attaining a legislative solution is important to San Benito County, a small rural county. San Benito County is experiencing significant financial challenges and seeking out better customer-service delivery options.

San Benito County is in support of a bill that provides this desired equitable legislative option. As you are aware, the proposed legislation represents an estimated County General Fund savings of over Two-Hundred-Thousand Dollars (\$200,000+). A copy of the proposed legislative language needed to amend Government Code §24304.2 is attached for your reference.

I look forward to working with you on the development of this legislation and thank you again for agreeing to carry this important piece of legislation to help San Benito County in its quest to develop more effective and efficient governance structures with the County's elective Offices.

Sincerely,

Jaime De La Cruz
Chair of the Board of Supervisors



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 5.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY CLERK-AUDITOR-RECORDER ELECTIONS

DEPT HEAD/DIRECTOR: Joe Paul Gonzalez

AGENDA ITEM PREPARER: Joe Paul Gonzalez

SBC DEPT FILE NUMBER: 608

SUBJECT:

COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ

Request to Appoint Qualified Candidates at Salary Step above "C" Step for the Positions of Assistant Auditor and Auditor-Accountant III.

SBC FILE NUMBER: 608

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The County Auditor's Office has been recruiting for an Assistant County Auditor for over two years and Auditor-Accountant III for several months. The candidate pool for these two positions has been limited in the number of qualified candidates who have applied.

The two individuals are strong auditor experienced candidates, both of them being bright, dedicated and personable and focused on providing over-the-top customer service. The candidates are brought before the Board of Supervisors today for approval to hire above the "C" step as further set forth below.

Assistant Auditor Candidate:

The candidate for the Assistant Auditor Position is an Enrolled Agent and has eleven years of municipal auditing, accounting and consulting experience in the bay area with a Certified Public Accounting Firm. This candidate has excellent references, with a proven track record of providing professional municipal auditing, accounting and consulting services for long list of California cities, special districts and not-for-profit organizations. The Candidate is a graduate of St. Mary's College, and originally is from Salinas, California. The request is to place the candidate at Step F of the salary range for this position.

Auditor-Accountant III Candidate.

The candidate for the Auditor-Accountant III Position is a Certified Public Accountant (CPA) with over sixteen years in banking and public accounting experience. The candidates years of public auditing and accounting experience were with the prestigious "Big four" Certified Public Accounting Firms of Ernst & Young and Deloitte. This Candidate is a Dean's Scholar and honor's graduate of San Jose State University, and is from Hollister, California. The request is to place the candidate at Step F of the salary range for this position.

County finance and human resources have reviewed and approved this request.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Authorize the salary placement of Step "F" for the Candidates of the respective positions of Assistant Auditor and Auditor-Accountant III.

ADDITIONAL PERSONNEL: No



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 6.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY CLERK-AUDITOR-RECORDER ELECTIONS

DEPT HEAD/DIRECTOR: Joe Paul Gonzalez

AGENDA ITEM PREPARER: Joe Paul Gonzalez

SBC DEPT FILE NUMBER: 608

SUBJECT:

COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ

Approve out of state travel for Melinda Casillas, Steve Coffee, Nathanael Lierly, Joe Paul Gonzalez, Cynthia Larca and additional attendees as may be designated by the CAO not to exceed a total of six attendees to attend the Tyler Connect 2017 User Conference to be held on May 7 - 10, 2017 at the Henry B. Gonzalez Convention Center in San Antonio, TX. The cost of attendance for each participant is \$950.00 (Package A) for all Sessions & Conference Activities. Staff has also budgeted \$1500.00 for each person to purchase round trip flights, lodging, meals and ground transportation if the Board approves this request.

SBC FILE NUMBER: 608

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Approve out of state travel for Melinda Casillas, Steve Coffee, Nathanael Lierly, Joe Paul Gonzalez, Cynthia Larca and additional attendees as may be designated by the CAO not to exceed a total of six attendees to attend the Tyler Connect 2017 User Conference to be held on May 7 - 10, 2017 at

the Henry B. Gonzalez Convention Center in San Antonio, TX in accordance with San Benito County Travel Policies and Procedures.

This conference is for anyone with access to Tyler Technologies' New World ERP Solution, including Finance, HR and Payroll, Utility Billing, and Community Development. All staff, including IT,

Managers, and Directors will benefit from sessions and labs.

The cost of attendance for each participant is \$950.00 (Package A) for all Sessions & Conference Activities.

Staff has also budgeted \$1500.00 for each person to purchase round trip flights, lodging, meals and ground transportation if the Board approves this request.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Approve out of state travel for Melinda Casillas, Steve Coffee, Nathanael Lierly, Joe Paul Gonzalez, Cynthia Larca and additional attendees as may be designated by the CAO not to exceed a total of six

attendees to attend the Tyler Connect 2017 User Conference to be held on May 7 - 10, 2017 at the Henry B. Gonzalez Convention Center in San Antonio, TX in accordance with San Benito County Travel Policies and Procedures.

ADDITIONAL PERSONNEL: No



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 7.

MEETING DATE: 4/11/2017

DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY

DEPT HEAD/DIRECTOR: James Rydingsword

AGENDA ITEM PREPARER: Sylvia Jacquez

SBC DEPT FILE NUMBER: 130

SUBJECT:

HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Approval and adoption of the Community Services & Workforce Development (CSWD) Work Experience Program Non-Financial Worksite Agreement for San Benito County.

SBC FILE NUMBER: 939

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

CSWD, a division of Health & Human Services receives various funding from the Community Services Block Grant (CSBG), Workforce Innovation & Opportunity (WIOA), CalWORKS to provide workforce services such as the Work Experience Program. This Board has adopted standard work experience agreements for use with these two programs which contain specific funding source language required by the the WIOA and CalWORKs programs. There is a need to create a general worksite agreement for use when other non WIOA or CalWORKs funding sources become available for work experience programs.

Staff requests the approval and adoption of a general CSWD non-financial Work Experience

Agreement template. The template has been reviewed and approved by County Counsel. In addition, staff requests the approval to authorize the Director of HHSA and/or Deputy Director of CSWD to sign the existing agreements and any amendments to such agreements.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

221.80.2285.2290

CURRENT FY COST:

\$400,000

STAFF RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Approve and adopt the CSWD non-financial Work Experience Agreement template and authorize the Director of HHSA and/or the Deputy Director of CSWD to enter into said agreements on the County's behalf on the approved agreement templates and any amendments to such agreements.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
CSWD Non-Financial Worksite Agreement Template	3/15/2017	Contract

**NON-FINANCIAL WORKSITE AGREEMENT FOR THE
SAN BENITO COUNTY** _____

WHEREAS, _____, has been selected by San Benito County Community Services and Workforce Development Department (CSWD) as an eligible training Worksite Agency, for the _____.

IT IS THEREFORE agreed by and between CSWD as the Contractor and _____ as the Worksite Agency, as follows:

In consideration for the Worksite Agency training participants in the _____, the Contractor shall provide eligible program participants at the Worksite Agency's worksite and shall pay the participant(s).

**A. PERIOD OF PERFORMANCE of this agreement shall be from _____ or
until the completion of _____ hours, whichever is sooner.**

B. OBLIGATIONS: Contractor (CSWD)

1. Shall orient worksite supervisor(s) as to responsibilities, procedures, and operations pursuant to this Worksite Agreement.
2. Shall assure that worksite assignments are appropriate in terms of meeting program participants' needs and labor market demands.
3. Shall orient applicants during intake as to their rights and responsibilities as program participants under the _____.
5. Shall have the right to conduct on site monitoring of the Worksite Agency's program, including all records pertinent to this program, and the Contractor shall have primary responsibility for monitoring this Worksite Agreement.
6. Shall reserve the right to modify this Worksite Agreement.
7. Shall terminate the Worksite Agreement where it finds serious or continual violation of the obligations of this agreement, and which are not likely to be corrected by quick and remedial actions.
8. Shall assure that the Worksite Agency provides sufficient meaningful work to occupy all program participant(s) assigned during the hours that they are at the site.
9. Shall authorize payment to program participant(s) only for time worked by such participant(s). No funds may be paid to any participant for more than _____ hours per week and cannot exceed a total of _____ hours under this agreement.
10. Shall provide a wage of \$_____ per hour and Workers' Compensation Insurance coverage for program participant(s), contingent upon receipt of funds from the State of California or other funding sources, and subject to budget appropriations by the Board of Supervisors of the County of San Benito and any conditions placed on budget appropriations by the Board of Supervisors as adopted. The absence of State funding or of County budget appropriations, shall

automatically terminate this agreement.

11. Shall provide orientation for the program participant(s) and worksite supervisor(s) as to payroll policies and procedures.

C. OBLIGATIONS OF THIS AGREEMENT: Worksite Agency

1. Shall provide work experience activities to program participant(s) selected consistent with the Contractor's Work Experience Worksite Request and Job Description forms, as completed by the Worksite Agency and submitted with this agreement, which completed forms are attached hereto and incorporated herein by reference as Attachments 1 and 2. The Worksite Agency certifies that it approves of placement of program participant(s) at its worksite and that it understands and accepts those responsibilities that have been accepted by its officers and employees, as the employer of the program participant(s) placed there.
2. Shall agree to indemnify, defend and save harmless the Contractor, the Contractor's officers and employees, and the program participant(s) from and against any and all claims and losses whatsoever arising out of, or in any way related to the Worksite Agency's performance under this agreement, including, but not limited to, claims for property damage, property loss, personal injury, death, and any legal expenses (such as attorneys' fees, court costs, investigation costs and experts' fees) incurred by the Contractor and/or the program participant(s) in connection with such claims or losses. The Worksite Agency's "performance" includes its action or inaction and the action or inaction of its officers, agents and employees.
3. Shall maintain comprehensive general liability insurance, in full force and effect during the term of this agreement, covering all of the Worksite Agency's operations with a combined single limit of not less than one million dollars (\$1,000,000).
 - a. Compliance with the above insurance coverage requirement does not limit the Worksite Agency's duty to indemnify the Contractor.
 - b. Each insurance policy shall be issued by a company authorized by law to transact business in the State of California.
 - c. Each insurance policy shall provide that the Contractor be given notice in writing at least thirty (30) days in advance of any change, cancellation, or nonrenewal thereof.
 - d. The comprehensive general liability policy shall provide an endorsement naming the Contractor and its officers, agents and employees as additional insured.
 - e. The Worksite Agency shall file a certificate of insurance with the Contractor, showing that the Worksite Agency has in effect the insurance required by this agreement. The Worksite Agency shall file a new or amended certificate promptly after any change is made in any insurance policy which would alter the information on the certificate then on file. In lieu of providing proof of insurance, the Worksite Agency may provide proof of self-insurance meeting requirements equivalent to those imposed herein. The Worksite Agency warrants that the Worksite Agency's self-insurance provides substantially the same protection to the Contractor as

the insurance required herein. The Worksite Agency further agrees to notify the Contractor in the event any change in self-insurance occurs that would alter the obligations undertaken in this agreement within thirty (30) days of such change.

4. Shall comply with all applicable federal, state and local laws now, or hereafter, in force, and with any applicable regulations, in performing the work and performing the services specified in this agreement. This obligation includes, without limitation, the acquisition, and maintenance of any permits, licenses, or other entitlements necessary to perform the duties imposed expressly or impliedly under this agreement.
5. Shall not discriminate in the employment of persons necessary to perform this agreement on any legally impermissible basis, including on the basis of the race, color, national origin, ancestry, religion, age, sex, or disability of such person.
6. Shall not, except as specifically authorized herein, assign rights under this agreement, or delegate duties under this agreement, without the prior written consent of the Contractor, and any attempted assignment or delegation without such consent shall be void.
7. Shall provide position(s). The program participant(s) shall be assigned to various job duties as outlined in the Contractor's Work Experience Worksite Request and Job Description forms, as completed by the Worksite Agency and submitted with this agreement, which completed forms are attached hereto and incorporated herein by reference as Attachments 1 and 2.
8. Shall notify the Contractor immediately if the number of participant(s) at the worksite changes, so that this agreement may be modified as necessary.
9. Shall orient the program participant(s) to the worksite (conditions of work, employer expectations, employer's policies and procedures, etc.) on their first day at work.
10. Shall provide the program participant(s) with adequate supervision and shall provide an alternate supervisor whenever the regular worksite supervisor is not available. The worksite supervisor and alternative supervisor shall accept responsibility for supervising program participant(s) placed in their charge. The worksite supervisor and alternative supervisor shall supervise the work and training of the program participant(s) as specified in the Contractor's Job Description form, as completed by the Worksite Agency and submitted with this agreement, which completed form is attached hereto and incorporated herein by reference as Attachment 2. The worksite supervisor and alternative supervisor shall keep accurate time and attendance records for program participant(s) and shall report any problems or concerns to the assigned work experience counselor. The worksite supervisor shall inform the alternative supervisor of any absence(s) by the supervisor.
11. Shall further provide program participant(s) with safety instructions for protection against injury and shall provide a safe and healthy work environment for the program participant(s). The Worksite Agency shall strictly adhere to the provisions of State and Federal Child Labor Laws.
12. Shall provide an adequate number of worksite supervisor(s) to provide a ratio not

to exceed 12 program participants to one worksite supervisor.

13. Shall provide assistance in upgrading program participant(s) to higher level of training to the extent feasible.
14. Shall submit to the Contractor authenticated timesheets and worker's compensation claims, if any, for program participant(s), in accordance with the policies of the Contractor.
15. Shall, on evaluation forms provided by the Contractor, and on the back of the program participant's(s') timesheets, review participant's(s') work experience progress and shall forward original forms to the Contractor.
16. Shall assure that appropriate and legal standards for health and safety in the workplace and in training situations are maintained.
17. Shall assure that the worksite supervisor(s) is/are experienced in the work to be performed.
18. Shall insure that the worksite(s) has/have adequate equipment and/or materials necessary to the program participant's(s') work experience job, at no cost to Contractor.
19. Shall insure that program participant(s) will work no more than 8 hours per day and no more than 40 hours per week.
20. Shall provide training and supervision to program participant(s) such that they will be able to perform satisfactorily the duties specified on the Contractor's Work Experience Worksite Request and Job Description forms, as completed by the Worksite Agency and submitted with this agreement, which completed forms are attached hereto and incorporated herein by reference as Attachments 1 and 2.
21. Shall ensure that program participant(s) will not be employed on the construction, operation, or maintenance of any facility which is used for sectarian instruction or as a place for religious worship.
22. Shall comply with the applicable provisions of the Hatch Act, which limits the political activity of employees, and will assure that participants are not involved in any political activities.
23. Shall provide release time for program participant(s) to attend skill training, counseling, and education programs as a part of the career orientation to be provided by the Contractor.
24. Shall not fill a vacant position that has been created through a layoff of any Worksite Agency employee(s) and shall not displace any Worksite Agency employee(s) by layoff of said employee(s) through the placement of a program participant(s). No program participant(s) shall be employed when any other individual is not on layoff status for the same or equivalent job with the Worksite Agency, nor can the Worksite Agency terminate a regular employee to create a job for a program participant. The Worksite Agency shall complete and submit Contractor's Maintenance of Effort Statistics form, as completed by the Worksite Agency and submitted with this agreement, which completed form is attached hereto and incorporated herein by reference as Attachment 3.
25. Shall certify that neither it nor any of its officers or employees has been convicted

of fraud or misappropriation of funds within the last two (2) years and that, to the best of its knowledge and belief, neither it nor any of its officers or employees is/has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this or any other covered transactions by any Federal department or agency. The Worksite Agency assures that it is licensed in good standing in California and is not listed on the Federal Consolidated List of Debarred, Suspended, and Ineligible Excluded Parties Listing. The Worksite Agency has completed the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions form, and submitted it with this agreement, which completed form, is attached hereto and incorporated herein by reference as Attachment 4.

D. TIME AND ATTENDANCE

1. Accurate time and attendance records shall be kept by the supervisor for each program participant and will reflect the time actually worked by the participant. Standard work experience timesheets shall be used for verification.
2. Time and attendance records shall be signed at the end of the period by the program participant(s) and worksite supervisor, whose signature shall certify its accuracy. Completed timesheets shall be submitted to the Contractor at the address specified in paragraph H below, on the scheduled due date.

E. MONITORING

The worksite shall be monitored by the Contractor for compliance with the provisions of the Worksite Agreement and rules and regulations governing the Contractor. The worksite supervisor shall maintain accurate time and attendance records as well as a list of current activities, and shall cooperate fully to provide monitoring information as requested.

All such time and attendance records shall be made available to the Contractor or its authorized representative, for review or audit during normal business hours, upon reasonable advance notice given by the Contractor, its authorized representative. The Worksite Agency shall maintain and preserve all records related to this agreement for a period of three years from the end of each fiscal year in which they were prepared. Such records shall be retained beyond the three-year period, if any audit involving such records is then pending, until the audit findings are resolved. The obligation to insure the maintenance of the records beyond the initial three-year period shall arise only if the Contractor notifies the Worksite Agency of the commencement of an audit prior to the expiration of the three-year period.

F. TERMINATION

Either the Contractor or the Worksite Agency may terminate this agreement, with or without cause, at any time. In order to terminate this agreement, the terminating party shall give fifteen (15) days advance written notice to the other party. The termination notice shall be made as specified in paragraph H, below. The termination shall be effective at the expiration of the fifteen (15) days.

G. GENERAL TERMS AND CONDITIONS

1. **Independent Contractor:** The Worksite Agency and its officers, agents and employees, in the performance of this agreement, are independent contractors in relation to the Contractor and not officers or employees of the Contractor. Nothing in this agreement shall create any of the rights, powers, privileges or immunities of any officer or employee of the Contractor. The Worksite Agency shall be solely liable for all applicable taxes or benefits, including, but not limited to, federal and state income taxes, Social Security taxes, or ERISA retirement benefits, which taxes or benefits arise out of the performance of this agreement. The Worksite Agency further represents to the Contractor that the Worksite Agency has no expectation of receiving any benefits incidental to employment.
2. **Conflict of Interest:** The Worksite Agency covenants that it presently has no interest and shall not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the services hereunder. Worksite Agency further covenants that, in the performance of this agreement, no subcontractor or person having such an interest shall be used or employed. Worksite Agency certifies that no one who has or will have any financial interest under this agreement is an officer or employee of the Contractor.
4. **Severability:** Should any provision herein be found or deemed to be invalid, this agreement shall be construed as not containing such provision and all other provisions which are otherwise lawful shall remain in full force and effect. To this end, the provisions of this agreement are declared to be severable.
5. **Entire Contract:** This agreement is the entire agreement of the parties. There are no understandings or agreements pertaining to this agreement except as are expressly stated in writing in this agreement or in any document attached hereto or incorporated herein by reference.
6. **Materiality:** The parties consider each and every term, covenant, and provision of this agreement to be material and reasonable.
7. **Waiver:** Waiver by either party of a breach of any covenant of this agreement will not be construed to be a continuing waiver of any subsequent breach. The Contractor's receipt of consideration with knowledge of the Worksite Agency's violation of a covenant does not waive its right to enforce any covenant of this agreement. The parties shall not waive any provisions of this agreement unless the waiver is in writing and signed by all parties.
8. **Authority and Capacity:** The Worksite Agency and the Worksite Agency's signatory each warrant and represent that each has full authority and capacity to enter into this agreement.
9. **Binding on Successors:** All of the conditions, covenants and terms herein contained shall apply to, and bind, the successors and assigns of the Worksite Agency. The Worksite Agency and all of the Worksite Agency's successors and assigns shall be jointly and severally liable under this agreement.
10. **Cumulation of Remedies:** All of the various rights, options, elections, powers and remedies of the parties shall be construed as cumulative, and no one of them exclusive of any other or of any other legal or equitable remedy which a party

might otherwise have in the event of a breach or default of any condition, covenant or term by the other party. The exercise of any single right, option, election, power or remedy shall not, in any way, impair any other right, option, election, power or remedy until all duties and obligations imposed shall have been fully performed.

11. **Independent Advice:** Each party hereby represents and warrants that in executing this agreement it does so with full knowledge of the rights and duties it may have with respect to the other. Each party also represents and warrants that it has received independent legal advice from its attorney with respect to the matters set forth in this agreement and the rights and duties arising out of this agreement, or that such party willingly foregoes any such consultation.
12. **No Reliance on Representations:** Each party hereby represents and warrants that it is not relying, and has not relied, upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this agreement may hereunder turn out to be other than, or different from the facts now known to such party as true, or believed by such party to be true. The parties expressly assume the risk of the facts turning out to be different and agree that this agreement shall be effective in all respects and shall not be subject to rescission by reason of any such difference in facts.
13. **Counterparts:** This agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original. The counterparts shall together constitute one agreement.

H. Information about Agreement Administrators

The following, names, titles, addresses, and telephone numbers are the pertinent information for the respective agreement administrators for the parties.

Contractor

County of San Benito
Community Services & Workforce
Development, Work Experience Program

Name: Enrique Arreola
Title: Deputy Director
Address: 1111 San Felipe Road, Suite 108
Hollister, California 95023

Telephone No.: (831) 637-9293

Fax No.: (831) 637-0996

Worksite Agency

Name: _____

Title: _____

Address: _____

(Address of Worksite if different from above)

Type of Agency: _____
(Private, Public, NonProfit, City, County, State, Federal, School District)

Telephone No.: _____

Fax No.: _____

Notices to the parties in connection with the administration of this agreement shall be given to the parties' agreement administrator personally, by regular mail, or by facsimile transmission as more particularly specified in this paragraph. Notices will be deemed given on:

1. The day the notice is personally delivered to the agreement administrator or the office of the party's agreement administrator; or
2. Five days after the date the notice is deposited in the United States mail, addressed to a party's agreement administrator, with first-class postage fully prepaid; or
3. On the day that the notice is transmitted by facsimile to a party's facsimile number, provided that an original of such notice is deposited in the United States mail, addressed to a party's agreement administrator, on the same day as the facsimile transmission is made.

All matters concerning this agreement which are within the responsibility of the parties shall be under the direction of, or shall be submitted to, the respective agreement administrators or to the party's employee specified, in writing, by the agreement administrator. A party may, in its sole discretion, change its designation of its agreement administrator and shall promptly give written notice to the other party of any such change.

SIGNATURES

APPROVED BY CONTRACTOR

Name: _____

Signature: _____

Title: _____

Date: _____

APPROVED BY WORKSITE AGENCY

Name: _____

Signature: _____


Title: _____

Date: _____

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

By: _____

Date: _____

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL
 3-9-17
DEPUTY COUNTY COUNSEL DATE

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT WORK EXPERIENCE WORKSITE REQUEST

The San Benito County CSWD, under _____, is funding a work experience training program. Positions are for adults and dislocated workers.

- I. Agency Name: _____ Phone: _____
Address: _____
Contact Person: _____
1. Is this agency accessible to the handicapped? ☐ Yes ☐ No
 2. Is this agency accessible to public transportation? ☐ Yes ☐ No
 3. What hours is this agency active? _____ to _____
 4. How many positions are you requesting? _____
- II. An agency may request, for example, four positions - all maintenance aides. Four would be the number of positions; however, there would only need to be one job classification.
1. For each job classification, please submit a detailed job description. Include specific prerequisites (bilingual preferred, over 18, etc.) and specific tools and equipment to be used; methods and procedures to be taught. (Attachment #2)
 2. Maintenance of effort statistics must be kept on file and up to date at all times. Maintenance of effort compares the number of permanent and part-time positions that your agency has within the same job classification as the participant assigned to your worksite. The worksite must ensure that participants are not placed in positions where it would result in the displacement of currently employed workers, or reduce the hours of the same or equivalent position if vacant, unless it can be proven that the freeze resulted from lack of funding to sustain staff. (Attachment #3).

**WORK EXPERIENCE PROGRAM
JOB DESCRIPTION**

AGENCY: _____

PHONE: _____

CONTACT PERSON: _____

ADDRESS OF WORKSITE: _____

INTERVIEW LOCATION IF DIFFERENT FROM ABOVE: _____

JOB TITLE: _____

HOURS TO BE WORKED BY PARTICIPANT: (i.e. 8:00 - 5:00) _____

SPECIFIC DUTIES TO BE PERFORMED:

PREREQUISITES:

TYPING: ☐ No ☐ Yes (wpm _____)

COMPUTER: ☐ IBM ☐ MAC ☐ OTHER: _____

BILINGUAL: ☐ No ☐ Yes Preferred

DRIVERS LICENSE NEEDED: ☐ No ☐ Yes

TOOLS, EQUIPMENT TO BE USED: _____

COMMENTS:

**WORK EXPERIENCE AGREEMENT
MAINTENANCE OF EFFORT STATISTICS****

Agency Name _____ Contact Person _____

Job Classification _____

Perm. Positions _____ filled _____
 Part-time Positions _____ filled _____
 Frozen Positions _____ filled _____
 CSWD Authorized _____ filled _____

Job Classification _____

Perm. Positions _____ filled _____
 Part-time Positions _____ filled _____
 Frozen Positions _____ filled _____
 CSWD Authorized _____ filled _____

Job Classification _____

Perm. Positions _____ filled _____
 Part-time Positions _____ filled _____
 Frozen Positions _____ filled _____
 CSWD Authorized _____ filled _____

Job Classification _____

Perm. Positions _____ filled _____
 Part-time Positions _____ filled _____
 Frozen Positions _____ filled _____
 CSWD Authorized _____ filled _____

Participants

Supervisors

Participants

Supervisors

****No CSWD work experience participant shall be employed when any other individual is on layoff for the same or equivalent job nor can the employer terminate a regular employee to create a job for a CSWD participant.**

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY
EXCLUSION LOWER TIER COVERED TRANSACTIONS**

The certification is required by regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency.
- (2) Where the prospective recipient of Federal assistance funds is unable to attest to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Date_____

To_____

Policy Number_____

From_____

Re: Additional Insured Designated Organization

Requesting amendment to include:	San Benito County Community Services & Workforce Development <div></div> 1111 San Felipe Road, Suite 107 Hollister, CA 95023
----------------------------------	--

As an additional insured in respects to operations under contract. Amendment to include CSWD as an insured only with respect to liability arising out of operations on premises owned or rented by me.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 8.

MEETING DATE: 4/11/2017

DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY

DEPT HEAD/DIRECTOR: James Rydingsword

AGENDA ITEM PREPARER: Cynthia Larca

SBC DEPT FILE NUMBER: 130

SUBJECT:

HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Approve Agreement with County Medical Services Program Governing Board for the County Wellness & Prevention Pilot Program in the amount of \$225,000.00.

SBC FILE NUMBER: 130

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The Health & Human Services Agency (HHSA) submitted a proposal for a County Wellness & Prevention Pilot grant with the County Medical Services Program (CMSP) Governing Board in September 2016. The proposed project summary is as follows:

The County of San Benito, led by its Health and Human Services Agency (HHSA), proposes to implement a three –year pilot project for providing local level health and supportive services to CMSP eligible and potentially eligible persons. Our CMSP pilot would address the priority project areas set forth by the CMSP Governing Board; Community Wellness / Prevention and Whole Person Care, including impacting local social determinants. Our County HHSA applies for the CMSP Pilot Grant in order to facilitate participation by health care providers in the CMSP Provider Network and to

promote access to health care coverage to lower income, uninsured adults, many of whom may be eligible for CMSP and thereby to enhance utilization of covered preventative and primary care services to new enrollees.

1. **Goals:** The County HHSA's overall goal is to improve the general health and wellness of lower income uninsured adults in the community by educating the public about CMSP

Eligibility and benefits. This would include primary care, directing potential CMSP enrollees towards assistance with their applications, and linking such enrollees to local health care service providers who accept CMSP coverage. Our priorities include addressing the needs of the homeless and we believe our goals are in alignment with the CMSP Board goals for the CMSP Pilot Program.

2. **Objectives:** The CMSP pilot project's objectives are as follows: A) The first objective is

to expand the number of health care providers in San Benito County that accept CMSP as a form of health care coverage. The second objective is to increase CMSP enrollment among eligible persons. The third objective is to improve CMSP enrollees' health conditions and outcomes by facilitating the use of the new Primary Care Benefit.

3. **Project Approach and Implementation Plans:** Initially our Pilot Project's primary focus would be on conducting education and recruitment activities to facilitate health care provider and related health services. From this recruitment activity, the focus would shift towards conducting outreach and education activities to potential CMSP applicants and linking them to Public Services for application processing. During this phase of the Pilot Project, the County HHSA through its Public Health Department would begin providing health wellness education as well as linkages to help applicable CMSP members (including undocumented persons) to utilize their Primary Care benefits. During the final phase of the Pilot Project, efforts would concentrate on maintaining CMSP enrollment and continuing to increase community health and wellness through education and resource linkage. Throughout this process, the CMSP Pilot would collect and analyze data from applications, intakes and assessments in order to conduct evaluations and comply with CMSP reporting requirements. We intend to continue working on impacting local social determinants, including housing support services.

4. **Target Population:** The target population are uninsured residents of San Benito County, ages 21 to 64, who are either potentially eligible for CMSP or enrolled in CMSP, as well as those who are potentially eligible for or are enrollees of other public assistance programs. The full narrative contains the number of the target population to be served over the 3 project years.

5. **Key Partnerships:** The County's lead Agency is the County Health and Human Services Agency and would be joined by the other County Departments of Probation, Public Health, and Behavioral Health. Also included is the County Community Services and Workforce Development. In addition, there are several community partners as listed and described in the Project Narrative.

6. **Anticipated Outcomes:** The County HHSA anticipates that the uninsured population would further decrease by a target of approximately 10% or about 295 individuals within 3 years due to increased enrollment in CMSP or other health insurance coverages. It is anticipated that the general health and wellness of these CMSP Members would improve due to their use of preventative and primary health care Services delivered through the enhanced CMSP provider network.

7. **Deliverables:** The County HHSA's pilot project outcomes would be measurable with the following proposed deliverables:

A. Promote awareness of the CMSP Program among the County uninsured:

1. 600 by 12/31/17
2. 900 by 12/31/18
3. 1500 by 12/31/19

B. Increase in the number of health care providers contracting to participate in the CMSP Provider Network from one (1) as of 9/1/16 to two by 9/1/17 and three by 9/1/18 and four by 12/31/19.

C. Increase in the number of CMSP applications received and processed annually as follows: A) 200 by 12/31/17 - B) 350 by 12/31/18 and C) 425 by 12/31/19.

D. Improve the health outcomes of all CMSP Pilot individuals as measured by the health benefits or services received through surveys, data collection /analysis & interviews.

The Winter Warming Shelter program plan was submitted and approved by your Board on November 22, 2106. This Board action also included the budget augmentation for the Warming Shelter that incorporated the funds from this grant for the fiscal 2016 - 2017 year.

The CMSP Governing Board has now presented HHSA with the grant agreement documents for execution. This grant is for a total of \$225,000 over a three year term, March 1, 2017 - June 30, 2020. The funds are to be paid yearly on the following schedule:

Upon execution of the agreement - \$75,000

January 1, 2018 - \$75,000

January 1, 2019 - \$26,250

Upon acceptance of program completion reports - \$18,750

This grant includes the role of CMSP Pilot Program Manager. This staff person will be responsible for the day to day operations of the CMSP Pilot Program, from recruitment, intake, assessment, case management and referrals to other medical wellness and prevention programs. The person shall ensure that all required reports are completed and submitted to the HHSA and to the CSMP office. This position will be limited to the term of the grant.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

221.80.2285

CURRENT FY COST:

75,000

STAFF RECOMMENDATION:

1) Approve and Authorize the Chair to sign the CMSP County Wellness & Prevention Pilot Program agreement.

ADDITIONAL PERSONNEL: Yes**ATTACHMENTS:**

Description	Upload Date	Type
CMSP Agreement	3/2/2017	Contract
Exhibit B - RFP	3/1/2017	Exhibit
Exhibit C-D	3/1/2017	Exhibit
Board Agenda Item with Budget Aug	3/1/2017	Exhibit

AGREEMENT FOR
COUNTY MEDICAL SERVICES PROGRAM GOVERNING BOARD

COUNTY WELLNESS & PREVENTION PILOT PROJECT

between

**COUNTY MEDICAL SERVICES PROGRAM
GOVERNING BOARD
("Board")**

and

**SAN BENITO COUNTY
("Grantee")**

Effective as of: _____
March 1, 2017

AGREEMENT
COUNTY MEDICAL SERVICES PROGRAM
COUNTY WELLNESS & PREVENTION PILOT PROJECT
FUNDING GRANT

This agreement ("Agreement") is by and between the County Medical Services Program Governing Board ("Board") and the lead agency listed on Exhibit A ("Grantee").

A. The Board approved the funding of the County Wellness & Prevention Pilot Project (the "Pilot Project") in participating County Medical Services Program ("CMSP") counties in accordance with the terms of its Request for Proposals for the County Wellness & Prevention Pilot Project in the form attached as Exhibit B ("RFP").

B. Grantee submitted an Application ("Application") for the County Wellness & Prevention Pilot Project in the form attached as Exhibit C (the "Project"). The Project is a grant project ("Grant Project").

C. Subject to the availability of Board funds, the Board desires to award funds to the Grantee for performance of the Project.

The Board and Grantee agree as follows:

1. Project. Grantee shall perform the Project in accordance with the terms of the RFP and the Application. Should there be a conflict between the RFP and the Application, the RFP shall control unless otherwise specified in this Agreement.

2. Grant Funds.

A. Payment. Subject to the availability of Board funds, the Board shall pay Grantee the amounts in the time periods specified in Exhibit A ("Grant Funds") within thirty (30) calendar days of the Board's receipt of an invoice from Grantee for a Grant Project, as described in Exhibit A. Neither the Board nor CMSP shall be responsible for funding additional Project costs, future County Wellness & Prevention Pilot Projects or services provided outside the scope of the Pilot Project.

B. Refund. If Grantee does not spend the entire Grant Funds for performance of the Project within the term of this Agreement, then Grantee shall immediately refund to the Board any unused Grant Funds.

C. Possible Reduction in Amount. The Board may, within its sole discretion, reduce any Grant Funds that have not yet been paid by the Board to Grantee if Grantee does not demonstrate compliance with the use of Grant Funds as set forth in Section 2.D, below. The Board's determination of a reduction, if any, of Grant Funds shall be final.

D. Use of Grant Funds. As a condition of receiving the Grant Funds, Grantee shall use the Grant Funds solely for the purpose of performance of the Project, and shall not use

the Grant Funds to fund Grantee's administrative and/or overhead costs; provided, however, an amount of the Grant Funds equal to or less than fifteen percent (15%) of the total Project expenditures may be used to fund Grantee's administrative and/or overhead expenses directly attributed to the Project. Grantee shall provide Board with reasonable proof that Grantee has dedicated the Grant Funds to the Project. Grantee shall refund to the Board any Grant Funds not fully dedicated to the Project. Grantee shall budget for evaluation expenses (such as time spent performing data collection, analyzing data, or preparing reports) in an amount not to exceed ten percent (10%) of total Pilot Project expenditures.

E. Annual Expenditure Reports. The Grantee shall provide the Board with annual expenditure reports documenting the use of Grant Funds in a form as determined by the Board.

F. Matching Funds. The Grantee is not required to provide in kind and/or matching funds but are strongly encouraged to provide such in kind and/or added funds from other sources to maximize the potential scope and reach of the Project. In kind and/or matching funds may be provided solely by the Grantee or through a combination of funding sources.

3. Grantee Data Sheet. Grantee shall complete and execute the Grantee Data Sheet attached as Exhibit D ("Grantee Data Sheet"). Board may, within its sole discretion, demand repayment of any Grant Funds from Grantee should any of the information contained on the Grantee Data Sheet not be true, correct or complete.

4. Board's Ownership of Personal Property. If Grantee's Application anticipates the purchase of personal property such as computer equipment or computer software with Grant Funds, then this personal property shall be purchased in Grantee's name and shall be dedicated exclusively to the Grantee's health care or administrative purposes. If the personal property will no longer be used exclusively for the Grantee's health care or administrative purposes, then Grantee shall, immediately upon the change of use, pay to the Board the fair market value of the personal property at the time of the change of use. After this payment, Grantee may either keep or dispose of the personal property. Grantee shall list all personal property to be purchased with Grant Funds on Exhibit A. This paragraph 4 shall survive the termination or expiration of this Agreement.

5. Authorization. Grantee represents and warrants that this Agreement has been duly authorized by Grantee's governing board, and the person executing this Agreement is duly authorized by Grantee's governing board to execute this Agreement on Grantee's behalf.

6. Data and Project Evaluation. Grantee shall collect Project data and conduct a Project evaluation. Grantee shall report data and evaluation findings to the Board as part of the Progress and Final Reporting set forth in Section 7, below. The Grantee shall not submit any protected health information ("PHI") to the Board. The Board reserves the right to hire an external pilot project evaluator to conduct an evaluation of the Project ("Pilot Project Evaluator"). The Grantee may be required to participate in one or more interviews with Pilot Project Evaluator, have a minimum of one (1) representative participate in quarterly web-based technical assistance meetings, and participate in surveys with the Pilot Project Evaluator as determined by the Board. Grantee shall maintain and provide the Board with reasonable access

to such records for a period of at least four (4) years from the date of expiration of this Agreement. Grantee shall cooperate fully with the Board, its agents and contractors, including but not limited to the Pilot Project Evaluator, and provide information to any such contractor in a timely manner. The Board may, within its sole discretion, terminate this Agreement at any time and suspend and/or discontinue payment of any Grant Funds if Grantee does not satisfactorily meet data collection and reporting requirements as set forth herein and in the RFP.

7. Progress and Final Reporting. Grantee shall notify the Board of any proposed substantial changes to the Project's components. The Project's components shall include: (a) the Project plan; (b) the target population; (c) the structure and process for providing services/support; (d) the roles and responsibilities of all participating (partnering) agencies; (e) services provided; (f) key Grantee personnel; (g) the budget; and (h) timelines. The Grantee shall submit five (5) biannual progress reports to the Board, that: (a) highlights the Project's key accomplishments, to date; (b) identifies challenges and barriers encountered during the prior six (6) months; (c) describes what the Project has learned, to date, about the target population; and (d) provides an update on data collection and evaluation efforts. In addition, the Grantee shall submit a final report to the Board by March 31, 2020, that: (a) highlights the Project's key accomplishments; (b) identifies challenges and barriers encountered during the Project; (c) describes what the Project has learned about the target population; (d) reports the evaluation findings; and (e) thoroughly describes the Project's future activities following the Pilot Project. The Board may, within its sole discretion, terminate this Agreement at any time and suspend and/or discontinue payment of any Grant Funds if Grantee does not satisfactorily meet reporting requirements as set forth herein and in the RFP.

8. Term. The term of this Agreement shall be from March 1, 2017, to June 30, 2020, unless otherwise extended in writing by mutual consent of the parties.

9. Termination. This Agreement may be terminated: (a) by mutual consent of the parties; (b) by either party upon thirty (30) days prior written notice of its intent to terminate; or, (c) by the Board immediately for Grantee's material failure to comply with the terms of this Agreement, including but not limited to the terms specified in paragraphs 6, 7 and 8. Upon termination or expiration of the term, Grantee shall immediately refund any unused Grant Funds to the Board, and shall provide the Board with copies of any records generated by Grantee in performance of the Project and pursuant to the terms of this Agreement.

10. Costs. If any legal action or arbitration or other proceeding is brought to enforce the terms of this Agreement or because of an alleged dispute, breach or default in connection with any provision of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action, arbitration or proceeding in addition to any other relief to which it may be entitled.

11. Entire Agreement of the Parties. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

12. Waiver. To be effective, the waiver of any provision or the waiver of the breach of any provision of this Agreement must be set forth specifically in writing and signed by the

giving party. Any such waiver shall not operate or be deemed to be a waiver of any prior or future breach of such provision or of any other provision.

13. No Third-Party Beneficiaries. The obligations created by this Agreement shall be enforceable only by the parties hereto, and no provision of this Agreement is intended to, nor shall it be construed to, create any rights for the benefit of or be enforceable by any third party, including but not limited to any CMSP client.

14. Notices. Notices or other communications affecting the terms of this Agreement shall be in writing and shall be served personally or transmitted by first-class mail, postage prepaid. Notices shall be deemed received at the earlier of actual receipt or if mailed in accordance herewith, on the third (3rd) business day after mailing. Notice shall be directed to the parties at the addresses listed on Exhibit A, but each party may change its address by written notice given in accordance with this Section.

15. Amendment. All amendments must be agreed to in writing by Board and Grantee.

16. Assignment. This Agreement shall be binding upon and shall inure to the benefit of the parties to it and their respective successors and assigns. Notwithstanding the foregoing, Grantee may not assign any rights or delegate any duties hereunder without receiving the prior written consent of Board.

17. Governing Law. The validity, interpretation and performance of this Agreement shall be governed by and construed by the laws of the State of California.

18. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Dated effective March 1, 2017.

BOARD:
COUNTY MEDICAL SERVICES
PROGRAM GOVERNING BOARD

GRANTEE: SAN BENITO COUNTY

By: _____
Kari Brownstein, Administrative Officer

By: _____
Title: Jaime De La Cruz, Board Chair

Date: _____

Date: _____

EXHIBIT A

GRANTEE: San Benito County

GRANTEE'S PARTNERS UNDER CONTRACT1

GRANT FUNDS:

Total Amount To Be Paid under Agreement: \$225,000

Amount to Be Paid Upon Execution Of This Agreement: \$75,000

Amount To Be Paid On January 1, 2018: \$75,000

Amount To Be Paid On January 1, 2019: \$56,250

Amount To Be Paid On Board's Determination and Acceptance of Grantee's Completion of its Obligations under the Terms of this Agreement: \$18,750

If Funds will be Used to Purchase Personal Property, List Personal Property to be Purchased:

NOTICES:

Board:

County Medical Services Program Governing Board

Attn: Alison Kellen, Program Manager

1545 River Park Drive, Suite 435

Sacramento, CA 95815

(916) 649-2631 Ext. 119

(916) 649-2606 (facsimile)

Grantee:

San Benito County

Attn: James Rydingsword, Director Health & Human Services

1111 San Felipe Road #206

Hollister, CA 95023

(831) 630-5120

(831) 637-9754 (facsimile)

1 Attach copy of any contract.

EXHIBIT B
REQUEST FOR PROPOSAL
BOARD'S REQUEST FOR PROPOSAL

REQUEST FOR PROPOSALS

County Wellness & Prevention Pilot Project

COUNTY MEDICAL SERVICES PROGRAM GOVERNING BOARD

I. ABOUT THE COUNTY MEDICAL SERVICES PROGRAM

The County Medical Services Program (CMSP) was established in January 1983, when California law transferred responsibility for providing health care services to indigent adults from the State of California to California counties. This law recognized that many smaller, rural counties were not in the position to assume this new responsibility. As a result, the law also provided counties with a population of 300,000 or fewer with the option of contracting back with the California Department of Health Services (DHS) to provide health care services to indigent adults. DHS utilized the administrative infrastructure of Medi-Cal's fee-for-service program to establish and administer the CMSP program.

In April 1995, California law was amended to establish the County Medical Services Program Governing Board (Governing Board). The CMSP Governing Board, composed of ten county officials and one ex-officio representative of the Secretary of the California Health and Human Services Agency, is authorized to set overall program and fiscal policy for CMSP. This law also authorized the Governing Board to contract with DHS or an alternative contractor to administer the program. Between April 1995 and September 2005, the Governing Board contracted with DHS to administer CMSP. Beginning October 1, 2005, Anthem Blue Cross Life & Health (Anthem) assumed administrative responsibility for CMSP medical, dental, and vision benefits. Advanced Medical Management (AMM) assumed this responsibility on April 1, 2015. MedImpact Healthcare Systems, Inc. (MedImpact) assumed administrative responsibility for CMSP pharmacy benefits beginning April 1, 2003 and continues to serve in this role.

Thirty-five counties throughout California now participate in CMSP: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Plumas, San Benito, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba.

CMSP is funded by State Program Realignment revenue received by the CMSP Governing Board and county general purpose revenue provided in the form of County Participation Fees. CMSP members are medically indigent adults, ages 21 through 64, who meet all of CMSP's eligibility criteria and are not otherwise eligible for Medi-Cal or Covered California. Enrollment in CMSP is handled by county social services departments located in the 35 participating counties. All CMSP members must be residents of a CMSP county and their incomes must be less than or equal to 300% of the Federal Poverty Level (based on net nonexempt income). Depending on individual circumstances, CMSP members may have a share-of-cost. Enrollment terms for CMSP

members are up to 6 months. At the end of the enrollment term, CMSP members must reapply for CMSP to continue eligibility for benefits.

For all CMSP members *except* undocumented members, the CMSP Standard Benefit provides coverage of medically necessary inpatient, outpatient, vision, dental, and prescription drug services based upon a defined benefit package that is determined by the Governing Board. For undocumented CMSP members, the CMSP Standard Benefit provides coverage for medically necessary emergency care services only, including prescription drug services.

Beginning May 1, 2016 and for a two-year pilot project period, all CMSP members with a monthly share-of-cost for their Standard Benefit and all undocumented CMSP members are provided an additional Primary Care Benefit that does not require a monthly share of cost payment. This added benefit provides coverage of the following health care services:

- Up to three (3) medical office visits with a primary care doctor, specialist or for physical therapy (any combination of visits);
- Preventive health screenings, including annual physical, specific lab tests and cancer screenings;
- Specific diagnostic tests and minor office procedures; and,
- Prescription drug coverage with a \$5.00 copay for each prescription (maximum benefit limit of \$1,500 in prescription costs).

II. ABOUT THE CMSP COUNTY WELLNESS & PREVENTION PILOT PROJECT

The CMSP Governing Board seeks to test the effectiveness of providing local-level wellness and prevention services to CMSP eligible and potentially eligible persons that address any of the following three project areas:

- *Community Wellness:* Community based, collaborative strategies to provide wellness and prevention services for uninsured populations, with a focus on potential CMSP enrollees.
- *Whole Person Care:* Integrated systems development strategies that link local health and human service delivery systems to better serve CMSP enrollees, potential CMSP enrollees, and other publicly funded populations.
- *Addressing the Social Determinants of Health:* Collaborative local efforts to work across five determinants – Economic Stability, Education, Social and Community Context, Health and Health Care, and Neighborhood and Built Environment – to establish policies and strategies that positively influence social and economic conditions and those that support changes in individual behavior for the uninsured, including potential CMSP enrollees.

The target populations for county Pilot Projects must include persons potentially eligible for CMSP or enrolled in CMSP. In addition, the target populations may also include persons potentially eligible for or enrollees of other public programs. The goals of the Pilot Project are to promote timely delivery of necessary medical and support services to the target populations, improve their health outcomes, and link the target populations to other wellness resources and support. County Pilot Projects shall identify and

describe all of its target populations based upon the project area or areas that the Pilot Projects will be giving focus.

III. PILOT PROJECT APPLICANTS

Lead Agency Applicant Requirements

County Pilot Projects may focus within one CMSP county or two or more counties that participate in CMSP. Additionally, they may focus on one geographic region of a county or operate countywide. The Lead Agency Applicant must be a CMSP county that is applying solely for the county or on behalf of a group of CMSP counties working jointly. Lead Agency Applicants may be a County Health and Human Services Agency, County Health Department, or County Public Health Department. The Lead Agency Applicant must describe the community support they have in carrying out the project and provide evidence of that support through Letters of Commitment and/or Support from community based providers or organizations, such as local hospitals, primary care providers, non-profit community service agencies, or the local Medi-Cal managed care plan. In addition, the Lead Agency Applicant must demonstrate their collaboration with other county agencies, as relevant and appropriate for their project focus, as demonstrated by Letters of Commitment and/or Support. Such other county agencies may include Social Services, Mental Health, Drug and Alcohol Services, and the Justice System (including Probation, Sheriff and Courts).

IV. PILOT PROJECT TIMELINE

The following timeline shall guide the County Wellness & Prevention Pilot Project:

7/8/16	Pilot Project Request for Proposals (RFP) Released
8/4/16	RFP Assistance Teleconference
8/8/16	Pilot Project Letters of Intent (LOI) Due
9/2/16	Pilot Project Applications Due
10/27/16	Pilot Project Applications Reviewed and Approved by Governing Board
10/31/16	Pilot Project Awards Announced Via Letter
1/1/17	Pilot Project Agreements Executed and Projects Begin Implementation
12/31/19	Pilot Projects End
3/31/20	Final Pilot Project Reports due from Counties to Governing Board

V. FUNDING AWARDS – ALLOCATION METHODOLOGY

The Governing Board, within its sole discretion, may provide funding to counties participating in CMSP for the County Wellness and Prevention Pilot Project activities described in this RFP. As approved by the Governing Board on May 26, 2016 the maximum amount of funding available to each participating CMSP County is presented in APPENDIX Table 1. The Governing Board, within its sole discretion, may release all or some of the amounts presented in Table 1 based on the overall quality of the Pilot Project proposal submitted by the county or group of counties acting jointly and the manner in which it addresses the needs of the identified target populations. Total

funding provided by the Governing Board for the County Wellness & Prevention Pilot Project may equal up to \$7.65 million over the three-year period.

Following the Governing Board's approval of a County's Wellness and Prevention Pilot Project Application, the County will receive a total 3-year allocation, one-third of which will be allocated each program year, with Year 2 and Year 3 funding allocated on the basis of County compliance with program requirements, including specified Pilot Project reporting on services and outcomes.

Applicants receiving funding under the Pilot Project shall not be required to provide in-kind and/or matching funds to receive the grant, but are strongly encouraged to provide such in-kind and/or added funding from other sources to maximize the potential reach and scope of their Pilot Projects. Administrative and/or overhead expenses shall equal no more than 15% of the total Pilot Project expenditures. No Pilot Projects funds shall be used for administrative and/or overhead costs not directly attributed to the project. In addition, Pilot Projects shall be required to budget for evaluation expenses (such as time spent performing data collection, analyzing data, or preparing reports) in an amount not to exceed 10% of total Pilot Project expenditures.

VI. FUNDING AWARDS – METHODOLOGY FOR REVIEW AND SCORING

The Governing Board shall have sole discretion on whether to award funding for a Pilot Project. Pilot Project proposals shall be reviewed and scored to assure that the projects meet minimum standards for receipt of County Wellness and Prevention Pilot Project funding. County Wellness & Prevention Pilot Project Applications will be reviewed and scored based upon the following criteria:

- 1) Project Narrative (65% in total)
 - Statement of Need (5%)
 - Target Population (5%)
 - Proposed Project/ Approach (15%)
 - Capacity (15%)
 - Organization and Staffing (10%)
 - Project Implementation (15%)
- 2) Budget (10%)
- 3) Logic Model (10%)
- 4) Proposed Evaluation Method (10%)
- 5) Letters of Commitment/Support (5%)

In order for the Governing Board to consider approving funding for a CMSP county's Pilot Project, the county's proposal must achieve a minimum score of seventy-five percent (75%).

VII. APPLICATION ASSISTANCE

A. RFP Assistance Teleconference

To assist potential applicants, Governing Board staff will conduct an RFP assistance teleconference on August 4, 2016 at 10:00 a.m. *Call-in details (including phone number, pass code, etc.) will be provided at a later time.* Applicants are encouraged to “save the date” for this teleconference, participate on the teleconference, and bring any questions they have regarding Pilot Project requirements and the application process to this teleconference.

B. Frequently Asked Questions (FAQ)

Once the application process gets underway, questions that are received by the Governing Board will be given written answers and these questions and answers will be organized into a Frequently Asked Questions (FAQ) document that will be posted on the Governing Board’s website under the Pilot Project tab.

C. Letter of Intent (LOI)

The Governing Board requests that all Pilot Project funding applicants intending to submit an application provide a brief Letter of Intent (LOI) to the Governing Board that is presented on the letterhead of the applicant organization. While the LOI is not required, receipt of an LOI from all likely applicants will assist the Governing Board in planning for application review and related processing. Please submit the LOI no later than August 8, 2016 by 5:00 p.m. PST. The LOI may be submitted by e-mail or fax to the addresses listed below:

Via E-Mail: wellness&preventionpp@cmspcounties.org
SUBJECT: Wellness & Prevention Pilot Project RFP

Via Fax: CMSP Governing Board
ATTN: Wellness & Prevention Pilot Project
916-649-2606

D. Pilot Project Contact Information

Please direct any questions regarding the RFP to: lkemper@cmspcounties.org

VIII. PILOT PROJECT PROPOSAL FORMAT AND REQUIREMENTS

A. Application Cover Sheet

Using the form provided, please include the county name or names (if counties are acting jointly), identified Lead County Applicant and Lead Applicant’s contact name(s), address, telephone, and e-mail contact information. The application cover sheet

(Attachment A) is available for download at the Governing Board's website at http://www.cmSPcounties.org/about/grant_projects.html.

B. Project Summary (no longer than 2 pages)

Describe the proposed project concisely, including its goals, objectives, overall approach, target population(s), key partnerships, anticipated outcomes, and deliverables.

C. Project Narrative (no longer than 10 pages)

1. Clear Statement of Problem or Need Within Community

All Pilot Projects should be based upon identified needs of the target population(s) within the community. Please describe the target population(s) to be served in your proposed project. Define the characteristics of the target population(s) and discuss how the proposed project will identify members of the target population(s). Provide an estimate of the total number of clients that will be served through each year of the Pilot Project. Include any background information relating to the proposed county or counties to be served, geographical location, unique features of the community, or other pertinent information that helps shape the target population's need within the community.

2. Local Health Care Delivery System Landscape

Describe how medical care is delivered within the proposed county or counties. Identify the main sources of care for the target population(s) as well as strengths and existing challenges in the health care delivery system. Describe the Lead Applicant role and the roles of other counties, if acting jointly, as well as all key planning project partners' roles within the health care delivery system.

3. Description of Proposed Project

Describe and discuss the proposed activities to be performed in the Pilot Project. All activities discussed should correspond with the items listed in the logic model (see Section VIII D below) and be incorporated into the Implementation Work Plan. As a part of this description, identify how the proposed Pilot Project will educate the public about CMSP and the CMSP Primary Care Benefit and link potential CMSP applicants to the county social services department for CMSP application assistance and processing.

4. Organization and Staffing

This section should describe and demonstrate the Applicant's organizational capability to implement, operate, and fully participate in the evaluation of the proposed project. In addition, information provided should clearly delineate the roles and responsibilities of the Lead Applicant County, other counties if acting jointly, and key partners and include the following:

- An organizational chart and description of organizational structure, lines of supervision, and management oversight for the proposed project, including oversight and evaluation of consultants and contractors;
- Identification of a project manager with day-to-day responsibility for key tasks such as leadership, monitoring ongoing progress, preparing project reports, and communicating with other partners; and,
- The roles, qualifications, expertise, and auspices of key personnel.

5. Implementation Work Plan

This section should include a Project Implementation Work Plan and timetable for completion of implementation activities.

D. Logic Model

All applicants are required to submit a logic model. A logic model is a series of statements linking target population conditions/circumstances with the service strategies that will be used to address the conditions/circumstances, and the anticipated outcomes. Logic models provide a framework through which both program and evaluation staff can view the relationship between conditions, services and outcomes. (A brief guide on designing logic models is found in Attachment C.) All logic models should include a description of the: 1) target population(s); 2) program theory; 3) activities; 4) outcomes, and 5) impacts.

E. Proposed Evaluation Methodology (no longer than 2 pages)

To inform the Governing Board of the Pilot Project's proposed strategy for providing evidence of the effectiveness of the Pilot Project, all applicants shall outline and describe the specific programmatic, clinical and/or financial metrics that will be used to evaluate the effectiveness of their proposed Pilot Project. As a part of this effort, applicants shall identify the data sources to be used and the frequency of data submission, and provide a brief written assessment of the relative availability and reliability of the data sources. Applicants shall also identify any barriers to data collection or the evaluation that could impede a determination of the effectiveness of the Pilot Project. Finally, applicants shall describe how the Pilot Project will comply with federal and state laws requiring confidentiality of protected health information. Please Note: Pilot Projects may additionally be subject to external evaluation by an evaluation contractor hired by the Governing Board, at the sole discretion of the Governing Board.

F. Budget and Budget Narrative (no longer than 2 pages)

Complete the Detail & Summary Budget Templates (See Attachments B1 and B2) and provide a brief budget narrative detailing all expense components that make up total operating expenses and the source(s) of in-kind and/or direct matching funding. These Budget Templates are available as an Excel spreadsheet for download at http://www.cmsspcounties.org/about/grant_projects.html.

As part of the budget narrative, describe all administrative costs and efforts to minimize use of Pilot Projects funds for administrative and overhead expenses. Please note: No Pilot Projects funds shall be used for administrative and/or overhead costs not directly attributed to the project. In addition, administrative and/or overhead expenses shall equal no more than 15% of the total Pilot Project expenditures.

All Pilot Projects are required to budget for evaluation related activities in an amount up to 10% of total Pilot Project expenditures. Evaluation related activities shall include tasks such as data collection, data cleaning, and data analysis. Such funding is intended to support the evaluation component of the Pilot Project as set forth in Section VIII E above. Projects may additionally be required to work with an external project-wide evaluation contractor that is contracted with the CMSP Governing Board.

G. Letters of Commitment and/or Support

Letters of Commitment and/or Support from key partners should be included and will be utilized in scoring (5%). Letters should describe the key partner's understanding of the proposed Pilot Project and their organizations' role in supporting or providing services.

Lead Applicants (CMSP county alone or lead CMSP county acting on behalf of a group of counties working jointly) must provide evidence of support from community based providers or other service organizations in the county or counties, if acting jointly, through Letters of Commitment and/or Support. In addition, the Lead Applicants must demonstrate their collaboration with other county agencies, as relevant and appropriate for their Pilot Project focus. Such other county agencies may include Social Services, Mental Health, and Drug and Alcohol Services, and Justice System (including Probation, Sheriff, and Courts)

IX. APPLICATION INSTRUCTIONS

- A. All Pilot Project applications must be complete at the time of submission and must follow the required format and use the forms and examples provided:
 - 1. The type font must be Arial, size 12 point.
 - 2. Text must appear on a single side of the page only.
 - 3. Assemble the application in the order and within the page number limits listed with the Proposal Format & Requirements sections.
 - 4. Clearly paginate each page.
- B. Applications transmitted by facsimile (fax) or e-mail will not be accepted.
- C. The application shall be signed by a person with the authority to legally obligate the Applicant.
- D. Provide one original hard-copy Pilot Project application clearly marked original, and two (2) hard copies.

- E. Provide an electronic copy (CD) of the following application documents: 1) Project Summary (Word document), 2) Project Narrative (Word document), and 3) Budget (Excel document), 4) Logic Model, and 5) Proposed Evaluation Methodology.
- F. Do not provide any materials that are not requested, as reviewers will not consider the materials.
- G. Folders and binders are not necessary or desired; please securely staple or clip the application in the upper left corner.
- H. Applications must be received in the office no later than 5:00 p.m. PST on September 2, 2016. Submit all applications to:

CMSP Governing Board
ATT: Wellness & Prevention Pilot Project Applications
1545 River Park Drive, Suite 435
Sacramento, CA 95815

APPENDIX: Table 1 CMSP County Wellness and Prevention Pilot Project Maximum County Allocations			
Population Category	County	County Population	3-Year Grant Amount
> 400,000 population	Sonoma County	500,292	\$375,000
	Solano County	431,131	\$375,000
> 100,000 population	Marin County	260,750	\$300,000
	Butte County	224,241	\$300,000
	Yolo County	207,590	\$300,000
	El Dorado County	183,087	\$300,000
	Shasta County	179,804	\$300,000
	Imperial County	179,091	\$300,000
	Madera County	154,548	\$300,000
	Kings County	150,269	\$300,000
	Napa County	141,667	\$300,000
	Humboldt County	134,809	\$300,000
> 50,000 population	Nevada County	98,893	\$225,000
	Sutter County	95,847	\$225,000
	Mendocino County	87,869	\$225,000
	Yuba County	73,966	\$225,000
	Lake County	64,184	\$225,000
	Tehama County	63,067	\$225,000
	San Benito County	58,267	\$225,000
	Tuolumne County	53,831	\$225,000
< 50,000 population	Calaveras County	44,624	\$150,000
	Siskiyou County	43,628	\$150,000
	Amador County	36,742	\$150,000
	Lassen County	31,749	\$150,000
	Glenn County	27,955	\$150,000
	Del Norte County	27,212	\$150,000
	Colusa County	21,419	\$150,000
	Plumas County	18,606	\$150,000
	Inyo County	18,410	\$150,000
	Mariposa County	17,682	\$150,000
	Mono County	13,997	\$150,000
	Trinity County	13,170	\$150,000
	Modoc County	9,023	\$150,000
	Sierra County	3,003	\$75,000
	Alpine County	1,116	\$75,000
TOTAL		3,671,539	\$7,650,000

APPLICATION COVER SHEET
CMSP Wellness & Prevention Pilot Project

1. **CMSPP County or Counties Included in the Pilot Project:**
2. **Funding:**
CMSPP Pilot Project Requested Amount: \$_____

In-Kind and/or Other Matching Amount Provided by Applicant (if any): \$_____
3. **Applicant:**
Organization:
Applicant's Director or Chief Executive:
Title:
Applicant's Type of Entity (specific county department):
Address:
City: _____ State: CA Zip Code: _____ County: _____

Telephone: () Fax: ()

E-mail Address: _____
4. **Primary Contact Person** (*Serves as lead contact person during the application process.*)
Name: _____
Title: _____
Organization: _____
Address: _____
City: _____ State: CA Zip Code: _____ County: _____

Telephone: () Fax: ()

E-mail Address: _____
5. **Secondary Contact Person** (*Serves as alternate contact during the application process.*)
Name: _____
Title: _____
Organization: _____
Address: _____
City: _____ State: CA Zip Code: _____ County: _____

Telephone: () Fax: ()

E-mail Address: _____

Attachment A

6. **Financial Officer** (*Serves as chief Fiscal representative for project.*)

Name:

Title:

Organization:

Address:

City: State: CA Zip Code: County:

Telephone: () Fax: ()

E-mail Address:

7. By submitting this application for Wellness & Prevention Pilot Project funding, the applicant signifies acceptance of the applicant's responsibility to comply with all requirements stated in this Request for Proposals (RFP) authorized by the County Medical Services Program Governing Board ("Governing Board"). Further, the applicant understands that should the Governing Board award pilot project funding to the applicant, the Governing Board is not obligated to fund the pilot project grant until the applicant submits correct and complete documents as required for the pilot project agreement; the Governing Board is otherwise satisfied that the applicant has fully met all Governing Board requirements for receipt of pilot project funding; and the pilot project agreement between the Governing Board and the applicant has been fully executed. The Governing Board shall have sole discretion on whether or not to award pilot project funding of any amount to the applicant.

I declare that I am an authorized representative of the applicant described herein. I further declare under penalty of perjury under the laws of the State of California that the information set forth in this Cover Sheet and the attached response to the Wellness & Prevention Pilot Project RFP is true and correct.

Official Authorized to Sign for Applicant:

Signature:

Date:

Name:

Title:

Organization:

Address:

City: State: CA Zip Code: County:

Telephone: () Fax: ()

E-mail Address:

County Wellness & Prevention Pilot Project Budget Guidelines

Applicants should use the budget detail and summary formats provided. Applicants may either use the actual tables or create a spreadsheet with the same categories and format. **Pilot Projects** should budget for anticipated expenditures in all three years of the pilot project.

Budget items should be placed into one of 5 categories. Five categories and a brief description of each category are listed below. Any expenses that are categorized within "Other" should be explained the budget summary.

Personnel

Gross salary and fringe benefits related to staff or funded project. Fringe benefits included employer FICA, unemployment and workers compensation taxes, medical insurance, vacation/sick leave and retirement benefits.

Contractual Services

Payments related to subcontractors and consultants who provide services to the project. Includes all expenses reimbursed including salaries, office expenses, travel.

Office Expenses

Directly attributable expenses for photocopies, postage, telephone charges, utilities, facilities, educational materials, general office supplies, computer equipment and software, and medical supplies.

Travel

Actual project-related travel expenses, including airfare, meals, hotels, mileage reimbursement, parking and taxis. If the organization has an established per diem policy, per diem may be charged to the grant in lieu of actual incurred expenses.

Other

Items that do not fall into any of the other categories listed above. Each item listed in other should be discussed in the brief budget summary.

No grant funding should be used for administrative and/or overhead costs not directly attributed to the project.

Budget Narrative

Provide a brief (no more than 2 pages) budget summary detailing all expense components that make up total operating expenses and the source(s) of in-kind and/or direct matching funding, if any. Describe all administrative costs and efforts to minimize use of pilot projects funds for administrative and overhead expenses.

**Attachment B2: Budget Template - Summary Budget
CMSP County Wellness & Prevention Pilot Project**

Applicant:

Summary Budget – CY 2017 through CY 2019:

Category	Total Cost (Year 1)	CMSP Funding (Year 1)	Other Funding (Year 1)
Personnel			
Contractual Services			
Office Expenses			
Travel			
Other			
TOTAL YEAR 1			

Category	Total Cost (Year 2)	CMSP Funding (Year 2)	Other Funding (Year 2)
Personnel			
Contractual Services			
Office Expenses			
Travel			
Other			
TOTAL YEAR 2			

Category	Total Cost (Year 3)	CMSP Funding (Year 3)	Other Funding (Year 3)
Personnel			
Contractual Services			
Office Expenses			
Travel			
Other			
TOTAL YEAR 3			

**Attachment B2: Budget Template - Detail Budget
CMSP County Wellness & Prevention Pilot Project**

Applicant:

Detail Budget – CY 2017 through CY 2019:

Category Item/Service	Qty (Year 1)	Cost (Year 1)	Qty (Year 2)	Cost (Year 2)	Qty (Year 3)	Cost (Year 3)	Total Cost
Personnel							
Contractual Services							
Office Expenses							
Travel							
Other							

Guidelines for Logic Model

I. Purpose

Applicants for County Wellness & Prevention Pilot Project funding must submit a logic model. Designing a logic model will enable applicants to define their program, pinpoint their approach, identify resources and consider outcomes. The purpose of a logic model is to build a foundation for program development, ensure consensus among stakeholders and provide a framework for program evaluation. Each site is responsible for completing an evaluation of their project. A logic model provides a common “map” to be used by program staff and evaluators to design a useful evaluation. Designing an evaluation, before completing a logic model, may lead to collecting information on irrelevant outcomes. Conversely, programs may fail to collect information regarding individuals or services that may contribute to the success of a program. The creation of thoughtful logic model is the first step in designing an effective County Wellness & Prevention Pilot Project.

Applicants are encouraged to use the guidelines that follow, although other forms of logic models are acceptable.

II. Overview

The development of logic models is a useful tool for establishing dialogue between evaluation and system development efforts. Logic modeling is a method of articulating a program's theory or beliefs about how and why services are expected to produce particular results. In its simplest form, a logic model describes the clients that a system of care intends to serve, the services and supports that will be offered, and the short and long term outcomes that are expected to be achieved.

Kumpfer, et al. (1993) believe that logic models are useful tools for local stakeholders for several reasons. First, logic models can elicit consensus among staff and other system stakeholders regarding the service strategies and outcomes for a particular program. Second, they serve as a model to compare the intended program approach with what actually occurred. Third, they facilitate the articulation of specific beliefs about what services and strategies are related to the achievement of outcomes. Finally, logic models provide a framework for evaluation efforts through the linkage of action to results. Overall, logic models provide a framework through which both program and evaluation staff can view the linkages between conditions, services and outcomes.

The first step for stakeholders in developing a logic model is to clearly articulate their service delivery strategy. This means that stakeholders throughout a service system, including administrators, service providers, and inter-agency collaborators, should be able to describe the target population they intend to serve, the services they expect to provide along with the supporting collaborative infrastructures, and the results they expect to achieve (Usher, 1998; Hernandez,

Hodges, & Cascardi, 1998). When these basic questions are answered, stakeholders will be in a better position to complete their logic model.

Logic models depicting a program's approach can be compared to maps with guideposts that help keep program strategies on course (Alter & Murty, 1997). This approach takes into account the slippage or shifts that often occur in service delivery and uses the logic model as a stabilizer for a program or services during times of change. By knowing what changed in a program and when it changed, outcome information can be better interpreted and utilized. In this regard, the logic model becomes the ongoing documentation of changes in a program and enables stakeholders to track them.

Evaluators have the important role of eliciting the underlying service delivery theory by asking service personnel, managers, interagency stakeholders key questions about the target population served, the service approach employed and the goals that the service approach hopes to accomplish. If there is not agreement among program staff and stakeholders in their answers to these questions, then the evaluator helps the group reach consensus through further discussion. This process makes the results of evaluation more relevant to the service strategy under study, and hence more useful toward improving services.

III. Components of a Logic Model

It seems that there is a different vocabulary used for each type of logic model. Although logic models may vary slightly in their purpose (i.e., program logic model vs. evaluation logic model), most models include the same types of components described in slightly different ways. In general, a logic model can be broken down into five (5) basic components: 1) Target Population; 2) Program Theory; 3) Program Activities; 4) Outcomes; and, 5) Impact/Goals. A logic model template is shown in chart 1.

▪ Target Population

Consider the target population carefully. Ethnicity, race, age, gender, geographic location, primary language spoken, housing status, and medical conditions contribute to the definition of the target population.

Program Theory

This component should discuss the “theory” or the basis of the program or intervention. The “program theory” refers to the underlying assumptions that guide program planning and service delivery. These assumptions are critical to producing change and improvement in the target population. For example, a program theory regarding disease case management for diabetics may state:

“Case management services for CMSP diabetics should include local coordination of all health and social service providers to address needs in

a timely and efficient manner that conserves resources and eliminates duplication.”

The program theory assumes that local coordination across service providers is important for serving an indigent population. Several theories may be combined to define an overall approach to serving the target population. For example, a program to serve children with severe emotional disturbances and their families had the following program theories:

- Family involvement in program design and implementation
- Incentive-oriented for providers
- Wide array of services to address needs in multiple areas
- Broad network of local providers
- Collaboration with multiple sectors
- Collaboration with existing local systems of care

It is important to note that these are theories and approaches, *not* activities. Activities are the actual services offered or the formation of a collaborative body with family members, or the linking of regional providers through a formal referral system. Program theories shape the creation of activities. The formation of program theories is one of the most difficult components of logic model development, however, clearly developed theories will ensure consensus among stakeholders.

▪ **Activities**

Activities are the specific processes and/or events that comprise the program.

Some examples of activities are:

- Mental health counseling
- Case management
- Community forums
- Creation of a new health service
- Dental referral mechanism

Activities are the interventions focused on the target population that are intended to impact individual health or community health outcomes. Activities are often measured by process outcomes. For example, 35 individuals received case management services for 6 months.....20 individuals received preventative dental care..... 10 injury prevention classes were held during 6 months....12 men and 23 women attended the diabetes self-management workshop.

▪ **Outcomes**

Outcomes are the results of the activities provided by the program. Outcomes may be measured on an individual or group level. Outcomes provide a way to measure change in participants' lives and/or community conditions. Outcomes may be short-term, intermediate or long-term depending on how far in to the

future they are measured. For example, a diabetes case management program may not expect to see differences in kidney disease among diabetics for several years (long-term outcome), however, the program may see decreases in hospitalizations due to hypoglycemia during the first year of the program (short-term).

Identifying short-, intermediate- and long-term outcomes also will enable programs to define indicators. Indicators describe outcomes in specific and measurable terms. For example, a disease case management program may target fewer health complications due to diabetes as an outcome. Several indicators may include, a 10% reduction in hypoglycemic episodes among diabetics whom are case managed. Another example may be a substance abuse program that seeks to reduce drug use by 50% among participants. An indicator variable would be the number of clients who tested negative for drug use over a 6-month period. Defining outcomes and indicators will contribute to the development of useful program evaluations.

- **Impacts**

Impacts are the long-term changes that the program expects to make. They provide direction and focus to the program and should be consistent with the larger mission and vision of the organization. Impacts are often closely influenced by many other factors in addition to the program such as economic conditions, and cultural values. Some examples of impacts are:

- Improved mental health among program participants
- Better health outcomes for the medically underserved in the community

IV. Completing a Logic Model

Use the categories above to create a logic model for your Pilot Project. Begin with the overall impacts of the program and then jump to the target population and move forward. As you fill in the program theory, activities and outcomes for your model always go back to the target population and make sure the activities you plan are effecting the appropriate people. Use a flowchart, like the one provided in chart 1, to help visualize the flow of the program as you are constructing the different components.

The logic model should provide your program with a clear map that can be used as a reference for program design, implementation and evaluation.

References

Alter, C. & Murty, S. (Winter 1997). Logic Modeling: A Tool for Teaching Practice Evaluation. *Journal of Social Work Education*, 33 (1), 103-117.

ATTACHMENT C

Hernandez, M., Hodges, S., & Cascardi, M. (1998). The Ecology of Outcomes: System Accountability in Children's Mental Health. *The Journal of Behavioral Health Services & Research*, 25(2), 136-150.

Kumpfer, K.L., Shur, G.H., Ross, J.G., Bunnell, K.K., Librett, J.J. & Millward, A.R. (1993). *Measurements in Prevention*. Rockville, MD: U.S. Dept. Of Health and Human Services, Public Health Service, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention.

Usher, C. L. (1998). Managing Care Across Systems to Improve Outcomes for Families and Communities. *The Journal of Behavioral Health Services & Research*, 25(2), 217-229.

Source

Modified from original source. Originally prepared by Dennis Rose & Associates
for the
County Medical Services Program's Wellness & Prevention Program (2001)

Chart 1: Logic Model Template

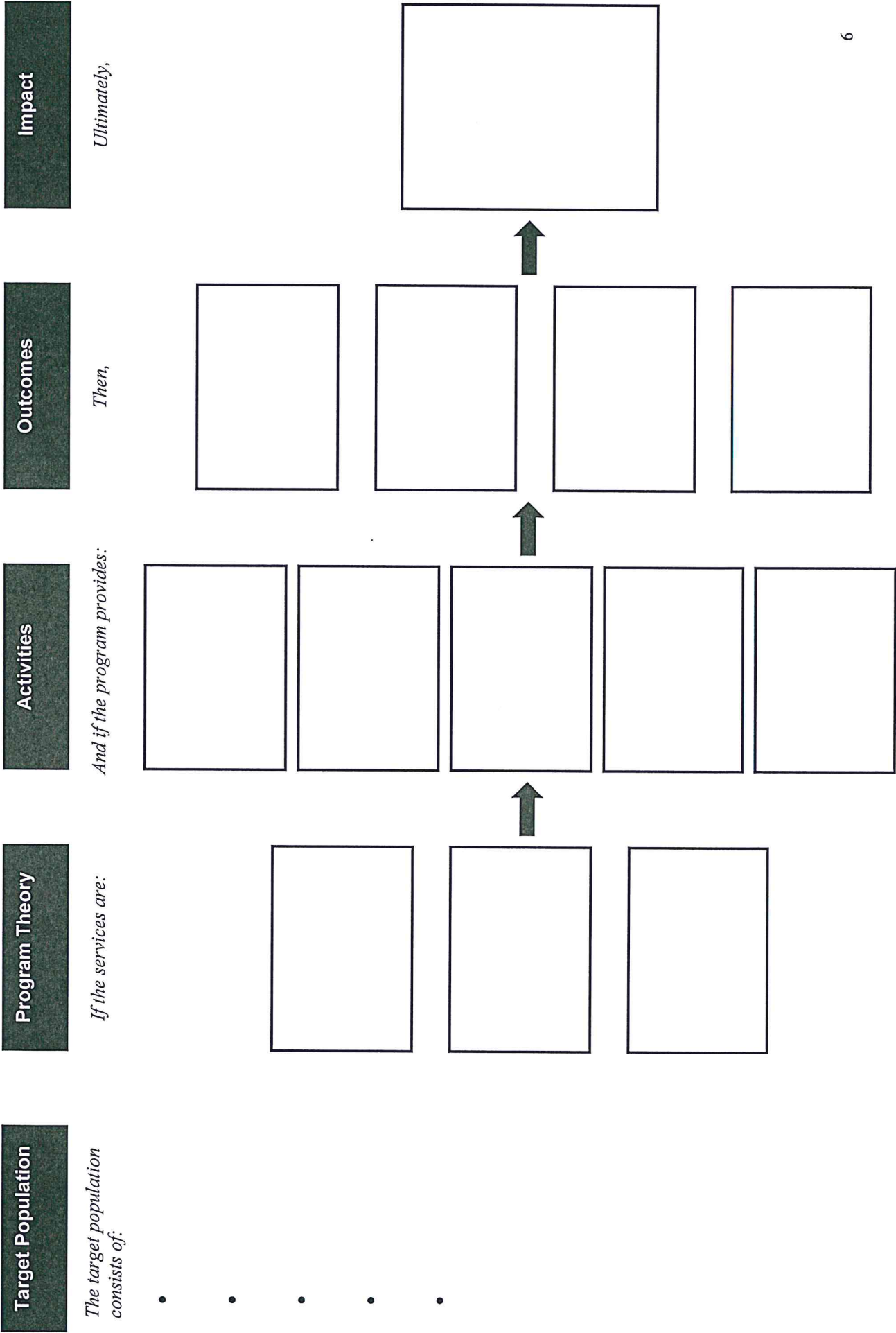


EXHIBIT C
APPLICATION
GRANTEE'S APPLICATION

**APPLICATION COVER SHEET
CMSP Wellness & Prevention Pilot Project**

1. **CMSP County or Counties Included in the Pilot Project:**
San Benito County

2. **Funding:**
CMSP Pilot Project Requested Amount: \$225,000.00
In-Kind and/or Other Matching Amount Provided by Applicant (if any): \$0.00

3. **Applicant:**
Organization: San Benito County (SBC)
Applicant's Director or Chief Executive: Mr. James A. Rydingsword
Title: Director
Applicant's Type of Entity (specific county department): County Health & Human Serv.
Address: 1111 San Felipe Road #206
City: Hollister State: CA Zip Code: 95023 County: San Benito (SBC)
Telephone: (831) 630-5120 Fax: (831) 637-5794
E-mail Address: jrydingsword@cosb.us

4. **Primary Contact Person** (*Serves as lead contact person during the application process.*)
Name: James A. Rydingsword
Title: Director
Organization: San Benito County - Health & Human Services - (SBC) - (HHSA)
Address: 1111 San Felipe Road #206
City: Hollister State: CA Zip Code: 95023 County: San Benito (SBC)
Telephone: (831) 630-5120 Fax: (831) 637-9754
E-mail Address: jrydingsword@cosb.us

5. **Secondary Contact Person** (*Serves as alternate contact during the application process.*)
Name: Ms. Tracey Belton
Title: Deputy Director
Organization: San Benito County - Health & Human Services - (SBC) - (HHSA)
Address: 1111 San Felipe Road #206
City: Hollister State: CA Zip Code: 95023 County: San Benito (SBC)
Telephone: (831) 630-5146 Fax: (831) 637-9754
E-mail Address: tbelton@cosb.us

Attachment A

6. **Financial Officer** (*Serves as chief Fiscal representative for project.*)

Name: Ms. Cynthia Larca
Title: Deputy Director for Fiscal Administration
Organization: Health and Human Services Agency of SBC (HHSA)
Address: 1111 San Felipe Road #206
City: Hollister State: CA Zip Code: 95023 County: San Benito (SBC)
Telephone: (831) 634-4908 Fax: (831) 637-9754
E-mail Address: clarca@cosb.us

7. By submitting this application for Wellness & Prevention Pilot Project funding, the applicant signifies acceptance of the applicant's responsibility to comply with all requirements stated in this Request for Proposals (RFP) authorized by the County Medical Services Program Governing Board ("Governing Board"). Further, the applicant understands that should the Governing Board award pilot project funding to the applicant, the Governing Board is not obligated to fund the pilot project grant until the applicant submits correct and complete documents as required for the pilot project agreement; the Governing Board is otherwise satisfied that the applicant has fully met all Governing Board requirements for receipt of pilot project funding; and the pilot project agreement between the Governing Board and the applicant has been fully executed. The Governing Board shall have sole discretion on whether or not to award pilot project funding of any amount to the applicant.

I declare that I am an authorized representative of the applicant described herein. I further declare under penalty of perjury under the laws of the State of California that the information set forth in this Cover Sheet and the attached response to the Wellness & Prevention Pilot Project RFP is true and correct.

Official Authorized to Sign for Applicant:

Signature:

Date: 08/22/2016

Name: James A. Rydingsword
Title: Director
Organization: Health and Human Services Agency of San Benito County
Address: 1111 San Felipe Road #206
City: Hollister State: CA Zip Code: 95023 County: San Benito
Telephone: (831) 630-5120 Fax: (831) 637-9754
E-mail Address: jrydingsword@cosb.us



APPLICANT COUNTY: SAN BENITO
CMSP PILOT PROJECT SUMMARY

Proposed Project: The County of San Benito, led by its Health and Human Services Agency (HHSA), proposes to implement a three –year pilot project for providing local level health and supportive services to CMSP eligible and potentially eligible persons. Our CMSP pilot would address the priority project areas set forth by the CMSP Governing Board; Community Wellness / Prevention and Whole Person Care, including impacting local social determinants. Our County HHSA applies for the CMSP Pilot Grant in order to facilitate participation by health care providers in the CMSP Provider Network and to promote access to health care coverage to lower income, uninsured adults, many of whom may be eligible for CMSP and thereby to enhance utilization of covered preventative and primary care services to new enrollees.

1. **Goals:** The County HHSA’s overall goal is to improve the general health and wellness of lower income uninsured adults in the community by educating the public about CMSP Eligibility and benefits. This would include primary care, directing potential CMSP enrollees towards assistance with their applications, and linking such enrollees to local health care service providers who accept CMSP coverage. Our priorities include addressing the needs of the homeless and we believe our goals are in alignment with the CMSP Board goals for the CMSP Pilot Program.
2. **Objectives:** The CMSP pilot project’s objectives are as follows: A) The first objective is to expand the number of health care providers in San Benito County that accept CMSP as a form of health care coverage. The second objective is to increase CMSP enrollment among eligible persons. The third objective is to improve CMSP enrollees’ health conditions and outcomes by facilitating the use of the new Primary Care Benefit.
3. **Project Approach and Implementation Plans:** Initially our Pilot Project’s primary focus would be on conducting education and recruitment activities to facilitate health care provider and related health services. From this recruitment activity, the focus would shift towards conducting outreach and education activities to potential CMSP applicants and linking them to Public Services for application processing. During this phase of the Pilot Project, the County HHSA through its Public Health Department would begin providing health wellness education as well as linkages to help applicable CMSP members (including undocumented persons) to utilize their Primary Care benefits. During the final phase of the Pilot Project, efforts would concentrate on maintaining CMSP enrollment and continuing to increase community health and wellness through education and resource linkage. Throughout this process, the CMSP Pilot would collect and analyze data from applications, intakes and assessments in order to conduct evaluations and comply with CMSP reporting requirements. We intend to continue working on impacting local social determinants, including housing support services.

4. **Target Population:** The target population are uninsured residents of San Benito County, ages 21 to 64, who are either potentially eligible for CMSP or enrolled in CMSP, as well as those who are potentially eligible for or are enrollees of other public assistance programs. The full narrative contains the number of the target population to be served over the 3 project years.
5. **Key Partnerships:** The County's lead Agency is the County Health and Human Services Agency and would be joined by the other County Departments of Probation, Public Health, and Behavioral Health. Also included is the County Community Services and Workforce Development. In addition, there are several community partners as listed and described in the Project Narrative.
6. **Anticipated Outcomes:** The County HHSA anticipates that the uninsured population would further decrease by a target of approximately 10% or about 295 individuals within 3 years due to increased enrollment in CMSP or other health insurance coverages. It is anticipated that the general health and wellness of these CMSP Members would improve due to their use of preventative and primary health care Services delivered through the enhanced CMSP provider network.
7. **Deliverables:** The County HHSA's pilot project outcomes would be measurable with the following proposed deliverables:
 - A. Promote awareness of the CMSP Program among the County uninsured:
 1. 600 by 12/31/17
 2. 900 by 12/31/18
 3. 1500 by 12/31/19
 - B. Increase in the number of health care providers contracting to participate in the CMSP Provider Network from one (1) as of 9/1/16 to two by 9/1/17 and three by 9/1/18 and four by 12/31/19.
 - C. Increase in the number of CMSP applications received and processed annually as follows: A) 200 by 12/31/17 - B) 350 by 12/31/18 and C) 425 by 12/31/19.
 - D. Improve the health outcomes of all CMSP Pilot individuals as measured by the health benefits or services received through surveys, data collection /analysis & interviews.

End of CMSP Pilot Project 2 page Summary.

SAN BENITO COUNTY CMSP Pilot Project Narrative

1. **Statement of Local Need and Problem:** There exists a significant need in San Benito County for the services to be obtained through a CMSP pilot program due to the high number of uninsured, high 12.1% poverty rate, high unemployment and adverse health conditions associated with the intended target group. This need is evidenced in the chis.ucla.edu website indicating that there were close to 1,000 uninsured local persons with a slightly higher number simply ineligible for Medi-Cal. Furthermore, the Enroll-America website showed the insured at 19% in year 2013 and then reduced to 11% by year 2015. Our local need is not, however, minimized despite the promising data indicating a rise in health insurance coverage between 2013 to 2015 due to Covered California. We continue to believe the need and problem exists because there are a significant number of persons, ages 18 to 64, which have simply fallen through the cracks of attempts to get health insurance coverage. We strongly believe that the CMSP Pilot is a special opportunity to seek, recruit and service individuals with community wellness and prevention programs in order to regain them a sense of self-worth and benefit from a true and lasting personal recovery.
2. **Local Demographic Data:** San Benito County is a mostly rural county with a small population of 58,792 persons. Recent U.S. Census data shows that 58.7% of the County population or 34,511 persons were of Hispanic/Latino origin. A significant number of the Hispanic / Latino population are migrant or year round farmworkers and possibly undocumented. In terms of adults, ages 18 to 64, there are 36,616 persons, which are 61.6% of the total population. In addition, the most recent U.S. Census stated the number of persons without health insurance and less than 65 years of age was at 13.5% or 7,9736 persons. These pools of uninsured will be a focused target group for the CMSP Pilot Program.
3. **Composition and Characteristics of Local Workforce:** The State Labor Bureau reports the county median income at \$67,874. However, this income figure is somewhat misleading due to the known disparity that nearly half of the local workforce commutes daily to higher paying jobs in Silicon Valley but reside in San Benito County because market rate housing is priced relatively lower. In effect, nearly half of San Benito County is a bedroom community for Silicon Valley. The other half of the workforce has a lower median income well under \$49,000 and is employed in retail, local government, schools and agricultural related crop industries. The combination of this local workforce together with the Silicon Valley bound workforce leaves a considerable segment of the population that is marked by a significant poverty rate of 12.1%, an unemployment rate of 7.8% as of April, 2016 but which rises significantly in the winter season due to the down agricultural season. This non-workforce segment is marked with poor health conditions, limited access to health providers, under-insured and in constant need of available public services.

In addition, there are three significant sub-population groups which are: a) seasonal migrant and year round farm laborers, b) the chronically homeless and c) jail pre-release inmates and persons on probation. These population sub groups exist contain many of the persons potentially eligible for CMSP because they have been unable to secure health insurance due to language barriers, lack of education, access to computers, unemployment, health issues, substance abuse issues, mental health capacity and environmental constraints. The incidence of homelessness has especially increased from a count of 213 in year 2013 to 651 in year 2015.

In addition to the above statistics and social indicators, a visiting pedestrian only needs to do a drive by the civic center and downtown Hollister area to see the visual impacts of homeless persons, Local businesses constantly complain about loitering and nuisance as related to the daily incidence of homelessness.

Target Population: Based on the above description of the need and problem, our County through its HHSA, in collaboration with community partners have determined that the target population for the CMSP Pilot shall those indigent adults, aged 18 to 64, that are not insured in Medi-Cal or Covered California and have incomes less than or equal to 300% of the Federal Poverty Level. Also included in our target group are persons who are potentially eligible for CMSP enrollment and those who are already enrolled in local public assistance programs.

Based on our above described target population, our County intends to service the following numbers of individuals in each of the 3 CMSP Pilot Program years:

Year	Promote CMSP Awareness	Increase # of CMSP applications received/processed	Increase # of enrollees using CMSP Primary Care Benefits
2017	750	100	10%
2018	1,500	150	25%
2019	3,000	300	40%

County Data Sources: CMSP 237, Medi-Cal 237 Reports.

Description of Public and Community Outreach Efforts: First, the HHSA – CMSP pilot intends to initially conduct outreach to the local community in order to create a public awareness campaign that CMSP pilot services along with its regular public services will be available to those in need. From this recruitment effort, HHSA designated staff led by the CMSP Pilot Program Manager will provide information to interested persons and offer encouragement and support to those willing to enter the application process. County staff will ascertain which persons are potentially eligible for CMSP and from this process, the HHSA designated staff led by the CMSP Pilot Program Manager will conduct individual assessment and open up applicant files to determine immediate needs and respond accordingly with appropriate services.

Local Health Care Landscape: Hazel Hawkins is the only local hospital which provides comprehensive medical services ranging from emergency room services, to diagnostic imaging, women's services and ambulatory surgery to those with health insurance. Anthem is the managed care provider. In addition there is the San Benito Health Foundation, a community based health clinic which serves all persons and there are private care doctors at a ratio of 1 to 36, dentists at a ratio of 1 to 46 and mental health providers at a ratio of 1 to 84. Source: Local County Health Assessment – 2014.

Central to the delivery of public services is the HHSA which includes the Community Services and Workforce Division (CSWD) and the local Public Health and Mental Health and Probation Departments.

STRENGTHS AND CHALLENGES WITH LOCAL HEALTH CARE SYSTEM: Within this local health care landscape, the County recognizes the following strengths and challenges:

Strengths: The County HHSA is a strong, progressive agency that is open to innovative and new programs for the betterment of the health needs of the community. Secondly, the HHSA has exercised leadership to form, grow and strengthen a local Health focused collaborative composed of community partners. Thirdly, the County's target population can be fairly identified and linked to the CMSP Pilot.

Challenges: There is only one health care provider, other than the hospital, which is the San Benito Health Foundation. Secondly, there are only a small number of primary care providers. Thirdly, the local Hospital and its resources have not yet been strengthened as regards its relationship with HHSA.

4.(a) **Organizational Capacity:** The mission of the HHSA is to support and strengthen individuals and families by assuring safety, promoting self-sufficiency, eliminating poverty and improving the quality of life in our community.

Responsibility of San Benito County HHSA: We recognize our responsibility to provide health services to indigent adults as a mandate of state law. To adequately handle this responsibility, the county needs commensurate resources to deliver this much needed CMSP pilot and we seek to integrate with our public service safety net programs and with our Winter Warming Shelter operation as focused on the homeless.

Description of HHSA as the lead applicant: The applicant and lead agency is the County HHSA as directed by Mr. James A. Rydingsword, Director, who has nearly 30 years of working in health, human services and social services in the State of California. Mr. Rydingsword coordinates the various divisions of the HHSA, including oversight of the Community Services and Workforce Development.

Description of Community Support and Collaborative Partnerships: Almost 3 years ago, the HHSA formed the Homeless Planning Committee (HPC) with representation from many of the County Department Heads, including Mental Health, Public Health and Probation, the Sheriff's office, the Mayor of Hollister and several community partners, including the San Benito Health Foundation, a nonprofit organization. The HPC has met on a monthly basis with a continued strategy of focusing on an agenda which addresses the needs of homeless persons, housing needs and public assistance needs as a means to strategize for influence of policy changes to improve social determinants.

4.(b): Organizational Staffing:

Mr. Rydingsword supervises Mr. Enrique Arreola who runs the Community Services and Workforce Development Division and has agreed to be linked to services to the CMSP Pilot through pre-employment and job education skills. Mr. Arreola has nearly 9 years at this position and has a long history of non-profit management. Mr. Rydingsword also supervises Ms. Tracey Belton who has directed the County Public Assistance Programs for many years. Ms. Belton is committed to being linked to the CMSP Pilot by providing extension of public services specifically for CMSP Pilot individuals. Lastly, Mr. Rydingsword supervises Ms. Cynthia Larca who is the Fiscal Deputy Director for HHSA and will be responsible for budget management of the CMSP Pilot Financial Reporting Requirements. Specifically for the CMSP Pilot, Mr. Rydingsword will arrange for a CMSP Pilot Program Manager to be central to the operations of the CMSP Pilot but will coordinate all CMSP activities with HHSA. Mr. Rydingsword has designated his three deputies to support and assist the CMSP Pilot relative to each of their roles and responsibilities within HHSA. No other Counties will be involved within this organizational staffing arrangement and lines of authority.

Role and Responsibility of the CMSP Pilot Program Manager. This person shall be responsible for the day to day operations of the CMSP Pilot Program, from recruitment, intake, assessment, case management and referrals to other medical wellness and prevention programs. This person shall report to Mr. Rydingsword and coordinate activities with the HHSA designated staff. The CMSP Pilot Program Manager shall ensure that all reporting and reports are submitted to the HHSA and to the CMSP Office.

Role and Support from Community Project Partners:

- Santa Cruz Housing Authority through their Executive Director, Jenny Panetta, is committed to working with HHSA and the CMSP Pilot. The SCHA offers a Project Based Voucher program which offers rental assistance to qualified residents as well as CMSP Pilot individuals and is interested in setting up part-time services.
- The regional Continuum of Care (COC) is a regional organization directed by Ms. Katherine Thoeni, who coordinates all homeless service programs for the region and is also an active partner with HHSA and its supportive service programs. By having

Ms. Thoeni as a community partner, CMSP individuals will receive information and services from the COC programs on homelessness.

- Public Health Department of San Benito County is directed by Ms. Lynn Mello and she has provided a letter confirming her support for the CMSP Pilot. This department will be instrumental in providing wellness and preventative support programs especially in the areas of reducing tobacco use, obesity, diabetes management, anti-smoking and other such programs.
- County Probation is directed by Mr. Ted Baaran, who has many years of serving the needs of jail inmates, those on pre-release, and those on probation. Mr. Baaran has committed to identifying and recruiting those individuals from his clientele that may be served by the CMSP Pilot.
- Behavioral Health Department is directed by Mr. Alan Yamamoto, who is a veteran with the County and understands all aspects of substance abuse and mental health issues. Mr. Yamamoto is committed to supporting the CMSP Pilot and has provided a letter of support.
- The County Community Services and Workforce Development Division is directed by Mr. Enrique Arreola, Deputy Director. The CSWD Division offers a variety of programs and services focused on the low income community. Mr. Arreola has written a letter of support showing his commitment to making opportunities available to CMSP Pilot individuals.

See attached Organizational Chart – Attachment “C”.

5. **Project Implementation:** Below is a table generally describing the CMSP Pilot Implementation Schedule and a corresponding data to accomplish such activities. These activities relate to the overall process to be followed in the operation of the CMSP Pilot Program.

A C T I V I T Y	Date To be Accomplished
CMSP Pilot application submitted	9 /1/16
CMSP Remediation Released and San Benito Responded with Remediation	11/18/16
CMSP Award, Grant Agreements	1/1/17
HHSA designates County Staff and appoints CMSP Pilot Program Manager	1-15/17
HHSA conducts orientation of CMSP Pilot Goals, objectives and outlines activities to be implemented along with review of Budget, Evaluation and Reporting Requirements. This	1-16-17

orientation includes community partner inputs.	
HHSA – CMSP Pilot Manager begins day to day operations of CMSP Pilot	1-17-17
CMSP Pilot Program Manager confirms recruitment, public outreach and related activities in order to create public and community awareness of the CMSP Program. Manager shall use postings in local newspaper and in BenitoLink, a local social device and leave flyers at libraries and offices of community organizations.	Performed as needed.
CMSP pilot shall use the County Warming Shelter as a base of operations with a focus on homeless individuals occupying the winter shelter as well as other individuals	1-20/17 to 4/1/17
CMSP Pilot Manager shall coordinate intake and assessments of recruited individuals and coordinate referrals to community health wellness and prevention programs.	Throughout life of CMSP Pilot
CMSP Pilot in association with County designated staff shall collect data, analyze data, and summarize data for reporting to HHSA and collaborative partners. This activity shall be followed by entering the data in the County evaluation model for review, analysis and the making of findings to become recommendations for possible CMSP Program Adjustment or Modifications, subject to CMSP approval.	Throughout life of CMSP Pilot
HHSA, community partners, collaborative members and CMSP Program Manager and County designated staff shall meet on a quarterly basis to review and discuss the continued operation and management of the CMSP Pilot.	Throughout life of the CMSP Pilot

C. REVISED: Proposed CMSP Project Approach:

Project Service Areas: As a mostly rural County with a majority of the population residing in the County seat of Hollister and the town of San Juan Bautista, there are extensive geographical challenges to offer services to non-urban areas in our County. Certainly, in our urbanized areas, our approach will be to use public and community information systems to disseminate information and create awareness on the CMSP Pilot program. This shall include CMSP program flyers in simple English and Spanish. These flyers, as public notices, will be posted in public and community locations such as the local library, community organizations, government offices and at busy retail locations. The information provided will contain CMSP contact information in order to create awareness and the availability of services. The CMSP Pilot Program Manager shall be responsible for implementation of this described project approach along with support from County designated staff.

Special Outreach to Rural and Remote Areas: With regards to rural areas and remote locations such as in Tres Pinos and the Pinnacles area, the HHSA staff intends to conduct a special outreach using mail delivery, posting in conspicuous locations and at the few schools, churches and stores in the rural areas. This type of visual outreach is necessary because of the limitations encountered by our rural residents who have limited computer access and where the internet services may simply be unavailable or of poor reception quality.

In addition, a special innovative approach in our public education campaign will be through our low income tax preparation assistance program, which is supported by C.S.B.G and by V.I.T.A. By having low income persons come to our County offices, our volunteer tax preparers will routinely advise them of the federal requirement to report on their health insurance status. If found to be non-insured then their status will be noted and referrals made to our CMSP Pilot for proper follow-up.

Intake and Individual Assessment: The CMSP Pilot Manager shall coordinate the intake of recruited individuals. This intake activity will consist of assisting with and preparation of applications for public assistance and referrals to medical, wellness and prevention services. During this application process, the CMSP Program Manager shall also collect data on clientele and enter it into files for further analysis. Individuals may also be referred to the County Community Services and Workforce Development offices for receiving job related skills. The CMSP Pilot Manager shall coordinate referrals and information from the Public Health Department's wellness and prevention programs.

HHSA intends to emphasize a Whole Person Care approach to its program delivery activities. The use of a whole person care concept involves initially determining the immediate needs of recruited individuals as regards food, shelter, clothing and other basic survival necessities. Our HHSA already is familiar with this because of its winter warming shelter operations and will use

this prior experience in order to provide these supportive services to CMSP pilot clients. After an individual assessment of immediate needs, the CMSP Pilot Manager with support from designated staff will further assess the needs of CMSP individuals in terms of referrals to health services needed. From a programmatic perspective, HHSA intends to blend its CMSP program services with other health providers and public services that already exist as a result of prior collaborative efforts. For example, the County Probation Department is fully aware that the release of jail inmates need immediate attention and support. Accordingly, the County Probation office will participate by making their own referral of clients to the CMSP program.

D. Logic Model: New model submitted.

E. Proposed Evaluation Methodology: The County HHSA has recognized the value of productive evaluations in order to maintain and even be innovative in keeping up with the dynamics of a changing population. As such, our evaluation method remains traditional in terms of going through a process of data collection, data analysis, identification of material issues and eventually arriving at findings. From these findings, a careful thought process can lead to programmatic recommendations to be considered in a collaborative manner in order conclude with an overall consensus and, in effect, produce buy-in from the members of the program.

Under the above description, our evaluation methodology will work through the procedural steps:

1. Data Collection: Traditionally, data collection has been kept from being shared due to restrictions related to privacy and confidentiality laws and policies. Public service programs have steered away from such tradition by authorizing the use of limited and then expanded client consent forms. Our HHSA approach for the CMSP Pilot will be non-traditional or “out of the box” because barriers to data sharing has been mostly overcome due to discussions within our collaborative and by building trust with our community partners. The instrument of client consent forms will be used in common with our community partners and across our County departments.

Responsibility for careful and accurate data collection will be with the CSMP Project Manager and with County Designated Staff. This data will come primarily from intake and applications received from CMSP individuals and from health service delivery providers. The Data will be collected by such staff and preliminary monthly data reports will be created and submitted to the HHSA Director who in turn will create quarterly reports which will be shared with community partners and members of the HHSA Health collaborative.

2. Data Analysis: The CMSP Pilot Program Manager will coordinate the data collection process so that it leads into an analysis process involving the HHSA Director and County Designated staff. The analysis will may trends, patterns and even reveal issues that affect the program approach and health referral system. The analysis will also include

budget management issues. The analysis of data when completed by staff will be made into reports for presentation to the HHSA collaborative and community partners.

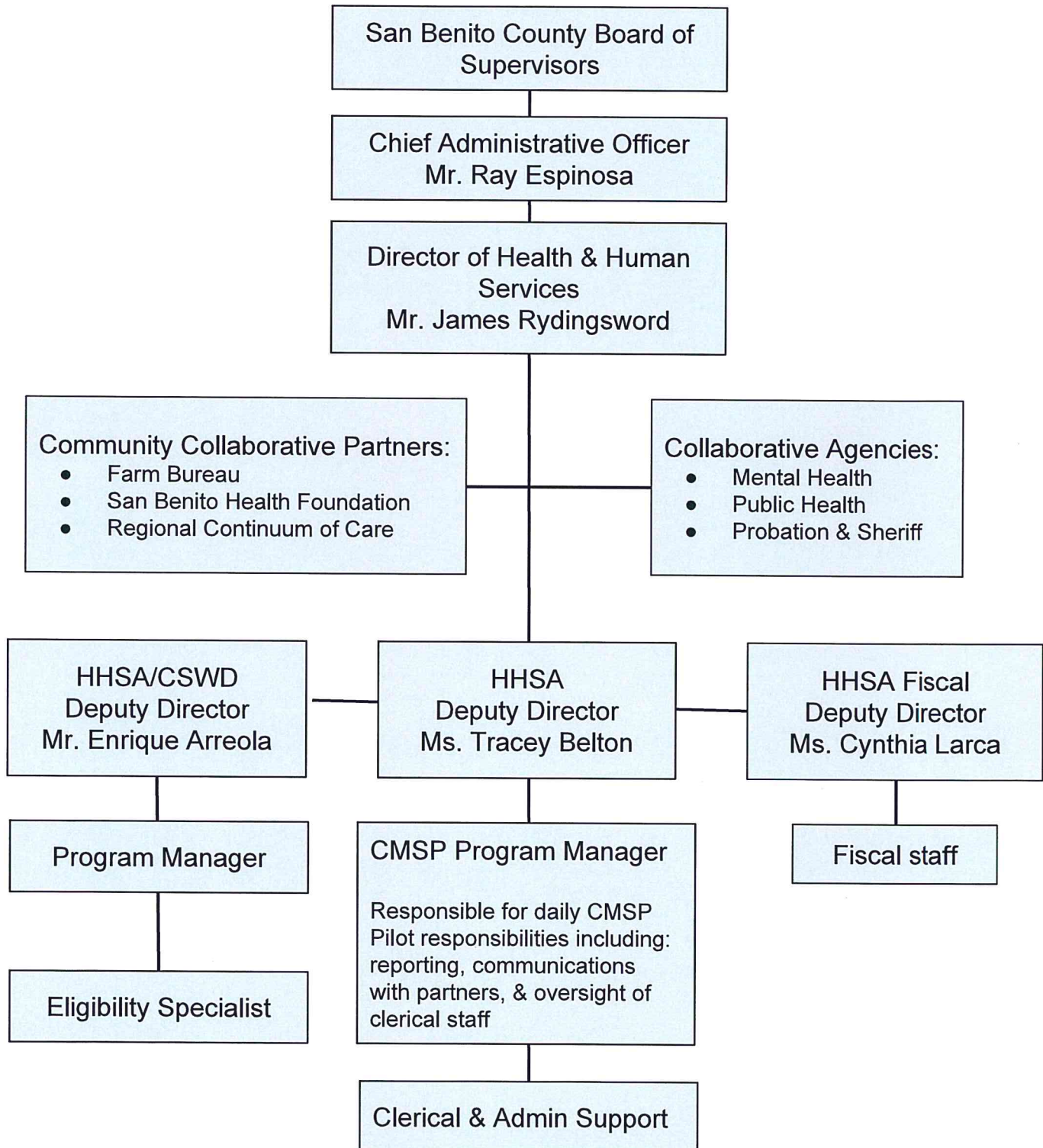
Findings: From the data collection and analysis the evaluation process will lead to the production of findings, much like in an audit, where all CMSP related staff will collaborate in reaching a consensus on such findings. Upon review and discussion by staff, the collaborative and with input from community partners, this would lead to a presentation of findings which would eventually lead to recommendations on possible changes, adjustments or modifications to the CMSP Program. HHSA would reasonably expect to have such findings and /or local recommendations be submitted to the CMSP office for review, comment and even approval.

Conclusion: Through this evaluation process of data collection, data analysis and findings, and then acting on the recommendations, the HHSA would reasonably anticipate that a comprehensive and effective evaluation of the CMSP Pilot would occur in Year One so that Years 2 and 3 in subsequent improved service delivery even though it is recognized that the target group is filled with a set of challenging dynamics. As such the HHSA has not entered any costs into the CMSP budget for the costs of conducting evaluations, through the use of a professional facilitator, as necessary, because the source for such costs will be a County contribution from its multi-indirect cost budget.

F. Letters of Support: Two (2) letters submitted from Mr. Enrique Arreola, County Community Services and Workforce Development, and from Ms. Lynn Mello, County Public Health Department, to go along with 2 previous letters. **Total of Four letters.**

***** END OF CMSP PILOT PROJECT PROPOSAL NARRATIVE *****

**ORGANIZATIONAL STAFFING CHART SAN BENITO COUNTY -
HEALTH & HUMAN SERVICES CMSP PILOT PROGRAM**



SAN BENITO COUNTY HEALTH & HUMAN SERVICES – CMSP PILOT – LOGIC MODEL

INPUTS	ACTIVITIES	OUTPUTS	OUTCOMES
<p>CMSP Funds Awarded / Grant agreement executed. FY 2017 CMSP Wellness and Prevention Program Year Begins.</p>	<p>CMSP Program Manager begins pilot program by initiating recruitment plan of CMSP target population and employs strategies for attracting those potentially eligible for CMSP.</p>	<p>CMSP Pilot program implemented, and CMSP Program Manager undertakes overall coordination responsibilities while having established linkages with Community Partners and health care providers receiving referrals</p>	<p>Community and General Public made aware of CMSP Pilot services and referral network and community partner linkages implemented. County Board of Supervisors receives report on CSMP Pilot. HHS&A Director reports Pilot status to CMSP.</p>
<p>HHS&A & Community Partners collaborate on start up activities and orientation is provided to designated County staff.</p> <p>Orientation is focused on CMSP goals of improving health outcomes for CMSP target group by timely delivery medical and support services, including links to wellness programs.</p> <p>Data Collection, Financial requirements and Evaluation systems reviewed.</p>	<p>Intake, eligibility and assessment systems implemented to determine medical and wellness services to be provided to target group. County Staff collaborates by providing public assistance, public health education and workforce services to CMSP individuals. Housing Support services and tenant education provided. Social determinants addressed and links to other wellness programs established.</p>	<p>Intake and assessment of CMSP enrolled individuals conducted. Referrals to coordinated care and health providers achieved. CMSP Pilot Activities Initiated and monitored and tracked with data collection underway.</p> <p>Collected data is analyzed and used to evaluate CMSP Pilot and recommendations reviewed and Program adjustments made in cooperation with CMSP. Strengths and challenges in local health care system are evaluated.</p>	<p>CMSP Pilot Enrollees receive medical and wellness services and health outcomes are monitored under case management.</p> <p>Health outcomes for CMSP clients are determined and reported to HHS&A collaborative, community partners and to CMSP.</p> <p>Outcomes on strategies to influence Social Determinants are evaluated with a focus on social and economic impacts along with a focus on changes made in individual client behaviors.</p>

Budget Narrative:

General Statement: The County of San Benito HHSA intends to use the CMSP Pilot funds to support its multi-budget and multi-service approach to the targeted population which shall include the target population as described. This service approach shall be focused on services and programs related to winter warming shelter operation in 2016 which will then be shift to our Community Services Center which is planned for completion in November of 2017 using primarily approved grant funds from the State Community Development Block Grant Program (CDBG). The shifts are noted in the budget numbers starting in Year 2 and Year 3. Our HHMS – CSMP Pilot three (3) year budget shows a total of \$225,000 which is equal to the allocation contained in the RFP Appendix. The first year, however, contains a figure that is higher than one-third of the total allocation due to anticipated higher start-up costs for the CMSP pilot program. This higher amount is balanced through lesser amounts in years 2 and 3 when our CMSP pilot will become more efficiently operational.

- 1) Personnel Costs: Our HHSA will assign a CSMP Pilot Program Manager to work in cooperation with designated staff and the CMSP budget will pay a portion of such staffing costs so that the CMSP Manager will, in effect be a Full Time Equivalent (FTE) but designated staff will not be a FTE. However, San Benito County intends to contribute other funds in order to make the staff positions full time as shown in the budget worksheets. The CSMP Program Manager shall have the daily responsibilities for all CSMP Pilot activity, including public education, recruitment, management of the intake and assessment process, case management and coordinating referrals to other health care provider as well as reporting to the collaborative and to the CSMP Governing Board and staff. In addition, the Program Manager shall receive half time clerical and administrative support. Fringe Benefits at approximately 30.5% are included.
- 2) Contractual Services are those services obtained from contractors determined eligible under applicable procurement policies and shall include costs for public education, rental of community or conference space such as may be charged at libraries. Transportation costs are for transporting CMSP clientele to health care providers as may be necessary or to locations for receipt of public services or to governmental offices. These contractual services shall include security costs, transportation, rental of meeting space, meals for support activities to be largely funded with the County multi-budget contributions of which CMSP will be a part thereof.
- 3) Office Expenses: Office expenses are minimal but necessary for use by CSMP staff and for use by CMSP clientele as may be necessary. This shall

include use of copiers, fax machines and computers currently available at HHSA. Applicable software costs to be included.

- 4) Travel: Travel expenses shall be for CSMP mileage costs in carrying out CSMP duties and responsibilities. Travel expenses shall also include some attendance at applicable workshops for training purposes or for collaboration purposes. San Benito County Per Diem Policy to be used where applicable.
- 5) Indirect Costs: Applicant understands that a maximum of 15% is allowed, however, applicant intends to charge on the average approximately 9.2% for indirect costs directly attributable to CMSP program expenses in order to facilitate the use of the CMSP Pilot Program but reserves the right to increase its indirect rate, not to exceed the maximum CMSP rate in the event cost savings are achieved and with prior approval by CMSP. San Benito County HHSA is most willing to cooperate with any external project evaluation contractor that may be presented by CMSP.
- 6) Cost of CMSP Evaluation, including use of a professional facilitator will be absorbed by a County contribution and is not reflected in the CMSP budget.

*** End of Budget Narrative ***

Detail and Summary Budget Forms B-2 – See Attachments.

**Attachment B2: Budget Template - Summary Budget
CMSP County Wellness & Prevention Pilot Project**

Applicant:

SAN BENITO COUNTY

Summary Budget – CY 2017 through CY 2019:

Category	Total Cost (Year 1)	CMSP Funding (Year 1)	Other Funding (Year 1)
Personnel	78,192	27,062	51,130
Contractual Services	133,504	46,898	86,606
Office Expenses	3,004	1,040	1,964
Travel	-	-	-
Other	-	-	-
TOTAL YEAR 1	214,700	75,000	139,700

Category	Total Cost (Year 2)	CMSP Funding (Year 2)	Other Funding (Year 2)
Personnel	78,192	27,062	51,130
Contractual Services	123,758	37,677	86,081
Office Expenses	4,464	2,500	1,964
Travel	2,500	2,500	-
Other	-	-	-
TOTAL YEAR 2	208,914	69,739	139,175

Category	Total Cost (Year 3)	CMSP Funding (Year 3)	Other Funding (Year 3)
Personnel	92,196	41,066	51,130
Contractual Services	123,276	37,195	86,081
Office Expenses	2,964	1,000	1,964
Travel	1,000	1,000	-
Other	-	-	-
TOTAL YEAR 3	219,436	80,261	139,175

**Attachment B2: Budget Template - Detail Budget
CMSP County Wellness & Prevention Pilot Project**

Applicant:

COUNTY OF SAN BENITO

Detail Budget – CY 2017 through CY 2019:

Category Item/Service	Qty (Year 1)	Cost (Year 1)	Qty (Year 2)	Cost (Year 2)	Qty (Year 3)	Cost (Year 3)	Total Cost
Personnel							
CMSP DESIGNATED STAFF		78,192		78,191		92,196	248,579
1- CMSP Program Manager							
ADMIN / CLERICAL							
Contractual Services		133,504		123,758		123,276	380,538
SECURITY AND							
OUTREACH AND							
MEALS, RENTAL OF SPACE							
evaluation covered by county							
Office Expenses		3,004		4,464		2,964	10,432
Travel		-		2,500		1,000	3,500
Other							
		214,700		208,913		219,436	643,049
							-



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

MARION E. SUTHERLAND, M.D., MPH
DEPUTY DIRECTOR

JAMES A. RYDINGSWORD
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

November 8, 2016

CMSP Governing Board
Mr. Lee Kemper
County Medical Support Program
Sacramento, CA 95815

Re: Letter of Support for San Benito County CMSP Application

Dear Mr. Kemper,

As the Director of Nursing and Public Health Administrator for San Benito County Public Health Services, I submit this letter of support for the application from our San Benito County Health and Human Services Agency (HHSA) for funds to operate a wellness and prevention program under the County Medical Services Program (CMSP).

San Benito County Public Health Services is a division of, and collaborates with HHSA regularly, participating in collaborative meetings to address local homelessness, access to health care, disease control and prevention, and prevention of disability and chronic illness. Public Health Services is committed its partnership with HHSA to pursue funding to support the health and well-being of San Benito County individuals in need of CMSP. The homeless population continues to increase in our county which results in a higher volume of Emergency Department visits and increased chronic illnesses. CMSP funds would support more efficient health care management of those individuals in desperate need of health and medical care.

A CMSP funding allocation to San Benito County would support and strengthen the public's collective health, protect some of the most vulnerable individuals in our county and would contribute to a healthier and more vibrant community.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Lynn Mello".

Lynn Mello
Public Health Director

Cc: James Rydingsword, HHSA

PUBLIC HEALTH
SERVICES
2100 North Street
Hollister, CA 95023
(408) 937-1100

MEDICAL THERAPY
UNIT
1000 Sacramento
Hollister, CA 95023
(408) 937-1100

ENVIRONMENTAL
HEALTH SERVICES
1000 Sacramento
Hollister, CA 95023
(408) 937-1100

ADULT EDUCATION
PROGRAMS
1000 North Street
Hollister, CA 95023
(408) 937-1100



SAN BENITO COUNTY

JAMES A. RYDINGSWORD
DIRECTOR

Health & Human Services Agency

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT

1111 SAN FELIPE ROAD, SUITE 107 • HOLLISTER, CA 95023

(831) 637-9293 • FAX (831) 637-0996

November 9, 2016

CMSP Governing Board
Mr. Lee Kemper
County Medical Support Program
Sacramento, CA 95815

Re: Letter of Support for San Benito County Application

Dear Mr. Kemper,

One of the key missions of the San Benito County's Community Services and Workforce Development is to support and promote the wellness and health of low income individuals in San Benito County through education, leadership and service. As such, our organization is committed to the social and improvement of the four pillars of health, housing, education, and employment within our local community, especially those who are lack consistent support resources.

We have learned that San Benito County through its Health and Human Services Department will be making an application for funds to serve indigent adults who cannot get Medi-Cal or be enrolled in Covered California health insurance. Our organization, representing the Community Action Board and the Workforce Development Board, believes there is a local need for this particular program because it would supplement the goals of both of our Boards for those people who are lacking in such resources and may need guidance regarding informed life choices. If the County program is funded, we would welcome the opportunity to refer individuals needing this service to the proposed County program. As such, our organization is ready and willing to collaborate with the County of San Benito to further their success with this program.

Thank you for your attention and we do support their application for funds from the County Medical Support Program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Enrique Arreola".

Enrique Arreola, Director
San Benito County, CSWD

Cc: Mr. James A. Rydingsword, HHSA -San Benito County

COMMUNITY ACTION BOARD & WORKFORCE INVESTMENT BOARD

SERVING SAN BENITO COUNTY SINCE 1978

The County CSWD is an equal opportunity employer/program



EQUAL HOUSING
OPPORTUNITY

The County CSWD is an equal opportunity employer/program. - The County of San Benito complies with the Americans with Disabilities Act (ADA) by assuring that auxiliary aids for services are available upon request to persons with disabilities. Persons with hearing disabilities can call the TDD/TTY phone (831) 637-3265. Persons requiring any special needs for access to should call the CSWD office at 831-637-9293 at least five business days before the needed date to arrange for the special accommodations.

EXHIBIT D

COUNTY MEDICAL SERVICES PROGRAM GOVERNING BOARD GRANTEE DATA SHEET

Grantee's Full Name:	San Benito County
Grantee's Address:	1111 San Felipe Road #206 Hollister, CA 95023
Grantee's Executive Director/CEO: (Name and Title)	James Rydingsword, Director Health & Human Services
Grantee's Phone Number:	(831) 630-5120
Grantee's Fax Number:	(831) 637-9754
Grantee's Email Address:	jrydingsword@cosb.us
Grantee's Type of Entity: (List Nonprofit or Public)	Public
Grantee's Tax Id# [EIN]:	94-6000530

I declare that I am an authorized representative of the Grantee described in this Form. I further declare under penalty of perjury under the laws of the State of California that the information set forth in this Form is true and correct.

GRANTEE:

By: _____
Title: _____
Date: _____



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

MARGIE BARRIOS
District One
ANTHONY BOTEELHO
District Two
ROBERT RIVAS
District Three
JERRY MUENZER
District Four
JAIME DE LA CRUZ
District Five

Item Number: 19.

MEETING DATE: 11/22/2016

DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY

DEPT HEAD/DIRECTOR: James A. Rydingsword

AGENDA ITEM PREPARER: Enrique Arreola

SBC DEPT FILE NUMBER: 130

SUBJECT:

HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Approve the sublease between the Farm Labor Association and the San Benito County Health & Human Services Agency for the operations of the Winter Warming Shelter for an amount of \$85,055.00 for the period of December 3, 2016 through March 31, 2017; and authorize the Director of HHSA to sign said sublease and any amendments pertaining to said sublease; and approve contract between the County and the Farm Labor Association and with First Alarm Security & Patrol, Inc. for the 2016/2017 Warming Shelter for the period of December 1, 2016 through March 31, 2017, in the amount of \$38,924.00. Approved budget adjustment for shelter operations, \$306,700.00.
SBC FILE NUMBER: 130

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

On October 25, 2016, the board approved HHSA, Community Services & Workforce Development (CSWD) to implement the Winter Warming Shelter in anticipation cold and rainy winter months and to protect our homeless community by providing shelter, meals and support services. The program will be operated from December 3, 2016 through March 31, 2017. The County will lease up to 10 rooms from the Farm Labor Association (FLA) to serve up to 40 homeless individuals at the San Benito Migrant Labor Camp. If there is an overflow, additional rooms will be made available.

There is a need to enter in to contract for the use of the premise with the Farm Labor Association (FLA) and with First Alarm Security & Patrol, Inc. to provide security guard services for the duration of the program. The contract with the FLA is for the use of the facility which

includes the rental of 10 rooms, the use of the kitchen and restrooms. The total lease amount for the use of the rooms is \$35,700.00. The FLA will be providing the meals for up to 40 clients per day. The meals will include breakfast, lunch and dinner for the duration of the program for an amount of up to \$44,000. In addition, the FLA will provide janitorial services to maintain the restrooms is a clean and sanitary condition for the duration of the program for an amount of up to \$5,355.00. The total contract amount with the FLA is for a maximum of \$85,055

There is also a need to secure Security Guard services. An RFP was released in early October with three bids being submitted before its due date. The successful bidder is First Alarm Security & Patrol, Inc. for an amount of \$38,924.00 Security services will be provided for the duration of the program starting at 4:30 p.m. until 9 a.m. First Alarm Security & Patrol, Inc. was selected based on the successful completion of their proposal, meeting all of the guidelines, their experience and for being the lowest bidder.

The Winter Shelter program was not included in the requested budget due to timing of budget submission and unknown funding factors. At this time HHSA has confirmed funding from the Emergency Shelter grant for \$100,000 towards shelter costs and \$90,000.00 towards Rapid Rehousing; the City of Hollister for \$25,000.00; County Medical Services Program (CMSP) grant for \$75,000.00. The budget adjustment increases revenues by these amounts and increases expenditures for both the Winter Warming Shelter and Rapid Rehousing programs (\$306,700.00).

BUDGETED:

No

SBC BUDGET LINE ITEM NUMBER:

221.80.2285 and 240.80.2555.2820

CURRENT FY COST:

\$306,700

STAFF RECOMMENDATION:

1. Approve the sublease between the Farm Labor Association and the San Benito County Health & Human Services Agency for the operations of the Winter Warming Shelter for an amount of \$85,055.00 and authorize the Director of HHSA to sign said sublease and any amendments pertaining to said sublease;
2. Approve the contract with First Alarm Security & Patrol, Inc. for the Winter Warming Shelter for an amount not to exceed \$38,924.00 and authorize the Director of HHSA to sign said contract and any amendments pertaining to said contract.
3. Approve budget adjustment to increase revenue and expenditures by \$306,700.00 for Winter Warming Shelter operations and Rapid Rehousing programs.

ADDITIONAL PERSONNEL: No**BOARD ACTION RESULTS:**

Approved per staff recommendation. (4/0 vote) Supervisor Rivas absent.

ATTACHMENTS:

Description	Upload Date	Type
First Alarm Contract	11/3/2016	Standard Contract
FLA Sublease Agreement	11/3/2016	Contract
City of Hollister Confirmation	11/9/2016	Backup Material
ESG Confirmation	11/9/2016	Backup Material
Warming Shelter Budget - Updated	11/9/2016	Backup Material
Budget Adjustment	11/10/2016	Budget Adjustment/Transfer Form

REVIEWERS:

Department	Reviewer	Action	Date
Health and Human Services Agency	Arreola, Enrique	Approved	10/31/2016 - 7:07 PM
Health and Human Services Agency	Larca, Cynthia	Approved	11/10/2016 - 4:05 PM
Health and Human Services Agency	Valencia, Irma	Approved	11/10/2016 - 4:15 PM
Health and Human Services Agency	Arreola, Enrique	Approved	11/10/2016 - 4:45 PM
Health and Human Services Agency	Valdez, Louie	Approved	11/14/2016 - 6:29 PM
County Administration Office	Valdez, Louie	Approved	11/14/2016 - 6:29 PM

Please Indicate Type:

<input checked="" type="checkbox"/>	Appropriation/Est. Revenue Increase (Requires 4/5 Board of Supervisors Approval)
<input type="checkbox"/>	Contingency Transfer (Requires 4/5 Board of Supervisors Approval)
<input type="checkbox"/>	Interdepartmental Transfer or Interobject Transfer >\$25,000 (Requires Board of Supervisors Approval)
<input type="checkbox"/>	Interobject Transfer <\$25,000 (Requires Admin. and Auditor Approval)
<input type="checkbox"/>	Intraobject Transfer (Requires Auditor Approval)

Comments: Budget adjustments necessary for operation of Winter Warming Shelter and Rapid Re-Housing programs.

\$100K - ESG
25K - City of Hollister
75K - CMSP

Approval by Board of Supervisors

Attested: _____ Date _____

Clerk of the Board: _____ Vote: _____ Yes _____ No _____

114



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 9.

MEETING DATE: 4/11/2017

DEPARTMENT: OFFICE OF EMERGENCY SERVICES

DEPT HEAD/DIRECTOR: Kevin O'Neill

AGENDA ITEM PREPARER: Kevin O'Neill

SBC DEPT FILE NUMBER: 75.5

SUBJECT:

OFFICE OF EMERGENCY SERVICES - K. O'NEILL

Adopt Resolution Ratifying Letting of Contracts to Remediate Local Emergency, Confirming County Administrator's Authority to Enter Into Emergency Contracts Under Public Contracts Code 22050, Finding that there is a Need to Continue Emergency Action Action; and Finding Repair Work Exempt from CEQA As An Emergency Project. **(4/5 vote required)**

SBC FILE NUMBER: 75.5

RESOLUTION NO: 2017-34

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

At 12:00 P.M. on January 12, 2017, in the absence of the Director of Emergency Services and while the Board of Supervisors was not in session the Deputy Director of Emergency Services in response to major flooding in the North portion of San Benito County and rain damage/flooding throughout San Benito County, proclaimed a local emergency effective January 6, 2017. Per Ordinance No. 833, the Board of Supervisors ratified the Proclamation issued by the Deputy Director on January 17, 2017.

Due to the recent Pacheco Creek Flooding and the effects heavy rainfall throughout San Benito County and the financial impact this event has had on the residents of the County and the County itself, the Deputy Director requested the Governor to Proclaim a State of Emergency for San Benito County.

On January 23, 2017, the Governor did proclaim a State of Emergency for the State of California, including the County of San Benito.

This resolution relates to the letting of emergency contracts under Public Contracts Code 22050, and must be reviewed by the Board of Supervisors at every regular meeting until the need for emergency action terminates.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

The Office of Emergency Services Respectfully recommends:

Adopt Resolution Ratifying Letting of Contracts to Remediate Local Emergency, Confirming County Administrator's Authority to Enter Into Emergency Contracts Under Public Contracts Code 22050, Finding that there is a Need to Continue Emergency Action; and Finding Repair Work Exempt from CEQA As An Emergency Project (4/5 vote).

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

Resolution for April 11th

Upload Date Type

4/7/2017

Resolution Letter

RESOLUTION NO. 2017-

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO (1) RATIFYING THE COUNTY ADMINISTRATOR’S LETTING OF CONTRACTS TO REMEDIATE LOCAL EMERGENCY; (2) , CONFIRMING THE COUNTY ADMINISTRATOR’S AUTHORITY TO ENTER INTO EMERGENCY CONTRACTS PURSUANT TO PUBLIC CONTRACTS CODE 22050 WITHOUT COMPETITIVE BIDDING, (3) FINDING THAT THERE IS A NEED TO CONTINUE SUCH EMERGENCY ACTION, PURSUANT TO SECTION 22050 OF THE CALIFORNIA PUBLIC CONTRACT CODE; AND (4) FINDING THAT THE REPAIR WORK IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINE SECTION 15269(c) FOR EMERGENCY PROJECTS (4/5 vote required)

WHEREAS, on January 12, 2017, the San Benito County Deputy Director of Emergency Services proclaimed a state of local emergency; and,

WHEREAS, on January 17, 2017, the Board of Supervisors confirmed the Deputy Director’s Proclamation of a local emergency; and,

WHEREAS, on January 23, 2017, the Governor of the State of California declared a State of Emergency for several counties within the State of California, including the County of San Benito; and,

WHEREAS, Section 5.09.010 of the San Benito County Code provides that except as otherwise directed by law or the Board of Supervisors, competitive bidding is not required for emergency purchases required “in order to avoid a hazard to life or property...”; and,

WHEREAS, Section 5.09.015 of the San Benito County Code states, “Emergency purchases may be made by the Purchasing Agent or Assistant Purchasing Agent when a generally unexpected occurrence or unforeseen circumstances require an immediate purchase of material, supplies or equipment: (1) In order to avoid a hazard to life or property. . . or (4) In order to avoid economic loss to the county;” and,

WHEREAS, 5.09.015 of the San Benito County Code further states that “Emergency purchases shall be submitted to the Board of Supervisors for ratification at its next meeting; and,

WHEREAS, the Director of Emergency Services under San Benito County Code Chapter 11.01 is additionally authorized “to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the county for the fair value thereof. . .”; and,

WHEREAS, Public Contract Code Section 1102 defines an emergency as “a sudden unexpected occurrence that poses a clear and imminent danger, requiring immediate action to

prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and,

WHEREAS, Public Contract Code Section 22050(a)(1) states, “In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts”; and,

WHEREAS, Public Contract Code Section 22050(b)(1) further provides that “The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, . . . or other nonelected agency officer, the authority to order any action pursuant to [Section 22050(a)(1)]”; and,

WHEREAS, Public Contracts Code Section 22050(b)(3) provides that if such action is taken, “that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency”; and,

WHEREAS, Public Contract Code Section 22050(c)(2) further provides that “If a person with authority delegated pursuant [Section 22050(b)(1)] orders any action . . . the governing body shall initially review the emergency action... at its next regularly scheduled meeting . . . and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action; and,

WHEREAS, pursuant to Public Contract Code Section 22050(c)(3), the Board of Supervisors shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and,

WHEREAS, by unanimously adopting Ordinance 853 on April 27, 2010, the Board of Supervisors delegated to the County Administrative Officer the authority to make emergency purchases when generally unexpected occurrence or unforeseen circumstances require an immediate purchase of material, supplies or equipment in order to avoid a hazard to life or property; and,

WHEREAS, pursuant to the authority delegated under San Benito County Code, (1) on or about February 2, 2017, the County Administrative Officer let three contracts to Granite Construction Company in the amounts of not to exceed \$100,000, \$100,000 and \$25,000, respectively for debris removal, hauling of debris off-site, and site restoration for any damage caused by remediation activity; (2) on or about February 3, 2017, the County Administrative Officer entered into a contract with Graniterock in an amount not to exceed \$75,000 for emergency road repair; (3) on or about February 3, 2017, the County Administrative Officer authorized work with the Don Chapin Company by purchase order in an amount up to \$50,000 for building a temporary access road to access the levee; (4) on or about February 21, 2017, the

County Administrative Officer entered into a contract with Graniterock in an amount not to exceed \$50,000 for emergency road repair; (5) on or about March 9, 2017, the County Administrative Officer entered into a contract with Graniterock in an amount not to exceed \$46,980 for sink hole repair; (6) on or about March 21, 2017, the County Administrative Officer entered into a contract with Graniterock in an amount not to exceed \$50,000 for emergency road repair on Panoche Road; (7) on or about April 7, 2017, the County Administrative Officer will let a contract with Graniterock in the amount not to exceed \$200,000 for emergency pothole repair; and (8) on or about April 7, 2017, the County Administrative Officer will let a contract with Graniterock in the amount not to exceed \$120,000 for emergency road repair for San Juan Canyon Road; and,

WHEREAS, because this emergency procurement exceeds \$10,000 and pursuant to Government Code 22050, the County Administrative Officer has presented this Resolution to the Board of Supervisors at its next available regular meeting; and,

WHEREAS, the County Administrative Officer hereby reports to the Board of Supervisors that, for the reasons set forth herein, and on the public record, that there was substantial evidence that the flooding and levee break were sudden unexpected occurrences that posed a clear and imminent danger to the surrounding neighborhood and the general public, requiring immediate action to prevent or mitigate the loss or impairment of life, health, or property; and,

WHEREAS, the County Administrative Officer also hereby reports to the Board of Supervisors that, for the reasons set forth herein, and on the public record, that there was substantial evidence that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that emergency contracts were necessary to respond to the emergency; and,

WHEREAS, the Board of supervisors has reviewed the County Administrative Officer's emergency action and concurs with the County Administrative Officer's findings and determinations; and,

WHEREAS, the Board of Supervisors accepts the report of the County Administrative Officer and finds that (1) there is a need to continue the action, (2) that the current state of emergency will not permit a delay resulting from a competitive solicitation for bids, and (3) the action taken by the County Administrative Officer as recited herein, was necessary to respond to the emergency.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO DOES HEREBY RESOLVE AS FOLLOWS:

1. The flooding and levee break constitutes an "emergency" under Public Contract Code Section 1102 and 22050 and Board of Supervisors hereby ratifies the County Administrative Officer's determination in this regard and the actions taken to remediate the emergency; and,

2. The County Administrative Officer's decision to waive the competitive bidding requirements pursuant to Public Contract Code Section 22050 is hereby ratified.

3. Until formally revoked, the Board expressly declares its delegation, and reaffirms its prior delegation, to the County Administrative Officer the authority to order action pursuant to paragraph (1) of subdivision (a) of California Public Contracts Code section 22050;

4. Pursuant to Public Contract Code Section 22050(c)(3), by a four-fifths vote, the Board of Supervisors finds that there is a need to continue the emergency action originally authorized by the County Administrative Officer; and,

5. The Board directs that such emergency action shall be reviewed by the Board of Supervisors at each subsequent regular Board of Supervisors' meeting to determine whether there is a need to continue the action, until the action is terminated; and,

6. The action from the contracts and purchase order referenced herein is exempt from the California Environmental Quality Act ("CEQA") (Pub. Res. Code, §§ 21000, et seq. and Title 14 of the California Code of Regulations, §§ 15000 et seq. ("State CEQA Guidelines")), pursuant to 14 Cal. Code of Regs. §15269 as an emergency project, and Resource Management Agency staff is hereby directed to file a Notice of Exemption with the San Benito County Clerk's Office.

DULY PASSED AND ADOPTED this 11th day of April, 2017 by the Board of Supervisors of the County of San Benito, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAIME DE LA CRUZ, Chair
San Benito County Board of Supervisors

ATTEST:
Chase Graves
Clerk of the Board

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

By: _____

Barbara Thompson
Assistant County Counsel



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 10.

MEETING DATE: 4/11/2017

DEPARTMENT: OFFICE OF EMERGENCY SERVICES

DEPT HEAD/DIRECTOR: Kevin O'Neill

AGENDA ITEM PREPARER: Kevin O'Neill

SBC DEPT FILE NUMBER: 75.5

SUBJECT:

OFFICE OF EMERGENCY SERVICES - K. O'NEILL

Adopt Resolution Recognizing the Continuing Proclamation of a Local Emergency in San Benito County.

SBC FILE NUMBER: 75.5

RESOLUTION NO: 2017-35

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

At 12:00 P.M. on January 12, 2017, in the absence of the Director of Emergency Services and while the Board of Supervisors was not in session the Deputy Director of Emergency Services in response to major flooding in the North portion of San Benito County and rain damage/flooding throughout San Benito County, proclaimed a local emergency effective January 6, 2017. Per Ordinance No. 833, the Board of Supervisors ratified the Proclamation issued by the Deputy Director on January 17, 2017.

Due to the recent Pacheco Creek Flooding and the effects heavy rainfall throughout San Benito

County and the financial impact this event has had on the residents of the County and the County itself, the Deputy Director requested the Governor to Proclaim a State of Emergency for San Benito County.

On January 23, 2017, the Governor did proclaim a State of Emergency for the State of California, including the County of San Benito.

The attached Resolution extends the Proclamation of Local Emergency applies to entire County of San Benito. The Board is required to review and continue the state of local emergency at least once every 30 days until the Board terminates the state of local emergency. As a result, the Board will be presented with a similar resolution every meeting until the local emergency has been terminated. (The second agenda item pertains to the letting of emergency contracts under Public Contracts Code 22050, and must be reviewed by the Board of Supervisors at every regular meeting until the need for emergency action terminates.)

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

The Office of Emergency Services Respectfully recommends:
Adopt Resolution Recognizing the Continuing Proclamation of a Local Emergency in San Benito County.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Resolution for April 11th meeting	4/2/2017	Resolution Letter

RESOLUTION NO. 2017-

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BENITO
COUNTY RECOGNIZING THE CONTINUING PROCLAMATION OF A
LOCAL EMERGENCY IN SAN BENITO COUNTY**

WHEREAS, California Government Code section 8630 and the San Benito County Code empower the County Administrator/Director of Emergency Services to proclaim the existence of a local emergency when San Benito County is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time; and

WHEREAS, the Deputy Director of Emergency Services, acting at the direction of the County Administrator, found that conditions of extreme peril to the safety of persons and property had arisen within said County caused by the winter storm event starting on January 6, 2017, including the threat of flooding due to winter storms which necessitated the issuance of proclamation of a local emergency on January 12, 2017; and

WHEREAS, the Board of Supervisors of the County of San Benito ratified said proclamation of Local Emergency on Tuesday, January 17, 2017; and

WHEREAS, conditions of extreme peril continue to exist including highway and bridge damage, debris deposits, and damage and flooding to local residences caused by the heavy rains and the effects thereof, which constitute an imminent threat to public health and safety; and

WHEREAS, another series of storms during the months of January and February 2017 have caused additional flooding which have endangered people and livestock and caused destruction and damage to both public and private property; and,

WHEREAS, the County Administrator/Director of Emergency Services determined that the locally available resources are inadequate to cope with the emergency and that it was necessary to request that the Governor proclaim a statewide emergency.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED, that the “Proclamation Confirming the Deputy Director of Emergency Services’ Proclamation of the Existence of a Local Emergency” adopted by the Board of Supervisors on January 17, 2017, and continuing since that date due to the 2017 Winter Storm Event, is hereby extended for 30 days; and

IT IS FURTHER PROCLAIMED AND ORDERED, that during the existence of this local emergency, the powers, functions and duties of the County Administrator and the emergency management organization of the San Benito County Operational Area shall continue to be those prescribed by Federal law; State law; by ordinances, resolutions and the Code of the

County of San Benito; and by the San Benito County/Operational Area Emergency Operations Plan approved by the San Benito County Board of Supervisors; and

IT IS FURTHER PROCLAIMED AND ORDERED, pursuant to Government Code section 8630, the Board of Supervisors shall review the need for continuing this local emergency at least once every thirty days until the Board of Supervisors terminates the local emergency; and

IT IS FURTHER PROCLAIMED AND ORDERD that a copy of this proclamation be forwarded to the State Director of the Office of Emergency Services and all State and Federal legislators representing the County of San Benito.

PASSED AND ADOPTED by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on the 11th day of April, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

JAIME DE LA CRUZ, Chair
San Benito County Board of Supervisors

ATTEST:
Chase Graves, Clerk of the Board

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

By: _____

Barbara Thompson
Assistant County Counsel



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 11.

MEETING DATE: 4/11/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER: Adam Goldstone

SBC DEPT FILE NUMBER:

SUBJECT:

RESOURCE MANAGEMENT AGENCY

Approval of contract with In Studio Architecture in an amount not to exceed \$15,000.00 for architectural design services for the Sheriff's Locker Room project for the period of March 28, 2017 through December 31, 2017.

SBC FILE NUMBER: 110

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Included in this year's Capital Improvement Project budget is a project to construct a new locker room and showers at the Sheriff's Office. These items were cut from the original project in 2012 but are very necessary for the health and efficiency of department staff. This project will construct a new men's locker room, 2 men's showers in the existing restroom, and 1 women's shower in the existing restroom (a women's locker room is already existing). This contractor will design the project and prepare bid documents necessary for construction.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

\$15,000

STAFF RECOMMENDATION:

Approve contract with In Studio Architecture in an amount not to exceed \$15,000, for architectural design services for the Sheriff's Locker Room project and authorize the Chair to sign the contract.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description

Contract with In Studio Architecture

Upload Date Type

3/9/2017

Standard Contract

C O N T R A C T

The COUNTY OF SAN BENITO ("COUNTY") and In Studio Architecture ("CONTRACTOR") enter into this contract which shall be effective on the date stated in Paragraph 1.

1. Duration of Contract.

This contract shall commence on March 28, 2017, and end on December 31, 2017, unless sooner terminated as specified herein.

2. Scope of Services.

CONTRACTOR, for COUNTY's benefit shall perform the services specified on Attachment A to this contract. Attachment A is made a part of this contract.

3. Compensation for Services.

In consideration for CONTRACTOR's performance, COUNTY shall pay compensation to CONTRACTOR according to the terms specified in Attachment B. Attachment B is made a part of this contract.

4. General Terms and Conditions.

The rights and duties of the parties to this contract are governed by the general terms and conditions mutually agreed to and listed in Attachment C. Attachment C is made a part of this contract.

5. Insurance Limits.

CONTRACTOR shall maintain the following insurance policy limits of coverage consistent with the further insurance requirements specified in Attachment C.

- (a) Comprehensive general liability insurance: \$1,000,000
- (b) Professional liability insurance: \$1,000,000
- (c) Comprehensive motor vehicle liability insurance: \$250,000/\$500,000

6. Termination.

The number of days of advance written notice required for termination of this contract is 30.

7. Specific Terms and Conditions (check one)

- ☐ There are no additional provisions to this contract.
- ☒ The rights and duties of the parties to this contract are additionally governed by the specific, additional terms mutually agreed to and listed in Attachment D. Attachment D is made a part of this contract.
- ☐ The rights and duties of the parties to this contract are additionally governed by the specific, additional terms mutually agreed to and listed in Attachment E. Attachment E is made a part of this contract.

8. Information about Contract Administrators.

The following names, titles, addresses, and telephone numbers are the pertinent information for the respective contract administrators for the parties.

Contract Administrator for COUNTY:

Name: Brent Barnes

Title: Resource Management Agency Director

Address: 2301 Technology Parkway

Hollister, California 95023

Telephone No.: 831-636-4170

Fax No.: 831-636-4176

Contract Administrator for CONTRACTOR:

Name: Alex Reynoso

Title: Principal

Address: 250 Main Street

Salinas, CA 93901

Telephone No.: 831-320-2655

Fax No.: _____

SIGNATURES

APPROVED BY COUNTY:

Name: Jaime De La Cruz

Chair, County Board of Supervisors

Date: _____

APPROVED BY CONTRACTOR:

Name: Alex Reynoso

Title: Architect

Date: 03/08/2017

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

Shirley L. Murphy

By: Shirley L. Murphy, Deputy County Counsel

Date: March 8, 2017

ATTACHMENT A

SCOPE OF SERVICES

CONTRACTOR shall provide architectural services for the tenant improvements of the County's existing facility located at 2301 Technology Parkway in Hollister, CA for the County Sheriff's Office. Services shall include the following:

An Interior Tenant Improvement for a new 1200 sf men's locker room, 2 men's showers, one women's shower, and new ceiling for existing hallway.

A. The project Design Services will be for limited design services for the project including architectural, mechanical, electrical, and plumbing services normally required to complete the Project.

B. Contractor shall serve the County as the Lead Project Manager and point of contact.

C. Contractor is not responsible for Furniture, Fixtures, and Equipment, but will coordinate with the County's selections.

ATTACHMENT B Payment Schedule

B-1. BILLING

Charges for services rendered pursuant to the terms and conditions of this contract shall be invoiced on the following basis: (check one)

- ☒ One month in arrears.
- ☐ Upon the complete performance of the services specified in Attachment A.
- ☐ The basis specified in paragraph B-4.

B-2. PAYMENT

Payment shall be made by COUNTY to CONTRACTOR at the address specified in paragraph 8 of this contract, net thirty (30) days from the invoice date.

B-3. COMPENSATION

COUNTY shall pay to CONTRACTOR: (check one)

☐ a total lump sum payment of \$ _____, or

☒ a total sum not to exceed \$ 15,000.00

for services rendered pursuant to the terms and conditions of this contract and pursuant to any special compensation terms specified in this attachment, Attachment B.

B-4. SPECIAL COMPENSATION TERMS: (check one)

☐ There are no additional terms of compensation.

☒ The following specific terms of compensation shall apply:

Compensation shall be distributed by task as follows:

- | | | |
|----|------------------------------|---------|
| A. | Design Development (DD): | \$6,000 |
| B. | Construction Documents (CD): | \$7,700 |
| C. | Back Check (BC): | \$1,000 |
| D. | Reimbursable Expenses | \$300 |

Total Fee: \$15,000

END OF ATTACHMENT B

ATTACHMENT C

General Terms and Conditions

C-1. INDEMNIFICATION.

CONTRACTOR and COUNTY each agree to indemnify, defend and save harmless the other party and the other party's officers and employees, from and against any and all claims and losses whatsoever arising out of, or in any way related to, the indemnifying party's performance under this contract, including, but not limited to, claims for property damage, personal injury, death, and any legal expenses (such as attorneys' fees, court costs, investigation costs, and experts' fees) incurred by the indemnitee in connection with such claims or losses. A party's "performance" includes the party's action or inaction and the action or inaction of that party's officers and employees.

C-2. GENERAL INSURANCE REQUIREMENTS.

Without limiting CONTRACTOR's duty to indemnify COUNTY, CONTRACTOR shall comply with the insurance coverage requirements set forth in the contract and in this attachment. Those insurance policies mandated by Paragraph C-3 shall satisfy the following requirements:

- (a) Each policy shall be issued by a company authorized by law to transact business in the State of California.
- (b) Each policy shall provide that COUNTY shall be given notice in writing at least thirty (30) days in advance of any change, cancellation, or nonrenewal thereof.
- (c) The comprehensive motor vehicle and comprehensive general liability policies shall each provide an endorsement naming the County of San Benito and its officers, agents and employees as additional insureds.
- (d) The required coverage shall be maintained in effect throughout the term of this contract.

CONTRACTOR shall require all subcontractors performing work under this contract to obtain substantially the identical insurance coverage required of CONTRACTOR pursuant to this agreement.

C-3. INSURANCE COVERAGE REQUIREMENTS.

If required by paragraph 5 of the contract, CONTRACTOR shall maintain the following insurance policies in full force and effect during the term of this contract:

- (a) Comprehensive general liability insurance. CONTRACTOR shall maintain comprehensive general liability insurance, covering all of CONTRACTOR's operations with a combined single limit of not less than the amount set out in paragraph 5 of this contract.
- (b) Professional liability insurance. CONTRACTOR shall maintain professional liability insurance with liability limits of not less than the amount set out in paragraph 5 of this contract.

- (c) Comprehensive motor vehicle liability insurance. CONTRACTOR shall maintain comprehensive motor vehicle insurance covering all motor vehicles (including owned, non-owned and hired) used in providing services under this contract, with a combined single limit of not less than the amount set out in Paragraph 5 of this contract.
- (d) Workers' compensation insurance. CONTRACTOR shall maintain a workers' compensation plan covering all of its employees as required by California Labor Code Section 3700, either through workers' compensation insurance issued by an insurance company or through a plan of self-insurance certified by the State Director of Industrial Relations. If CONTRACTOR elects to be self-insured, the certificate of insurance otherwise required by this contract shall be replaced with a consent to self-insure issued by the State Director of Industrial Relations.

C-4. CERTIFICATE OF INSURANCE.

Prior to the commencement of performance of services by CONTRACTOR and prior to any obligations of COUNTY, CONTRACTOR shall file certificates of insurance with COUNTY, showing that CONTRACTOR has in effect the insurance required by this contract. CONTRACTOR shall file a new or amended certificate promptly after any change is made in any insurance policy which would alter the information on the certificate then on file. In lieu of providing proof of insurance, CONTRACTOR may provide proof of self-insurance meeting requirements equivalent to those imposed herein. CONTRACTOR warrants that CONTRACTOR's self-insurance provides substantially the same protection to COUNTY as the insurance required herein. CONTRACTOR further agrees to notify COUNTY in the event any change in self-insurance occurs that would alter the obligations undertaken in this contract within thirty (30) days of such change.

C-5. RECORDS TO BE MAINTAINED.

CONTRACTOR shall keep and maintain accurate records of all costs incurred and all time expended for work under this contract. CONTRACTOR shall contractually require that all of CONTRACTOR's subcontractors performing work called for under this contract also keep and maintain such records. All such records, whether kept by CONTRACTOR or any subcontractor, shall be made available to COUNTY or its authorized representative, or officials of the State of California for review or audit during normal business hours, upon reasonable advance notice given by COUNTY, its authorized representative, or officials of the State of California.

C-6. RETENTION OF RECORDS.

CONTRACTOR shall maintain and preserve all records related to this contract for a period of three years from the close of the fiscal year in which final payment under this contract is made. CONTRACTOR shall also contractually require the maintenance of such records in the possession of any third party performing work related to this contract for the same period of time. Such records shall be retained beyond the three-year period, if any audit involving such records is then pending, until the audit findings are resolved. The obligation to insure the maintenance of the records beyond the initial three year period shall arise only if the COUNTY notifies CONTRACTOR of the commencement of an audit prior to the expiration of the three year period.

C-7. TITLE TO DOCUMENTS; COPYRIGHT.

All reports and other materials collected or produced by the CONTRACTOR or any subcontractor of CONTRACTOR shall, after completion and acceptance of the contract, become the property of COUNTY, and shall not be subject to any copyright claimed by the CONTRACTOR, subcontractor, or their agents or employees. CONTRACTOR may retain copies of all such materials exclusively for administrative purposes. Any use of completed or uncompleted documents for other projects by CONTRACTOR, any subcontractor, or any of their agents or employees, without the prior written consent of COUNTY is prohibited.

C-8. INDEPENDENT CONTRACTOR.

CONTRACTOR and its officers and employees, in the performance of this contract, are independent contractors in relation to COUNTY and not officers or employees of COUNTY. Nothing in this contract shall create any of the rights, powers, privileges or immunities of any officer or employee of COUNTY. CONTRACTOR shall be solely liable for all applicable taxes or benefits, including, but not limited to, federal and state income taxes, Social Security taxes, or ERISA retirement benefits, which taxes or benefits arise out of the performance of this contract. CONTRACTOR further represents to COUNTY that CONTRACTOR has no expectation of receiving any benefits incidental to employment.

C-9. CONFLICT OF INTEREST.

CONTRACTOR covenants that it presently has no interest and shall not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the services hereunder. CONTRACTOR further covenants that, in the performance of this contract, no subcontractor or person having such an interest shall be used or employed.

C-10. COMPLIANCE WITH APPLICABLE LAWS.

CONTRACTOR shall comply with all applicable federal, state and local laws now, or hereafter, in force, and with any applicable regulations, in performing the work and providing the services specified in this contract. This obligation includes, without limitation, the acquisition, and maintenance of any permits, licenses, or other entitlements necessary to perform the duties imposed expressly or impliedly under this contract.

C-11. NONDISCRIMINATION.

CONTRACTOR shall not discriminate in the employment of persons necessary to perform this contract on any legally impermissible basis, including on the basis of the race, color, national origin, ancestry, religion, age, sex, or disability of such person.

C-12. BANKRUPTCY.

CONTRACTOR shall immediately notify COUNTY in the event that CONTRACTOR ceases conducting business in the normal manner, becomes insolvent, makes a general assignment for the benefit of creditors, suffers or permits the appointment of a receiver for its business or assets, or avails itself of, or becomes subject to, any proceeding under the Federal Bankruptcy Act or any other statute of any state relating to insolvency or protection of the rights of creditors.

C-13. PROHIBITION AGAINST ASSIGNMENT AND DELEGATION OF DUTIES.

Except as specifically authorized herein, no rights under this contract may be assigned and no duties under this contract may be delegated by CONTRACTOR without the prior written consent of COUNTY, and any attempted assignment or delegation without such consent shall be void.

C-14. NEGOTIATED CONTRACT.

This contract has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this contract within the meaning of California Civil Code Section 1654.

C-15. SEVERABILITY.

Should any provision herein be found or deemed to be invalid, this contract shall be construed as not containing such provision, and all other provisions which are otherwise lawful shall remain in full force and effect. To this end, the provisions of this contract are declared to be severable.

C-16. ENTIRE CONTRACT.

This contract is the entire agreement of the parties. There are no understandings or agreements pertaining to this contract except as are expressly stated in writing in this contract or in any document attached hereto or incorporated herein by reference.

C-17. TIME IS OF THE ESSENCE.

Time is of the essence in the performance of this contract.

C-18. TERMINATION.

Either party may terminate this contract, with or without cause, at any time. In order to terminate this contract, the terminating party shall give advance written notice to the other party. The termination shall be effective no earlier than the expiration of the number of days specified in paragraph 6 of this contract. The termination notice shall be made as specified in paragraph C-19, below. In the event of termination, COUNTY shall pay CONTRACTOR for all work satisfactorily performed prior to the effective date of the termination.

C-19. NOTICES.

Notices to the parties in connection with the administration of this contract shall be given to the parties' contract administrator personally, by regular mail, or by facsimile transmission as more particularly specified in this paragraph. Notices will be deemed given on:

- (a) The day the notice is personally delivered to the contract administrator or the office of the party's contract administrator; or
- (b) Five days after the date the notice is deposited in the United States mail, addressed to a party's contract administrator as indicated in this contract, with first-class postage fully prepaid; or

- (c) On the day that the notice is transmitted by facsimile to a party's facsimile number specified in paragraph 8 of this contract, provided that an original of such notice is deposited in the United States mail, addressed to a party's contract administrator as indicated in this contract, on the same day as the facsimile transmission is made.

C-20. RESPONSIBILITY OF CONTRACT ADMINISTRATORS.

All matters concerning this contract which are within the responsibility of the parties shall be under the direction of, or shall be submitted to, the respective contract administrators or to the party's employee specified, in writing, by the contract administrator. A party may, in its sole discretion, change its designation of its contract administrator and shall promptly give written notice to the other party of any such change.

C-21. MATERIALITY.

The parties consider each and every term, covenant, and provision of this contract to be material and reasonable.

C-22. WAIVER.

Waiver by either party of a breach of any covenant of this contract will not be construed to be a continuing waiver of any subsequent breach. COUNTY's receipt of consideration with knowledge of CONTRACTOR's violation of a covenant does not waive its right to enforce any covenant of this contract. The parties shall not waive any provisions of this contract unless the waiver is in writing and signed by all parties.

C-23. AUTHORITY AND CAPACITY.

CONTRACTOR and CONTRACTOR's signatory each warrant and represent that each has full authority and capacity to enter into this contract.

C-24. BINDING ON SUCCESSORS.

All of the conditions, covenants and terms herein contained shall apply to, and bind, the heirs, successors, executors, administrators and assigns of CONTRACTOR. CONTRACTOR and all of CONTRACTOR's heirs, successors, executors, administrators, and assigns shall be jointly and severally liable under this contract.

C-25. CUMULATION OF REMEDIES.

All of the various rights, options, elections, powers and remedies of the parties shall be construed as cumulative, and no one of them exclusive of any other or of any other legal or equitable remedy which a party might otherwise have in the event of a breach or default of any condition, covenant or term by the other party. The exercise of any single right, option, election, power or remedy shall not, in any way, impair any other right, option, election, power or remedy until all duties and obligations imposed shall have been fully performed.

C-26. INDEPENDENT ADVICE.

Each party hereby represents and warrants that in executing this contract it does so with full knowledge of the rights and duties it may have with respect to the other. Each party also

represents and warrants that it has received independent legal advice from its attorney with respect to the matters set forth in this contract and the rights and duties arising out of this contract, or that such party willingly foregoes any such consultation.

C-27. NO RELIANCE ON REPRESENTATIONS.

Each party hereby represents and warrants that it is not relying, and has not relied, upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this contract may hereunder turn out to be other than, or different from the facts now known to such party as true, or believed by such party to be true. The parties expressly assume the risk of the facts turning out to be different and agree that this contract shall be effective in all respects and shall not be subject to rescission by reason of any such difference in facts.

C-28. REDUCTION OF CONSIDERATION.

CONTRACTOR agrees that COUNTY shall have the right to deduct from any payments specified in Attachment B any amount owed to COUNTY by CONTRACTOR as a result of any obligation arising prior to, or after, the execution of this contract. For purposes of this paragraph, obligations arising prior to, or after, the execution of this contract may include, without limitation, any property tax, secured or unsecured, which tax is in arrears. If COUNTY exercises the right to reduce the consideration specified in Attachment B, COUNTY, at the time of making a reduced payment, shall give CONTRACTOR notice of the amount of any off-set and the reason for the reduction.

C-29. COUNTERPARTS.

This contract may be executed in any number of counterparts, each of which so executed shall be deemed to be an original. The counterparts shall together constitute one contract.

END OF ATTACHMENT C.

ATTACHMENT D
Specific Terms and Conditions

**Licensed Architects, Landscape Architects, Professional Engineers and
Professional Land Surveyors**

The rights and duties of the parties to this contract are additionally governed by the following specific, additional terms and conditions:

D-1. INDEMNIFICATION. With regard to CONTRACTOR'S performance of design services under this contract, as those services are defined in California Civil Code section 2782.8, paragraph C-1 of Attachment C to this contract is hereby modified, superceded and replaced by this paragraph D-1. With regard to CONTRACTOR'S performance of services under this contract that are not described in section 2782.8, paragraph C-1 of Attachment C to this contract shall continue to govern the indemnification rights and obligations of the parties.

To the fullest extent permitted by law, CONTRACTOR shall defend, indemnify and hold harmless the COUNTY and its officers, agents, employees and representatives from and against any and all claims, actions, losses, injuries, damages or expenses of every name, kind, and description, including litigation costs and reasonable attorney's fees incurred, brought for or on account of, injury to or death of any person, including but not limited to workers, COUNTY's employees, and the public, or damage to property, which arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its officers, agents, employees, volunteers, representatives, contractors and subcontractors. This duty of CONTRACTOR includes the duty of defense, inclusive of that set forth in California Civil Code section 2778. The parties shall cooperate with each other in the investigation and disposition of any claim arising out of the activities under this contract. CONTRACTOR shall not be liable under this indemnification provision if COUNTY has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence, recklessness or willful misconduct. CONTRACTOR'S indemnification obligations shall be apportioned pursuant to the principles of comparative fault, according to proof of COUNTY'S negligence, recklessness or willful misconduct, if any. The obligations set forth herein shall continue beyond the terms of this contract.

D-2. ADDITIONAL SPECIFIC TERMS AND CONDITIONS: (check one)

☒ There are no additional specific terms and conditions.

☐ The following additional specific terms and conditions shall apply: (Specify)

END OF ATTACHMENT D.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 12.

MEETING DATE: 4/11/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Larry Perlin

AGENDA ITEM PREPARER: James Polfer

SBC DEPT FILE NUMBER: 105

SUBJECT:

RESOURCE MANAGEMENT AGENCY

Resolution Adopting the Final Initial Study and Mitigated Negative Declaration (IS/MND), CEQA Findings, Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) for the Limekiln Road Bridge Replacement at Pescadero Creek Project.

SBC FILE NUMBER: 105

RESOLUTION NO: 2017-36

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The Federal Highway Administration approved the replacement of the Limekiln Road Bridge (Bridge No. 43C0054) at the Pescadero Creek crossing (Federal Project No. BRLO 54943(063)). On June 6, 2012 the Board approved a contract with Quincy Engineering Inc. to design the new bridge. The proposed Project will replace the existing single lane 13.5-foot-wide by 24-foot-long bridge constructed in 1980. The California Department of Transportation, on behalf of the Federal Highway Administration, is responsible for project oversight. All necessary studies and documentation necessary for CEQA compliance has been completed. Mitigation

measures will be required to bring the impact of the construction of the replacement bridge to less than significant. The IS/MND and MMRP detail the mitigation measures necessary to reduce the impact to less than significant. The Final IS/MND is attached as Exhibit A to the proposed Resolution. The appendices are not included here, due to their voluminous size. However, the complete Initial Study-Mitigated Negative Declaration, together with all of its appendices, is lodged with the Clerk of the Board of Supervisors and with the San Benito County Resource Management Agency. It is available for review during regular business hours (8:00-5:00 Monday through Friday) at the County Administrative Office, located at 481 Fourth Street, Hollister, California, and the Resource Management Agency, located at 2301 Technology Parkway, Hollister, California. It is also available on-line at www.cosb.us

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Adopt Resolution 2017-____, adopting the Final Initial Study and Mitigated Negative Declaration, CEQA findings, Mitigation Measures, and Mitigation Monitoring and Reporting Program for the Limekiln Bridge Replacement at Pescadero Creek Project; and
2. Authorize the Chair to sign the Resolution.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Resolution Adopting IS-MND for Limekiln Rd. Bridge Replacement at Pescadero Creek Project, CEQA Findings, Mitigation Measures & MMRP	4/5/2017	Resolution
Exhibit A to Resolution: IS-MND for Limekiln Rd. Bridge Replacement at Pescadero Creek Project	3/20/2017	Exhibit
Notification of Lodging of Complete IS-MND, including Appendices	4/5/2017	Backup Material
NOI Proof of Publishing	3/20/2017	Backup Material
Notice of Availability& Intent	3/20/2017	Backup Material

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

2 **A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2017-_____**
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 LIMEKILN ROAD BRIDGE)**
8 **(NO. 43C0054) REPLACEMENT AT PESCADERO)**
9 **CREEK PROJECT (DISTRICT 4))**

10 **WHEREAS**, the County of San Benito has conducted environmental review of the Limekiln Road
11 Bridge Replacement at Pescadero Creek Project (“Limekiln Road Bridge Project”) under the
12 California Environmental Quality Act (CEQA), by preparing an Initial Study/Mitigated Negative
13 Declaration entitled “CEQA Initial Study and Mitigated Negative Declaration: Limekiln Road
14 Bridge (No. 43C0054) Replacement at Pescadero Creek BRLO-5943(063)”, attached hereto and
15 incorporated herein by reference as Exhibit A; and

16 **WHEREAS**, the Custodian of Records for the Limekiln Road Bridge Project, including the Initial
17 Study and Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and
18 all other relevant documents pertaining to the Limekiln Road Bridge Project, the Initial Study and
19 Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program, is the San
20 Benito County Resource Management Agency Director, and the records are filed in the project
21 record located at the San Benito County Resource Management Agency, Public Works Division,
22 2301 Technology Parkway, Hollister, California; and

23 **WHEREAS**, the County of San Benito circulated the Initial Study/Mitigated Negative Declaration
24 for public review from January 27, 2017 to February 27, 2017; and

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

29 **WHEREAS**, no state agencies submitted comments, nor were any public comments received by the
30 County concerning the Initial Study/Mitigated Negative Declaration on or before the close of the
31 public review period on February 27, 2017; and

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

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

1 **WHEREAS**, at the conclusion of the public comment period, the Board of Supervisors deliberated
2 and considered the merits of the Limekiln 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
Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

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

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

11 **Section 2. CEQA Findings:**

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

15 **Evidence:** *The relevant documents used in the preparation of the Initial Study and*
16 *Mitigated Negative Declaration are filed in the project record located at the San Benito*
17 *County Resource Management Agency, Public Works Division, 2301 Technology Parkway,*
18 *Hollister, California. Public review of the Initial Study/Mitigated Negative Declaration was*
19 *conducted from January 27, 2017 to February 27, 2017. The Notice of Availability of the*
20 *Mitigated Negative Declaration was mailed to the State Clearinghouse for circulation to*
21 *designated agencies, published in a local newspaper of general circulation within the*
22 *County of San Benito, and was posted at the following locations in the County: the project*
23 *site, the Resource Management Agency Office, the County Recorder's office, and the County*
24 *Administrative Office.*

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

28 **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.

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

3 **Evidence:** *The San Benito County Resource Management Agency, assisted by LSA*
4 *Associates, Inc., a professional environmental consulting firm, prepared and circulated the*
5 *Initial Study/Mitigated Negative Declaration. The Board of Supervisors considered and*
6 *reviewed the Initial Study/Mitigated Negative Declaration and considered all public*
7 *comments and information received, prior to taking action on the Final Mitigated Negative*
8 *Declaration. The Board of Supervisors, exercising its independent judgment and analysis,*
9 *decided to adopt the Final Mitigated Negative Declaration.*

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

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

17 **Finding 5:** The proposed mitigation measures will reduce potentially significant effects to
18 less than significant.

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

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

Evidence: *After consideration of the Initial Study/Mitigated Negative Declaration, public*
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.

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: Limekiln Road Bridge*
(No. 43C0054) Replacement at Pescadero Creek BRLO-5943(063), attached hereto and

1 incorporated hereby by reference as Exhibit A, incorporating the mitigation measures identified
2 therein, and adopts the Mitigation Monitoring and Reporting Program set forth in Section 6.0.

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

4 AYES: SUPERVISORS:
5 NOES: SUPERVISORS:
6 ABSENT: SUPERVISORS:
7 ABSTAIN: SUPERVISORS:

7 By: _____
8 Jaime De La Cruz, Chair

9 ATTEST:
10 Chase Graves, Clerk of the Board

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

11 By: _____

11 By: Shirley L. Murphy 4/5/17
12 Shirley L. Murphy, Deputy County Counsel
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EXHIBIT A:

CEQA INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

LIMEKILN ROAD BRIDGE (NO. 43C0054)
REPLACEMENT AT PESCADERO CREEK BRLO-5943(063)

EXHIBIT A

FINAL

CEQA INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

LIMEKILN ROAD BRIDGE (NO. 43C0054) REPLACEMENT
AT PESCADERO CREEK BRLO-5943(063)

SAN BENITO COUNTY, CALIFORNIA



March 2017

CEQA INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

**LIMEKILN ROAD BRIDGE (NO. 43C0054) REPLACEMENT
AT PESCADERO CREEK BRLO-5943(063)**

SAN BENITO COUNTY, CALIFORNIA

Submitted to:

San Benito County Department of Public Works
2301 Technology Parkway
Hollister, California 95023

Prepared by:

LSA Associates, Inc.
201 Creekside Ridge Court, Suite 250
Roseville, California 95678
(916) 772-7450

State Clearinghouse No: 2017011071

LSA Project No. QCE1202

March 2017

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B: NATURAL ENVIRONMENT STUDY/BIOLOGICAL ASSESSMENT

C: HISTORIC PROPERTY SURVEY REPORT

D: HYDROLOGIC, HYDROGEOLOGIC AND GEOTECHNICAL FOUNDATION
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E: INITIAL SITE ASSESSMENT

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1.0 INTRODUCTION

The San Benito County Department of Public Works (San Benito County), the lead agency, proposes to replace the existing Limekiln Road Bridge over Pescadero Creek (herein referred to as the Project) (No. 43C0054) with a new longer and wider bridge. The proposed Project would replace the existing single lane 13.5-foot-wide by 24-foot-long bridge constructed in 1980. The existing bridge is Structurally Deficient and has a Sufficiency Rating of 30.6 making it eligible for Federal Highway Bridge Program (HBP) replacement funding. The California Department of Transportation (Caltrans), on behalf of the Federal Highway Administration (FHWA), is providing Project oversight as federal funds are involved.

1.1 ENVIRONMENTAL REVIEW

The proposed Project constitutes a “Project” in accordance with CEQA. Prior to approving the proposed Project, San Benito County must provide environmental review in accordance with CEQA to assess the potential impacts of the proposed Project, including mitigation where necessary.

San Benito County has prepared this Initial Study to provide agencies and the public with information about the potential impacts of the proposed Project on the local and regional environment. This document has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 as amended, and the State CEQA Guidelines, California Administrative Code, Title 14, Division 6, Chapter 3 (CEQA Guidelines). In anticipation of determining that all potentially significant impacts resulting from the proposed Project can be mitigated to less than significant levels, a Mitigated Negative Declaration is being considered to provide environmental clearance for the proposed Project.

1.2 CLARIFICATIONS AND CORRECTIONS

During the public review period, one comment letter was received, from the State of California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit. The comment letter did not identify the need for clarification or revisions to the IS/MND text. On the Cover and Title Pages of this document the word “Draft” has been deleted and the word “Final” has been added and the State Clearinghouse number has been added. Sections 1.2 “Clarifications and Corrections”, 1.3 “Public Comments”, 1.4 “Response To Comment Format”, and 1.5 “Additional Documentation” have been added to this Final IS/MND and provides discussion of steps that have been taken since the public circulation of the Draft IS/MND. Section 1.2 “Summary Information” of the Draft IS/MND has been renumbered and is included in this Final IS/MND as Section 1.6. Section 5.0 “Response to Comments” has been added to this Final IS/MND and provides response to comments that were received during the public review period of the Draft IS/MND occurring from January 27, 2017 to February 27, 2017 Section 6.0 “Mitigation and Monitoring Program” has also been added to this Final IS/MND and provides a matrix of the mitigation measures that would be implemented, the mitigation

milestones (timing of when the measure is to be implemented/completed) and agencies/entities responsible for implementing/overseeing the measures.

1.3 PUBLIC COMMENTS

The County of San Benito circulated the Draft IS/MND for the Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek for public review and agency review, for 30 days, commencing on January 27, 2017 and ending on February 27, 2017. The following comment letters (one public agency comment letter) were received on the January 2017 Draft IS/MND:

- State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit (Dated February 28, 2017)

1.4 RESPONSE TO COMMENT FORMAT

Section 5.0 Response to Comments is organized in the following way:

- The comment letters are included and labeled with a comment code that corresponds to the responses; and,
- A response to each relevant comment follows, organized by comment code.

1.5 ADDITIONAL DOCUMENTATION

The Final IS/MND includes additional documentation for the public record, including:

- Notice of Completion;
- Notice of Determination; and,
- Letter dated February 28, 2017 from the Governor's Office of Planning and Research State Clearinghouse and Planning Unit noting compliance with the State Clearinghouse review of requirements.

These additional documents are included in Appendix D of this Final IS/MND.

1.6 SUMMARY INFORMATION

1. **Project Title:** Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek
2. **Lead Agency Name and Address:**
San Benito County Department of Public Works
2301 Technology Parkway
Hollister, CA 95023
(831) 902-2273
3. **Contact Person and Phone Number:**

James Polfoy
Senior Engineer, Public Works Division
San Benito County RMA - Public Works Division
(831) 902-2273

4. **Project Location:** The Project site is located along Limekiln Road at the crossing of Pescadero Creek. The site is located approximately 11 miles south of the City of Hollister. Surrounding land uses include two single-family ranch style residential units located west and east of the Project site and Agricultural Rangeland as designated by the County of San Benito 2035 *General Plan Land Use Element*.¹ **Figure 1: Regional Location** shows the location of the Project site within the County of San Benito, and **Figure 2: Project Location** shows the location of the site in relation to surrounding existing uses.
5. **Project Sponsor's Name and Address:**
San Benito County Department of Public Works
2301 Technology Parkway
Hollister, CA 95023
(831) 636-4170
6. **General Plan Designation:** Project Site: None (Public Street). Surrounding area: Agricultural Rangeland (AR).
7. **Zoning:** Project Site: None (Public Street). Surrounding area: Agricultural Rangeland (AR).
8. **Description of Project:** Limekiln Road is classified as a Low Collector Road with an average daily traffic (ADT) volume of approximately 400 vehicles. The road runs roughly north to south and intersects with Cienega Road approximately 700 feet north of the Limekiln Road Bridge. Limekiln Road south of the bridge is a dead end and serves residential and agricultural areas, an active rock quarry and wineries. The land immediately surrounding the bridge is open farmland with an orchard in the northeast quadrant.

Actions associated with the proposed Project would include: bridge demolition, channel slope protection, approach roadway work, bridge construction, metal beam guardrail installation, concrete bridge railing, temporary traffic control including a temporary detour, right-of-way acquisition and temporary construction easements, and utility relocation. The Project area is composed of 2.79 acres (2.28 acres of non-urbanized land and 0.51 acres of urbanized land (roadway)). The total length of the Project area is approximately 760 feet, which includes approximately 720 feet of roadway work beyond the bridge abutments. The roadway alignment 400 feet beyond each end of the bridge would require profile adjustment to accommodate hydraulic freeboard over the creek and to maintain the 55 mile per hour design speed. The new bridge deck would be approximately 2 to 3 feet higher than the existing bridge deck. **Figure 3: Project Design** shows the design schematics of the proposed Project.

The proposed bridge would consist of a 40-foot-long single-span structure. The preferred bridge type is a cast-in-place (CIP) reinforced concrete slab. The new bridge would have a 32-foot clear width made up of two 12-foot lanes and 4-foot shoulders. Caltrans Type 732 concrete bridge railings are expected to be used. Bridge construction would require temporary falsework in the channel, potentially spanning over any wetted creek area. Construction is expected to occur during

¹ County of San Benito 2035 General Plan Land Use Element, Figure 3-2 Land Use Diagram (North County).

very low flow or a dry creek. The concrete bridge abutments are expected to be supported on driven steel HP piles, approximately six per abutment.

Rock slope protection (RSP) limits at each abutment are expected to extend approximately 10 to 15 feet into the channel and approximately 20 feet upstream and downstream of the bridge. A 10- to 20-foot-wide swath of natural channel bottom in the creek would remain.

Overhead and underground utilities adjacent and parallel to the west side of Limekiln Road would require relocation for the wider roadway and for pile driving operations during bridge construction.

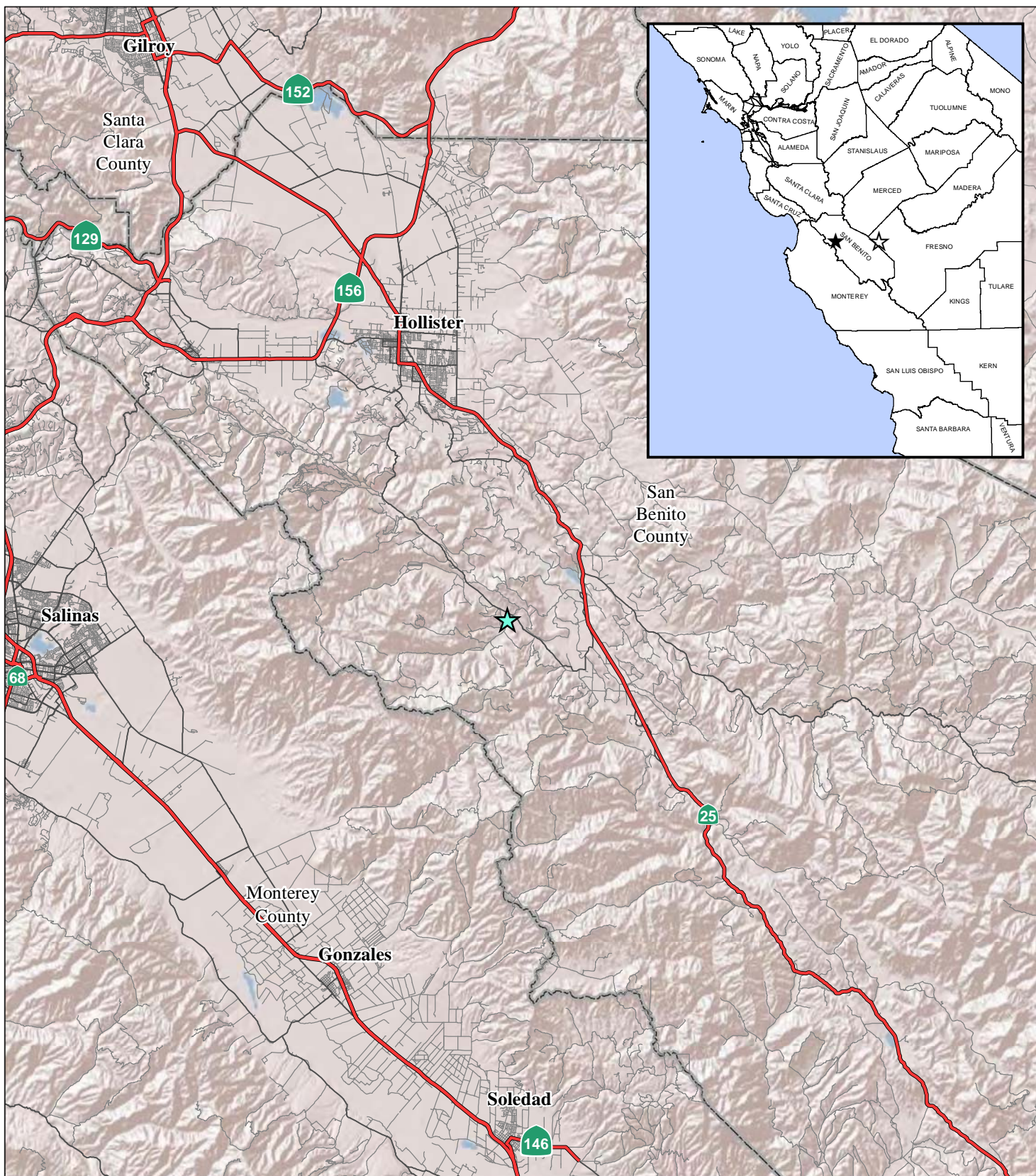
With no detour on existing roads available, closing Limekiln Road (a dead end road) is not an option. A temporary detour roadway would be developed in order to maintain traffic through the construction site. The temporary paved detour would be 15 feet wide and require a fill in the creek channel approaching 30 feet wide near the upstream (west) side of the existing bridge. The detour would include a temporary 18 inch diameter pipe culvert in the creek under a low-level earthen embankment west of the existing bridge. The detour would be paved with 2 inches hot mix asphalt concrete on 4 inches aggregate base and would be designed for the large rock quarry trucks that use the roadway. The temporary detour is expected to be approximately 400 feet long.

Approximately five small to medium-sized trees in the adjacent open pasture would require removal to accommodate the temporary detour west of the Limekiln Road. The row of orchard trees nearest the east side of the roadway would be within the proposed right-of-way.

The proposed staging area for the proposed Project would be located on the parcel located in the northwest portion of the Project area. The proposed Project would require acquisition of a temporary construction easement from APNs 026-090-028, 026-090-029, and 026-090-034. The proposed Project would also require 0.54 acres of right-of-way acquisition.

9. Other Public Agencies whose Approval is Required (e.g., permits, financing approval, or participation agreement).

- San Benito County CEQA Approval
- United States Army Corps of Engineers (Corps) 404
- Regional Water Quality Control Board (RWQCB) 401
- California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement
- U.S. Fish and Wildlife (USFWS) Biological Assessment Approval/Biological Opinion Issuance
- National Marine Fisheries Service (NMFS) Consultation
- Air Quality Management District Construction Permit
- Caltrans NEPA Clearance

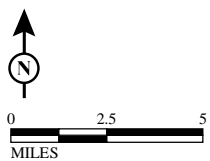


LSA

FIGURE 1

LEGEND

★ Project Location



SOURCE: ESRI Imagery (4/2008)
 I:\Qce1202\A\IS-MND\Figure 1.ai (10/8/2013)

*Limekiln Road Bridge (43C0054) Replacement
 at Pescadero Creek
 Federal Aid No. BRLO 5943(063)*

Regional Location



L S A

LEGEND


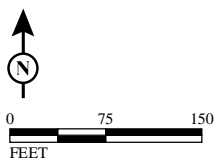
 Project Site Boundary

FIGURE 2



SOURCE: Basemap - Quincy Engineering (2012)

E:\Qce1202\AI\IS-MND\Figure 2.ai (10/8/2013)

*Limekiln Road Bridge (43C0054) Replacement
at Pescadero Creek
Federal Aid No. BRLO 5943(063)*

Project Location



L S A

LEGEND

Project Site Boundary

Project Design

Temporary Roadway Detour

Staging Area

Aquatic Ordinary High Water Mark



0 75 150
FEET

SOURCE: Basemap - Quincy Engineering (2012)

E:\Qce1202\AI\IS-MND\Figure 3.ai (10/8/2013)

FIGURE 3

*Limekiln Road Bridge (43C0054) Replacement
at Pescadero Creek
Federal Aid No. BRLO 5943(063)*

Project Design

Environmental Factors Potentially Affected:

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

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Geology/Soils | |
| <input type="checkbox"/> Agricultural and Forestry Resources | | |
| <input checked="" type="checkbox"/> Cultural Resources | | |

10. **Determination.** (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Signature

Date

2.0 ENVIRONMENTAL EVALUATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project site is located along Limekiln Road at the Pescadero Creek crossing approximately 11 miles south of the City of Hollister. The land immediately surrounding the bridge is open farmland with an orchard in the northeast quadrant. The proposed Project is located in a rural area of San Benito County.

The topography of the Project site is relatively flat and lies at an elevation of approximately 822 feet, with surrounding hills to the north, south and west ranging in elevations from 1,120 to 2,250 feet above mean sea level.

Limekiln Road crosses Pescadero Creek which flows in a northwest to southeast direction. Within the Project area, the creek is natural and has not been disturbed with the exception of the location of the support structures for the existing bridge.

Land to the north of the Project site includes Cienega Road beyond which is open space; land to the east includes active orchards with a residential unit and associated agricultural outbuildings; land to the south includes Limekiln Road, open space, and fallow agricultural land; and, land to the west is comprised of open space, fallow agricultural land, and a residential unit and associated agricultural outbuildings.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The proposed Project is located along Limekiln Road at the Pescadero Creek crossing. The proposed Project would replace the existing Limekiln Road Bridge with a new, longer and wider bridge on an improved roadway alignment to improve safety and meet current AASHTO standards for design speed and/or bridge width. The topography within the proposed Project boundary is relatively flat at an elevation of approximately 822 feet. Hills ranging in elevation between 1,120 to 2,250 feet above mean sea level are located north, south, and west of the Project site.

The proposed Project would be located within the footprint of the existing bridge spanning Pescadero Creek at Limekiln Road. A temporary detour over Pescadero Creek would be developed during the construction phase of the proposed Project. The temporary detour would be a new feature within the surrounding views; however, the temporary detour would not obstruct views of the surrounding hillsides and would be removed upon completion of the proposed bridge crossing.

Although construction equipment and personnel vehicles would be present during construction activities, views of surrounding hillsides would not be obstructed for motorists traveling along Limekiln Road. Once construction has been completed and the proposed bridge is operational, the proposed Project would not impair surrounding views nor would it impact scenic vistas. The new bridge and structures associated with the proposed project would be similar in style as the existing bridge; however, modern materials would be used to construct the new bridge, guardrails, etc. Materials and design of site features are proposed to be appropriate for the rural visual character of this location. **No impact** would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. The proposed Project is located along Limekiln Road at the Pescadero Creek crossing. Limekiln Road is not considered a State scenic highway pursuant to the San Benito County General Plan Scenic Roads and Highways Element.¹ Development of the proposed Project would be limited to the areas of the existing bridge spanning over Pescadero Creek. Construction and operation of the proposed Project would not substantially damage scenic resources, including trees, rock outcroppings, or historic buildings within a State scenic highway. The proposed Project would require the removal of six small to medium-sized arroyo willow trees. Eleven additional orchard trees will be removed on the west side of Limekiln Road; however, because the proposed Project is not located within a State scenic highway, **no impact** would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant. The Project site is relatively flat with hills to the north, south, and west. Activities associated with the proposed Project would include bridge demolition, channel slope protection, approach roadway work, bridge construction, metal beam guardrails, concrete bridge railing, temporary traffic control including a temporary detour, right-of-way acquisition and temporary construction easements, and utility relocation. However, these activities would occur at the Pescadero

¹ County of San Benito 2035 General Plan, Natural and Cultural Resources Element, pg. 8-13.

Creek crossing along Limekiln Road in a relatively disturbed area. Construction activities would be confined to the creek crossing and would not degrade the visual characteristic of the surrounding hillsides. Motorists approaching the Project site from the north and south along Limekiln Road would be able to see demolition and development activities; however, the visual character of the surrounding hills and watershed would remain intact and would not be substantially degraded. Therefore, the proposed Project would not substantially degrade the existing visual character or quality of the Project site and its surroundings. Potential visual character impacts would be *less than significant*.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

No Impact. The Project site is located in a rural area of San Benito County with minimal light and glare. Existing sources of light and glare include vehicles traveling on the roadway. No new light standards would be installed along Limekiln Road or the new bridge as part of the proposed Project. Replacement of the bridge would not generate any additional traffic, which could potentially increase light or glare associated with vehicular headlights. Additionally, the alignment of the temporary detour would not result in light spill on adjacent residences from vehicular headlights. The proposed Project would not create a new source of substantial light or glare. *No impact* would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURAL AND FOREST RESOURCES				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources based on soil information documented by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). Agricultural land is rated by the NRCS according to soil quality and

irrigation status. Lands with soils best suited for agricultural production are designated as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance and are collectively known as Important Farmland. The FMMP maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. FMMP's statistical and mapping information is contiguous with modern soil surveys developed by the U.S. Department of Agriculture. The FMMP designates land into the following categories: Prime Farmland; Farmland of Statewide Importance; Unique Farmland; Farmland of Local Importance; Grazing Land; Urban and Built-Up Land; Other Land; and, Water. The following provides definitions of each of these designations:

- **Prime Farmland** – Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. Prime Farmland has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Lands designated as Prime Farmland must have been used for irrigated agricultural production at some time during the four years prior to the mapping date;
- **Farmland of Statewide Importance** – Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Lands with a “Farmland of Statewide Importance” designation must have been used for irrigated agricultural production at some time during the four years prior to the mapping date;
- **Unique Farmland** – Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee;
- **Grazing Land** – Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattleman's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities;
- **Urban and Built-Up Land** – Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes;
- **Other Land** – Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped under this designation; and,
- **Water** – Perennial water bodies with an extent of at least 40 acres.

Review of the California Department of Conservation (CDC) FMMP indicates that the land surrounding the Project site is designated as Prime Farmland and Grazing Land. According to the CDC FMMP, there are 0.66 acre of Prime Farmland and 2.13 acres of Grazing Land within the proposed Project boundary. Temporary impacts of 0.13 acre and permanent impacts of 0.24 acre of Prime Farmland would occur with implementation of the proposed Project.

The CDC recommends the use of the Land Evaluation and Site Assessment Model (LESA) to determine if the loss of Important Farmland (Prime Farmland, Unique Farmland or Farmland of Statewide Importance) due to project implementation would result in a significant impact to the County and State Important Farmland inventory. The LESA Model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resource quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100-point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. The project score that becomes the basis for determining a project's potential significance on the loss of Important Farmland, based upon a range of the following established thresholds:

- **0 to 39 points:** Not considered significant;
- **40 to 59 points:** Considered significant only if LE and SA subscores are each greater than or equal to 20 points;
- **60 to 79 points:** Considered significant unless either LE or SA subscore is less than 20 points; and
- **80 to 100 points:** Considered significant.

Analysis using the LESA Model was conducted for the loss of Prime Farmland due to proposed Project implementation. The final LESA Model score is presented below. **Appendix A** provides the LESA Model worksheets that were completed for the proposed Project.

The California Land Conservation Act, better known as the Williamson Act, has been California's premier agricultural land protection program since its enactment in 1965. The Williamson Act preserves agricultural and open space lands through property tax incentives and voluntary restrictive use contracts. Private landowners voluntarily restrict their land to agricultural and compatible open space uses under minimum 10-year rolling term contracts with local governments (local County or City). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. In August of 1998, the Legislature enhanced the Williamson Act with the Farmland Security Zone (FSZ) provisions. The FSZ provisions offer landowners greater property tax reduction in return for a minimal rolling contract term of 20 years. As of the 2014 snapshot, published March 2015, approximately 15.4 million reported acres of land were enrolled under the Williamson Act in California.¹ San Benito County, as of 2010, had a Williamson Act enrollment of 579,430 acres of land.² According to the San Benito County General Plan, portions of the Project site are under Williamson Act Contracts, including APNs 026-090-028, 026-090-034, and 026-090-029.³ These parcels are zoned for Agricultural Rangeland (AR) per the County of San

¹ California Department of Conservation, The California Conservation (Williamson) Act 2014 Status Report, March 2015, pg. 1.

² California Department of Conservation, The California Conservation (Williamson) Act 2014 Status Report, March 2015, pg. 34.

³ County of San Benito, San Benito County Public Review Draft Background Report Chapter 4 Agriculture, November 2010, Figure 4-2 Williamson Act Contracts, pg. 4-14.

Benito Zoning Map.¹ Agricultural uses in the Project vicinity include areas of row crops, orchards, and wineries.

The Project site is not located in an area designated or zoned as forest land or timberland.

Discussion

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?*

Less Than Significant. In 2012, as part of the FMMP, the CDC inventoried agricultural lands within San Benito County. According to the collected data, there are 27,446 acres of Prime Farmland within San Benito County. Lands within and surrounding the Project site are designated as Prime Farmland according to the FMMP 2012 Important Farmland Map update.²

Development of the proposed Project would result in temporary impacts to 0.13 acre of Prime Farmland. This land would be used for construction equipment staging areas and movement of construction vehicles and equipment around the Project site. Implementation of **Mitigation Measure AG-1** would reduce temporary impacts to Prime Farmlands that are currently under agricultural production to a *less than significant* level.

Mitigation Measure AG-1: Construction activities occurring on temporary impact areas that are used for agricultural production and designated as Prime Farmland shall occur at the end of the harvest season. The post-harvest construction window would allow temporary construction activities to occur on-site without permanently damaging agriculturally productive Prime Farmland. All temporary impact areas designated as Prime Farmland shall be returned to pre-Project conditions once all construction activities on the Project site are completed. Any soil that is removed or excavated in the temporary impact areas that are designated as Prime Farmland shall be stockpiled on-site and re-used as fill to return such areas to original conditions once construction is completed. New soil shall not be used to replace excavated soils in the temporary impact areas that are designated as Prime Farmland.

Development of the proposed Project would require the permanent conversion of 0.24 acre of Prime Farmland to an urbanized use. The amount of Prime Farmland that would be lost in association with the development of the proposed Project equates to 0.001 percent of 27,446 acres present in San Benito County (CDC 2012). The LESA Model was used to determine if the loss of Prime Farmland due to development of the proposed Project would result in a significant impact to the Prime Farmland

¹ County of San Benito Zoning Code, http://cosb.us/wp-content/uploads/Zoning_NSBC.pdf. Accessed December 1, 2015

² California Department of Conservation, Farmland Mapping and Monitoring Program, San Benito County Important Farmland Map 2012, Accessed June 8, 2015.

inventory of San Benito County. **Table A: LESA Model Results** shows the results of the LESA Model analysis for the proposed Project.¹

Table A: LESA Model Results

	Factor Scores	Factor Weight	Weighted Factor Scores
LE Factors			
Land Capability Classification	77.5	0.25	19.4
Storie Index	81.0	0.25	20.3
LE Subtotal		0.50	39.7
SA Factors			
Project Size	0	0.15	0
Water Resource Availability	38	0.15	5.7
Surrounding Agricultural Land	0	0.15	0
Protected Resource Land	100	0.05	5
SA Subtotal		0.50	10.7
Final LESA Score			50.4

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, California Agricultural Land Evaluation and Site Assessment Model Instruction Manual, completed October 17, 2013. (Worksheets are attached as Appendix A).

The LESA Model completed for the proposed Project results in a score of 39.7 points and 10.7 points on the Land Evaluation (LE) and Site Assessment (SA) evaluation portion of the LESA Model, respectively. Based on these subscores, the proposed Project would have a final LESA Model score of 50.4 points. As discussed above, a final LESA score between 40 and 59 points is considered significant only if LE and SA subscores are each greater than or equal to 20 points. As shown above in **Table B**, the SA evaluation portion of the LESA Model scored a total of 10.7 points. Per the threshold standards of the LESA Model, development of the proposed Project would result in a *less than significant* impact to the loss of Prime Farmland.

Based on the nominal amount of Prime Farmland being lost, the results of the final LESA score, and implementation of **Mitigation Measure AG-1** for temporary impacts to Prime Farmland, potential impacts to Important Farmland would be *less than significant*.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

¹ It should be noted that the analysis used in the LESA Model is based on the different soil types that are located throughout the entire 2.79-acre Project site. The LESA Model is used to determine if the loss of certain types of soils that are designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (collectively known as Important Farmland) would have an adverse impact on the inventory of Important Farmland in San Benito County. Although Project implementation would result in the permanent loss of 0.24 acre of the 0.66 acre of Prime Farmland located within the Project site, the LESA Model takes into account all of the soils on a project site.

Less Than Significant with Mitigation Incorporated. Prescriptive easements for Limekiln Road were established prior to 1948, and the Williamson Act Contracts on the parcels adjacent to the proposed Project site were established after 1965. The County of San Benito maintains a 40-foot-wide easement for road purposes along the bridge portion of Limekiln Road extending from Cienega Road to a little over 0.5 mile south of Cienega Road. If the proposed Project is confined to this 40-foot-wide prescriptive easement, then the County would be allowed to acquire portions of each of the parcels through the eminent domain process, and this land would be removed from each of the Williamson Act Contracts established on parcels APN 026-090-028, APN 026-090-034, and APN 026-090-029. The remaining land on each of these parcels would continue to be under Williamson Act Contracts. If the County develops the proposed Project with a 60-foot-wide right-of-way on Limekiln Road widening to a 100-foot-wide right-of-way at the bridge site, then construction of the proposed Project would require contract termination for 1.92 acres of land under Williamson Act Contracts. Implementation of **Mitigation Measure AG-2** would be required to ensure this impact would be *less than significant*.

Mitigation Measure AG-2: The County of San Benito shall notify the California Department of Conservation of the intent to acquire additional right-of-way land from APN 026-090-028, APN 026-090-034, and APN 026-090-029 (all of which are under Williamson Act Contracts). The notification shall follow the procedures set forth by the California Department of Conservation for Public Acquisitions of Williamson Act Contracted Land. The notice shall indicate the amount of land that would need to be acquired from each of these parcels to implement the proposed Project. The notice shall also indicate that the remaining land on each parcel is not required for Project implementation and that said land would continue to be under Williamson Act Contracts.

Implementation of **Mitigation Measure AG-2** would reduce potential impacts to Williamson Act Contracted Land to a *less than significant* level.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No Impact. The Project site and the surrounding area do not contain forest or timberland and are not zoned for forest land, timberland or timberland production. *No impact* would occur.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The Project site is not located on forest land, and therefore would not result in the loss of forest land or the conversion of these lands to non-forest uses. *No impact* would occur.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Less Than Significant with Mitigation Incorporated. The proposed Project has the potential to result in the loss of 1.92 acres of land under Williamson Act Contracts. Implementation of **Mitigation Measure AG-1** would ensure that impacts on Williamson Act Contracted Lands would be *less than significant*.

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III. AIR QUALITY

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

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

The Project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and within the boundary of the North Coast Central Air Basin (NCCAB). The MBUAPCD is the lead air quality regulator for the NCCAB, and has jurisdiction over all point and area emission sources. Within the MBUAPCD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb) have been set by both the State of California (State) and the federal government. The State has also set standards for sulfate and visibility. The NCCAB (San Benito County) air quality status for 2015 is summarized below in **Table B: NCCAB (San Benito County) Air Quality Attainment Status for 2015**.

Table B: NCCAB (San Benito County) Air Quality Attainment Status for 2015

Pollutant	State	Federal
Ozone (1 hour)	Nonattainment	No Federal Standard (formerly classified as Extreme)
Ozone (8 hour)	Nonattainment	Unclassified/Attainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Attainment	Unclassified/Attainment
Carbon Monoxide	Unclassified	Unclassified/Attainment
Nitrogen Dioxide	Attainment	Unclassified/Attainment
Lead	Attainment	Unclassified/Attainment
Sulfur Dioxide	Attainment	Attainment
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard

Source: California Air Resources Board, 2015. Area Designations. January 2015. Available:
<http://www.arb.ca.gov/design/design.htm>.

As shown in **Table B**, the NCCAB is in moderate nonattainment for the State one-hour ozone standard, nonattainment for the State eight-hour ozone standard and unclassified/attainment for the Federal eight-hour ozone standard. The Air Basin is also in attainment/unclassified for the PM₁₀ and PM_{2.5} Federal standards and the PM_{2.5} State standard but is in nonattainment for the State PM₁₀ standards. The nearest air quality monitoring station, Hollister-Fairview Road Station, is located approximately 8.5 miles north of the Project site. Major findings regarding air quality in the NCCAB (San Benito County) include the following:

- The NCCAB is currently in a nonattainment status for ozone and particulate matter pollutants. The MBUAPCD adopted the *1991 Air Quality Management Plan (AQMP) for the Monterey Bay Region*, which addresses planning requirements to meet the ozone standard mandated by the State Clean Air Act. The AQMP was most recently updated in 2013. In accordance with federal Clean Air Act requirements, the MBUAPCD adopted the *2007 Federal Maintenance Plan for Maintaining the National Ozone Standard in the Monterey Bay Region*. The maintenance plan includes strategies for maintaining the National Ambient Air Quality Standards for ozone within the NCCAB. In December 1995, the MBUAPCD also prepared the *1995 Report on Attainment of the California Fine Particulate Standard in the Monterey Bay Region*. This report was most recently updated in 2005.
- Emission sources within San Benito County include major reactive organic gases (ROG), nitrogen oxide (NO_x), fugitive dust (PM₁₀), and fine particulates (PM_{2.5}). The major sources of these emissions in the County include:
 - ROG = solvent evaporation, farming, and managed burning;
 - NO_x = motor vehicles;
 - PM₁₀ = unpaved roads, wind erosion, and agricultural tillage; and,
 - PM_{2.5} = managed burning and the combustion of fossil fuels.

- Emissions data collected between 2011 and 2013 from the Hollister-Fairview Road air quality monitoring station showed no violations for the State and Federal eight-hour ozone standards or the State and Federal PM_{2.5} standards. However, there were violations of the State PM₁₀ standard in 2011, 2012, and 2013.

A discussion on Greenhouse Gas (GHG) emissions is presented below in Section VII of this document.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant. An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a nonattainment area. The main purpose of air quality plans is to bring the area into compliance with the requirements of Federal and State air quality standards. The air quality plans rely on the assumptions and projections of local planning agencies to determine control strategies for regional compliance status. Since the air quality plans are based on local General Plans (e.g., San Benito County General Plan), projects that are deemed consistent with applicable General Plans are usually found to be consistent with the air quality plans. Considering that the proposed Project is consistent with the San Benito County General Plan (i.e., does not require a land use designation change, does not increase the capacity of the roadway), the proposed Project would also be in compliance with MBUAPCD air quality plans.

The proposed Project would not result in the generation of additional vehicle trips along Limekiln Road and would not increase regional Vehicle Miles Traveled (VMT). Construction and development of the proposed Project would include bridge demolition, channel slope protection (in Pescadero Creek), approach roadway work, bridge construction, metal beam guard rail installation, concrete bridge railing, temporary traffic control including a temporary detour, right-of-way acquisition and temporary construction easements, and utility relocation. As such, the proposed Project would not conflict with or obstruct implementation of the MBUAPCD air quality plan. Impacts would be *less than significant*.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant with Mitigation Incorporated. The short-term and long-term air quality impacts associated with the proposed Project are discussed below.

Construction Period Impacts

The proposed Project would result in short-term, temporary air pollutant emissions from construction activities. Bridge demolition, grading, and vehicle/equipment use would contribute to short-term air pollution emissions. Construction emissions were estimated for the proposed Project using the Sacramento Air Quality Management District's Road Construction Emissions Model, Version 7.1.4. The MBUAPCD 2008 CEQA Air Quality Guidelines identifies a threshold of significance for one construction-related pollutant: PM₁₀. As shown in **Table C: Estimated Construction Emissions (Total Project Area)**, the MBUAPCD threshold for PM₁₀ is 82 pounds per day. The proposed Project

would not exceed the daily emissions threshold for PM₁₀ and project-related construction emissions would therefore be less than significant.

Table C: Estimated Construction Emissions (Total Project Area)

Project Phases	ROG (lbs/day)	NO _x (lbs/day)	Total PM ₁₀ (lbs/day)	Total PM _{2.5} (lbs/day)	Exhaust PM ₁₀ (lbs/day)	Exhaust Dust PM _{2.5} (lbs/day)
Grubbing/Land Clearing	2.1	21.8	1.2	1.0	1.0	0.9
Grading/Excavation	17.1	196.9	9.1	8.1	8.9	8.0
Drainage/Utilities/Sub-Grade	11.8	121.4	6.3	5.6	6.1	5.6
Paving	2.5	20.9	1.4	1.3	1.4	1.3
Maximum (pounds/day)	17.1	196.9	9.1	8.1	8.9	8.0
Significance Criteria	NA	NA	NA	NA	82.0	NA
Significant	No	No	-	-	No	No

Notes: NA = Not Applicable. The MBUAPCD does not have significance criteria for pollutant category.

Model inputs include: Project Start Year: 2017; Project Length (months): 4; Total Project Area (acres): 2.8; Total Soil Imported/Exported (yd³/day): 400. Miles per round trip for soil hauling activities: 30 miles;

Number of round trips per day: 20.

PM₁₀ estimates assume 50% control of fugitive dust from watering and associated dust control measures.

Total PM₁₀ emissions are the sum of exhaust and fugitive dust emissions.

Emissions estimated using Sacramento Metropolitan Air Quality Management District's Road Construction

Emissions Model, Version 7.1.5.1

Source: LSA, 2015

San Benito County has identified areas likely to contain Naturally Occurring Asbestos (NOA). NOA deposits are mostly found in the southern portion of the County. The U.S. Environmental Protection Agency (EPA) issued the *Clear Creek Management Area (CCMA), an Asbestos Exposure and Human Health Risk Assessment* in 2008, which concluded that due to the presence of NOA, adults and children visiting the CCMA more than once per year could be exposed to carcinogens at levels exceeding EPA standards. The Project site is located outside of the CCMA and is not located in an area known to have NOA deposits.

As indicated in Table C, construction of the proposed Project would not exceed the established threshold for PM₁₀; however, implementation of **Mitigation Measure AIR-1** would ensure potential fugitive dust emission impacts would be less than significant.

Mitigation Measure AIR-1: The County and/or their Project contractor shall prepare a Dust Control Plan for demolition and construction activities at the Project site pursuant to the requirements and regulations of the MBUAPCD. The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures:

- All visible dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;

- All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- Earth or other material that has been deposited by trucking or earthmoving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- Asphalt, oil, water or suitable chemicals shall be applied on stockpiled materials, and other surfaces that can give rise to airborne dusts;
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- The contractor's foreman shall take reasonable precautions to prevent the entry of unauthorized vehicles during non-work hours;
- The contractor's foreman shall keep a daily log documenting the activities implemented to control fugitive dust;
- If deposits of NOA are discovered during construction, activities shall be suspended and mitigation on a site-specific basis shall be developed and implemented. Construction Plans for the proposed Project shall include a notice stating, "If NOA is discovered (uncovered) during demolition, grading or construction activities, work shall be suspended immediately and the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be contacted to determine compliance measures to be taken regarding the NOA." In addition, the following measures shall be required:
 - All on-site vehicle speeds shall be limited to fifteen (15) miles per hour on unpaved roads. Visible dust crossing the property boundary shall be prohibited;
 - Storage piles and disturbed areas not subject to vehicular traffic shall be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos; and
 - Activities shall be conducted so that no track-out from any road construction activities is visible on any paved roadway open to the public.

Implementation of **Mitigation Measure AIR-1** would ensure potential fugitive dust emission impacts would be *less than significant*.

Operation Period Impacts – Regional Emissions

Operational air emission impacts are associated with any change in permanent use of the Project site by on-site stationary and off-site mobile sources that substantially increase vehicle trip emissions. No stationary sources are associated with the proposed Project and new vehicle trips would not be generated or significantly increase VMT. Therefore, operational activities associated with the proposed Project would not contribute substantially to an existing or projected air quality violation. Operational impacts would be *less than significant*.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?*

Less Than Significant with Mitigation Incorporated. The proposed Project would result in short-term increases in air pollutant emissions due to construction activities. The proposed Project would not result in increased air pollutant emissions during its operation. Increases of short-term air pollutant emissions would not result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in nonattainment status for Federal or state ambient air quality standards. Implementation of **Mitigation Measure AIR-1**, described above, would reduce construction impacts regarding air quality issues to a *less than significant* level.

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as young children, the elderly, and people with compromised immune systems. The proposed Project is located in a rural area of San Benito County; however, a single-family residential unit is located approximately 900 feet west of the Project site and a second residential unit is located approximately 1,200 feet east of the Project site. Construction activities occurring on the Project site may expose these residents to airborne particulates and fugitive dust, as well as a small quantity of pollutants associated with the use of construction equipment (e.g., diesel-fueled vehicles and equipment) on a short-term basis. Implementation of **Mitigation Measure AIR-1** would reduce construction-related emissions to a *less than significant* level, thereby minimizing potential exposure of sensitive receptors to substantial pollutant concentrations. The proposed Project would not result in increased pollutant emissions during operation since its development would not increase traffic along Limekiln Road. Therefore, the nearby sensitive receptors would not be exposed to substantial pollutant emissions during operation of the proposed Project. Impacts would be *less than significant*.

- e) *Create objectionable odors affecting a substantial number of people?*

Less Than Significant. Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or vehicles during the proposed Project construction period. However, these odors would be short-term in nature and would not result in permanent impacts to the nearby sensitive receptors. In addition, odors from construction equipment and vehicles on the Project site would be dispersed quickly and would not likely subject the adjacent single-family residential units to objectionable odors. Long-term operation of the proposed Project would not generate any new vehicle trips; therefore, increases in permanent odors would not result from operation of the proposed Project. Impacts would be *less than significant*.

Potentially
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Less Than
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IV. BIOLOGICAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

LSA prepared a Natural Environmental Study and Biological Assessment (May 2015) for the proposed Project (see **Appendix B**). The information for the following section was based on these two studies.

The Project area is located in western San Benito County on the southern portion of the Gabilan Mountain range, approximately 11 miles south of the City of Hollister. The proposed Project is located within the Paicines quadrangle, in Township 14 South, Range 6 East, and in Sections 20, 16 and 17.

Land in the Project area consists of vegetative communities and developed areas. Vegetative communities are discussed below. The developed area within the Project area consists of Limekiln Road totaling approximately 0.51 acre.

The Project area lies in a largely rural area among farmlands and orchards within the San Benito River watershed. Aquatic features in the general vicinity consist of Pescadero Creek, small ephemeral drainages tributary to Pescadero Creek, and several stock ponds. The dominant plant communities in the vicinity of the Project area consist of willow and oak riparian, annual grasslands, oak woodlands, and agriculture fields. Primary land uses in the vicinity are for rural residences and agricultural purposes.

The Project area consists of approximately 2.79 acres and is at an elevation of approximately 822 feet. The land in the vicinity of the Project area is privately owned and appears to be similar in use and vegetative characteristics to that of the Project area.

The undeveloped areas within the Project area consist of Pescadero Creek and its associated arroyo willow vegetation, walnut orchard, row crops, and ruderal grasslands. Land adjacent to the Project area is comprised primarily of annual grasslands, oak woodlands, and agriculture fields.

Vegetation communities were classified based on the descriptions in Sawyer, Keeler-Wolf, and Evans (2008), as applicable. Vegetation communities and land uses occurring in the Project area include one natural community: arroyo willow riparian series.

Three other vegetation communities not considered natural are also present: walnut orchard, row crops, and ruderal grassland. Vegetation communities comprise 2.28 acres of the Project area, as summarized in **Table D: Natural Communities and Other Vegetation in the Project Area (acres)**.

Table D: Natural Communities and Other Vegetation in the Project Area (acres)

Natural Communities	Acres
Arroyo willow series	0.25
Subtotal	0.25
Other Vegetation Communities	
Walnut orchard	0.40
Row crops	0.72
Ruderal grassland	0.91
Subtotal	2.03
Total	2.28

Source: LSA Associates, Inc., 2015.

Arroyo Willow Series

The arroyo willow series, totaling approximately 0.25 acres within the Project area, occurs along Pescadero Creek. This community is dominated by arroyo willow (*Salix lasiolepis*). Poison hemlock (*Conium maculatum*), California mugwort (*Artemisia douglasiana*), small bedstraw (*Galium trifidum*),

California wild rose (*Rosa californica*), and rough cocklebur (*Xanthium strumarium*) are some of the primary understory species in this community.

Walnut Orchard

This habitat type consists of maintained walnut orchards with heavily cultivated and irrigated soils. This community is located in the northeast portion of the Project area and totals approximately 0.40 acre.

Row Crops

Row crops include a diversity of field crop types in addition to recently tilled fields where no crop growth is evident. Also included in this community are fallow fields, provided they are obviously part of an ongoing agricultural operation, and fields that have been recently tilled or disked but where little (i.e., stubble) or no crop growth is evident. This community is located in the northwest portion of the Project area and totals approximately 0.72 acre.

Ruderal Grassland

The ruderal grassland community is likely a former natural community that has been subject to regular disturbance and now has a large component of ruderal species. In the Project area, ruderal grassland occurs primarily along the roadway shoulders and generally in the south side of the Project area. This community is dominated by poison hemlock, soft chess (*Bromus hordeaceus*), and ripgut grass (*Bromus diandrus*). Approximately 0.91 acre of ruderal grassland occurs within the Project area.

Observed Animal Species

Mammals

During the April 25, 2013 field survey of the Project site, California ground squirrels (*Otos beecheyi*) were observed. Other common species likely to occur in the Project area include coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginiana*), and mule deer (*Odocoileus hemionus*).

Birds

Bird species observed during the site survey include the northern mockingbird (*Mimus polyglottos*), yellow-throated vireo (*Vireo flavifrons*), black phoebe (*Sayornis nigricans*), mallard (*Anas platyrhynchos*), Brewer's blackbird (*Euphagus cyanocephalus*), American robin (*Turdus migratorius*), red-winged blackbird (*Agelaius phoeniceus*), yellow-billed magpie (*Pica nuttalli*), turkey vulture (*Cathartes aura*), and Cooper's hawk (*Accipiter cooperii*). Other common bird species expected to occur in the Project area include California towhee (*Melospiza crissalis*), white-crowned sparrow (*Zonotrichia leucophrys*), great horned owl (*Bubo virginianus*), red-shouldered hawk (*Buteo lineatus*), band-tailed pigeon (*Columba fasciata*), western bluebird (*Sialia mexicana*), blue-gray gnatcatcher (*Poliophtila caerulea*), acorn woodpecker (*Melanerpes formicivorus*), bushtit (*Psaltiriparus minimus*), American crow (*Corvus brachyrhynchos*), and Bewick's wren (*Thryomanes bewickii*).

Amphibians and Reptiles

No amphibians were observed during the field survey. The site assessment concluded that both the California tiger salamander (CTS; *Ambystoma californiense*) and California red-legged frog (CRLF; *Rana draytonii*) are likely to occur in the vicinity of the Project area. Other common amphibian species

likely to occur in the Project area include the Pacific chorus frog (*Pseudacris sierra*) and California toad (*Anaxyrus boreas halophilus*).

No reptile species were observed during the field survey. The Project area provides habitat for the Pacific pond turtle, a State species of concern. Other reptile species likely to occur in the Project area include western terrestrial garter snake (*Thamnophis elegans elegans*), western rattlesnake (*Crotalus oreganus*), common gopher snake (*Pituophis catenifer*), and western fence lizard (*Sceloporus occidentalis*).

Migration Corridors

Wildlife movement corridors are linear habitats that function to connect two or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wild animals from one area of suitable habitat to another in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

Pescadero Creek is a tributary to the San Benito River and converges with the San Benito River approximately 2.3 miles downstream of the Project area. Pescadero Creek is joined by several smaller ephemeral tributaries along this 2.3-mile stretch, and the creek provides a link between the Gabilan Mountain range and the habitats in Hollister Valley. Consequently, Pescadero Creek provides a potential movement corridor for smaller species of wildlife within the Project area.

Aquatic Resources

Aquatic resources within the Project area consist of Pescadero Creek, its associated wetland and arroyo willow riparian community, and a small roadside drainage ditch along Limekiln Road.

The primary aquatic feature in the Project area is Pescadero Creek. Pescadero Creek is a perennial, relatively fast flowing low-gradient stream within a confined channel. The low-flow channel is approximately 6 feet in width with a bed composed of sand and clay with the occasional gravelly area; these areas are generally sparsely vegetated.

The area along the banks above the low-flow channel supports dense wetland vegetation (i.e., arroyo willow riparian community). The width of Pescadero Creek within the Project area is fairly uniform at approximately 22 feet and has an average depth during modest flows of approximately 1 foot. The roadside ditch, located along the west shoulder of Limekiln Road south of the Pescadero Creek crossing, drains supplemental flows from irrigated pastureland to the southeast. The roadside ditch discharges into Pescadero Creek within the Project area. The ditch is approximately 5 feet wide and is densely vegetated with common tule (*Schoenoplectus acutus occidentalis*).

The potential wetlands within the Project area are located along the length of Pescadero Creek and in the roadside ditch along the west shoulder of Limekiln Road. **Table E: Potential Jurisdictional**

Waters in the Project Area (acres) provides a summary of the potentially jurisdictional waters in the Project area.

Table E: Potential Jurisdictional Waters in the Project Area (acres)

Features	Area
Wetland Waters of the U.S.	
Pescadero Creek	0.09
Drainage ditch	0.04
Subtotal Wetlands	0.13
Non-wetland Waters of the U.S.	
Subtotal Non-wetlands	---
Total Waters of the U.S.	0.13
CDFW 1602 Wetland Waters	
Pescadero Creek	0.09
Arroyo Willow Riparian	0.17
Drainage Ditch	0.04
Total CDFW 1602 Waters	0.30

Source: LSA Associates, Inc., 2015

Special-Status Species

Bats

There are three species of bats that could occur in the BSA; the western red bat (*Lasiurus blossevillii*) and the greater western mastiff bat (*Eumops perotis californicus*), which are both State species of concern; and the Townsend's big-eared bat (*Corynorhinus townsendii*), which is proposed for State listing as endangered. None of these species have any formal federal status.

Bats are nocturnal and are found in a variety of habitats. Many species of bats forage over water; some also hunt over shrubs or meadows, within trees, and along forest edges. Some bat species have separate roosts for day, night, maternal, and hibernation use, whereas some species may use the same roost for more than one purpose. Bats roost in a variety of crevices, cavities, and protected sites; roosting sites may include bridges, buildings, cliff crevices, caves, mines, and trees. Multiple species often roost together.

The western red bat is a common species in the Central Valley Basin and ranges up into the lower reaches of the Sierra Nevada. It is mostly a solitary species and roosts predominantly in trees at the edge of streams, fields, or urban areas. This species is an aerial predator, foraging over open terrain.

The greater western mastiff bat is a large species that is uncommon in the Coastal ranges. It roosts predominantly in crevices and vertical cliffs. The species feeds predominantly on insects, with moths accounting for 80 percent of their diet. This species is an aerial predator, soaring at great lengths all

night in order to forage over wide areas. This species occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, desert scrub, and urban.

Townsend's big-eared bat is widely distributed in North America and occurs in a variety of habitats from sea level to about 10,000 ft elevation. This species is found throughout California but specific details of its distribution are not well known, however it is most abundant in mesic habitat. It roosts in colonies and prefers cave like habitat but has also been reported to utilize buildings, bridges, rock crevices and man-made structures as roost sites. Foraging habitat includes edges along streams adjacent to and within a variety of wooded habitats, in addition to open areas such as pastures. Small moths and beetles are primary food sources. Echolocation is generally used to capture prey while in flight.

San Joaquin Kit Fox

The San Joaquin kit fox (SJKF; *Vulpes macrotis mutica*) is a federally endangered and State threatened species. This species inhabits annual grasslands or other open areas with scattered vegetation, and requires loose-textured soils for burrowing. SJKF construct their own dens, but may also modify burrows constructed by other animals, such as ground squirrels and coyotes. SJKF also den in human-made structures, such as culverts and abandoned pipes.

Cooper's Hawk

Cooper's hawks (*Accipiter cooperii*) are on the CDFW watch list for nesting, but have no formal status. In California, they are primarily year-long residents, and are found throughout most of the wooded portion of the State.

Cooper's hawks favor riparian or areas near open water for nesting and often use broken woodlands and habitat edges for hunting. Cooper's hawks are aerial specialists that primarily catch birds in flight. Prey may be chased through trees and thickets, or snatched from a perch. These hawks build stick nests in dense stands of live oak, riparian deciduous forest, and occasionally coniferous forest, usually near a stream. These birds are monogamous, and breeding season is March through August with peak activity May through July. Young are dependent on adults for 30 to 40 days after fledging.

Western Burrowing Owl

The western burrowing owl (*Athene cunicularia*) is a California species of concern. It has no federal status. Burrowing owls occur in warmer valleys, open, dry grasslands, deserts, and scrublands associated with agriculture and urban areas that support populations of California ground squirrels. Burrowing owls nest below ground, using abandoned burrows of other species (most commonly ground squirrel) and feed on insects and small mammals.

Prairie Falcon

The prairie falcon (*Falco mexicanus*) is a California species of concern; the species has no formal federal status. Prairie falcons inhabit dry, open terrain, either level or hilly. They forage in open areas such as grasslands, savannahs, desert scrub, and agricultural fields. Their diet consists primarily of small mammals, medium-sized birds, and reptiles. Prey may be captured in the air or on the ground. Prairie falcons usually nest on cliffs overlooking large, open areas. Breeding season is February through mid-September with peak activity in April to early August.

Least Bell's Vireo

The least Bell's vireo (*Vireo bellii pusillus*) (LBV) is both state and federally listed as endangered. Critical habitat has been established for the LBV; the nearest is Santa Barbara County, over 100 mi south of the BSA.

LBV breeds in California and northwestern Baja California, Mexico; it winters in southern Mexico. Historically, LBV ranged as far north as Tehama County; at the time of its federal listing in 1986, there were an estimated 300 pairs and most were concentrated in San Diego County. The LBV population is currently increasing (partly due to cowbird removal programs); the birds are expanding their range into areas where they have not occurred for 50 years.

LBV is a small bird of riparian habitat types, and typically nests and forages in willow-dominated areas with a structurally diverse canopy. Understory species such as California wild rose, poison oak, and California blackberry provide the concealment LBV prefers for nest sites. LBV is insectivorous and forages most frequently in willows, particularly black willow, though adjacent upland areas are also used for foraging.

Breeding season begins in mid-March or early April; LBV are present on the breeding grounds until late September. Nests are placed in a tree or shrub, within 3 ft of the ground. Typically, 3-4 eggs are laid; multiple clutches are often produced.

The primary constituent elements for the LBV are riverine and floodplain habitats (particularly willow-dominated riparian woodland with dense understory vegetation maintained, in part, in a non-climax stage by periodic floods or other agents) and adjacent coastal sage scrub, chaparral, or other upland plant communities.

Pacific Pond Turtle

The Pacific pond turtle (*Emys marmorata*) is a State species of concern and has no federal status. The Pacific pond turtle ranges from western Washington State south to northwestern Baja California. Two subspecies occur in California: the north Pacific pond turtle (*E.m. marmorata*); and the south Pacific pond turtle (*E.m. pallida*). The Project area is within the range of intergradations between the two subspecies. The pond turtle is a highly aquatic species, found in ponds, marshes, rivers, streams, and irrigation ditches that typically have rocky or muddy bottoms and support aquatic vegetation. Eggs are laid at upland sites away from the water between the months of April and August.

California Tiger Salamander (CTS)

CTS (*Ambystoma californiense*) is both State and federally listed as a threatened species. Critical habitat has been designated for CTS but the Project area is not located within designated critical habitat. The closest CTS critical habitat is Unit eb-15b which is located approximately 6.2 miles north of the Project area along Highway 25 in northern San Benito County, and Unit eb-17, which is located approximately 11 miles south of the Project area on the border of Monterey and San Benito counties.

CTS are large, terrestrial salamanders and are most commonly found in annual grassland habitat. CTS may also occur in the grassy understory of valley-foothill hardwood habitats, and uncommonly along stream courses in valley-foothill riparian habitats. They range from Sonoma, Colusa, and Yolo

Counties south through the Central Valley to Tulare County, and through the Coast Range into Santa Barbara County. An isolated population also occurs in Butte County.

CTS are typically associated with vernal pools or similar habitats consisting of seasonal pools or ponds (including man-made ponds, etc. that dry out in summer) surrounded by grasslands. Adult CTS spend most of their lives underground in small mammal burrows, which are a required habitat element. CTS are relatively poor burrowers and require refuges provided by ground squirrels and other burrowing mammals. CTS estivate in burrows during the dry months. After the onset of winter rains, adult salamanders move to larger, longer lasting vernal pools and other seasonal pools to breed. Breeding season is November through February; timing is dependent on rainfall. The larval stage of CTS usually lasts 3 to 6 months. Following metamorphosis, juveniles emigrate at night from drying breeding sites up to one mile to refuge sites.

California Red-Legged Frog (CRLF)

CRLF (*Rana draytonii*) is a federally listed threatened species and a State species of concern. Critical habitat for CRLF was designated on March 17, 2010. The Project area is located 0.3 mile west of critical habitat SNB-1 for CRLF.

CRLF inhabits lowlands and foothills in or near permanent sources of water. They prefer ponds, creeks, or marshes with extensive shoreline vegetation. Intermittent streams provide suitable habitat if some surface water remains through the summer. Breeding generally occurs in ponds or stream pools that contain water through late summer and support dense, shrubby, or emergent vegetation such as overhanging willows intermixed with cattails. However, breeding habitat can be varied and may include sag ponds, lagoons, stock ponds and backwaters within streams and creeks.

CRLF use upland areas and riparian vegetation for resting, feeding, dispersal, and estivation. Riparian areas can meet all of these needs; the scope of upland habitat use is not well-understood. CRLF may spend considerable time in suitable upland areas during the summer dry period. They may use a variety of places for estivation, including small mammal burrows, cracks at the bottom of a dry pond, spaces under boulders, rocks, and downed trees, and agricultural features such as drains, watering troughs, and abandoned sheds. Dispersal may occur across varying topography and vegetation type, and during winter rain events CRLF may travel up to 2 miles between water sources. Use of upland and riparian areas is most likely dependent on a number of factors, such as climatic conditions, habitat suitability, and life stage.

South Central California Coast Steelhead

The South Central California Coast steelhead (*Onorhynchus mykiss*) (SCCC steelhead) is federally listed as threatened and has no State status. Critical habitat for the SCCC steelhead was established in 2006, and includes the length of San Benito River within San Benito County. The Project area is approximately 2.3 miles west of the San Benito River.

Steelhead are anadromous fish that spend part of their life cycle in freshwater and part in salt water. Spawning occurs in small, freshwater streams where the young remain from one to several years before migrating to the ocean to feed and grow. Adults return to their natal streams to spawn and complete their life cycle. Steelhead require clean, cold, well-oxygenated streams for spawning. Spawning streams must have a substrate of gravel or small cobble to provide safe incubation sites for the eggs. The SCCC steelhead occurs throughout Monterey County and in most of San Luis Obispo and San Benito Counties, as well as the southern part of Santa Clara County.

Discussion

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation Incorporated. A list of sensitive wildlife and plant species potentially occurring within the Project area and vicinity was compiled to evaluate potential impacts resulting from proposed Project construction. Sources used to compile the list include the California Natural Diversity Data Base (CNDDB), the USFWS online special-status species list, and the California Native Plant Society (CNPS) Online Edition referencing the Quien Sabe Valley, Paicines, Tres Pinos, Hollister, Mt. Harlan, Gonzales, Mount Johnson, Bickmore Canyon, Cherry Peak United States Geological Survey 7.5-minute quadrangles. Based on a review of the special-status species lists, the proposed Project has the potential to affect 12 special-status wildlife species.

Bats

The removal of 0.03 acre of arroyo willow riparian vegetation and 0.21 acre of ruderal grassland would result in a loss of foraging habitat for all three special-status bat species with the potential to occur in the Project area: western red bat, greater western mastiff bat, and the Townsend's big-eared bat. In addition, 0.16 acre of temporary impacts to arroyo willow riparian vegetation would occur during installation of temporary falsework and construction of the temporary roadway detour.

One CNDDB occurrence for each bat species has been recorded within the search area. The records for western red bat and greater mastiff bat are both located approximately 10.5 mi northwest of the BSA, near the City of Hollister. The Townsend's big-eared bat record is located approximately 16 mi southeast of the BSA within Pinnacles National Monument.

The existing Limekiln Road Bridge does not provide suitable roosting habitat for bats, and trees in the Project area do not provide suitable leaf structure for these species to roost. Foraging habitat is present for all three bat species, and bats could occur in the Project area while foraging. Although there are no trees suitable for roosting in the Project area, both species of bat may roost in barns and structures associated with neighboring residences.

The proposed Project has the potential to impact foraging bats. Implementation of **Mitigation Measure BIO-1** would reduce this impact to a *less than significant* level.

Mitigation Measure BIO-1: The following measures shall be implemented to reduce any potential impacts to foraging bats:

1. Work activities shall be limited to daylight hours to minimize potential effects to foraging bats.
2. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be revegetated with the seed mix specified in Table F:

Native Species Mix. Invasive exotic plants will be controlled to the maximum extent practicable.

Table F: Native Species Mix

Scientific Name	Common Name	Rate (Lbs./Acre)	Minimum Percent Germination
<i>Artemisia douglasiana</i>	Mugwort	2.0	50
<i>Bromus carinatus carinatus</i>	California brome	5.0	85
<i>Elymus trachycaulus</i>	Slender wheatgrass	2.0	60
<i>Elymus X triticum</i>	Regreen	10.0	80
<i>Eschscholzia californica</i>	California poppy	2.0	70
<i>Hordeum brachyantherum</i>	California barley	2.0	80
<i>Lupinus bicolor</i>	Bicolored lupine	4.0	80

Source: LSA Associates, Inc., 2015

Implementation of **Mitigation Measure BIO-1** would reduce potential impacts to foraging bats to a *less than significant* level.

San Joaquin Kit Fox

There are seven occurrences for SJKF within the search area. The closest record, dated 1975, occurred approximately 6.5 miles north of the Project area.

The CNDDDB records in the vicinity are from a migration corridor along Highway 25, approximately 3 miles east of the Project area. No suitable habitat for SJKF is present within the Project area; however, SJKF may be observed in the vicinity or migrate through the Project area. No SJKF or suitable den sites were observed during the site visit.

Mitigation Measure BIO-2: The following measures are included in the USFWS's *Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (June 1999), and shall be implemented as part of the proposed Project.

1. Project-related vehicles shall observe a 20-mile per hour speed limit in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when SJKF are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of the Project area shall be prohibited.
2. To prevent inadvertent entrapment of SJKF or other animals during the construction phase of the proposed Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly

inspected for trapped animals. If at any time a trapped or injured SJKF are discovered, the procedures under number 12 of this section must be followed.

3. SJKF are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for one or more overnight period shall be thoroughly inspected for SJKF before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a SJKF is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the Project area.
5. No firearms shall be allowed in the Project area.
6. To prevent harassment, mortality of SJKF, or destruction of dens by dogs or cats, no pets shall be permitted in the Project area.
7. Use of rodenticides and herbicides in the Project area shall be restricted. Prohibiting use of rodenticides and herbicides is necessary to prevent primary or secondary poisoning of SJKF and the depletion of prey populations on which they depend. All uses of such compounds shall 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 shall be used because of proven lower risk to SJKF.
8. A representative shall be appointed by the County who will be the contact source for any employee or contractor who might inadvertently kill or injure a SJKF or who finds a dead, injured, or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS.
9. An employee education program shall be conducted for the proposed Project. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the proposed Project. The program shall include the following: a description of the SJKF and its habitat needs; a report of the occurrence of SJKF in the Project area; an explanation of the status of the species and its protection under the FESA and CESA; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned people and anyone else who may enter the Project area.
10. Upon completion of the proposed Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors,

etc., shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the proposed Project, but that after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the CDFW and revegetation experts.

11. In the case of trapped animals, escape ramps, or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.

Additional minimization measures include:

1. In the event that a SJKF or its sign is observed in the Project area, or it is otherwise determined that SJKF may be affected by the proposed Project during work on the bridge, Caltrans (on behalf of the FHWA) and the USFWS, Ventura Field Office must be notified immediately to determine whether additional consultation is necessary.

Implementation of **Mitigation Measure BIO-2** would reduce potential impacts to San Joaquin Kit Fox to a *less than significant* level.

Cooper's Hawk

The CNDDDB includes four records for Cooper's hawk within the record search area. All records occur in the Bickmore Canyon quadrangle. The closest record, dated 2007, occurred approximately 15 miles southwest of the Project area. The arroyo willow series and habitat edges in and adjacent to the Project area provide potential foraging habitat. One adult Cooper's hawk was observed during the field visit.

The proposed Project would result in permanent and temporary impacts to 0.03 acre and 0.16 acre, respectively, of arroyo willow riparian habitat, which is potential foraging habitat for Cooper's hawk.

The proposed Project would also have the potential to result in temporary impacts to Cooper's hawk attempting to nest in the vicinity of the Project, as construction activities could potentially discourage nesting.

Implementation of **Mitigation Measure BIO-3** would reduce impacts to nesting Cooper's hawk to a *less than significant* level.

Mitigation Measure BIO-3: The following measures are recommended to reduce any potential impacts to nesting Cooper's hawks:

1. If possible, all trees that will be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1), to avoid take of a nest or bird. If this is not possible, a survey for nesting Cooper's hawks shall be conducted in the Project area and within a 500-foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc.

2. If nesting Cooper's hawks are found within 500 feet of the Project area, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the Project area, and line of sight between the nest and the Project area.
3. CDFW and Caltrans shall be contacted to review the evaluation and determine if the proposed Project can proceed without adversely affecting nesting activities.
4. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the proposed Project is adversely affecting nesting activities.

Implementation of **Mitigation Measure BIO-3** would reduce impacts to nesting Cooper's hawk to a *less than significant* level.

Western Burrowing Owl

The CNDDDB includes five records for western burrowing owl; the closest one, dated 2005, is located approximately 9 miles north of the Project area. The ruderal grasslands within the Project area provide suitable foraging habitat for burrowing owls. No suitable burrows are present in the Project area and no sign of owl presence (e.g., whitewash, pellet casting, etc.) were observed during the field visit. However, suitable burrows were observed in the grasslands just north of the Project area. This species could forage in the Project area.

The proposed Project would result in permanent impacts to 0.21 acre and temporarily disturb 0.19 acre of ruderal grassland habitat, which is potential foraging habitat for burrowing owls. Permanent impacts would occur as a result of proposed Project cut and fill activities; temporary impacts would occur as a result of the temporary roadway detour.

Implementation of **Mitigation Measure BIO-4** would reduce impacts to western burrowing owls to a *less than significant* level.

Mitigation Measure BIO-4: Areas of ruderal grasslands temporarily disturbed during construction shall be revegetated with the seed mix specified in Table F Invasive exotic plants will be controlled to the maximum extent practicable.

Implementation of **Mitigation Measure BIO-4** would reduce impacts to western burrowing owls to a *less than significant* level.

Prairie Falcon

The CNDDDB includes 17 results for prairie falcon within the 9-quadrangle search area. The documented occurrences are within Cherry Peak, Quien Sabe Valley and Bickmore Canyon. However, the exact location of the occurrences within the quadrangles is unknown.

No suitable nesting habitat for this species is located within the Project area but the ruderal grasslands in the Project area provide marginally suitable foraging habitat for the prairie falcon.

The proposed Project would result in permanent impacts to 0.21 acre and temporarily disturb 0.19 acre of ruderal grassland habitat, which is potential foraging habitat for the prairie falcon.

Implementation of **Mitigation Measure BIO-4** would reduce potential impacts to prairie falcon to a *less than significant* level.

Least Bell's Vireo

The closest CNDDDB record for LBV is located outside the search area and is approximately 22 mi north of the BSA, near the city of Gilroy. The arroyo willow series provides suitable habitat for LBV. It is unlikely, but possible, for this species to occur in the BSA. Though potential nesting habitat is present in the BSA, it is a small fragment and there is a low probability for this species to occur in the vicinity. The closest known occurrence is approximately 22 mi from the BSA and the closest critical habitat is located more than 100 mi south of the BSA.

The project will result in permanent impacts to 0.03 ac of suitable LBV habitat (arroyo willow series) during installation of the RSP and construction of the new bridge. Temporary impacts, totaling 0.16 ac, will occur as a result of the installation of temporary falsework and the temporary roadway detour.

Implementation of **Mitigation Measure BIO-5** would reduce potential impacts to Least Bell's Vireo to a *less than significant* level.

Mitigation Measure BIO-5: The following avoidance and minimization measures should reduce any potential impacts to nesting Least Bell's Vireo:

1. Because there is potentially suitable habitat for LBV, the County and Caltrans commit to employing a qualified biologist for nesting bird surveys. A qualified field biologist is considered to be someone with verifiable experience in the detection of least Bell's vireo and implementing the USFWS 2001 survey guidance for the species. Prior to the start of construction, the County shall submit the biologist(s) qualifications to Caltrans for approval.
2. A preconstruction survey for nesting LBV shall be conducted in the BSA and within a 100-ft radius by a qualified biologist. The survey shall be conducted no more than 14 days prior to the start of earthmoving activities.
3. If LBV are found within the area surveyed, the USFWS, CDFW and Caltrans shall be contacted to determine appropriate measures to take to avoid any impact to this species. At a minimum, construction activity within 100 ft of the nest shall cease until a qualified biologist verifies that the young have fledged and are capable of independent survival. Caltrans, as the federal lead agency, will notify the USFWS. San Benito County will be responsible for notifying CDFW.
4. During placement of RSP, native topsoil from the channel will be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM will be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles will be installed within the lower sections of the RSP near the OHWM.

Pacific Pond Turtle

The CNDDDB includes eight records for Pacific pond turtle in the search area. There are three occurrences recorded within 3.5 miles of Project area, with the nearest record located 1.8 miles to the northeast. The reach of Pescadero Creek within the Project area provides habitat for the Pacific pond turtle and the species is likely to be present in and around the Project area.

The proposed Project would result in permanent impacts to 0.03 acre of aquatic habitat for Pacific pond turtle due to installation of RSP and the new bridge's abutments. The proposed Project would also result in temporary impacts to 0.08 acre of aquatic habitat due to placement of temporary falsework and the temporary roadway detour.

Implementation of **Mitigation Measure BIO-6** would reduce potential impacts to Pacific pond turtle to a *less than significant* level.

Mitigation Measure BIO-6: The following measures are proposed to reduce any potential impacts to Pacific pond turtle:

1. Prior to the start of construction activities in Pescadero Creek, the reach of the creek within the Project area shall be surveyed by a qualified biologist for the presence of Pacific pond turtles. If Pacific pond turtles are observed in the Project area, they shall be relocated outside of the work area by a qualified biologist.
2. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to pre-construction contours (if necessary) and revegetated with the native seed mix specified in Table F.
3. Measures consistent with the current Caltrans' Construction Site BMP Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to Pacific pond turtle suitable habitat resulting from erosion, siltation, etc. during construction.

Implementation of **Mitigation Measure BIO-6** would reduce potential impacts to Pacific pond turtle to a *less than significant* level.

California Tiger Salamander

CTS are well documented in the vicinity of the Project area with the CNDDDB documenting 33 records of CTS in the 9-quadrangle search area. The closest record, dated 2003, occurred approximately 750 feet north of the Project area bridge.

The reach of Pescadero Creek within the Project area is a perennial watercourse with flows too swift to provide suitable aquatic breeding habitat for CTS and no other potential aquatic habitat occurs in the Project area. However, several stock ponds occur within 1.24 miles of the Project area, including a stock pond within 50 feet of the Project area, that likely provide suitable aquatic breeding habitat for CTS.

Though ruderal grasslands are present in the Project area (potential upland/estivation habitat for CTS), no suitable burrows or other suitable openings in the ground that could provide refuge for CTS were observed. Additionally, the ruderal grasslands south of Pescadero Creek are hydrologically at a lower elevation than the creek, which creates “sink-like” conditions with a high water table. The elevational change deters fossorial mammals from burrowing in the area, rendering this area unsuitable for CTS estivation (i.e., upland habitat). However, several ground squirrel burrows were observed in the annual grasslands adjacent to and north of the Project area. These areas are close to adjacent stock ponds suitable for CTS breeding and could be utilized by CTS for estivation.

A site assessment for the CTS was prepared in July 2013; the report concluded that CTS are potentially present in the vicinity, based on species range, species records, and presence of suitable habitat near the Project area and could migrate through the Project area. However, CTS are not expected to either breed or estivate within the Project area, due to the absence of aquatic and upland habitat, respectively.

The Project area does not provide suitable aquatic breeding or upland estivation habitat for CTS and the only CTS likely to occur within the Project area are migrating individuals.

Implementation of **Mitigation Measure BIO-7** would reduce potential impacts to CTS to a *less than significant* level.

Mitigation Measure BIO-7: The following measures are proposed to minimize effects to any CTS potentially in the proposed Project vicinity:

1. Worker environmental awareness training will be conducted by a qualified biologist for all construction personnel. This training instructs workers to recognize CTS and their habitat.
2. Environmentally Sensitive Areas (ESA) fencing shall be installed along the edge of the work limits, including staging areas. ESA fencing shall consist of orange construction fencing (or equivalent) and shall be maintained in good condition until construction is complete. Silt fencing shall be installed along the bottom of the ESA fencing to prevent CTS from entering the work area during construction.
3. A biological monitor shall be present during initial ground disturbing activities. Approval of the biologist shall be coordinated through Caltrans and not directly with USFWS.
4. If CTS are found within the area surveyed, the USFWS and CDFW shall be contacted. Caltrans, as the federal lead agency, will notify the USFWS. The County will be responsible for notifying CDFW.
5. All work shall be conducted during the dry season (June 1 through October 31) when CTS are estivating and unlikely to enter the Project area.
6. The Project area shall be surveyed for CTS if a substantial rain event (i.e., at least 0.25 inches) occurs during construction to avoid affecting salamanders that may have emerged from their burrows and relocated in the Project area (e.g., under equipment).

7. Following completion of the proposed Project, all fill slopes, temporary impact and/or otherwise graded or denuded areas shall be restored to pre-construction contours (if necessary) and revegetated with the seed mix specified in Table F. Invasive exotic plants will be controlled to the maximum extent practicable.

Implementation of **Mitigation Measure BIO-7** would reduce potential impacts to CTS to a *less than significant* level.

California Red-Legged Frog

CRLF is well documented within the region, with 41 CNDDDB records within the search area. The closest occurrence, from 2004, was observed 1.2 miles east of the Project area in Pescadero Creek.

Within the Project area, Pescadero Creek is a low-gradient perennial stream supporting adequate hydrology and vegetative structure to provide suitable aquatic, non-breeding migratory habitat for CRLF. Due to the lack of slow water or deep pools, the Project area does not support suitable breeding habitat for CRLF.

Potential aquatic habitat for CRLF within 1 mile of the Project area includes additional reaches of Pescadero Creek upstream and downstream of the Project site and several stock ponds. The stock ponds, both perennial and seasonal, appear to range from minimally vegetated to dense emergent vegetation, which provide suitable habitat for depositing egg masses.

Upland habitat, within the Project area, is located adjacent to the creek and provides suitable migration habitat for CRLF. Adjacent uplands, consisting of grasslands and oak woodlands, were observed in the vicinity of the Project area. These areas provide suitable estivation and/or migratory habitat for CRLF and could be utilized for dispersal to potential breeding ponds in the vicinity of the Project area.

A site assessment for the CRLF was prepared in July 2013; the report concluded that CRLF could potentially occur in the Project area, based on species range, species records, and presence of estivation habitat near the Project area.

The proposed Project would result in permanent impacts to 0.03 acre of aquatic non-breeding habitat for CRLF due to installation of RSP and the new bridge's abutments. The proposed Project would also result in temporary impacts to 0.08 acre of aquatic non-breeding habitat due to placement of temporary falsework and the temporary roadway detour.

Implementation of **Mitigation Measure BIO-8** would reduce potential impacts to CRLF to a *less than significant* level.

Mitigation Measure BIO-8: Avoidance and Minimization measures are consistent with the provisions of the CRLF "Programmatic Biological Opinion for Projects Funded or Approved under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58)" dated May 4, 2011, listed below.

At a minimum, the following measures shall be implemented to reduce adverse effects to CRLF and their habitat:

1. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF. Biologists authorized under this biological opinion do not need to re-submit their qualifications for subsequent projects conducted pursuant to this biological opinion, unless USFWS has revoked their approval at any time during the life of this biological opinion.
2. Ground disturbance shall not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work, unless the individual(s) has/have been approved previously and the USFWS has not revoked that approval.
3. A USFWS-approved biologist shall survey the Project site 48 hours before the onset of work activities. If any life stage of the CRLF is found and if these individuals are likely to be killed or injured by work activities, the approved biologist shall be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed Project. The relocation site should be in the same drainage to the extent practicable. The County shall coordinate with the USFWS on the relocation site prior to the capture of any CRLF. The USFWS-approved biologist shall maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining whether translocated animals are returning to the original point of capture.
4. Before any activities begin on the proposed Project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the proposed Project, and the boundaries within which the proposed Project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
5. A USFWS-approved biologist shall be present at the work site until all CRLF have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed. After this time, the County shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this monitor receives the training outlined in measure 4 (above) and in the identification of CRLF. If the monitor or the USFWS-approved biologist recommends that work be stopped because CRLF would be affected in a manner not anticipated by the County and the USFWS during review of the proposed Project, they shall notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer shall either resolve the situation by eliminating the effect immediately or require that all actions, which are causing these effects, be halted. If work is stopped, the USFWS shall be notified as soon as is reasonably possible.
6. During proposed Project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

7. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall provide Caltrans with a plan for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
8. Habitat contours shall be returned to their original configuration at the end of proposed Project activities. This measure shall be implemented in all areas temporarily disturbed by activities associated with the proposed Project, unless the USFWS and the County determine that it is not feasible or modification of original contours would benefit the CRLF.
9. The number of access routes, size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the proposed Project goal. ESAs shall be delineated to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to CRLF habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
10. The County shall attempt to schedule work activities for times of the year when impacts to the CRLF would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain CRLF through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and informal consultation between the County, Caltrans and the USFWS during proposed Project planning should be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.
11. To control sedimentation during and after proposed Project construction, the County shall implement BMPs outlined in any authorizations or permits, issued under the authorities of the CWA acquired for the proposed Project. If BMPs are ineffective, the County shall attempt to remedy the situation immediately, in consultation with the USFWS.
12. If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than 0.2 inches to prevent CRLF from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed shall be minimized to the maximum extent possible; any imported material shall be removed from the stream bed upon completion of the proposed Project.
13. Unless approved by the USFWS, water shall not be impounded in a manner that may attract CRLF.

14. A USFWS-approved biologist shall permanently remove any individuals of exotic species such as bullfrogs (*Rana catesbeiana*), signal and red swamp crayfish (*Pacifastacus leniusculus*; *Procambarus clarkii*), and centrarchid fishes from the Project area, to the maximum extent possible. The USFWS-approved biologist shall be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.
15. If the County demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the CRLF, these areas shall not be included in the amount of total habitat temporarily disturbed.
16. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologists, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times.
17. The Project area shall be re-vegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable. This measure shall be implemented in all areas disturbed by activities associated with the proposed Project, unless the USFWS and the County determine that it is not feasible or practical.
18. The County shall not use herbicides as the primary method used to control invasive, exotic plants. However, if the County determines the use of herbicides is the only feasible method for controlling invasive plants at the Project site, it shall implement the following additional protective measures for the CRLF:
 - a. The County shall not use herbicides during the breeding season for the CRLF.
 - b. The County shall conduct surveys for the CRLF immediately prior to the start of any herbicide use. If found, CRLF shall be relocated to suitable habitat far enough from the Project area that no direct contact with herbicides would occur.
 - c. Giant reed and other invasive plants shall be cut and hauled out by hand and then painted with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®.
 - d. A licensed and experienced contractor shall use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands occur at an individual project site.
 - e. All precautions shall be taken to ensure that no herbicide is applied to native vegetation.
 - f. Herbicides shall not be applied on or near open water surfaces (no closer than 60 feet from open water).
 - g. Foliar applications of herbicide shall not occur when wind speeds are in excess of 3 miles per hour.
 - h. No herbicides shall be applied within 24 hours of forecasted rain.

- i. Application of all herbicides shall be done by a qualified contractor to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and with implementation of all required and reasonable safety measures. A safe dye shall be added to the mixture to visually denote treated sites. Application of herbicides shall be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins.
- j. All herbicides, fuels, lubricants, and equipment shall be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. The County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that a plan is in place for a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Additional minimization measures include:

1. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise graded areas shall be revegetated with the native seed mix specified in Table F.
2. During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the Ordinary High Water Mark (OHWM) shall be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.

Implementation of **Mitigation Measure BIO-8** would reduce potential impacts to CRLF to a *less than significant* level.

South Central California Coast Steelhead DPS

Within San Benito County, the SCCC steelhead occurs in the San Benito and Pajaro Rivers and their tributaries. Although potential spawning habitat occurs in the upper reaches of Pescadero Creek, no suitable spawning habitat is located within the Project area. However, the Project area does provide suitable migration and potential juvenile rearing habitat. There are no CNDDB records within the search area; however, in 2004, LSA biologists observed salmonids in Pescadero Creek at the Cienega Road crossing, approximately 0.6 mile east of the Project area. Additionally, the Project area is within proposed critical habitat for SCCC steelhead (Pajaro River Hydrologic Unity 3305). SCCC steelhead is likely to occur in the Project area, and presence is inferred.

The project will result in permanent impacts to 0.03 ac (35 linear feet) of potential migration and rearing habitat for SCCC steelhead due to installation of RSP and the new bridge's abutments. The project will also result in temporary impacts to 0.08 ac (102 linear feet) of potential migration and rearing habitat for SCCC due to placement of temporary falsework and temporary roadway detour.

Implementation of **Mitigation Measure BIO-9** would prevent any direct mortality to SCCC steelhead, as well as any detrimental increases in suspended sediments in the water.

Indirect effects may occur due to potential degradation of water quality until the plants in the revegetated area are established.

Mitigation Measure BIO-9: The following measures have been identified to reduce potential impacts to SCCC steelhead to a *less than significant* level.

1. Work in the live channel of Pescadero Creek (consisting of placement of RSP, support pier, and falsework) shall be limited to the period of July 15 through October 15. If any work within the live channel of Pescadero Creek is not completed by October 15, the County shall request a written approval/extension from NMFS to allow work past October 15. Revegetation activities are excluded from this requirement with the stipulation that no heavy equipment be used in the channel.
2. Prior to Project implementation, a qualified biologist shall instruct all construction personnel and monitoring biologists of the terms and conditions being implemented to protect SCCC steelhead during construction. The biological monitor shall have the full authority to halt work as necessary for the purpose of minimizing adverse effects on SCCC steelhead.
3. The work area for placement of RSP, support pier, and falsework shall be dewatered prior to the start of work. Dewatering shall consist of installation of a flow diversion to separate the live channel from the area where in-stream work will occur. The flow diversion shall consist of a 16-inch corrugated metal pipe (CMP). The CMP will be placed along the low-flow invert of the natural creek and a small earthen berm shall be installed at each end of the pipe to direct water into the pipe. Clean sand and gravel shall be used at the base of the berm to protect the existing creek channel. Both berms and CMP shall be completely removed at the completion of proposed Project construction. A qualified biologist shall be on site during installation and removal of the flow diversion.
4. Prior to installation of the flow diversion, a qualified biologist shall determine the need for a temporary fish seine around the area to be isolated. If a seine is needed, the qualified biologist shall oversee the installation. A weighted fish seine shall be stretched across the length of the bank where work will be conducted, and shall extend a minimum of 3.3 feet beyond the upstream and downstream limits of the work. With the upstream and downstream ends of the seine remaining on the bank, the remainder of the seine shall be extended into the channel to approximately 3.3 feet beyond the limits of the area to be dewatered. The seine shall be temporarily staked into place in such a way that no fish may enter the isolated area. The purpose of this method is to direct the fish out of the area to be dewatered.
5. After the seine is in place, the qualified biologist shall visually survey the waters isolated behind the seine for the presence of any fish. If any fish are encountered within the isolated area, the fish seining process must be repeated until all fish are driven from the area to be isolated, as determined by the fisheries biologist. The qualified biologist shall capture any fish that remain in the areas to be dewatered. Electrofishing may be implemented to ensure that all of the fish are removed from the work area.

6. Once all of the fish have been removed from the work area, the flow diversion shall be installed in the isolated area. The qualified biologist shall be on site during installation and removal of the flow diversion.
7. During removal of the existing bridge, a tarp or other approved method will be used below the bridge to prevent debris from falling into Pescadero Creek. The tarp shall be left in place until the bridge is removed.
8. ESAs shall be designated at the edge of work adjacent to Pescadero Creek to prevent encroachment into the live channel (excluding activities associated with placement of RSP, support pier, and falsework). ESA limits shall be marked using orange snow fencing or equivalent, and shall remain in place and maintained in good condition until construction is complete.
9. A WPCP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Coast RWQCB). The WPCP shall contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.
10. Contract specifications shall include the BMPs, where applicable, to reduce erosion during construction.
11. All areas temporarily impacted during Project construction shall be restored to pre-construction contours and revegetated with native species as specified in Table F.
12. During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.
13. All construction shall be conducted during daylight hours.

Implementation of **Mitigation Measure BIO-9** would reduce potential impacts to SCC steelhead to a *less than significant* level.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation Incorporated. The arroyo willow series is located along the length Pescadero Creek in the Project area. The canopy is well developed and dominated by arroyo willow with a fairly dense herbaceous understory. Pescadero Creek is also included as part of this community. This natural community totals approximately 0.25 acre. Additionally, the channel of Pescadero Creek within this community supports potential wetlands (0.09 acre).

The proposed Project would result in permanent impacts to 0.03 acre of arroyo willow series during installation of the RSP and construction of the new bridge. Temporary impacts, totaling 0.16 acre, would occur as a result of the installation of temporary falsework and the temporary roadway detour.

Implementation of **Mitigation Measures BIO-10** and **BIO-11** would reduce impacts to arroyo willow series to a *less than significant* level.

Mitigation Measure BIO-10: The following measures have been identified to reduce impacts to the arroyo willow series:

1. Work in the arroyo willow riparian area shall be minimized to the extent possible. Work in the live channel of Pescadero Creek shall also be minimized to the extent possible.
2. Work in the live channel of Pescadero Creek (consisting of placement of RSP and falsework) shall be limited to the period of June 1 through October 1.
3. Brightly colored ESA fencing shall be placed along the limits of work to protect adjacent arroyo willow riparian habitat. Fencing shall be maintained in good condition for the duration of construction activities.
4. Staging areas, access routes, and construction areas shall be located outside of wetland and riparian areas to the maximum extent practicable.
5. During demolition of the existing bridge, a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pescadero Creek. This measure may also apply during construction of the new bridge deck. This measure only applies prior to dewatering of the channel.
6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan [SWPPP] and Water Pollution Control Plan [WPCP] Manuals) shall be implemented to minimize effects to arroyo willow riparian resulting from erosion, siltation, etc. during construction.
7. A WPCP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Coast RWQCB). The WPCP shall contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.
8. During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified in Table F. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.
9. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to pre-construction contours (if necessary) and revegetated with the native seed mix specified in Table F. Invasive exotic plants will be controlled to the maximum extent practicable.
10. Prior to issuance of a grading permit or other authorization to proceed with project construction, the County shall obtain any regulatory permits that are required from the ACOE, RWQCB, and/or CDFW.

Mitigation Measure BIO-11: The removal of arroyo willow riparian vegetation shall be compensated at a 3:1 ratio. Mitigation shall be accomplished using one of the following methods, or by using a combination of the methods, contingent upon approval by the ACOE, RWQCB, and CDFW:

- Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 3:1. This work would occur solely within the proposed Project impact area.
- Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio.
- All mitigation lands shall be protected in perpetuity through recordation of a conservation easement or equivalent method.

Implementation of **Mitigation Measures BIO-10 and BIO-11** would reduce impacts to arroyo willow series to a *less than significant* level.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Less Than Significant with Mitigation Incorporated. The proposed Project has the potential to impact the arroyo willow series natural community. The arroyo willow series is located along the length Pescadero Creek in the Project area. The canopy is well developed and dominated by arroyo willow with a fairly dense herbaceous understory. Pescadero Creek is also included as part of this community. This natural community totals approximately 0.25 acre. Additionally, the channel of Pescadero Creek within this community supports potential wetlands (0.09 acre). As shown in Table E, the Project area supports 0.09 acres of wetlands in Pescadero Creek, and 0.04 acre of wetlands in the form of drainage ditch. No non-wetland waters of the U.S. are present in the Project area.

The proposed Project would result in both permanent and temporary impacts to wetland waters of the U.S. Permanent impacts totaling 0.03 acre would occur during bridge construction and placement of the RSP. Temporary impacts totaling 0.08 acre would occur during installation of temporary falsework and the temporary roadway detour.

Implementation of **Mitigation Measures BIO-10 and BIO-11** would reduce impacts to wetlands to a *less than significant* impact.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less Than Significant with Mitigation Incorporated. SJKF, CTS, CRLF, and SCCC steelhead have the potential to utilize the Project area as a migratory corridor. Implementation of **Mitigation Measures BIO-2, BIO-6, BIO-8, and BIO-9** would reduce potential impacts to the abovementioned species to a *less than significant* level.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less Than Significant. The San Benito County Code of Ordinances Chapter 19.33: Management and Conservation of Woodlands identifies woodland tree removal and canopy retention policies to be implemented for projects throughout the County. The proposed Project would require the removal of six small to medium-sized arroyo willow trees. Eleven additional orchard trees will be removed on the west side of Limekiln Road; however, no woodland trees would be removed as a part of the proposed Project. This impact is considered *less than significant*.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

No Impact. The Project site is not subject to any local, regional or State habitat conservation plans.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

LSA prepared a Historical Property Survey Report and Archaeological Survey Report (January 2014) for the proposed Project (see **Appendix C**). These studies consisted of background research, consultation with potentially interested parties and a field survey. The information for the following section was based on these two studies.

Cultural Resources. The Limekiln Road Bridge spanning Pescadero Creek, a Category 5 Bridge, was built in 1980 and is not eligible for listing in the National Register of Historic Places (NRHP) (Caltrans 2013).

Research was conducted regarding historical properties and Native American cultural sites in an Area of Potential Effect (APE) associated with the proposed Project. The APE for the proposed Project includes the maximum extent of all ground disturbing activities including staging areas and access routes in association with the proposed Project. The APE for the proposed Project is approximately 960 feet long, while the width varies between 100 and 160 feet, over approximately 2.7 acres. LSA conducted a record search of the APE on March 14, 2013, at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University in Rohnert Park. The records search included the APE and a ¼-mile radius for previous cultural resource studies and cultural sites. No cultural resources were found within the proposed Project APE or the within the ¼-mile search radius.

Consultation with the *Native American Heritage Commission* occurred on February 20, 2013, and the results indicated that a records search of the Sacred Lands File did not “indicate the presence of Native

American cultural resources in the immediate project area.” LSA contacted six local Native American Tribe representatives on May 26, 2013, regarding the location of the proposed Project. Of the six Native American Tribe representatives contacted, three requested that a qualified monitor be present during ground disturbing activities and two tribes (Amah/Mutsun Tribal Band and Indian Canyon Mutsun Band of Costanoan) requested to be present during ground disturbance within the APE.

Archaeological Sensitivity. The archaeological resources study consisted of archival and background research, field survey of the APE on March 10, 2013, consultation with potentially interested parties, and an archaeological sensitivity assessment. LSA assessed the APE’s archaeological sensitivity based on the results of the records search, geological and soils research, field survey, and geotechnical study. The records search identified no previously identified archaeological deposits within or adjacent to the APE. The Holocene age alluvial landform that extends into the APE indicates a somewhat elevated level of sensitivity for prehistoric archaeological cultural resources. LSA’s field survey did not identify any prehistoric artifacts or cultural deposits, when combined with the fact that Parikh Consultants (2013) did not encounter buried soils, sensitivity for prehistoric archaeological cultural resources within the APE is considered low. According to LSA, the APE is of low sensitivity for buried or surface historic-period archaeological deposits.

Discussion

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?*

Less Than Significant with Mitigation Incorporated. As described above, research was conducted to determine if sensitive historical or Native American sites were located within the APE or surrounding the Project site. No historical resources were identified within or adjacent to the Project area.

The possibility exists that previously unknown buried archaeological deposits could be discovered during grading and excavation work associated with construction. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt or quartzite tool making debris; bone tools; culturally darkened soil (e.g., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse. Implementation of **Mitigation Measure CULT-1** would reduce impacts to previously undiscovered resources to a *less than significant* level.

Mitigation Measure CULT-1: Before construction activities commence, representatives of two Native American tribes (Amah/Mutsun Tribal Band; and Indian Canyon Mutsun Band of Costanoan) shall be contacted and invited to monitor ground disturbing activities related to construction. If any archaeological or paleontological deposits are encountered, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted, if one is not present, to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. San Benito County shall also be notified. Project personnel shall not collect or move any archaeological materials.

Any adverse impacts to the finds shall be avoided by Project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated to determine if they qualify as a historical resource or unique archaeological resource, or as historic property. If the deposits do not so qualify, avoidance is not necessary. If the deposits do so qualify, adverse impacts on the deposits shall be avoided, or such impacts shall be mitigated. Mitigation may consist of, but is not limited to, recovery and analysis of the archaeological deposit; recording the resource; preparing a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Educational public outreach may also be appropriate.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to San Benito County.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Less Than Significant with Mitigation Incorporated. No archaeological resources, as defined by §15064.5, have been identified in the Project area. Archaeological resources are not anticipated to be discovered during Project activities. If, however, such resources are discovered, implementation of **Mitigation Measure CULT-1** described above, would reduce potential impacts to a *less than significant* level.

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant with Mitigation Incorporated. No paleontological resources or unique geologic features are known to exist within the APE. However, should paleontological resources be discovered during Project construction, implementation of **Mitigation Measure PALEO-1** would reduce potential impacts to paleontological resources to a *less than significant* level.

Mitigation Measure PALEO-1: If paleontological resources are encountered during Project subsurface construction and no monitor is present, all ground-disturbing activities shall be redirected within 50 feet of the find until a qualified paleontologist can be contacted to evaluate the find and make recommendations. If found to be significant and proposed Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan, as described above, shall be implemented. Adverse impacts to paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository.

- d) *Disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant with Mitigation Incorporated. No human remains are known to exist within the APE. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie

adjacent remains until the coroner of San Benito County has determined whether or not the remains are subject to the coroner's authority. There is no indication that human remains are present within the Project site. Implementation of **Mitigation Measure CULT-2** would ensure that potential impacts to human remains, should they be encountered, would be reduced to a *less than significant* level.

Mitigation Measure CULT-2: In the event that human remains are encountered, work within 50 feet of the discovery shall be redirected and the San Benito County coroner notified immediately. At the same time, a qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission shall identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations of the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the County of San Benito.

- e) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?*

Less Than Significant Impact. Assembly Bill (AB) 52, a new state law recently (2014) signed by the governor, amended the California Environmental Quality Act (CEQA) to require Tribal Cultural Resources to be considered as potentially significant cultural resources under the CEQA environmental review process. Effective July 1, 2015, a lead agency will be required to offer Native American tribes with an interest in tribal cultural resources located within its jurisdiction the opportunity to consult on CEQA documents. The new procedures under AB 52 offer the tribes an opportunity to take an active role in the CEQA process in order to protect tribal cultural resources.

Although the effective date is July 1, 2015, LSA completed consultation with the NAHC and Native American contacts provided by the NAHC and no tribal cultural resources were identified. Pursuant to Assembly Bill 52, commonly called *The Native Americans CEQA Bill*, if a Native American identifies tribal cultural resources within the APE for the project, the Native American shall contact the local lead agency. With coordination with local Native American Tribes, impacts to tribal cultural resources would be *less than significant*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Information in this section was gathered from the San Benito County General Plan and the Preliminary Geotechnical Information Report prepared for the proposed Project (**Appendix E**; Parikh Consultants, Inc. 2014).

San Benito County is located within the Coastal Ranges Geomorphic Province. The northern central portion of the County is characterized by the relatively flat San Juan, Hollister, and Santa Ana Valleys that are composed of alluvium. These fertile valleys support extensive agricultural activities and are surrounded by the mountains of the Diablo Range to the east and the Gabilan Range to the west.

Active geologic features within the County are well known, including the most significant geologic feature of the San Andreas Fault Zone. The Project site is located north of the Call Mountain Range and south of the Las Aguilas Mountain Range.

The San Andreas Fault is a right lateral strike slip fault and spans the length of San Benito County, stretching 60 miles from the Santa Cruz County line in the north to the Monterey County line in the south. Several other known faults are located in the County, including the Calaveras, Sargent, Paicines, Bear Valley, Zayante-Vergeles, and Quien-Sabe Faults. The San Andreas Fault Zone, a principal active fault identified by the Alquist-Priolo Earthquake Fault Zoning Act, runs parallel with Cienega Road, which is located approximately 0.12 mile north of the Project area. **Table G: Largest Earthquakes with Potential to Occur within the Proposed Project Vicinity.**

Table G: Largest Earthquakes with Potential to Occur within the Proposed Project Vicinity

Fault	Fault ID	Fault Type	Approximate Distance from Site (miles)	Maximum Earthquake Magnitude
San Andrea (Creeping Section) 2011 CFM	182	Strike-Slip	0.12	7.9
Calaveras (So) – Paicines extension 2011 CFM	180	Strike-Slip	2.83	6.5
Quien Sabe 2011 CFM	173	Strike-Slip	7.54	6.4
Zayante-Vergeles Lower 2011 CFM	163	Strike-Slip	8.86	7.0
Zayante-Vergeles Upper 2011 CFM	162	Strike-Slip	9.82	7.0
San Andreas (Santa Cruz Mountains) 2011 CFM	158	Strike-Slip	11.43	8.0

Source: Parikh Consultants, Inc. 2014

The California Geologic Survey Probabilistic Seismic Hazard Assessment (PHSA) calculates earthquake shaking hazards through historic seismic activity and fault slip rates. Four PHSA-identified faults are present within San Benito County, including: the San Andreas; Calaveras, Zayante-Vergeles, and Quien-Sabe Faults. Shaking from these faults is expressed as the Peak Ground Acceleration (PGA) measured as a percentage (or fraction) of acceleration due to gravity (%g) from ground motion that has a 10 percent probability of being exceeded in 50 years. The Project site is located in an area of San Benito County with a PGA of 0.724 percent.

Seismic ground shaking can result in soil compaction and settlement. If the sediments that compact during an earthquake become saturated they are subject to liquefaction. If liquefaction occurs, soil loses its supporting structure, resulting in a condition where buildings and other constructed facilities could settle into the ground. Liquefaction is a phenomenon in which saturated cohesionless soils are subject to a temporary but essentially total loss of shear strength under the reversing, cyclic shear stresses associated with earthquake shaking. Submerged cohesionless sands and silts of low relative density are the types of soils typically susceptible to liquefaction. Clays are generally not susceptible to liquefaction. During boring events associated with the proposed Project, groundwater was encountered between 12 and 15 feet (Parikh Consultants 2014). Based on the boring data and high seismic activity,

the liquefaction potential is considered moderate to high for the silty sand and silt layers encountered at approximately 16 to 23 feet below ground surface.

Slope instability (landslides and rockfalls) can result in the movement of material down a slope or gradient. Areas at risk from landslides within San Benito County are expected to be concentrated along steep topographical slopes. The Project site is surrounded by hills to the north, south, and west ranging in elevations from 1,120 to 2,250 feet above mean sea level.

Soil types located within the Project area include the following:

- **Pacheco loam:** These soils consist of very deep, poorly or somewhat poorly drained soils that formed in alluvium derived mostly from sedimentary rocks. Pacheco soils are on flood plains and have slopes of 0 to 2 percent. Pacheco loam is characterized by its grayish-brown color, poor drainage, and moderate alkalinity and fertility. Pacheco loam has a moderate shrink-swell potential.
- **Sorrento silt loam, 2 to 9 percent slopes:** These soils are nearly flat, well drained, and medium texture; they are found on floodplains and alluvial fans. The soils represent productive agricultural land, and produce fruits and nuts, row and field crops, alfalfa, and pasture. Sorrento silt loam has a moderate shrink-swell potential.

Pacheco and Sorrento soil types have moderate to high shrink and swell potential (subsidence).

Discussion

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less Than Significant. Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along an active or potentially active major fault trace. The Project site is located approximately 0.12 mile south of the San Andreas Fault Zone, a principal active fault identified by the Alquist-Priolo Earthquake Fault Zoning Act. According to the Preliminary Geotechnical Information Report (Parikh Consultants 2014), no active faults pass through the Project site. Additionally, the Parikh report indicates that the Project site is located outside of the Alquist-Priolo Earthquake Fault Zone. Although the Project area is located in close proximity to the San Andres Fault, the proposed Project would be engineered and designed based on Caltrans Seismic Design Criteria; and therefore, impacts resulting from potential rupture of a known earthquake fault is considered ***less than significant***.

- ii) *Strong seismic ground shaking?*

Less Than Significant. The Project site, San Benito County and Northern California are in a seismically active region subject to strong seismic ground shaking. Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally

the major cause of damage in seismic events. The extent of ground-shaking is controlled by the magnitude and intensity of the earthquake, depth of the epicenter, distance from the epicenter, and local geologic conditions.

The Working Group on California Earthquake Probabilities (WGCEP) prepared an earthquake rupture forecast report identifying the probability of certain magnitude earthquakes occurring. The 2008 WGCEP Report showed there is a 93 percent probability that a magnitude 6.7 or greater earthquake, and a 16 percent probability of magnitude 7.5 or greater earthquake, would occur during the next 30 years in northern California. Individual faults within San Benito County with the highest earthquake probabilities cited in the 2008 report were the San Andreas and Calaveras Faults. The Project site is located in an area that has the potential to experience Peak Ground Acceleration of 72.4 percent during such a seismic event. Although the Project site could be exposed to strong seismic ground shaking, the proposed Project would be designed and constructed consistent with San Benito and Caltrans seismic retrofitting standards. Therefore, impacts related to seismic ground shaking would be *less than significant*.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant. Soil liquefaction is a phenomenon primarily associated with the saturated soil layers located close to the ground surface. These soils lose strength during ground shaking in seismic events. Due to the loss of strength, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (minute silt and clay fraction) may also liquefy. According to the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey soils at the Project site include Pacheco loam and Sorrento silt loam.¹

Boring data and high seismic activity suggest that the liquefaction potential in the Project area is considered moderate to high for the silty sand and silt layers encountered at approximately 16 to 23 feet below ground surface.

The proposed Project would be engineered and designed based on Caltrans Seismic Design Criteria which include measures for bridges to reduce their susceptibility to liquefaction. Therefore, impacts associated with seismic-related ground failure, including liquefaction would be *less than significant*.

iv) Landslides?

Less Than Significant. The topography of the Project site is relatively flat at an elevation of approximately 822 feet, with surrounding hills to the north, south and west ranging in elevations from 1,120 to 2,250 feet above mean sea level. The Project area is traversed by Pescadero Creek.

The proposed Project would not alter slopes on the hills within the area in a manner that would increase the risk of landslides. Although the likelihood of a seismically induced landslide is minimal in the Project area; the new bridge associated with the proposed Project would be engineered to withstand potential landslide activity. Additionally, during construction of the proposed Project, channel slope

¹ United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (WSS), <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. Accessed June 8, 2015.

protection techniques would be implemented along the creek channel to ensure that soil remains in place and landslides falling into the creek would not occur. Implementation of the proposed Project would not adversely impact persons or structures due to landslides. Impacts would be *less than significant*.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant with Mitigation Incorporated. The Project site is located on Pacheco loam and Sorrento silt loam soils which are not susceptible to significant erosion concerns. The land around the Project site is relatively flat with hills rising to the sites northwest, south, and southwest; however, these hillsides would not be disturbed during construction and operational activities. Nevertheless, ground disturbing activities during existing bridge demolition and the construction phase of the proposed Project would have the potential to result in soil erosion.

Construction activities have the potential to result in erosion and/or sedimentation, which would be considered a significant impact. With the implementation of **Mitigation Measure GEO-1**, potential erosion impacts would be reduced to *less than significant*.

Mitigation Measure GEO-1: The County shall require that the Contractor prepare an Erosion and Sediment Control Plan for the proposed Project prior to construction. Below are some of the measures that shall be implemented to reduce soil erosion and protect water quality during construction. The use of BMPs shall be designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality in Pescadero Creek. The County shall require the Contractor to implement BMPs for erosion and sedimentation outlined in the most recent version of the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, 2002), or an equivalent publication.

- Best management practices outlined in the most recent version of the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other Project activities that could result in erosion or sediment discharges to surface water.
- Exposed slopes shall be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls.
- Erosion prevention and sediment control measures shall be inspected and maintained until disturbed areas are stabilized.
- Disturbed ground surfaces near the creek bank shall be revegetated and monitored for future erosion.
- To ensure that stockpiled granular material does not enter the creek or storm drains, the material shall be covered with a tarp and surrounded with sand bags when rain is forecast.
- At the end of each working day roadways shall be cleaned and swept, and scrap, debris, and waste material shall be collected and disposed of properly.

- Vehicle or equipment cleaning shall be performed with water only, and in a designated, bermed area that shall not allow rinse water to run off-site or into the creek.
- Maintenance and fueling of construction vehicles and equipment shall be performed in a designated, bermed area or over a drip pan that shall not allow run-on of stormwater or runoff of spills.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less Than Significant. As described above, the potential hazards from landslide and liquefaction events at the Project site are low and moderate to high, respectively. As discussed above, boring data and high seismic activity suggest that the liquefaction potential in the Project area is considered moderate to high for the silty sand and silt layers encountered at approximately 16 to 23 feet below ground surface. The proposed Project would be engineered and designed based on Caltrans Seismic Design Criteria which include measures for bridges to reduce their susceptibility to soil instability. Therefore, impacts associated with seismic-related ground failure, including liquefaction, subsidence, and landslides would be *less than significant*.

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less Than Significant. Expansion and contraction can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking) and are generally associated with clayey soils. During these cycles, the volume of the soil changes markedly. Expansive soils are common throughout California and can cause damage to foundations and slabs unless properly treated during the construction process. The soils located at the Project site have a moderate shrink-swell potential. The soils have a medium probability of being subject to shrink-swell processes. Although these soils are susceptible to shrink-swell processes the proposed Project would be developed using the County of San Benito and Caltrans engineering standards to reduce bridge failure if such natural events were to occur. Additionally, the potential soil expansion on the Project site would not create substantial risks to life or property. Therefore, impacts associated with expansive soils would be *less than significant*.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water*

No Impact. The proposed Project would not generate wastewater requiring disposal. No septic tanks are proposed as part of the proposed Project. Therefore, the proposed Project would not result in impacts to soils associated with the use of such wastewater treatment systems.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

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

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) that contribute to global climate change have a broader global impact. Global climate change is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space. Among the potential implications of global climate change are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county and subregional level, and other measures to reduce automobile use. Energy conservation measures can contribute to reduction in GHG emissions as well.

The primary existing sources of human-caused GHGs in the Project area are emissions from vehicles traveling along Limekiln and Cienega Roads and operation of agricultural equipment on adjacent lands.

Discussion

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant with Mitigation Incorporated. GHG emissions associated with the proposed Project would occur over the short-term due to construction activities, primarily consisting of emissions from construction equipment exhaust.

Short-Term GHG Emissions. Demolition and construction at the Project site would produce combustion emissions from various sources. During site preparation, demolition and construction of the proposed Project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄ and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site demolition and construction activities would vary daily as construction activity levels change.

Implementation of **Mitigation Measure GHG-1** would ensure that the proposed Project would reduce the generation of GHG emissions to below applicable threshold standards during the short term due to demolition and construction activities. With implementation of **Mitigation Measure GHG-1** impacts regarding short-term GHG emissions would be *less than significant*:

Mitigation Measure GHG-1: To the extent feasible and to the satisfaction of the County of San Benito and Caltrans, the following measures shall be incorporated into the design, demolition and construction of the proposed Project:

- On-site idling of construction equipment shall be minimized (no more than 5 minutes maximum);
- Biodiesel shall be used as an alternative fuel to diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within 5 miles of the Project site;
- At least 10 percent of the building material shall be local to the extent feasible; and,
- At least 50 percent of construction waste or demolition materials shall be recycled.

Long-Term GHG Emissions. The proposed Project would include existing bridge demolition, channel slope protection, approach roadway work, bridge construction, metal beam guard rail installation, bridge railing installation, temporary traffic control, right-of-way acquisition and temporary construction easements, and utility relocation. Once completed, the new bridge on Limekiln Road at Pescadero Creek crossing would not generate any new vehicle trips that would contribute to an increase in GHG emissions. Therefore, the proposed Project would not result in a long-term increase in GHG emissions.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The proposed Project would not generate new vehicle trips and consequently would not generate additional operational GHG emissions. Therefore, the proposed Project would be consistent with all applicable local plans, policies, and regulations and would not conflict with the provisions of AB 32, the applicable air quality plan, or any other State or regional plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The San Benito County Department of Environmental Health enforces State regulations governing hazardous substance generators, hazardous substance storage, and the inspection, enforcement, and removal of underground storage tanks (UST) in the unincorporated areas of the County. The County of San Benito has tracked the following types of hazardous sites within its boundaries, as shown below in **Table H: Types of Hazardous Sites in San Benito County (2010)**.

Table H: Types of Hazardous Sites in San Benito County (2010)

Type of Site	Number
Cleanup Program Site – Open	8
Cleanup Program Site - Closed	2
Leaking Underground Storage Tank (LUST) Cleanup Site - Open	12
Leaking Underground Storage Tank (LUST) Cleanup Site – Closed	43
Underground Storage Site (UST)	23
Land Disposal Sites	13
CUPA Program Site	200

Source: San Benito County General Plan, Administrative Draft Background Report, November 2010, Table 11-10 Types of Hazardous Sites in San Benito County, pg. 11-72.

Land uses around the Project site include open space (Agricultural Rangeland) and an orchard to the northeast of the Project site. Construction and development activities occurring at the Project site could potentially expose residents and active agricultural uses to hazardous materials.

The Project site and nearby land uses are not located in an area that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. A search of the California State Water Resources Control Board (SWRCB) GeoTracker website (SWRCB 2015) indicates there are no hazardous materials sites located within 1,000 feet of the Project site.¹

Naturally occurring asbestos occurs in many coastal range counties, including San Benito County. The San Benito County General Plan has identified areas where naturally occurring asbestos (NOA) occurs. Most of these locations occur in the southern half of the County, and there are no areas around the Project site that are designated with NOA. NOA typically occurs in geological areas containing ultramafic rock or a fault/shear zone area.

Discussion

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less Than Significant with Mitigation Incorporated. The proposed Project would include the demolition of an existing bridge, creek channel slope protection, approach roadway work, and

¹ California State Water Resources Control Board, GeoTracker, accessed June 8, 2015.
<http://geotracker.waterboards.ca.gov/>.

development of a new bridge across Pescadero Creek. Construction activities would require the potential use of hazardous materials on-site (e.g., construction vehicles, demolition debris). Upon completion (operation) of the proposed Project the routine transport, use or disposal of hazardous materials would not occur.

Construction of the proposed Project would involve the use of heavy equipment for grading, hauling and handling materials. Use of this equipment may require the use of fuels and other common materials that have hazardous properties (e.g., fuels are flammable). These materials would be used in accordance with all applicable laws and regulations and, if used properly, would not pose a hazard to people, animals, plants or sensitive areas (Pescadero Creek) on or near the Project site. All refueling of construction vehicles and equipment would occur within the designated staging areas for the proposed Project. The use of such hazardous materials would be temporary, and the proposed Project would not include a permanent use or source of hazardous materials. Implementation of **Mitigation Measure HAZ-1** would reduce this impact to a *less than significant* level.

Mitigation Measure HAZ-1: The construction contractor shall prepare a Spill Prevention and Countermeasure Plan (SPCP) prior to the commencement of construction activities. The SPCP shall include information on the nature of all hazardous materials that will be used on-site. The SPCP shall also include information regarding proper handling of hazardous materials, and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP.

Construction activities associated with the proposed Project have the potential to disrupt areas in which NOA may occur. Although there are no areas around the Project site that are designated with NOA, the potential exists that NOA may be disrupted during Project construction activities. Implementation of **Mitigation Measure AIR-1** would reduce this impact to a *less than significant* level.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant with Mitigation Incorporated. After Project construction, the newly constructed bridge on Limekiln Road crossing Pescadero Creek would operate as under existing conditions; therefore, operation of the proposed Project would not create a significant hazard to the public or the environment. However, demolition and construction activities at the Project site could expose construction workers to potentially hazardous materials, including: aerally deposited lead (ADL).

Asbestos Containing Materials/Lead-Based Paint. The existing bridge spanning across Pescadero Creek on Limekiln Road was built in 1980. Due to the age of this existing bridge there is a very low potential for presence of asbestos containing materials (ACM) and lead-based paint.

Aerally Deposited Lead (ADL) and Other Potential Soil/Groundwater Contamination. Soil located adjacent to roadways may contain elevated concentrations of ADL in exposed surface soils, which could pose a health hazard to construction workers. Potential ADL impact is anticipated to be limited to the areas of exposed soil at both ends of the bridge where roadway alignment work would be conducted. As described above, the Project site is not near any hazardous materials sites as identified

by the Water Resources Control Board. Although potential soil/groundwater contamination at the Project site is unlikely, implementation of **Mitigation Measure HAZ-2**, as presented above, and **Mitigation Measure HAZ-3**, as follows, would reduce potential impacts related to ADL and other soil contamination to a *less than significant* level.

Mitigation Measure HAZ-2: Prior to the initiation of Project construction, a soil investigation shall be performed by a licensed professional to evaluate if ADL or other potentially hazardous constituents are present in shallow soils that would be disturbed. Chemical analyses for soil shall be performed by an analytical laboratory certified by the California Department of Public Health Environmental Laboratory Accreditation Program. A licensed professional shall review the results of the soil investigation and provide recommendations on additional investigation activities, if any, and soil management recommendations shall be implemented during Project construction, if applicable (see **Mitigation Measure HAZ-3**). The analytical results of the soil investigation shall be compared to hazardous waste criteria and health and safety thresholds for construction workers. The soil investigation shall be conducted with oversight from a local or state regulatory agency (e.g., San Benito County or Caltrans).

Mitigation Measure HAZ-3: If warranted, based on the results of the pre-construction soil characterization (**Mitigation Measure HAZ-2**), San Benito County shall implement a Risk Management Plan (RMP) that will identify special soil management and disposal procedures and/or construction worker health and safety procedures to be implemented during Project demolition and construction activities to reduce exposure to hazardous materials. The RMP shall include all necessary procedures to ensure that excavated soils are stored, tested, managed, and disposed of in a manner that is protective of human health and in accordance with applicable laws and regulations. The County shall ensure that the RMP includes available data from any pre-Project construction soil sampling activities (**Mitigation Measure HAZ-2**). The County shall provide the RMP to the construction contractor and ensure that the contractor follows the RMP. The RMP shall consider and include the following requirements:

- Excavation, transportation, and placement operations shall result in no visible dust;
- A construction “Exclusion Zone” shall be identified where hazardous materials may be stored. A temporary security fence shall be installed to surround and secure the exclusion zone;
- Air quality shall be monitored during excavation of soils contaminated with hazardous constituents;
- Storage of hazardous materials shall comply with the requirements in Title 22, CCR, Sections 6626.250 to 66265.260;
- If temporary stockpiling of hazardous materials is necessary, the construction contractor shall:
 - Cover the stockpile with plastic sheeting or tarps
 - Install a berm around the stockpile to prevent runoff from leaving the area

- Locate the stockpile away from the unnamed tributary and the Pescadero Creek watershed area
- Hazardous materials shall be excavated, transported, and disposed in accordance with the rules and regulations of the following agencies:
 - United States Environmental Protection Agency
 - Caltrans
 - California Department of Toxic Substances Control (DTSC)
 - California Environmental Protection Agency (Cal/EPA)
 - California Division of Occupational Safety and Health (DOSH)
 - Local regulatory agencies

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. The Project site is not located within one-quarter mile of an existing or proposed school. The nearest school is Cienega Elementary School, which is located approximately 1.9 miles northwest of the Project site. Therefore, the proposed Project would not emit hazardous emissions nor handle hazardous materials or substances within one-quarter of a mile a school. **No impact** would occur.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. As described above, the Project site is not on or near a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore implementation of the proposed Project would not create a significant hazard to the public or the environment. **No impact** would occur.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The Project site is not located within the boundary of an airport land use plan and is not within two miles of a public or public use airport. Two public-use airports, one permitted private airport, and three heliports are located in San Benito County. The nearest airport is Hollister Municipal Airport, 13.4 miles to the north-northwest of the Project site. Therefore, implementation of the proposed Project would not result in safety hazards to construction crews in association with airports.

f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. See Section VIII(e).

g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant. The Project site is located in a rural part of San Benito County along Limekiln Road. Limekiln Road is not considered an evacuation route according to the County of San Benito. In

the event of an emergency, however, residents adjacent to the Project site would use Limekiln Road to connect with Cienega Road, and ultimately connect with State Route 25 to exit the area. Implementation of the proposed Project would include the demolition of the existing bridge and development of a new bridge across Pescadero Creek. During construction a temporary detour bridge would be constructed approximately 30 feet to the west of the existing bridge. Upon completion of the detour bridge, demolition of the existing Limekiln Road Bridge and construction of the new bridge would ensue. Once construction of the new bridge is complete, the detour bridge would be demolished and the new bridge would be used. Therefore, an emergency escape route for residents near the proposed Project would not be closed during construction in the event of an emergency. Once completed, the new bridge would allow similar traffic flows as the existing bridge and would not hinder emergency escape routes. Impacts would be *less than significant*.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Less Than Significant. According to the Department of Forestry and Fire Protection (CALFIRE) and County of San Benito the Project site is located in a State Responsibility Area (SRA) for wildland fire protection services. Based on a review of the “Fire Hazard Severity Zones in San Benito County” map, the northern portion of the Project area is located in a “moderate Fire Hazard Zone, and the southern portion of the Project area is located in a “high” Fire Hazard Zone. The threat for potential fire conflagration in the Project site area is “high”. However, the proposed Project would not include the development of structures or endanger the lives of residents or construction workers if a wildland fire were to occur. Impacts would be *less than significant*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The information in this section is based on the Location Hydraulic Study Report (August 2015) and the County General Plan Draft Program Environmental Impact Report.

The Project site is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB); which is under the direction of the California State Water Resources Control Board. Under the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act, the CCRWQCB has regulatory responsibility for protecting water quality.

Surface Water

The proposed Limekiln Road Bridge crosses over Pescadero Creek. Pescadero Creek is a tributary of San Benito River, which is a major tributary of the Pajaro River. Pescadero Creek's confluence with Thompson Creek is approximately 0.5 mile southeast (downstream) of the Project area. Pescadero Creek outfalls into the San Benito River approximately 2.4 miles southeast of the Project area.

Groundwater

Groundwater is the major source of water supply in San Benito County. The County includes all or portions of twelve groundwater basins that provide water for municipal, agricultural (including limited domestic and livestock), and industrial uses. Most groundwater production and use in the County occurs in the Gilroy-Hollister Valley groundwater basin to the north. The basin, composed of alluvial deposits with varying aquifer properties and both unconfined and confined conditions, has been subdivided for management purposes into subbasins. Based on mapping prepared by the California Department of Water Resources, the Project area is not underlain by one of the groundwater basins of the Central Coast Hydrologic Region. The Project area is located approximately 1.4 miles west of the Gilroy-Hollister Valley groundwater basin.

Floodplain

The Federal Emergency Management Agency (FEMA) issues the Flood Insurance Rate Maps (FIRMs) for communities that participate in the National Flood Insurance Program. FEMA FIRM 06069C0350D (last revised in 7/13/2011) provided the limits of the floodplain at the Project site. According to the FIRM, the existing floodplain at the Project site is classified as Zone A:

- **Zone A.** Zone A indicates areas subject to inundation by the 1% annual chance flood event (also referred to as 100-year storm event) generally determined by approximate methods.

The floodplain width at the Project site is approximately 420 feet. The 100-year water surface elevation and flood profile of Pescadero Creek at the Project site was not available in the FEMA FIRM.

Discussion

a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant With Mitigation Incorporated. The proposed Project has the potential to cause temporary water quality impacts during the construction phase due to grading activities, de-watering, and removal of existing vegetation, which can cause increased erosion. Stormwater runoff

may transport pollutants into nearby water resources such as Pescadero Creek and its associated tributaries. Sediments and other pollutants suspended in runoff would be carried downstream from the proposed Project, where if not controlled, could accumulate in downstream water courses or wetland areas and potentially harm downstream aquatic resources and degrade existing water quality.

Work would be required in the live channel of Pescadero Creek during Project construction and would include placement of RSP, installation of temporary falsework, and removal of the existing bridge structure. Bridge construction would require temporary falsework in the channel, potentially spanning over wetted creek area. Construction would occur during a period with very low flow to no flow in the creek.

Potential short-term water quality impacts from construction related activities at the Project site would be minimized and reduced through implementation of Best Management Practices (BMPs) and compliance with existing regulatory requirements. Implementation of **Mitigation Measures HYDRO-1** and **HYDRO-2** would ensure compliance in regards to water quality standards and would reduce temporary construction-related water quality impacts to a *less than significant* level.

Mitigation Measure HYDRO-1: The County of San Benito shall prepare and implement construction site temporary BMPs in compliance with the provisions of the Caltrans Statewide National Pollutant Discharge Elimination System (NPDES) Permit and any subsequent permit pertaining to construction of the proposed Project. The County shall submit a Notice of Construction (NOC) to the Central Coast Regional Water Quality Control Board (CCRWQCB) at least 30 days prior to the commencement of construction and shall submit a Notice of Termination (NOT) to the CCRWQCB upon completion of the proposed Project. The temporary BMPs shall be installed prior to commencement of any construction activities and shall be in place for the duration of the construction period. The removal of the BMPs shall be the final operation, along with the Project site cleanup.

Mitigation Measure HYDRO-2: The County of San Benito shall incorporate Design Pollution Prevention (DPP) and Treatment Control BMPs into the proposed Project design in accordance with the procedures outlined in the Stormwater Quality Handbooks, Project Planning and Design Guide. The County shall coordinate with the CCRWQCB with respect to feasibility, maintenance, and monitoring of Treatment Control BMPs as set forth in Caltrans' Statewide Stormwater Management Plan (SWMP).

The potential for adverse long-term impacts to water quality would be eliminated with completion of the proposed Project. Long-term water quality impacts usually occur due to changes in stormwater drainage or increases in impervious surfaces. The proposed Project would result in an increase in 0.2 acre of impervious surfaces (or approximately 0.001 percent of the watershed area of Pescadero Creek at the Project site) and therefore changes in stormwater drainage are not expected. As a result, the proposed Project would not cause a permanent increase in degradation of water quality. Operational impacts would be *less than significant*.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Less Than Significant. The proposed Project would result in an increase in 0.2 acre of impervious surfaces. The increase in impervious surfaces is not anticipated to deplete groundwater supplies or substantially interfere with groundwater recharge. During construction activity minimal amounts of water may be required for dust control activities. Water required during construction activities would be transported to the Project site by water trucks and stored in these trucks at the construction staging areas. Groundwater supplies would not be substantially depleted nor would interference of groundwater recharge occur due to water usage during Project construction. Once operational, the proposed Project would not require the use of water. As a result, the proposed Project would result in a ***less than significant*** groundwater impact.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

Less Than Significant With Mitigation Incorporated. Construction activities occurring on the Project site has the potential to temporarily alter the existing on- and off-site drainage pattern. However, the drainage pattern of Pescadero Creek would not be impacted during construction. The proposed Project would include placement of RSP along both banks of the creek. The placement of the RSP would prevent future scouring of the channel and as such would incrementally reduce on- or off-site erosion or siltation. Access to the creek bed would be required to remove the existing bridge and develop the new bridge; however, **Mitigation Measure GEO-1** would be implemented and the use of construction BMPs would occur to ensure that the drainage pattern of Pescadero Creek remains intact and that substantial on or off-site erosion or siltation during construction does not occur. Once completed, the proposed Project would result in an increase in impervious surfaces (0.2 acre increase) due to the proposed improvements. This increase would not substantially alter the existing drainage pattern of the Project site or surrounding area resulting in substantial on or off-site erosion or siltation. Impacts under this criterion would be ***less than significant*** with implementation of the above identified mitigation measure.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant. The proposed Project would involve a raised bridge profile and wider bridge opening (when compared to existing conditions), thereby reducing the potential flow obstruction from the bridge structure. Because the potential flood flow would be able to pass under the proposed bridge crossing without accelerating through the space between the proposed bridge and the creek channel, the water surface elevation downstream of the proposed bridge would be approximately 0.1 feet to 0.2 feet higher than the existing water surface elevation.

As discussed above, the proposed Project would result in a raised roadway profile at the proposed bridge, which would allow for additional freeboard during the 50- and 100-year storm events. Because the flow of water would not be obstructed during 50- and 100-year storm events, the 100-year

floodplain would be reduced by 0.9 acre within the proposed Project vicinity (WRECO 2015). Implementation of the proposed Project would not substantially alter the drainage pattern nor would it result in an increase in flooding on or off-site. This impact is considered ***less than significant***.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant With Mitigation Incorporated. See Response IX(a) and IX(c).

- f) *Otherwise substantially degrade water quality?*

Less Than Significant With Mitigation Incorporated. See Response IX(a).

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No Impact. No housing units are proposed as part of the proposed Project. Therefore, the proposed Project would not place housing within the boundary of a 100-year flood hazard area. ***No impact*** would occur.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Less Than Significant. The Project site is located along the Pescadero Creek. This area is located within an area classified as Zone A by FEMA, indicating a flood that has a 1 percent chance of being equaled or exceeded within a given year. The proposed Project would result in a raised roadway profile at the proposed bridge, which would allow for additional freeboard during the 50- and 100-year storm events. Because the flow of water would not be obstructed during 50- and 100-year storm events, the 100-year floodplain would be reduced by 0.9 acre within the proposed Project vicinity (WRECO 2015). The proposed higher deck profile would provide adequate freeboard for drift in the channel during normal flow and base flood flow events. Impacts would be ***less than significant***.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?*

Less Than Significant. The Project site is not located in an area that would be inundated as a result of the failure of a levee or dam. The deck of the new bridge associated with the proposed Project would be developed 2 to 3 feet higher than the deck of the existing bridge providing additional freeboard during base flood events. Impacts would be ***less than significant***.

- j) *Inundation by seiche, tsunami, or mudflow?*

No Impact. The proposed Project is not located adjacent to the ocean, a lake, or a reservoir that could result in impacts caused by inundation by seiche or tsunami. No mountains or other geologic formations that would be prone to damage by mudflows are located within the Project site. Therefore, ***no impacts*** related to exposure to seiche, tsunami, or mudflows are anticipated.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING				
Would the project :				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project includes the removal of an existing bridge and development of a new bridge over Pescadero Creek along Limekiln Road in rural San Benito County. Two residential units are located approximately 900 feet west and 1,200 feet east of the proposed Project. Other than these residential units, the nearest established communities are Paicines and Ridgemark, 3 miles and 7 miles to the northeast and north of the Project site, respectively.

The Project site is within the jurisdiction of the San Benito County General Plan. San Benito County has land use regulatory authority over all unincorporated land in the county, which includes everything except land within the city limits of Hollister and San Juan Bautista, or land owned/managed by either the state or Federal governments (e.g., State Parks, National Parks, Bureau of Land Management area, and Native American tribal lands). The Project site is located in an area designated as Agricultural Rangeland (AR) land use and zoning according to the San Benito County General Plan Land Use Element and Map.¹ The AR designation is assigned to the remote hillside areas, watershed and rangeland areas and Williamson Act land. These remote hillside areas, watershed/rangeland areas and Williamson Act land are classified as open space within the Open Space and Conservation Elements of the San Benito County General Plan. These areas are typified by a lack of transportation access, high to very high fire hazard and by the lack of utility services to allow for more dense types of developments. Many of these areas are found within the critical fire hazard area or in the remote areas of the many isolated canyons throughout San Benito County. Considering that the proposed Project is located on Limekiln Road it would not be in conflict with the San Benito County General Plan Land Use and Zoning regulations.

The Project site is not located in an area that is designated under a habitat conservation plan or natural community conservation plan.

¹ San Benito County General Plan Land Use Element and Land Use Plan Map, Figure 1, 1992.

Discussion

a) Physically divide an established community?

Less Than Significant. The proposed Project would include the demolition of an existing bridge and construction of a new bridge along Limekiln Road over Pescadero Creek. The proposed Project is located on Limekiln Road south of Cienega Road in the County of San Benito. South of the Project site, Limekiln Road continues and turns into an unimproved dirt road ending at a winery. The Project site is located in a rural area along Limekiln Road. Two single-family residential units are located in the Project vicinity: one is located approximately 900 feet west of the Project area and the second is located approximately 1,200 feet east of the Project area; however, the nearest established community is the town of Paicines, 3 miles northeast of the Project site. A temporary detour bridge would be developed so that access would be maintained through the construction phase. The temporary paved detour would be 15 feet wide and require a fill in the creek channel approaching 30 feet wide near the upstream (west) side of the existing bridge. Therefore, throughout the demolition and construction processes, traffic would still be able to flow, and a connection to Cienega Road would be maintained. The proposed Project would not physically divide an established community; therefore, impacts would be *less than significant*.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed Project would not involve a change in land use and would continue to comply with the San Benito County General Plan Land Use Element, Land Use Map and Zoning Ordinance. Furthermore, the proposed Project would continue to be in compliance with policy and regulations per Caltrans. The proposed Project would not conflict with applicable land use plans, policies, or regulations. **No impact** would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The Project site is not within the boundary of a habitat conservation plan or natural community conservation plan area. **No impact** would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Minerals are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, and oil-bearing rock, but excluding geothermal resources, natural gas, and petroleum. Rock, sand, gravel, and earth are also considered minerals by the Department of Conservation when extracted by surface mining operations. No known mineral resources that would be of value are located on or near the Project site.

Discussion

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

No Impact. According to the San Benito County General Plan and Zoning Map, the Project site is not located within a mineral resource zone nor is one located near the Project site.¹ Therefore, the proposed Project would not result in loss of availability of a known mineral resource that would be of value to the region and residents of California.

- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. See Section XI(a), above.

¹ San Benito General Plan, Environmental Resources and Constraints Inventory, Figure 25, July 26, 1994 and San Benito County Zoning, 2011.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE

Would the project result in:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Construction and Operational Noise

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement that indicates the relative intensity of a sound. The 0 measurement on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB increases is 100 times more intense, and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness to the human ear. Sound intensity is

normally measured through the *A-weighted sound level* (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The primary existing noise source in the Project vicinity is vehicle traffic along Limekiln Road, including cars, trucks, and motorcycles. The level of vehicular noise generally varies with the volume of traffic, the number of trucks or motorcycles, the speed of traffic, and the distance from the roadway. Limekiln Road is in a rural area and therefore traffic flows and noise related to traffic flows is minimal. Additionally some noise is produced at the residential units northeast of the Project site in the form of daily household activities, including landscape maintenance, music, and domestic animal noises.

The proposed Project would include the demolition of an existing bridge, construction of a new bridge, creek bed shoring, and roadway alignment improvements. During demolition and construction activities at the Project site construction equipment such as loaders, haul/dump trucks, and low impact hammers (for rock excavation) would be expected to be used either at individual times or simultaneously. **Table I: Typical Construction Equipment Noise Levels** shows the noise levels of various construction equipment as measured from a distance of 50 feet.

Table I: Typical Construction Equipment Noise Levels

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 ft)	Suggested Maximum Sound Levels for Analysis (dBA at 50 ft)
Pile Drivers	81-96	93
Rock Drills	83-99	96
Jackhammers	75-85	82
Pneumatic Tools	78-88	85
Pumps	74-84	80
Scrapers	83-91	87
Haul Trucks	83-94	88
Cranes	79-86	82
Portable Generators	71-87	80
Rollers	75-82	80
Dozers	77-90	85
Tractors	77-82	80
Front-End Loaders	77-90	86
Hydraulic Backhoe	81-90	86
Hydraulic Excavators	81-90	86
Graders	79-89	86
Air Compressors	76-89	86
Trucks	81-87	86

Source: Noise Control for Buildings and Manufacturing Plants, Bolt, Beranek & Newman 1987.

Notes: ft-lb/blow = foot pound per blow; ft = feet/foot; dB(A) = A-weighted decibels

Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, churches, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks are considered noise-sensitive. The proposed Project would be developed in an area that is rural with two

sensitive receptors (residential units) located to the east and west of the Project site. The two residential units are 1,200 feet east and 900 feet west from the Project site, respectively.

The County of San Benito provides guidelines for daytime and nighttime noise exposure limits for Agricultural Rangeland land uses. During daytime, noise levels are not to exceed 45.0 dB(A) and during nighttime 35.0 dB(A) for more than 15 minutes during a 60-minute period.¹ However the proposed Project would be exempt from this provision as, “Temporary construction noise, demolition or maintenance of structures between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, except Sundays and federal holidays” is allowed to occur.²

Groundborne Vibrations

Groundborne vibration can be a serious concern for residential areas and sensitive land uses; including areas with underground aquifers and springs supplying water. Some common sources of groundborne vibration include construction activities such as blasting, pile-driving, and operating heavy earth-moving equipment. Vibration is an oscillatory motion which can be described in terms of the displacement, velocity, or acceleration. The response of humans, buildings, sensitive land use areas, and equipment vibration is more accurately described using velocity or acceleration. The Peak Particle Velocity (PPV) is used to describe construction-related vibrations. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration signal and is measured in inches/second. PPV is often used in monitoring of blasting vibration since it is related to the stresses that are experienced by buildings. **Table J: Vibration Source Levels for Construction Equipment** provides typical vibration levels generated by operating construction equipment as measured from 25 feet away.

Table J: Vibration Source Levels for Construction Equipment

Type of Equipment	PPV at 25-feet (inches/second)
Pile Driver (Impact)	0.644 to 1.518
Pile Driver (sonic)	0.170 to 0.734
Clam shovel drop (slurry wall)	0.202
Hydromill (slurry wall-in soil)	0.008
Hydromill (slurry wall-in rock)	0.017
Vibratory Roller	0.210
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson drilling	0.089
Loaded trucks	0.076
Jackhammer	0.035
Small bulldozer	0.003

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment (FTA-VA-90-1003-06), May 2006, Table 12-2, pg. 12-12.

¹ San Benito County Code of Ordinances, Title 19 Land Use and Environmental Regulations, Article IV Sound Level Restrictions, Section 19.39.030 Maximum Permissible Sound Pressure Levels.

² San Benito County Code of Ordinances, Title 19 Land Use and Environmental Regulations, Article VI Exceptions and Exemptions, Section 19.39.051 Exemptions.

The County of San Benito does not regulate vibration impacts from construction activity and thresholds are not discussed in the San Benito County General Plan or San Benito County Code of Ordinances. For analysis purposes in this Initial Study, any groundborne vibrations at sensitive land uses (areas where aquifers or springs are located) or residential uses above 0.30 inches/per second would be considered an impact. The threshold of 0.30 inches/per second is based on Caltrans studies for work in sensitive areas (i.e., near historic buildings, residential neighborhoods, etc.).

Discussion

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less Than Significant with Mitigation Incorporated. Short-term (construction) and long-term (operational) noise impacts of the proposed Project are described below.

Short-Term (Construction) Impacts. During construction of the project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Two types of short-term noise impacts would occur during project construction. The first type would be from construction crew commutes and the transport of construction equipment and materials to the project site, which would incrementally raise noise levels on access roads leading to the site. The pieces of heavy equipment for demolishing the existing bridge and construction of the replacement structure would be moved on site, would remain for the duration of each construction phase, and would not add to the daily traffic volume in the project vicinity. There is a potential for a high single-event noise exposure at a maximum level of 87 A-weighted decibels (dBA) maximum instantaneous noise level (L_{max}) from trucks passing at 50 feet. However, the projected construction traffic would be minimal when compared to existing traffic volumes on Limekiln Road, and its associated long-term noise level change would not be perceptible. Therefore, short-term construction-related commutes and equipment transport noise impacts would be *less than significant*.

The second type of short-term noise impact is related to noise generated during bridge removal and construction. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated and, therefore, the noise levels at the project site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table I lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a sensitive noise receptor.

Potential bridge construction areas are located as close as approximately 900 feet (to the west of the bridge) from the nearest noise sensitive receptor (i.e., residential land use) shown in Figure 3. Accordingly, the focus of this analysis is on noise generated by the potential construction areas. It is expected that pile drivers would be the equipment that would generate the highest noise levels. As seen in Table I, the maximum noise level generated by pile drivers is assumed to be approximately 93 dBA L_{max} at 50 feet from the pile driver when it is in full operation. Other construction equipment expected to be used include haul/dump trucks which would generate approximately 88 dBA L_{max} at 50 feet at full power. Each doubling of the sound source with equal strength increases the noise level by 3 dBA

due to the logarithmic nature of the decibel scale. Each piece of construction equipment operates as an individual point source. Assuming each piece of construction equipment operates at some distance away from the other equipment, the predicted combined noise level during this phase of construction is approximately 95 dBA L_{\max} at a distance of 50 feet from an active construction staging area.

The closest sensitive receptor to the southeast end of the project is a residence, which is located approximately 900 feet from the potential bridge construction area shown in Figure 3. At this distance, this receptor may be subject to short-term noise reaching 70 dBA L_{\max} generated by construction activities assuming roadway improvement work and bridge replacement would be occurring simultaneously.

To minimize the construction noise impact for the sensitive receptors adjacent to the Project site, construction noise is regulated by the California Department of Transportation (Caltrans) Standard Specification Section 14-8.02, "Noise Control," and also by Caltrans Standard Special Provisions S5-310, "Noise Control." These regulations state that noise levels generated during construction shall comply with applicable local, state, and federal regulations. Although construction activities are exempt in the County of San Benito to noise standards, implementation of **Mitigation Measure NOISE-1** would reduce exposure of the sensitive receptors to noise generated during construction of the proposed Project:

Mitigation Measure NOISE-1: During construction activities on the Project site the construction foreman shall implement the following measures to reduce noise level exposure that would occur at the residential units in the vicinity of the Project area:

- The construction contractor shall comply with all local sound control noise level rules, regulations, and ordinances that apply to any work performed;
- Each internal combustion engine, used for any purpose on the Project site, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated without a muffler during Project construction activities;
- Between the hours of 7:00 AM and 7:00 PM, the noise level from the construction areas on the Project site shall not exceed 86.0 dB(A) at a distance of 50 feet; or shall not exceed an average sound level greater than 75 dBA $L_{eq}(h)$ as measured on the property of any residential dwelling unit. Work shall not occur on Sundays or federal holidays, unless specifically permitted by contract and the County of San Benito;
- The use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of the construction personnel on-site during construction activities; and,
- As directed by Caltrans, the construction contractor shall implement appropriate additional noise mitigation measures, as required, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction activities that would produce louder than expected noise levels, and installing acoustic barriers (walls or curtains) around stationary construction equipment noise sources.

Long-Term (Operational) Impacts. As discussed above, the proposed Project would replace an existing bridge with a new bridge on Limekiln Road. Limekiln Road would remain a two-lane road outside and inside of the Project boundary; therefore, it is not anticipated that vehicular trips through the Project area would increase in the future. Operational noise levels along Limekiln Road would not increase as a result of the proposed Project. Long-term (operational) impacts would therefore be ***less than significant***.

- b) *Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?*

Less Than Significant. Project construction includes activities such as operation of large pieces of equipment (e.g., heavy trucks), which may result in the periodic, temporary generation of groundborne vibration. Given the nature of any potential groundborne vibration and given that any impacts would be temporary and periodic, potential impacts are ***less than significant***.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less Than Significant Impact. As discussed above, the proposed Project would not increase or generate new vehicle trips along Limekiln Road. Therefore during operation of the proposed Project roadway noise emanating from Limekiln Road would remain the same as under existing conditions. Because an increase in vehicular trips is not associated with the proposed Project, long-term (operational) noise impacts would be ***less than significant***.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less Than Significant with Mitigation Incorporated. Temporary intermittent noise from short-term construction activities associated with the development of the proposed Project would occur. These activities would expose the sensitive receptors near the Project site to intermittent short-term increases in ambient noise levels. Although construction noise levels are exempt under the San Benito County Code of Ordinances, **Mitigation Measure NOISE-1** would be implemented to reduce the short-term noise exposure that the residential units adjacent to the Project site would experience as a result of Project construction activities. Impacts would be ***less than significant***.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The proposed Project is not located within two miles of a public airport or within the vicinity of a private airstrip. The closest airport to the Project site is the Hollister Municipal Airport 13.4 miles to the north-northwest. Therefore, the proposed Project would not expose people working in the area to excessive noise levels associated with airports and airplanes.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The proposed Project is not located within the vicinity of a private airstrip. See Section XII(e) above.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The Project site is located in a rural portion of San Benito County along Limekiln Road at the Pescadero Creek crossing. The nearest established community is Paicines 3 miles of the Project site. Two single-family residential units are located 900 feet west and 1,200 feet east of the Project area. However, demolition of these residential units would not be required for implementation of the proposed Project.

Discussion

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. The proposed Project would include the demolition of the existing bridge on Limekiln Road at the Pescadero Creek crossing, alignment of Limekiln Road to improve approach areas to a new bridge, and development of a new bridge at the crossing. Once completed, the new bridge would not result in an increase in vehicle traffic volume which could indirectly induce substantial population growth in the vicinity of the Project site. The nearest residential unit is located approximately 900 feet west of the Project area. Implementation of the proposed Project would not induce direct population growth to the rural-residential area adjacent to the Project. Therefore, the Project would not directly or indirectly induce population growth. **No impact** would occur.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact. Two single-family residential units are located within 1,200 feet of the Project area. Implementation of the proposed Project would not displace these residential units and would not require construction of replacement housing elsewhere. **No impact** would occur.

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. See Section XIII(b).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project site is located in a rural area of San Benito County and is served by the following public services:

Law Enforcement. The San Benito County Sheriff's office (Department) has the primary responsibility of protecting the life and property of citizens living in the unincorporated areas of San Benito County. The Department operates from its headquarters at 2301 Technology Parkway in Hollister, approximately 13 miles north of the Project site. As of 2015, the Department has 32 sworn deputies serving 18,859 residents in the unincorporated areas of the County. This ratio equates to a staffing level of 1.7 officers per 1,000 residents. The California Highway Patrol (CHP) is responsible for traffic enforcement services on state highways and county roads.

Fire Protection. The San Benito County Fire Department is responsible for fighting urban and structural fires within unincorporated San Benito County. The Department of Forestry and Fire Protection (CAL FIRE) is a State wild land fire agency established to protect non-Federal, unincorporated lands within California. When available, CAL FIRE also assists the San Benito County Fire Department. The nearest fire station is the Hollister Fire Station located at 1979 Fairview Road located approximately 11 miles north of the Project area.

Schools. The Project site is located within the boundary of the Cienega Union Elementary School District. The school nearest to the Project area is Cienega Elementary School located at 11936 Cienega Road and consists of one school that houses students in Kindergarten through 8th grade.

Parks. For a discussion of parks and recreation, see Section XV, Recreation.

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities?*

No Impact. The proposed Project would include the demolition of an existing bridge on Limekiln Road spanning Pescadero Creek, Limekiln Road improvements including realignment for placement of a new bridge, and development of a new bridge over Pescadero Creek. The proposed Project would not increase demand for public services, nor degrade the quality of existing public services. The proposed Project would improve traffic circulation along Limekiln Road at the Pescadero Creek overcrossing by providing a wider bridge in compliance with AASHTO standards. No parks, recreational facilities, or other public facilities are located near the proposed Project; therefore, such public services would not be impacted by development of the proposed Project. ***No impacts*** to public services would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

San Benito County is a predominantly rural county with a variety of park and recreational facilities. The County contains several large and significant parklands that are owned and operated by the Federal and State governments, including Pinnacles National Monument, Hollister Hills State Vehicular Recreation Area, and Fremont Peak State Park. These large recreation areas are complemented by several County- and city-owned parks, historical sites, and special use areas that also provide important recreational amenities for County residents, employees, and visitors. The County of San Benito does not have any parks that provide active recreation, including sports fields, an aquatic center, or comprehensive trail network.

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No Impact. The Project site is located in a rural part of San Benito County and is not located near any existing regional and neighborhood parks or other recreational facilities. Implementation of the proposed Project would not increase the use of such recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **No impact** would occur.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No Impact. Recreational facilities would not be included as part of the Project, and the expansion of an existing recreational facility would not be required. **No impact** would occur under this criterion.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project is located on Limekiln Road at the Pescadero Creek overcrossing. The Limekiln Road Bridge was originally constructed in 1980 and is composed of a single lane that is 13.5 feet wide with a span of 24 feet. The existing bridge has a Sufficiency Rating of 30.6 making it eligible for Federal Highway Bridge Program (HBP) replacement funding.

Limekiln Road is classified as a Local Collector Road with an average daily traffic (ADT) volume of approximately 400 vehicles. Limekiln Road intersects with Cienega Road approximately 700 feet north of the existing crossing at Pescadero Creek. The Project site is located in a rural area of San Benito County, and there are not major or minor intersections near the site.

According to the County of San Benito the Project site is not located on an existing or proposed non-motorized transportation route (bicycle), bus transit service system route, or designated/eligible scenic roadway segment.

The proposed Project would include the demolition of the existing bridge, Pescadero Creek channel slope protection, approach roadway work on Limekiln Road, and new bridge construction. The total Project site is approximately 760 feet in length, which includes approximately 720 feet of roadway work beyond the bridge abutments. The roadway alignment within 400 feet beyond each end of the bridge would require profile adjustment to accommodate hydraulic freeboard over the creek and to maintain the 55 mile per hour design speed. The new bridge deck would be approximately 2 to 3 feet higher than the existing bridge deck. The proposed bridge would have a 32-foot clear width composed of two 12-foot lanes and 4-foot shoulders.

Discussion

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Less Than Significant. A small volume of traffic would be generated during construction of the proposed Project due to the increase in vehicle trips associated with construction equipment and trucks. However, the number of vehicles would be minimal (e.g., staging construction equipment at the Project site would eliminate vehicle trips during construction) and the demolition/construction period would be of a temporary duration. As described above, a temporary detour bridge would be constructed to allow for the uninterrupted movement of vehicles traveling along Limekiln Road. The temporary paved detour would be 15 feet wide and require a fill in the creek channel approaching 30 feet wide near the upstream side of the existing bridge. Therefore, minimal delays in traffic would occur during demolition and construction of the proposed Project. Construction-related impacts to traffic and circulation along Limekiln Road would be *less than significant*.

Once completed the proposed Project would not generate an increase in traffic volumes along Limekiln Road at the Pescadero Creek overcrossing. Furthermore, the proposed Project is not near any major or minor intersections and would not impact local intersection traffic volumes. Operational-related impacts to traffic and circulation along Limekiln Road would be *less than significant*.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Less Than Significant. As described above, construction activities associated with development of the proposed Project would generate a small increase in vehicular traffic associated with construction trucks/equipment and personnel traveling to and from the Project site. However, the increase in traffic would be minimal during construction activities. Once completed, the proposed Project would not generate an increase in the 400 ADT volume along Limekiln Road, because the Project is a bridge replacement project and not traffic-inducing. Therefore, the Project would not result in an increase in

Level of Service (LOS) standards established by San Benito County. Impacts would be *less than significant*.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?*

No Impact. The proposed Project does not include any towers or any tall structures that would result in a change in air traffic patterns, including either an increase in air traffic levels or change in location that would result in substantial air safety risks. *No impact* would occur.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No Impact. Development of the proposed Project over Pescadero Creek would use enhanced and updated design features that would reduce hazards for vehicles traveling along Limekiln Road. The proposed Project would include roadway improvements at the northern and southern approach (alignment). The roadway alignment within 400 feet beyond each end of the bridge would require profile adjustment to accommodate hydraulic freeboard over the creek and to maintain the 55 mile per hour design speed. The proposed Project would not substantially increase hazards due to design feature or incompatible uses. *No impact* would occur.

- e) *Result in inadequate emergency access?*

Less Than Significant. The proposed Project is located on Limekiln Road, a Local Collector Road located in rural San Benito County. Limekiln Road intersects with Cienega Road approximately 700 feet north for the roadway overcrossing of Pescadero Creek. The County of San Benito has not identified Limekiln Road as an emergency access road; however, residents adjacent to the Project site would use this road to gain access to Cienega Road and ultimately State Route 25 in the event of an emergency (e.g., wild land fire, major flooding, or earthquake).

Limekiln Road would remain open during construction of the proposed Project. As described above, a temporary detour bridge would be constructed to allow for the uninterrupted movement of vehicles traveling along Limekiln Road. The temporary paved detour would be 15 feet wide and require a fill in the creek channel approaching 30 feet wide near the upstream side of the existing bridge. Once the new bridge is complete, the temporary bridge would be closed and demolished. In the event of an emergency, construction crews and residents living adjacent to the Project site would still be able to use Limekiln Road to access Cienega Road. Once operational, access to the local roadway network would be unchanged compared to existing conditions. Therefore, the proposed Project would not result in inadequate emergency access. Impacts would be *less than significant*.

- f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

No Impact. The proposed Project is located in a rural area of San Benito County and is not within the boundary of adopted policies, plans or programs supporting alternative transportation. Therefore, the proposed Project would not conflict with such alternative transportation policies, plans, or programs. *No impact* would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. TRIBAL CULTURAL RESOURCES

Would the project:

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Environmental Setting

Assembly Bill (AB) 52, a new state law recently (2014) signed by the governor, amended the California Environmental Quality Act (CEQA) to require Tribal Cultural Resources to be considered as potentially significant cultural resources under the CEQA environmental review process. The new procedures under AB 52 offer the tribes an opportunity to take an active role in the CEQA process in order to protect tribal cultural resources. Much of the following discussion can be found in the Cultural Resources Section, above.

LSA completed consultation with the NAHC and Native American contacts provided by the NAHC and no tribal cultural resources were identified. Pursuant to Assembly Bill 52, if a Native American identifies tribal cultural resources within the APE for the project, the Native American shall contact the local lead agency. With coordination with local Native American Tribes, impacts to tribal cultural

resources would be *less than significant*.

As discussed in the Cultural Resources Section, above, research was conducted regarding historical properties and Native American cultural sites in the Project APE. The records search included the APE and a ¼-mile radius for previous cultural resource studies and cultural sites. No cultural resources were found within the proposed Project APE or the within the ¼-mile search radius.

Consultation with the Native American Heritage Commission occurred on February 20, 2013, and the results indicated that a records search of the Sacred Lands File did not “indicate the presence of Native American cultural resources in the immediate project area.” LSA contacted six local Native American Tribe representatives on May 26, 2013, regarding the location of the proposed Project. Of the six Native American Tribe representatives contacted, three requested that a qualified monitor be present during ground disturbing activities and two tribes (Amah/Mutsun Tribal Band and Indian Canyon Mutsun Band of Costanoan) requested to be present during ground disturbance within the APE.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
- *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Less Than Significant with Mitigation Incorporated. As described above, research was conducted to determine if sensitive historical or Native American sites were located within the APE or surrounding the Project site. No historical resources were identified within or adjacent to the Project area.

The possibility exists that previously unknown buried archaeological deposits could be discovered during grading and excavation work associated with construction. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt or quartzite tool making debris; bone tools; culturally darkened soil (e.g., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse. Implementation of **Mitigation Measure CULT-1** would reduce impacts to previously undiscovered resources to a *less than significant* level.

No human remains are known to exist within the APE. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location

other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of San Benito County has determined whether or not the remains are subject to the coroner's authority. There is no indication that human remains are present within the Project site. Implementation of **Mitigation Measure CULT-2** would ensure that potential impacts to human remains, should they be encountered, would be reduced to a *less than significant* level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project site is located in a rural area of San Benito County where utility services are available.

San Benito County has three sources of water supply including: water purchased and imported from the Central Valley Project (CVP) by the San Benito County Water District (SBCWD); local surface water stored in and released from SBCWD-owned and operated Hernandez and Paicines reservoirs; and local groundwater pumped from wells. While the SBCWD is the CVP wholesaler and has jurisdiction over water management throughout the county, much of the population is served by water purveyors, including the City of Hollister, Sunnyslope County Water District (SSCWD), and other small local purveyors. Some communities within the county are not served by water districts or do not have water systems that provide water service. These communities and rural residents must rely on

private wells and groundwater. The proposed Project is located in a rural area of San Benito County and is not located within a water district's jurisdiction. Water used during construction of the proposed Project would be shipped in and housed in water trucks at construction staging areas.

Solid waste generated by the proposed Project during construction activities would be collected and transported to John Smith Road Landfill, 8 miles north of the Project site. John Smith Road Landfill, a Class III municipal waste landfill owned by the County and operated by a private firm, Waste Connections, is the only operating active solid waste landfill within the County of San Benito. The facility receives an average of 250 tons of waste per day, 50 percent of which is diverted to recycling. The maximum permitted throughput of this facility is 1,000 tons per day. The landfill has a maximum permitted capacity of 9,354,000 cubic yards and as of November 30, 2012 has a remaining capacity of 4,625,827 cubic yards (50.5 percent remaining capacity).

Construction of the proposed Project would include the relocation of utility poles/lines providing electrical service to the area. Pacific Gas and Electric (PG&E) is the only purveyor of electricity service in the County of San Benito. AT&T has an underground line on the same side of the road as the overhead lines. The County and/or its contractor would coordinate with PG&E and AT&T prior to construction to ensure proper shut down of service to the utility poles/lines that would be relocated as a result of the proposed Project.

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Less Than Significant with Mitigation Incorporated. As discussed above in Section IX(a), implementation of the proposed Project would not lead to an exceedance of wastewater treatment requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB). The proposed Project includes the demolition of the existing bridge over Pescadero Creek, channel slope protection, approach roadway work, and new bridge construction. No wastewater would be generated during construction or operation of the proposed Project. Work would be required in the live channel of Pescadero Creek during Project construction and would include construction of the support pier, placement of rock slope protection (RSP), installation of temporary falsework, and removal of the existing bridge structure. To conduct these activities, water diversion (dewatering) would be required consisting of a 16-inch diameter corrugated metal pipe (CMP) to direct the flow of water through the Project work area. The CMP would be placed along the low-flow invert of the natural creek and a small earthen berm will be installed at each end of the pipe to direct water into the pipe. Clean sand and gravel would be used at the base of the berm to protect the existing creek channel. Both berms and CMP would be completely removed at the completion of Project construction. Dewatering activities would be conducted in compliance with all applicable provisions of the de minimus permit. Implementation of **Mitigation Measure HYDRO-3** would reduce potential impacts to a *less than significant* level.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less Than Significant. The proposed Project consists of demolition and the construction of a new bridge along Limekiln Road at the Pescadero Creek crossing. During construction activities at the Project site, water associated with dust controlling activities would be expected to be used in minimal amounts. The water that would be used during construction would be trucked in and housed in a water

truck at construction staging areas at the Project site. Any wastewater that is generated at the Project site during construction would be hauled off-site to the nearest Wastewater Treatment Plant (WTP) for treatment.

The proposed Project would require water and would generate wastewater during construction activities only. The amount of water required and wastewater expected to be generated during construction would be minimal and would only occur on a temporary basis for the duration of construction activities. No new water treatment or wastewater treatment facilities would have to be developed in association with development of the proposed Project. Additionally local water treatment and wastewater treatment plants would not need to be expanded due to implementation of the proposed Project. During operation of the proposed Project water would not be required and no new wastewater would be generated on-site. Impacts would be *less than significant*.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less Than Significant. The proposed Project would include bridge demolition, channel slope protection, approach roadway work and bridge construction. The existing bridge crossing the channel at Pescadero Creek is 13.5 feet wide by 24 feet long. The proposed bridge would have a 32-foot clear width made up of two 12-foot lanes and 4-foot shoulders, thus slightly increasing the amount of impervious surface at the Project site.

The slight increase in impervious surfaces and tributary diversion techniques at the Project site would not affect the amount of on-site runoff during construction and operational activities that would lead to the expansion of existing stormwater facilities. Therefore, impacts would be *less than significant*.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less Than Significant. See Section XVI(b) above.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less Than Significant. See Section XVI(b) above.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Less Than Significant. The Project site is served by the John Smith Road Landfill located at 2650 John Smith Road in the City of Hollister, approximately 8 miles north of the Project area. The John Smith Road Landfill is designated as a Class III facility and processes agricultural, construction/demolition, green material, industrial, inert, manure, mixed municipal, tires, and wood waste products. This landfill has a daily intake capacity of 1,000 tons/day and currently processes 250 tons/day of solid waste. The landfill's maximum capacity is 9,354,000 cubic yards of solid waste and as of November 2012 has a remaining capacity of 4,625,827 cubic yards.

The proposed Project would temporarily generate construction and demolition debris during construction as the existing bridge is demolished and the new bridge is developed. Construction-related solid waste generated by the proposed Project would include wood and concrete debris, inert materials, and mixed municipal from construction workers on the Project site. Once operational, the proposed Project would not generate solid waste. The amount of solid waste that would be generated during construction of the proposed Project would be minimal compared to the existing daily intake at the John Smith Road Landfill. The John Smith Road Landfill would be able to intake material from the Project site during the temporary construction period and would still have remaining daily intake capacity to serve other solid waste disposal requirements. Considering that solid waste would be generated during construction only and no solid waste would be generated during the operation of the project, disposal operations at John Smith Road Landfill would not be impacted by the proposed Project. Therefore, impacts would be *less than significant*.

g) Comply with federal, State, and local statutes and regulations related to solid waste?

No Impact. The proposed Project would comply with Federal, State, and local regulations related to solid waste. *No impact* would occur.

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

Environmental Setting

The Mandatory Findings of Significance section discusses the potential of the proposed Project to degrade the quality of the environment and any biological habitats. Impacts on a cumulative basis are also discussed as well as the Project having any environmental impacts which would cause substantial direct or indirect adverse impacts on human beings.

Discussion

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

Less Than Significant with Mitigation Incorporated. The proposed Project would include the demolition of an existing bridge over the Pescadero Creek along Limekiln Road and development of a replacement bridge. As described throughout this Initial Study, implementation of the proposed Project would have the potential to adversely impact sensitive natural communities, special-status animals and previously undiscovered cultural resources and/or human remains. With implementation of the mitigation measures recommended in this Initial Study, compliance with San Benito County

requirements, and application of standard practices, development of the proposed Project would not: 1) degrade the quality of the environment; 2) substantially reduce the habitat of fish or wildlife species; 3) cause a fish or wildlife population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or, 6) eliminate important examples of the major periods of California history or prehistory.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

Less Than Significant. The impacts of the proposed Project would be individually limited and would not be cumulatively considerable. The proposed Project would include the demolition of an existing bridge and development of a replacement bridge over Pescadero Creek along Limekiln Road. All environmental impacts that could occur as a result of the proposed Project would be reduced to a less than significant level with implementation of the mitigation measures recommended throughout this Initial Study. When viewed in conjunction with other closely related past, present or reasonably foreseeable future projects, development of this Project would not cumulatively contribute to impacts.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant. The purpose of the proposed Project is to replace the existing Limekiln Road Bridge over Pescadero Creek with a new longer and wider bridge on an improved roadway alignment. The proposed Project would replace the existing single lane 16-foot-wide by 87-foot-long bridge constructed in 1980 with a new bridge 32 feet wide and 40 feet long. Once completed, the new bridge would meet current AASHTO standards for design speed or road/bridge width. As described in this Initial Study, implementation of the proposed Project could result in temporary air quality, biology, cultural, geology and soils, greenhouse gas, hazardous waste, hydrology, and noise impacts during the construction period. Implementation of the mitigation measures recommended in this Initial Study, compliance with San Benito County regulations, and application of standard construction practices would ensure that the proposed Project would not result in environmental impacts that would cause substantial direct or indirect adverse impacts on human beings.

3.0 REPORT PREPARERS

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5.0 RESPONSE TO COMMENTS



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

February 28, 2017

James Polfer
San Benito County
2301 Technology Parkway
Hollister, CA 95023

Subject: Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek
SCH#: 2017011071

Dear James Polfer:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on February 27, 2017, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED

MAR 03 2017

Public Works
San Benito County

RESPONSE TO COMMENTS

Governor's Office of Planning and Research State Clearinghouse and Planning Unit (Dated February 28, 2017)

A-1: Comment Noted.

6.0 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PLAN

The purpose of this Mitigation Monitoring and Reporting plan (MMRP) is to ensure effective implementation of the Project Mitigation Measures (MM) that are required by the County of San Benito and that the County has agreed to implement as part of project construction and/or operation. The MMRP, which is outlined below, includes the:

- MMs that the applicant is required to implement as part of the project
- CEQA checklist questions to which the MMs apply
- Responsibility for compliance
- Timing for implementation of the MMs

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
II Agricultural and Forest Resources			
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Mitigation Measure AG-1: Construction activities occurring on temporary impact areas that are used for agricultural production and designated as Prime Farmland shall occur at the end of the harvest season. The post-harvest construction window would allow temporary construction activities to occur on-site without permanently damaging agriculturally productive Prime Farmland. All temporary impact areas designated as Prime Farmland shall be returned to pre-Project conditions once all construction activities on the Project site are completed. Any soil that is removed or excavated in the temporary impact areas that are designated as Prime Farmland shall be stockpiled on-site and re-used as fill to return such areas to original conditions once construction is completed. New soil shall not be used to replace excavated soils in the temporary impact areas that are designated as Prime Farmland.	Construction Contractor and Applicant	Prior to the start of and throughout the project construction period
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Mitigation Measure AG-2: The County of San Benito shall notify the California Department of Conservation of the intent to acquire additional right-of-way land from APN 026-090-028, APN 026-090-034, and APN 026-090-029 (all of which are under Williamson Act Contracts). The notification shall follow the procedures set forth by the California Department of Conservation for Public Acquisitions of Williamson Act Contracted Land. The notice shall indicate the amount of land that would need to be acquired from each of these parcels to implement the proposed Project. The notice shall also indicate that the remaining land on each parcel is not required for Project implementation and that said land would continue to be under Williamson Act Contracts.	Construction Contractor and Applicant	Prior to the start of project construction
III Air Quality			
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Mitigation Measure AIR-1: The County and/or their Project contractor shall prepare a Dust Control Plan for demolition and construction activities at the Project site pursuant to the requirements and regulations of the MBUAPCD. The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures: <ul style="list-style-type: none">• All visible dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;• All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;• Earth or other material that has been deposited by trucking or earthmoving equipment, erosion by water, or other means onto paved streets shall be promptly removed;• Asphalt, oil, water or suitable chemicals shall be applied on stockpiled materials, and other surfaces that can give rise to airborne dusts;• All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;• The contractor’s foreman shall take reasonable precautions to prevent the entry of unauthorized vehicles during non-work hours;• The contractor’s foreman shall keep a daily log documenting the activities implemented to control fugitive dust;• If deposits of NOA are discovered during construction, activities shall be suspended and mitigation on a site-specific basis shall be developed and implemented. Construction Plans for the proposed Project shall include a notice stating, “If NOA is discovered	Construction Contractor and Applicant	Prior to the start of and throughout the project construction period

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing																																
	<p>(uncovered) during demolition, grading or construction activities, work shall be suspended immediately and the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be contacted to determine compliance measures to be taken regarding the NOA.” In addition, the following measures shall be required:</p> <ul style="list-style-type: none">○ All on-site vehicle speeds shall be limited to fifteen (15) miles per hour on unpaved roads. Visible dust crossing the property boundary shall be prohibited;○ Storage piles and disturbed areas not subject to vehicular traffic shall be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos; and○ Activities shall be conducted so that no track-out from any road construction activities is visible on any paved roadway open to the public.																																		
IV Biological Resources																																			
<p>a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> <p>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> <p>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p> <p>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Mitigation Measure BIO-1: The following measures shall be implemented to reduce any potential impacts to foraging bats:</p> <ol style="list-style-type: none">1. Work activities shall be limited to daylight hours to minimize potential effects to foraging bats.2. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be revegetated with the seed mix specified in Table A: Native Species Mix. Invasive exotic plants will be controlled to the maximum extent practicable. <p>Table A: Native Seed Mix</p> <table><tr><th>Scientific Name</th><th>Common Name</th><th>Rate (Lbs./Acre)</th><th>Minimum Percent Germination</th></tr><tr><td><i>Artemisia douglasiana</i></td><td>Mugwort</td><td>2.0</td><td>50</td></tr><tr><td><i>Bromus carinatus carinatus</i></td><td>California brome</td><td>5.0</td><td>85</td></tr><tr><td><i>Elymus trachycaulus</i></td><td>Slender wheatgrass</td><td>2.0</td><td>60</td></tr><tr><td><i>Elymus X triticum</i></td><td>Regreen</td><td>10.0</td><td>80</td></tr><tr><td><i>Eschscholzia californica</i></td><td>California poppy</td><td>2.0</td><td>70</td></tr><tr><td><i>Hordeum brachyantherum</i></td><td>California barley</td><td>2.0</td><td>80</td></tr><tr><td><i>Lupinus bicolor</i></td><td>Bicolored lupine</td><td>4.0</td><td>80</td></tr></table> <p>Source: LSA Associates, Inc., 2015</p>	Scientific Name	Common Name	Rate (Lbs./Acre)	Minimum Percent Germination	<i>Artemisia douglasiana</i>	Mugwort	2.0	50	<i>Bromus carinatus carinatus</i>	California brome	5.0	85	<i>Elymus trachycaulus</i>	Slender wheatgrass	2.0	60	<i>Elymus X triticum</i>	Regreen	10.0	80	<i>Eschscholzia californica</i>	California poppy	2.0	70	<i>Hordeum brachyantherum</i>	California barley	2.0	80	<i>Lupinus bicolor</i>	Bicolored lupine	4.0	80	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
Scientific Name	Common Name	Rate (Lbs./Acre)	Minimum Percent Germination																																
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<i>Lupinus bicolor</i>	Bicolored lupine	4.0	80																																
	<p>Mitigation Measure BIO-2: The following measures are included in the USFWS’s Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (June 1999), and shall be implemented as part of the proposed Project.</p> <ol style="list-style-type: none">1. Project-related vehicles shall observe a 20-mile per hour speed limit in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when SJKF are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of the Project area shall be prohibited.2. To prevent inadvertent entrapment of SJKF or other animals during the construction phase of the proposed Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured SJKF are discovered, the procedures under number 12 of this section must be followed.3. SJKF are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at the construction site for one or more overnight period shall be thoroughly inspected for SJKF before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a SJKF is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.																																

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<p>least once a week from the Project area.</p> <p>5. No firearms shall be allowed in the Project area.</p> <p>6. To prevent harassment, mortality of SJKF, or destruction of dens by dogs or cats, no pets shall be permitted in the Project area.</p> <p>7. Use of rodenticides and herbicides in the Project area shall be restricted. Prohibiting use of rodenticides and herbicides is necessary to prevent primary or secondary poisoning of SJKF and the depletion of prey populations on which they depend. All uses of such compounds shall 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 shall be used because of proven lower risk to SJKF.</p> <p>8. A representative shall be appointed by the County who will be the contact source for any employee or contractor who might inadvertently kill or injure a SJKF or who finds a dead, injured, or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the USFWS.</p> <p>9. An employee education program shall be conducted for the proposed Project. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the proposed Project. The program shall include the following: a description of the SJKF and its habitat needs; a report of the occurrence of SJKF in the Project area; an explanation of the status of the species and its protection under the FESA and CESA; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned people and anyone else who may enter the Project area.</p> <p>10. Upon completion of the proposed Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the proposed Project, but that after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the CDFW and revegetation experts.</p> <p>11. In the case of trapped animals, escape ramps, or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.</p> <p>Additional minimization measures include:</p> <p>1. In the event that a SJKF or its sign is observed in the Project area, or it is otherwise determined that SJKF may be affected by the proposed Project during work on the bridge, Caltrans (on behalf of the FHWA) and the USFWS, Ventura Field Office must be notified immediately to determine whether additional consultation is necessary.</p>		
	<p>Mitigation Measure BIO-3: The following measures are recommended to reduce any potential impacts to nesting Cooper’s hawks:</p> <p>1. If possible, all trees that will be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1), to avoid take of a nest or bird. If this is not possible, a survey for nesting Cooper’s hawks shall be conducted in the Project area and within a 500-foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc.</p> <p>2. If nesting Cooper’s hawks are found within 500 feet of the Project area, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the Project area, and line of sight between the nest and the Project area.</p> <p>3. CDFW and Caltrans shall be contacted to review the evaluation and determine if the proposed Project can proceed without adversely affecting nesting activities.</p> <p>4. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the proposed Project is adversely affecting nesting activities.</p>	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
	<p>Mitigation Measure BIO-4: Areas of ruderal grasslands temporarily disturbed during construction shall be revegetated with the seed mix specified in Table F Invasive exotic plants will be controlled to the maximum extent practicable.</p>	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
	<p>Mitigation Measure BIO-5: The following avoidance and minimization measures should reduce any potential impacts to nesting Least Bell’s Vireo:</p> <p>1. Because there is potentially suitable habitat for LBV, the County and Caltrans commit to employing a qualified biologist for nesting bird</p>	Biologist and Applicant	Prior to the start of project construction and throughout the

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<p>surveys. A qualified field biologist is considered to be someone with verifiable experience in the detection of least Bell’s vireo and implementing the USFWS 2001 survey guidance for the species. Prior to the start of construction, the County shall submit the biologist(s) qualifications to Caltrans for approval.</p> <p>2. A preconstruction survey for nesting LBV shall be conducted in the BSA and within a 100-ft radius by a qualified biologist. The survey shall be conducted no more than 14 days prior to the start of earthmoving activities.</p> <p>3. If LBV are found within the area surveyed, the USFWS, CDFW and Caltrans shall be contacted to determine appropriate measures to take to avoid any impact to this species. At a minimum, construction activity within 100 ft of the nest shall cease until a qualified biologist verifies that the young have fledged and are capable of independent survival. Caltrans, as the federal lead agency, will notify the USFWS. San Benito County will be responsible for notifying CDFW.</p> <p>4. During placement of RSP, native topsoil from the channel will be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM will be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles will be installed within the lower sections of the RSP near the OHWM.</p>		project construction period.
	<p>Mitigation Measure BIO-6: The following measures are proposed to reduce any potential impacts to Pacific pond turtle:</p> <p>1. Prior to the start of construction activities in Pescadero Creek, the reach of the creek within the Project area shall be surveyed by a qualified biologist for the presence of Pacific pond turtles. If Pacific pond turtles are observed in the Project area, they shall be relocated outside of the work area by a qualified biologist.</p> <p>2. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to pre-construction contours (if necessary) and revegetated with the native seed mix specified in Table F.</p> <p>3. Measures consistent with the current Caltrans’ Construction Site BMP Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to Pacific pond turtle suitable habitat resulting from erosion, siltation, etc. during construction.</p>	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
	<p>Mitigation Measure BIO-7: The following measures are proposed to minimize effects to any CTS potentially in the proposed Project vicinity:</p> <p>1. Worker environmental awareness training will be conducted by a qualified biologist for all construction personnel. This training instructs workers to recognize CTS and their habitat.</p> <p>2. Environmentally Sensitive Areas (ESA) fencing shall be installed along the edge of the work limits, including staging areas. ESA fencing shall consist of orange construction fencing (or equivalent) and shall be maintained in good condition until construction is complete. Silt fencing shall be installed along the bottom of the ESA fencing to prevent CTS from entering the work area during construction.</p> <p>3. A biological monitor shall be present during initial ground disturbing activities. Approval of the biologist shall be coordinated through Caltrans and not directly with USFWS.</p> <p>4. If CTS are found within the area surveyed, the USFWS and CDFW shall be contacted. Caltrans, as the federal lead agency, will notify the USFWS. The County will be responsible for notifying CDFW.</p> <p>5. All work shall be conducted during the dry season (June 1 through October 31) when CTS are estivating and unlikely to enter the Project area.</p> <p>6. The Project area shall be surveyed for CTS if a substantial rain event (i.e., at least 0.25 inches) occurs during construction to avoid affecting salamanders that may have emerged from their burrows and relocated in the Project area (e.g., under equipment).</p> <p>7. Following completion of the proposed Project, all fill slopes, temporary impact and/or otherwise graded or denuded areas shall be restored to pre-construction contours (if necessary) and revegetated with the seed mix specified in Table F. Invasive exotic plants will be controlled to the maximum extent practicable.</p>	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
	<p>Mitigation Measure BIO-8: Avoidance and Minimization measures are consistent with the provisions of the CRLF “Programmatic Biological Opinion for Projects Funded or Approved under the Federal Highway Administration’s Federal Aid Program (8-8-10-F-58)” dated May 4, 2011, listed below.</p> <p>At a minimum, the following measures shall be implemented to reduce adverse effects to CRLF and their habitat:</p> <p>1. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF. Biologists authorized under this biological opinion do not need to re-submit their qualifications for subsequent projects conducted pursuant to this biological opinion, unless USFWS has revoked their approval at any time during the life of this biological opinion.</p> <p>2. Ground disturbance shall not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work, unless the individual(s) has/have been approved previously and the USFWS has not revoked that approval.</p> <p>3. A USFWS-approved biologist shall survey the Project site 48 hours before the onset of work activities. If any life stage of the CRLF is found and if these individuals are likely to be killed or injured by work activities, the approved biologist shall be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed Project. The</p>	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.

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CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<p>relocation site should be in the same drainage to the extent practicable. The County shall coordinate with the USFWS on the relocation site prior to the capture of any CRLF. The USFWS-approved biologist shall maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining whether translocated animals are returning to the original point of capture.</p> <p>4. Before any activities begin on the proposed Project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the proposed Project, and the boundaries within which the proposed Project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.</p> <p>5. A USFWS-approved biologist shall be present at the work site until all CRLF have been relocated out of harm’s way, workers have been instructed, and disturbance of habitat has been completed. After this time, the County shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this monitor receives the training outlined in measure 4 (above) and in the identification of CRLF. If the monitor or the USFWS-approved biologist recommends that work be stopped because CRLF would be affected in a manner not anticipated by the County and the USFWS during review of the proposed Project, they shall notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer shall either resolve the situation by eliminating the effect immediately or require that all actions, which are causing these effects, be halted. If work is stopped, the USFWS shall be notified as soon as is reasonably possible.</p> <p>6. During proposed Project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.</p> <p>7. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall provide Caltrans with a plan for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p> <p>8. Habitat contours shall be returned to their original configuration at the end of proposed Project activities. This measure shall be implemented in all areas temporarily disturbed by activities associated with the proposed Project, unless the USFWS and the County determine that it is not feasible or modification of original contours would benefit the CRLF.</p> <p>9. The number of access routes, size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the proposed Project goal. ESAs shall be delineated to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to CRLF habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.</p> <p>10. The County shall attempt to schedule work activities for times of the year when impacts to the CRLF would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain CRLF through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and informal consultation between the County, Caltrans and the USFWS during proposed Project planning should be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.</p> <p>11. To control sedimentation during and after proposed Project construction, the County shall implement BMPs outlined in any authorizations or permits, issued under the authorities of the CWA acquired for the proposed Project. If BMPs are ineffective, the County shall attempt to remedy the situation immediately, in consultation with the USFWS.</p> <p>12. If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than 0.2 inches to prevent CRLF from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed shall be minimized to the maximum extent possible; any imported material shall be removed from the stream bed upon completion of the proposed Project.</p> <p>13. Unless approved by the USFWS, water shall not be impounded in a manner that may attract CRLF.</p> <p>14. A USFWS-approved biologist shall permanently remove any individuals of exotic species such as bullfrogs (<i>Rana catesbeiana</i>), signal and red swamp crayfish (<i>Pacifasticus leniusculus</i>; <i>Procambarus clarkii</i>), and centrarchid fishes from the Project area, to the maximum extent possible. The USFWS-approved biologist shall be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.</p> <p>15. If the County demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the CRLF, these areas shall not be included in the amount of total habitat temporarily disturbed.</p>		

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<p>16. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologists, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times.</p> <p>17. The Project area shall be re-vegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable. This measure shall be implemented in all areas disturbed by activities associated with the proposed Project, unless the USFWS and the County determine that it is not feasible or practical.</p> <p>18. The County shall not use herbicides as the primary method used to control invasive, exotic plants. However, if the County determines the use of herbicides is the only feasible method for controlling invasive plants at the Project site, it shall implement the following additional protective measures for the CRLF:</p> <ol style="list-style-type: none">The County shall not use herbicides during the breeding season for the CRLF.The County shall conduct surveys for the CRLF immediately prior to the start of any herbicide use. If found, CRLF shall be relocated to suitable habitat far enough from the Project area that no direct contact with herbicides would occur.Giant reed and other invasive plants shall be cut and hauled out by hand and then painted with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®.A licensed and experienced contractor shall use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands occur at an individual project site.All precautions shall be taken to ensure that no herbicide is applied to native vegetation.Herbicides shall not be applied on or near open water surfaces (no closer than 60 feet from open water).Foliar applications of herbicide shall not occur when wind speeds are in excess of 3 miles per hour.No herbicides shall be applied within 24 hours of forecasted rain.Application of all herbicides shall be done by a qualified contractor to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and with implementation of all required and reasonable safety measures. A safe dye shall be added to the mixture to visually denote treated sites. Application of herbicides shall be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins.All herbicides, fuels, lubricants, and equipment shall be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. The County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that a plan is in place for a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. <p>Additional minimization measures include:</p> <ol style="list-style-type: none">Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise graded areas shall be revegetated with the native seed mix specified in Table F.During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the Ordinary High Water Mark (OHWM) shall be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.i. Application of all herbicides will be done by a qualified City staff or contractors to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and with implementation of all required and reasonable safety measures. A safe dye will be added to the mixture to visually denote treated sites. Application of herbicides will be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins.		
	<p>Mitigation Measure BIO-9: The following measures have been identified to reduce potential impacts to SCCC steelhead to a less than significant level.</p> <ol style="list-style-type: none">Work in the live channel of Pescadero Creek (consisting of placement of RSP, support pier, and falsework) shall be limited to the period of July 15 through October 15. If any work within the live channel of Pescadero Creek is not completed by October 15, the County shall request a written approval/extension from NMFS to allow work past October 15. Revegetation activities are excluded from this requirement with the stipulation that no heavy equipment be used in the channel.Prior to Project implementation, a qualified biologist shall instruct all construction personnel and monitoring biologists of the terms and conditions being implemented to protect SCCC steelhead during construction. The biological monitor shall have the full authority to halt work as necessary for the purpose of minimizing adverse effects on SCCC steelhead.The work area for placement of RSP, support pier, and falsework shall be dewatered prior to the start of work. Dewatering shall consist of installation of a flow diversion to separate the live channel from the area where in-stream work will occur. The flow diversion shall consist of a 16-inch corrugated metal pipe (CMP). The CMP will be placed along the low-flow invert of the natural creek and a small earthen berm shall be installed at each end of the pipe to direct water into the pipe. Clean sand and gravel shall be used at the base of the	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<p>berm to protect the existing creek channel. Both berms and CMP shall be completely removed at the completion of proposed Project construction. A qualified biologist shall be on site during installation and removal of the flow diversion.</p> <ol style="list-style-type: none">4. Prior to installation of the flow diversion, a qualified biologist shall determine the need for a temporary fish seine around the area to be isolated. If a seine is needed, the qualified biologist shall oversee the installation. A weighted fish seine shall be stretched across the length of the bank where work will be conducted, and shall extend a minimum of 3.3 feet beyond the upstream and downstream limits of the work. With the upstream and downstream ends of the seine remaining on the bank, the remainder of the seine shall be extended into the channel to approximately 3.3 feet beyond the limits of the area to be dewatered. The seine shall be temporarily staked into place in such a way that no fish may enter the isolated area. The purpose of this method is to direct the fish out of the area to be dewatered.5. After the seine is in place, the qualified biologist shall visually survey the waters isolated behind the seine for the presence of any fish. If any fish are encountered within the isolated area, the fish seining process must be repeated until all fish are driven from the area to be isolated, as determined by the fisheries biologist. The qualified biologist shall capture any fish that remain in the areas to be dewatered. Electrofishing may be implemented to ensure that all of the fish are removed from the work area.6. Once all of the fish have been removed from the work area, the flow diversion shall be installed in the isolated area. The qualified biologist shall be on site during installation and removal of the flow diversion.7. During removal of the existing bridge, a tarp or other approved method will be used below the bridge to prevent debris from falling into Pescadero Creek. The tarp shall be left in place until the bridge is removed.8. ESAs shall be designated at the edge of work adjacent to Pescadero Creek to prevent encroachment into the live channel (excluding activities associated with placement of RSP, support pier, and falsework). ESA limits shall be marked using orange snow fencing or equivalent, and shall remain in place and maintained in good condition until construction is complete.9. A WPCP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Coast RWQCB). The WPCP shall contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.10. Contract specifications shall include the BMPs, where applicable, to reduce erosion during construction.11. All areas temporarily impacted during Project construction shall be restored to pre-construction contours and revegetated with native species as specified in Table F.12. During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified in Table F. In addition, locally obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.13. All construction shall be conducted during daylight hours.		
	<p>Mitigation Measure BIO-10: The following measures have been identified to reduce impacts to the arroyo willow series:</p> <ol style="list-style-type: none">1. Work in the arroyo willow riparian area shall be minimized to the extent possible. Work in the live channel of Pescadero Creek shall also be minimized to the extent possible.2. Work in the live channel of Pescadero Creek (consisting of placement of RSP and falsework) shall be limited to the period of June 1 through October 1.3. Brightly colored ESA fencing shall be placed along the limits of work to protect adjacent arroyo willow riparian habitat. Fencing shall be maintained in good condition for the duration of construction activities.4. Staging areas, access routes, and construction areas shall be located outside of wetland and riparian areas to the maximum extent practicable.5. During demolition of the existing bridge, a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pescadero Creek. This measure may also apply during construction of the new bridge deck. This measure only applies prior to dewatering of the channel.6. Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan [SWPPP] and Water Pollution Control Plan [WPCP] Manuals) shall be implemented to minimize effects to arroyo willow riparian resulting from erosion, siltation, etc. during construction.7. A WPCP shall be prepared by the contractor in accordance with typical provisions associated with a Regional General Permit for Construction Activities (on file with the Central Coast RWQCB). The WPCP shall contain a Spill Response Plan with instructions and procedures for reporting spills, the use and location of spill containment equipment, and the use and location of spill collection materials.8. During placement of RSP, native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified in Table F. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.9. Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to pre-construction contours (if necessary) and revegetated with the native seed mix specified in Table F. Invasive exotic plants will be	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	controlled to the maximum extent practicable. 10. Prior to issuance of a grading permit or other authorization to proceed with project construction, the County shall obtain any regulatory permits that are required from the ACOE, RWQCB, and/or CDFW.		
	Mitigation Measure BIO-11: The removal of arroyo willow riparian vegetation shall be compensated at a 3:1 ratio. Mitigation shall be accomplished using one of the following methods, or by using a combination of the methods, contingent upon approval by the ACOE, RWQCB, and CDFW: <ul style="list-style-type: none">• Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 3:1. This work would occur solely within the proposed Project impact area.• Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio.• All mitigation lands shall be protected in perpetuity through recordation of a conservation easement or equivalent method.	Biologist and Applicant	Prior to the start of project construction and throughout the project construction period.
V Cultural Resources			
a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Mitigation Measure CULT-1: Before construction activities commence, representatives of two Native American tribes (Amah/Mutsun Tribal Band; and Indian Canyon Mutsun Band of Costanoan) shall be contacted and invited to monitor ground disturbing activities related to construction. If any archaeological or paleontological deposits are encountered, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted, if one is not present, to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. San Benito County shall also be notified. Project personnel shall not collect or move any archaeological materials. Any adverse impacts to the finds shall be avoided by Project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated to determine if they qualify as a historical resource or unique archaeological resource, or as historic property. If the deposits do not so qualify, avoidance is not necessary. If the deposits do so qualify, adverse impacts on the deposits shall be avoided, or such impacts shall be mitigated. Mitigation may consist of, but is not limited to, recovery and analysis of the archaeological deposit; recording the resource; preparing a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Educational public outreach may also be appropriate. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to San Benito County.	Archaeologists and Applicant	Throughout the project construction period
c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Mitigation Measure PALEO-1: If paleontological resources are encountered during Project subsurface construction and no monitor is present, all ground-disturbing activities shall be redirected within 50 feet of the find until a qualified paleontologist can be contacted to evaluate the find and make recommendations. If found to be significant and proposed Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan, as described above, shall be implemented. Adverse impacts to paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository.	Archaeologists and Applicant	Throughout the project construction period
d. Would the project disturb any human remains, including those interred outside of formal cemeteries?	Mitigation Measure CULT-2: In the event that human remains are encountered, work within 50 feet of the discovery shall be redirected and the San Benito County coroner notified immediately. At the same time, a qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission shall identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations of the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the County of San Benito.	Archaeologists and Applicant	Throughout the project construction period
VI Geology and Soils			
b. Result in substantial soil erosion or the loss of topsoil?	Mitigation Measure GEO-1: The County shall require that the Contractor prepare an Erosion and Sediment Control Plan for the proposed Project prior to construction. Below are some of the measures that shall be implemented to reduce soil erosion and protect water quality during construction. The use of BMPs shall be designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality in Pescadero Creek. The County shall require the Contractor to implement BMPs for erosion and sedimentation outlined in the most recent version of the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, 2002), or an equivalent publication. <ul style="list-style-type: none">• Best management practices outlined in the most recent version of the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other Project activities that could result in erosion or sediment discharges to surface water.	Construction Contractor and Applicant	Prior to the start of and throughout the project construction period

Limekiln Road Bridge at Pescadero Creek Preventative Maintenance Mitigation Monitoring and Reporting Plan

CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<ul style="list-style-type: none">Exposed slopes shall be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls.Erosion prevention and sediment control measures shall be inspected and maintained until disturbed areas are stabilized.Disturbed ground surfaces near the creek bank shall be revegetated and monitored for future erosion.To ensure that stockpiled granular material does not enter the creek or storm drains, the material shall be covered with a tarp and surrounded with sand bags when rain is forecast.At the end of each working day roadways shall be cleaned and swept, and scrap, debris, and waste material shall be collected and disposed of properly.Vehicle or equipment cleaning shall be performed with water only, and in a designated, bermed area that shall not allow rinse water to run off-site or into the creek.Maintenance and fueling of construction vehicles and equipment shall be performed in a designated, bermed area or over a drip pan that shall not allow run-on of stormwater or runoff of spills.		
VII Greenhouse Gas Emissions			
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Mitigation Measure GHG-1: To the extent feasible and to the satisfaction of the County of San Benito and Caltrans, the following measures shall be incorporated into the design, demolition and construction of the proposed Project: <ul style="list-style-type: none">On-site idling of construction equipment shall be minimized (no more than 5 minutes maximum);Biodiesel shall be used as an alternative fuel to diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within 5 miles of the Project site;At least 10 percent of the building material shall be local to the extent feasible; and,At least 50 percent of construction waste or demolition materials shall be recycled.	Construction Contractor and Applicant	Throughout the project construction period
VIII Hazards and Hazardous Materials			
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? c. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<p>Mitigation Measure HAZ-1: The construction contractor shall prepare a Spill Prevention and Countermeasure Plan (SPCP) prior to the commencement of construction activities. The SPCP shall include information on the nature of all hazardous materials that will be used on-site. The SPCP shall also include information regarding proper handling of hazardous materials, and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP. Construction activities associated with the proposed Project have the potential to disrupt areas in which NOA may occur. Although there are no areas around the Project site that are designated with NOA, the potential exists that NOA may be disrupted during Project construction activities. Implementation of Mitigation Measure AIR-1 would reduce this impact to a less than significant level.</p> <p>Mitigation Measure HAZ-2: Prior to the initiation of Project construction, a soil investigation shall be performed by a licensed professional to evaluate if ADL or other potentially hazardous constituents are present in shallow soils that would be disturbed. Chemical analyses for soil shall be performed by an analytical laboratory certified by the California Department of Public Health Environmental Laboratory Accreditation Program. A licensed professional shall review the results of the soil investigation and provide recommendations on additional investigation activities, if any, and soil management recommendations shall be implemented during Project construction, if applicable (see Mitigation Measure HAZ-3). The analytical results of the soil investigation shall be compared to hazardous waste criteria and health and safety thresholds for construction workers. The soil investigation shall be conducted with oversight from a local or state regulatory agency (e.g., San Benito County or Caltrans).</p> <p>Mitigation Measure HAZ-3: If warranted, based on the results of the pre-construction soil characterization (Mitigation Measure HAZ-2), San Benito County shall implement a Risk Management Plan (RMP) that will identify special soil management and disposal procedures and/or construction worker health and safety procedures to be implemented during Project demolition and construction activities to reduce exposure to hazardous materials. The RMP shall include all necessary procedures to ensure that excavated soils are stored, tested, managed, and disposed of in a manner that is protective of human health and in accordance with applicable laws and regulations. The County shall ensure that the RMP includes available data from any pre-Project construction soil sampling activities (Mitigation Measure HAZ-2). The County shall provide the RMP to the construction contractor and ensure that the contractor follows the RMP. The RMP shall consider and include the following requirements:</p> <ul style="list-style-type: none">Excavation, transportation, and placement operations shall result in no visible dust;A construction “Exclusion Zone” shall be identified where hazardous materials may be stored. A temporary security fence shall be installed to surround and secure the exclusion zone;Air quality shall be monitored during excavation of soils contaminated with hazardous constituents;Storage of hazardous materials shall comply with the requirements in Title 22, CCR, Sections 6626.250 to 66265.260;	Construction Contractor and Applicant	Prior to the start of and throughout the project construction period

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CEQA Checklist Questions	Mitigation Measure (MM)	Responsibility for Compliance	Timing
	<ul style="list-style-type: none">• If temporary stockpiling of hazardous materials is necessary, the construction contractor shall:<ul style="list-style-type: none">○ Cover the stockpile with plastic sheeting or tarps○ Install a berm around the stockpile to prevent runoff from leaving the area○ Locate the stockpile away from the unnamed tributary and the Pescadero Creek watershed area• Hazardous materials shall be excavated, transported, and disposed in accordance with the rules and regulations of the following agencies:<ul style="list-style-type: none">○ United States Environmental Protection Agency○ Caltrans○ California Department of Toxic Substances Control (DTSC)○ California Environmental Protection Agency (Cal/EPA)○ California Division of Occupational Safety and Health (DOSH)○ Local regulatory agencies		
IX Hydrology and Water Quality			
a. Would the project violate any water quality standards or waste discharge requirements?	<p>Mitigation Measure HYDRO-1: The County of San Benito shall prepare and implement construction site temporary BMPs in compliance with the provisions of the Caltrans Statewide National Pollutant Discharge Elimination System (NPDES) Permit and any subsequent permit pertaining to construction of the proposed Project. The County shall submit a Notice of Construction (NOC) to the Central Coast Regional Water Quality Control Board (CCRWQCB) at least 30 days prior to the commencement of construction and shall submit a Notice of Termination (NOT) to the CCRWQCB upon completion of the proposed Project. The temporary BMPs shall be installed prior to commencement of any construction activities and shall be in place for the duration of the construction period. The removal of the BMPs shall be the final operation, along with the Project site cleanup.</p> <p>Mitigation Measure HYDRO-2: The County of San Benito shall incorporate Design Pollution Prevention (DPP) and Treatment Control BMPs into the proposed Project design in accordance with the procedures outlined in the Stormwater Quality Handbooks, Project Planning and Design Guide. The County shall coordinate with the CCRWQCB with respect to feasibility, maintenance, and monitoring of Treatment Control BMPs as set forth in Caltrans’ Statewide Stormwater Management Plan (SWMP).</p>	Construction Contractor and Applicant	Prior to the start of and throughout the project construction period
XII Noise			
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<p>Mitigation Measure NOISE-1: During construction activities on the Project site the construction foreman shall implement the following measures to reduce noise level exposure that would occur at the residential units in the vicinity of the Project area:</p> <ul style="list-style-type: none">• The construction contractor shall comply with all local sound control noise level rules, regulations, and ordinances that apply to any work performed;• Each internal combustion engine, used for any purpose on the Project site, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated without a muffler during Project construction activities;• Between the hours of 7:00 AM and 7:00 PM, the noise level from the construction areas on the Project site shall not exceed 86.0 dB(A) at a distance of 50 feet; or shall not exceed an average sound level greater than 75 dBA Leq(h) as measured on the property of any residential dwelling unit. Work shall not occur on Sundays or federal holidays, unless specifically permitted by contract and the County of San Benito;• The use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of the construction personnel on-site during construction activities; and,• As directed by Caltrans, the construction contractor shall implement appropriate additional noise mitigation measures, as required, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction activities that would produce louder than expected noise levels, and installing acoustic barriers (walls or curtains) around stationary construction equipment noise sources.	Construction Contractor and Applicant	Throughout the project construction period
XVIII Mandatory Findings of Significance			
	No MMs in addition to those described in the preceding sections.	N/A	N/A

The appendices to the Initial Study-Mitigated Negative Declaration are not included in the agenda packet, due to their voluminous size. The complete Initial Study-Mitigated Negative Declaration, together with all of its appendices, is lodged with the Clerk of the Board of Supervisors and with the San Benito County Resource Management Agency. It is available for review during regular business hours (8:00-5:00 Monday through Friday) at the County Administrative Office, located at 481 Fourth Street, Hollister, California, and the Resource Management Agency, located at 2301 Technology Parkway, Hollister, California. It is also available on-line at www.cosb.us

Public Notice

NOTICE OF AVAILABILITY AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

To: X interested Individuals
From: San Benito County RMA
2301 Technology Parkway
Hollister, CA 95023

Project Title: Limekiln Road Bridge (No. 43C0054) Replacement
at Pescadero Creek

Project Location: Limekiln Road over Pescadero Creek in
San Benito County, California (Longitude/Latitude
(degrees, minutes and seconds): 36°42'20"N
/121°19'43"W)

**Contact Person /
Phone Number:** James Polfer, San Benito County RMA -
Public Works Division / (831) 902-2273

Review Period: January 27, 2017 to February 27, 2017

Project Description:

San Benito County proposes to replace the Limekiln Road Bridge that crosses Pescadero Creek in San Benito County, California. The purpose of the proposed project is to replace the structurally deficient Limekiln Road Bridge and provide a new bridge that would accommodate hydraulic freeboard over the creek and maintain the 55 mile per hour design speed.

Limekiln Road is a Low Collector Road which runs roughly north to south and intersects with Cienega Road approximately 700 feet north of the Limekiln Road Bridge. The land immediately surrounding the bridge is open farmland with an orchard in the northeast quadrant. The proposed bridge would consist of a 40-foot-long single-span structure and would have a 32-foot clear width made up of two 12-foot lanes and 4-foot shoulders.

Actions associated with the proposed Project would include: bridge demolition, channel slope protection, approach roadway work, bridge construction, metal beam guardrail installation, concrete bridge railing, temporary traffic control including a temporary detour, right-of-way acquisition and temporary construction easements, and utility relocation. The new bridge deck would be approximately 2 to 3 feet higher than the existing bridge deck.

Mitigated Negative Declaration:

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, San Benito County prepared an Initial Study / Mitigated Negative Declaration (IS/MND) for the Limekiln Road Bridge Replacement.

Based on the Initial Study, staff determined that the project will not have a significant impact on the environment with implementation of mitigation measures as noted in the IS/MND. The proposed project replaces an existing structurally deficient bridge and all potential environmental impacts that may result with implementation of the project can be mitigated to less than significant levels.

Public Comment Period:

January 27, 2017 to February 27, 2017

The public and all affected agencies are hereby invited to review the Draft IS/MND and submit written comments. The Draft IS/MND is available for review at the at the County of San Benito's Resource Management Agency's office at the above address or a link to the document can be found online at <http://www.cosb.us/county-departments/public-works/>

Comments are due February 27, 2017 and should be sent to James Polfer, San Benito County, 2301 Technology Parkway, Hollister, CA 95023 or JPolfer@cosb.us.

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SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 13.

MEETING DATE: 4/11/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Larry Perlin

AGENDA ITEM PREPARER: James Polfer

SBC DEPT FILE NUMBER: 105

SUBJECT:

RESOURCE MANAGEMENT AGENCY

Resolution Adopting the Final Initial Study and Mitigated Negative Declaration (IS/MND), CEQA Findings, Mitigation Measures and the Mitigation Monitoring and Reporting Program (MMRP) for the Rocks Road Bridge Replacement at Pinacate Rock Creek Project (District 2).

SBC FILE NUMBER: 105

RESOLUTION NO: 2017-37

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The Federal Highway Administration approved the replacement of the Rocks Road Bridge (Bridge No. 43C0053) at the Pinacate Rock Creek crossing (Federal Project No. BRLO 5943(054)). On November 9, 2010 the Board approved a contract with NV5 (formerly Nolte Associates Inc.) to design the new bridge. The proposed Project will replace the existing 24 foot long by 20 foot wide single-lane concrete bridge with a 52 foot long and 35 foot wide two lane, clear span concrete bridge. The new bridge will have a raised profile to accommodate high flow events. The project will also include up to 400 feet of roadway approach improvements on the west and east side of the

bridge. The California Department of Transportation, on behalf of the Federal Highway Administration, is responsible for project oversight. All required studies and documentation, necessary for CEQA compliance, have been completed. Mitigation measures will be needed to bring the impact of construction of the replacement bridge to less than significant. The Final IS/MND is attached as Exhibit A to the proposed Resolution. The appendices are not included here, due to their voluminous size. However, the complete IS/MND, together with all of its appendices, is lodged with the Clerk of the Board of Supervisors and with the San Benito County Resource Management Agency. It is available for review during regular business hours (8:00-5:00 Monday through Friday) at the County Administrative Office, located at 481 Fourth Street, Hollister, California, and the Resource Management Agency, located at 2301 Technology Parkway, Hollister, California. It is also available on-line at www.cosb.us. The IS/MND and MMRP detail the mitigation measures necessary to reduce the impact to less than significant. It is recommended that the Board of Supervisors adopt the Final IS/MND in compliance with the CEQA so the project may advance to the right of way acquisition phase.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Board of Supervisors:

1. Adopt Resolution 2017-____, adopting the Final Initial Study and Mitigated Negative Declaration, CEQA findings, Mitigation Measures, and Mitigation Monitoring and Reporting Program for the Rocks Bridge Replacement at Pinacote Rock Creek Project; and
2. Authorize the Chair to sign the Resolution.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Resolution Adopting IS-MND for Rocks Rd. Bridge Replacement at Pinacote Rock Creek Project, CEQA Findings, Mitigation Measures & MMRP	4/5/2017	Resolution
Exhibit A to Resolution: Final IS-MND for Rocks Road Bridge Replacement at Pinacote Rock Creek Project	4/5/2017	Exhibit
Notification of Lodging of Complete IS-MND, with Appendices	4/5/2017	Backup Material

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

EXHIBIT A:

CEQA INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

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

FINAL

**CEQA INITIAL STUDY AND MITIGATED
NEGATIVE DECLARATION**

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

SAN BENITO COUNTY, CALIFORNIA

SCH# 2014081058



LSA

October 2014

**FINAL
CEQA INITIAL STUDY AND MITIGATED
NEGATIVE DECLARATION**

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

SAN BENITO COUNTY, CALIFORNIA

SCH# 2014081058

Submitted to:

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

Prepared by:

LSA Associates, Inc.
4200 Rocklin Road, Suite 11B
Rocklin, California 95677
(916) 630-4600

LSA Project No. NLT1101B

LSA

October 2014

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APPENDICES

- A: NATURAL ENVIRONMENT STUDY & BIOLOGICAL ASSESSMENT
- B: FOUNDATION REPORT (GEOTECHNICAL REPORT)
- C: PHASE 1 INITIAL SITE ASSESSMENT (ISA)/FINAL REPORT OF ASBESTOS INSPECTION AND LEAD PAINT INSPECTION/DRAFT AERIALY DEPOSITED LEAD ASSESSMENT
- D: ROCKS ROAD BRIDGE DRAFT BRIDGE HYDRAULICS REPORT
- E: ADDITIONAL DOCUMENTATION

FIGURES AND TABLES

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1.0 INTRODUCTION

San Benito County Department of Public Works (County), the lead agency, proposes to replace the Rocks Road Bridge (43C-0053) over Pinacate Rock Creek with a longer and wider bridge. The proposed Project is located in western San Benito County, at the eastern base of the Santa Cruz mountain range and is located approximately 2.5 miles northwest of the City of San Juan Bautista.

The existing bridge (built in 1930) is approximately 24 feet long and 20 feet wide and does not meet current American Association of State Highway and Transportation Officials (AASHTO) standards for design speed or road/bridge width. Additionally, the bridge floods during periods of high flow. The purpose of the Project is to replace the bridge with a wider, longer, and higher structure that meets current design standards, and to improve the hydrology at the crossing to accommodate a 100-year storm event.

Work would be required in the channel of Pinacate Rock Creek during Project construction and would include installation of new abutments, wing walls and retaining walls, placement of rock slope protection (RSP), and installation of temporary falsework. To conduct these activities, water diversion (dewatering) would be required. Dewatering would consist of corrugated metal pipes (CMP) culverts to direct the flow of water through the Project work area. The CMP would be placed along the low-flow invert of the natural creek and earthen berm would be installed at each end of the pipe to direct water into the pipe. Clean gravel filled bags would be used to form the berms and would be covered with a clean, secure plastic covering to minimize impacts on water quality. Both berms and CMP would be removed at the completion of Project construction.

The California Department of Transportation (Caltrans) is providing Project oversight on behalf of the Federal Highway Administration (FHWA) since federal funds are involved. Project alternatives include the proposed Project and a “No Project” alternative.

1.1 ENVIRONMENTAL REVIEW

The proposed Rocks Road Bridge Replacement at Pinacate Rock Creek by San Benito County constitutes a “Project” in accordance with CEQA. Prior to approving the Project, San Benito County must provide environmental review in accordance with CEQA to assess the potential effects of the Project, and to include mitigation where necessary.

San Benito County has prepared this Initial Study to provide agencies and the public with information about the proposed Project’s potential impacts on the local and regional environment. This document has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 as amended, and the State CEQA Guidelines, California Administrative Code, Title 14, Division 6, Chapter 3 (CEQA Guidelines). In anticipation of determining that all potentially significant impacts resulting from the proposed Project can be mitigated to less-than-significant levels, a Mitigated Negative Declaration has been prepared to provide environmental clearance for the Project.

1.2 CLARIFICATIONS AND CORRECTIONS

During the public review period, no comments were received identifying the need for clarification and/or revisions to the IS/MND text. On the Cover and Title Pages of this document the “Final” and the State Clearinghouse has been added to the title of the document. Sections 1.2 “Clarifications and Corrections”, 1.3 “Public Comments”, 1.4 “Response To Comment Format”, and 1.5 “Additional Documentation” of this Final MND provide discussion of steps that have been taken since the circulation of the Draft IS/MND. Sections 1.2 through 1.5 have been added to this Final MND. Section 1.2 “Summary Information” of the Draft IS/MND has been renumbered and is included in this Final MND as Section 1.6. Section 5.0 “Response to Comments” has been added to this Final IS/MND and provides response to comments that were received during the public review period of the Draft IS/MND from September 5, 2014 to October 6, 2014. Section 6.0 “Mitigation and Monitoring Program” has also been added to this Final IS/MND and provides a matrix of the mitigation measures that would be implemented, the mitigation milestone (timing of when the measure is to be implemented/completed) and agencies/entities responsible for implementing/overseeing the measures.

1.3 PUBLIC COMMENTS

The County of San Benito circulated the Draft IS/MND for the Rock Road Bridge over Pinacate Rock Creek Project for public review and agency review, for 30-days, commencing on August 19, 2014 and ending on September 17, 2014. The following comment letters (one public agency comment letter) was received on the August 2014 Draft IS/MND:

- Governor’s Office of Planning and Research State Clearinghouse and Planning Unit (Dated September 18, 2014).

1.4 RESPONSE TO COMMENT FORMAT

Section 5.0 Response to Comments is organized in the following way:

- The comment letter is included and labeled with a comment code that corresponds to the response; and,
- A response to each relevant comment follows, organized by comment code.

1.5 ADDITIONAL DOCUMENTATION

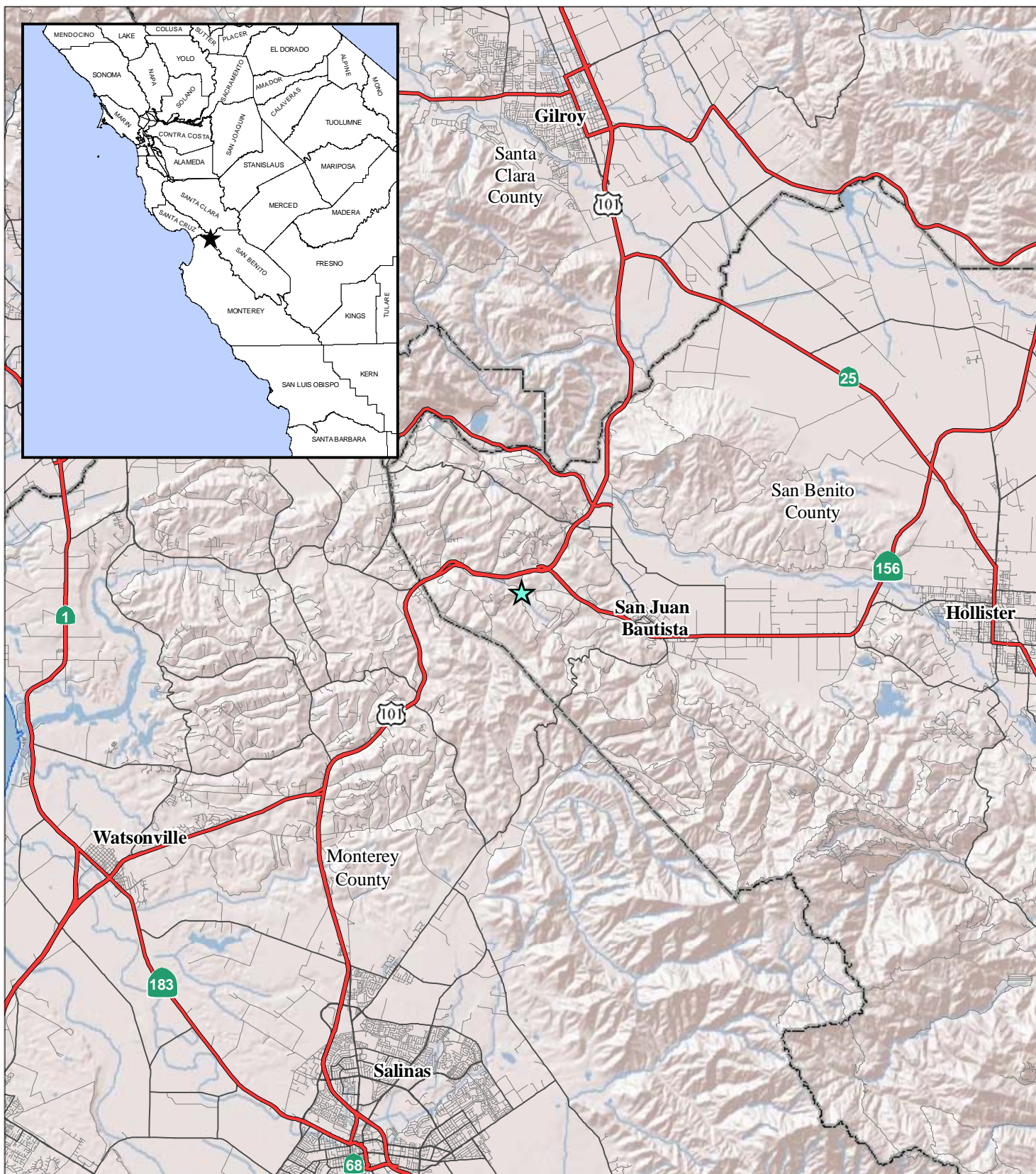
The Final IS/MND include additional documentation for the public record, including:

- Notice of Completion; and,
- Letter dated September 8, 2014 from the Governor’s Office of Planning and Research State Clearinghouse and Planning Unit noting compliance with the State Clearinghouse review requirements.

These additional documents are included in Appendix of this Final IS/MND.

1.6 SUMMARY INFORMATION

1. **Project Title:** Rocks Road Bridge (No. 43C-0053) Replacement at Pinacate Rock Creek
2. **Lead Agency Name and Address:**
San Benito County Department of Public Works
2301 Technology Parkway
Hollister, California 95023
3. **Contact Person and Phone Number:**
Arman Nazemi
Assistant Director of Public Works
San Benito County Department of Public Works
(831) 636-4170
4. **Project Location:** The existing Rocks Road Bridge at Pinacate Rock Creek is located approximately 2.5 miles northwest of San Juan Bautista in an unincorporated part of north western San Benito County. Figure 1: Regional Location and Figure 2: Project Location shows the location of the proposed Project on a regional and local scale. The bridge is just east of Little Merrill Road.
5. **Project Sponsor's Name and Address:**
San Benito County Department of Public Works
2301 Technology Parkway
Hollister, California 95023
6. **General Plan Designation:** The proposed Project is a bridge on Rocks Road and does not have a General Plan Designation. The San Benito County General Plan designates the lands surrounding the Project site as AP- Agricultural Productive. This category includes land used for agriculture, rangeland, open space purposes, or land with slopes greater than 30 percent.
7. **Zoning:** AR-Agricultural Rangeland (one single-family residence per 40 acres).
8. **Description of Project:** The proposed Project site is 2.62 acres in size and consists of the project footprint, which includes temporary impact areas that would be disturbed during construction, permanent impact areas, right-of-way acquisition areas, and Rocks Road. The proposed Project would include the replacement of the existing single-lane concrete bridge with a two-lane, clear span concrete bridge with 4-foot wide shoulders. The existing bridge is approximately 24 feet long by 20 feet wide and would be replaced with a new bridge that would be approximately 52 feet long with a total bridge deck width of approximately 35 feet. The new bridge soffit would be raised to be above the top of the Pinacate Rock Creek bank to open up the hydraulic cross section through the crossing. The vertical profile of the new bridge would be raised by approximately 3 feet in order for the new bridge to accommodate a 100-year storm event. Project implementation would also include up to 400 feet of roadway approach improvements on the west and east side of the bridge. The overall Rocks Road alignment is not changing; however, a slight double "S" curve would be incorporated onto the roadway approach horizontal alignment to reduce the length of the replacement bridge and provide a less sharp angle between the centerline of the road and the centerline of the creek at the new bridge. Figure 3: Project Design shows an aerial view of the Project design.

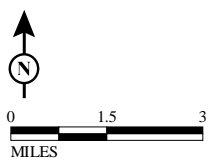


LSA

FIGURE 1

LEGEND

★ Project Site



SOURCE: ESRI Imagery (4/2008)

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*Rocks Road Bridge (43C-0053) Replacement
at Pinacate Rock Creek
Federal Project No. BRLO-5943 (054)
Regional Location*



FIGURE 2

L S A





0 50 100
FEET

SOURCE: Basemap - Microsoft Bing Map - Aerial (2010)

I:\NLT1001B\A\IS-MND\Figure 2.ai (11/7/13)

LEGEND

-  Project Site Boundary
-  Existing Bridge

*Rocks Road Bridge (43C-0053) Replacement
at Pinacate Rock Creek
Federal Project No. BRLO-5943 (054)
Project Location*



L S A



0 50 100
FEET

LEGEND




-  Project Site Boundary
-  Project Design
-  Staging Area

FIGURE 3

*Rocks Road Bridge (43C0053) Replacement
at Pinnacle Rock Creek
Federal Project No. BRLO-5943 (054)
Project Design*

SOURCE: Basemap - Microsoft Bing Map - Aerial (2010); Mapping - Nolte Engineering (2012)

I:\NLT1001B\AI\IS-MND\Figure 3.ai (11/7/2013)

Construction Methods

Construction would consist of removing the existing bridge, installing bridge foundations, roadway approach improvements along Rocks Road, constructing the abutment walls and retaining wall, installing the concrete slab of the new bridge deck, and post-tensioning of the new bridge deck. Project construction, including removal of the existing bridge and construction of the new bridge would occur over a period of 4 months between June 1st to October 31st (work in the creek channel will be limited to the time frame between June 1st and October 31st) and the Project is expected to be operational by 2015.

The existing bridge would be removed prior to construction of the new bridge, and therefore, a detour plan would be implemented, directing motorists to use U.S. 101 and State Route 156 to access areas along Rocks Road. A construction staging (for construction equipment) area would be located within the Project boundary just to the south of Rocks Road as shown in Figure 3.

Improvements would be required in the live channel of Pinacate Rock Creek during Project construction and would include installation of new abutments and wing walls, placement of rock slope protection (RSP) along the creek banks, and installation of temporary falsework. The falsework supports would be located directly adjacent to the abutment walls at either side of the creek; however, due to the steepness of the creek banks, the falsework supports may be at or near the invert elevation of the creek at certain points along each abutment wall.

The activities occurring in Pinacate Rock Creek would require water diversion (dewatering) and would be installed prior to the construction of the new bridge abutments. Dewatering would consist of corrugated metal pipe (CMP) culverts to direct the flow of water through the Project work area. The total length of dewatering would be approximately 220-feet. The CMP would be placed along the low-flow invert of the natural creek and a berm would be installed at each end of the pipe to direct water into the pipe. Clean gravel-filled bags would be used to form the berm and would be covered with a clean, secure plastic covering to minimize impacts on water quality. Both berms and CMP would be completely removed at the completion of Project construction. The pipe would be in place for a maximum 4 month period. If groundwater is encountered during excavation for the bridge abutments, water in the excavated areas would be pumped to an upland area on the Project site or disposed of at a suitable offsite location.

An existing 10-inch water line on the south side of Rocks Road and poles for overhead power and telephone line on the north side of Rocks Road would need to be relocated due to Project implementation. The poles for the overhead power and telephone lines would be relocated prior to the construction of the Project by PG&E. It is anticipated that the existing water line that currently crosses the creek via an inverted siphon would be moved and mounted on the downstream (north) face of the replacement bridge. The new water line would replace the existing 10-inch water line siphon crossing (currently just upstream of the existing bridge). The relocation of the water line would occur concurrent with construction of the new bridge.

Project implementation would also require the removal of two 30-foot tall trees: a willow tree with a diameter at breast height (dbh) of 22 inches and a California Black Walnut tree with a dbh of 15 inches. The San Benito County Code of Ordinances Section 19.33 Management and Conservation of Woodlands protects the California Black Walnut tree.

9. **Surrounding Land Uses:** The proposed Project is located in a rural portion of San Benito County. The land surrounding the proposed Project is characterized by rolling hills and open space as well as areas with rural residential units. According to the San Benito County General

Plan Land Use Map, the land surrounding the Project site is designated as Agricultural Productive (AP).

10. **Other Public Agencies Whose Approval is Required (e.g., permits, financing approval or participation agreement).** Army Corps of Engineers, California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, California Department of Transportation, Federal Highway Administration.

11. Environmental Factors Potentially Affected:

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

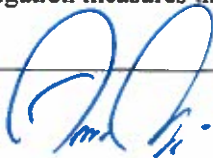
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|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Transportation/Traffic |

12. Determination. (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Date

8-12-2014

Printed Name For

ARMAN NAZEMI, ASSISTANT DIRECTOR
OF PUBLIC WORKS
SAN BENITO COUNTY

2.0 ENVIRONMENTAL EVALUATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project is located on Rocks Road at Pinacate Rock Creek approximately 2.5 miles northwest of the City of San Juan Bautista in an unincorporated part of northwestern San Benito County, California. Rocks Road connects U.S. 101 to California State Route 156. The Project site is located approximately 0.40 mile south of U.S. 101 and 1.0 mile west of State Route 156. The existing bridge was constructed in 1930 and consists of a reinforced concrete tee girder structure that is approximately 24 feet long and 20 feet wide, accommodating a single lane of traffic across Pinacate Rock Creek.

The topography is relatively flat, at an elevation of approximately 300 feet. However, the terrain in the vicinity of the Project site generally consists of rolling hills ranging in elevation from 400 to 500 feet. The visual character of the area is dominated by vegetation communities that include mixed willow, pasture, and ruderal grassland. A small amount of wetland and coast live oak communities adds to the visual context of the area surrounding the Project site.

Rocks Road crosses Pinacate Rock Creek just east of Little Merrill Road and 0.22 mile west of Via Vaquero Norte Road. Pinacate Rock Creek is a perennial stream that flows from east to west and supports an established willow riparian corridor.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The proposed Project would replace the existing concrete tee-girder bridge with a single-span cast-in-place post-tensioned concrete slab bridge. The existing bridge and roadway approaches would be widened to accommodate two standard lanes of traffic. The horizontal alignment for the replacement bridge and roadway approaches would be at approximately the same location as the existing horizontal alignment.

The proposed Project is not located within proximity to a designated scenic vista; therefore, it would not have a significant adverse effect on a designated scenic vista. The minor change in roadway width and elevation would not decrease views from the road (for roadway travelers) or of the road (for near-by residences). As such, the proposed Project would not have a substantial adverse effect on a scenic vista. No impact would occur with Project implementation.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. Rocks Road is not part of the California Scenic Highway system. The proposed Project is a bridge replacement located outside the bounds of a State Scenic Highway; therefore, the proposed Project would not substantially damage scenic resources (e.g., trees, rock outcroppings, historic buildings, etc.) within a State Scenic Highway. No impact would occur with Project implementation.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact with Mitigation Incorporated. Implementation of the proposed Project would consist of removing the existing bridge, installing the bridge foundations, constructing the abutment walls, placing the concrete slab deck, and post-tensioning the newly installed deck. The proposed Project would replace the existing reinforced concrete tee-girder bridge with a single-span cast-in-place post-tensioned concrete slab bridge. The horizontal alignment for the replacement bridge and roadway approaches would be at approximately the same location as the existing horizontal alignment. The deck of the new bridge would be set approximately 3 feet higher than the existing bridge and the roadway approaches would be vertically re-aligned to provide a smooth transition from the bridge to the existing road.

Residents living adjacent to the northwest corner of the Project site would be able to see demolition and construction activities occurring; however, these activities would be confined to the creek over crossing and would not degrade the visual characteristics of the surrounding hillsides. Motorists approaching the Project site along Rocks Road would be able to see demolition and construction activities; however, the visual character of the surrounding hills and watershed of Pinacate Rock Creek would remain intact and would not be substantially degraded.

Once the proposed Project is operational, adjacent residents and motorists familiarity with the area would notice the new bridge; however, the viewers' (i.e., roadway travelers and adjacent residents) exposure or sensitivity to the change would be minor. Motorists that are new to this roadway or area would most likely not notice the proposed bridge replacement and roadway improvements due to the relatively minor change to the visual characteristics of the site and surrounding area. The general viewing experience would only change slightly. The proposed Project would include the

implementation of Best Management Practices (BMPs) to address impacts to the aesthetic resources within the Project area. Examples of BMPs that would be used in the proposed Project, may include, but are not limited to:

- Locate the roadway alignment to be integrated into the surrounding topography;
- Preserve existing features in the Project site such as vegetation, natural slopes, rock outcroppings, scenic views, historic and cultural resources, and sensitive environmental areas to the maximum extent feasible;
- Selectively thin or remove existing vegetation to open up scenic views;
- Replace highway planting and natural vegetation that is removed by construction activities;
- Grade embankment and excavation slopes to blend with natural contours and plant them to blend with surrounding vegetation;
- Locate and design the roadway and bridge structure to give the most pleasing appearance and blend with the existing setting;
- Specify and use construction materials that reflect the local character; and
- Incorporate design features that respond to community, cultural, scenic, and environmental values.

Mitigation Measure BIO-1 (presented below in **Section IV. Biological Resources**) would be implemented to ensure that revegetation of areas within the Project site occurs. Implementation of such BMPs and **Mitigation Measure BIO-1** would restore the visual characteristics of the Project site and surrounding area to near pre-construction conditions. Impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. The Project would not create a new source of light or glare. The proposed Project would not have lighting elements incorporated into the design. The new bridge would not generate any additional traffic (e.g., additional vehicle headlights) or light or glare. The proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. No impact would occur.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURAL AND FOREST RESOURCES

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

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The proposed Project would be constructed within the footprint of the existing bridge along Rocks Road spanning Pinacate Rock Creek. Areas surrounding the Project site are classified as "Grazing Land" according to the California Department of Conservation Farmland Mapping and Monitoring

Program (FMMP).¹ Grazing Land includes areas with existing vegetation that is suited to the grazing of livestock.

Land zoned as Agricultural Productive (AP- to the north, south, and west of the site) and Planned Unit Development (PUD- to the east of the site) surround the Project site. Portions of the Project site are designated as Agricultural Productive; however, agricultural uses have not been associated with these specific areas in the recent past.

The Williamson Act has been the State's premier agricultural land protection program since its enactment in 1965. The Williamson Act preserves agricultural and open space lands through property tax incentives and voluntary restrictive use contracts. Private landowners voluntarily restrict their land to agricultural and compatible open-space uses under minimum 10-year rolling term contracts with local governments. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. A portion of the proposed Project would be located on APN 011-310-003-00, which is currently under a Williamson Act Contract. This parcel is approximately 533 acres in size, is composed of open space grazing land, and is not currently under agricultural production. The proposed Project would require the acquisition of approximately 1.34 acres of APN 011-310-003-00. When there is a need for a public agency (San Benito County) or other eligible entity to acquire land enrolled in a Williamson Act contract, or located in an agricultural preserve, the California Department of Conservation must be notified. Specific information must accompany the notification in order to ensure that requirements of Government Code §§ 51290 through 51295 and 51296.6 are met.

The Project site is not located in an area designated or zoned as forest land or timberland.

Discussion

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?*

No impact. The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) indicate that the Project site is designated as Grazing Land.² Grazing Land is defined by the FMMP as "land on which the existing vegetation is suited to the grazing of livestock". The Project site is not located on land designated as Prime or Unique Farmland, or Farmland of Statewide Importance. Therefore, there would be no conversion of farmland to non-farmland uses and no impacts would occur.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Less than Significant with Mitigation Incorporated. According to the San Benito County Zoning Code the land surrounding the proposed Project is zoned as Agricultural Productive (AP-to the north,

¹ California Department of Conservation, Farmland Mapping and Monitoring Program, San Benito County Important Farmland Map 2010, Accessed July 1, 2013.

² California Department of Conservation Farmland Mapping and Monitoring Program, San Benito County, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>. Accessed website June 28, 2013.

south, and west of the site) and Planned Unit Development (PUD-to the east of the site). Portions of the Project site would include land that is zoned as Agricultural Productive; however, review of aerial photographs indicate that none of the land surrounding the Project site is currently under agricultural production nor has it been in the recent past (five years).

Portions of the proposed Project would be located on APN 011-310-003-00 which is currently under a Williamson Act Contract. Although this parcel is currently under a Williamson Act Contract, APN 011-310-003-00 is not under farmland production. This parcel is currently utilized as open space grazing with a residential unit and ancillary buildings. The proposed Project would require the acquisition of 1.19 acres of the 533 acre parcel. The 1.19 acres of land that would be acquired for Project implementation is composed of open space with vegetated areas of California Annual Grassland and Coast Live Oak, a developed access road from Rocks Road to the parcel, and portions of Pinacate Rock Creek vegetated with Mixed Willow Series. The County would be permitted to acquire this land through the public acquisition of Williamson Act Land process since the proposed Project involves improvement of an existing roadway. The following mitigation measure would be required:

Mitigation Measure AG-1: The County of San Benito shall notify the California Department of Conservation regarding the need to acquire a portion of APN 011-310-003-00 which is currently under a Williamson Act Contract. While the County of San Benito would not be required to follow a specific template to submit a Williamson Act Public Acquisition notice, the California Department of Conservation website provides examples of a “Notification Form Template,” “Example Notification Letter,” and “Examples of Supporting Documentation” that are to be used when compiling a notice to ensure that the notification process is streamlined and that all required material is contained in the initial notice to the Department. Information regarding the notification process and examples of an approved notification letter and supporting documentation can be found at the California Department of Conservation Williamson Act Program-Basic Contract Provisions website:
http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/public_acquisitions.aspx.

With implementation of **Mitigation Measure AG-1** potential impacts related to a conflict with a Williamson Act Contract would be reduced to a less than significant level.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No impact. The proposed Project is not located on or near any land that is zoned as forestland, timberland, or timberland zoned for Timberland Production. Therefore, Project implementation would not conflict with such zoning designations. No impacts would occur.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No impact. The Project site is not located on land that is designated as forestland. Therefore, Project implementation would not result in the loss of forestland or conversion of forestland to non-forestland uses. No impacts would occur.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No impact. The Project site is not located in an area that is under current agricultural production nor is the Project located in an area designated as forestland. Project implementation would not result in the conversion of Farmland to non-agricultural use or conversion of forestland to non-forestland use. No impacts would occur.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY

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

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

The Project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and within the boundary of the North Coast Central Air Basin (NCCAB). The MBUAPCD is the lead air quality regulator for the NCCAB and has jurisdiction over all point and area emission sources. Within the MBUAPCD ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb) have been set by both the State of California (State) and the federal government. The State has also set standards for sulfate and visibility. The NCCAB (San Benito County) air quality status for 2010 is summarized below in Table A: NCCAB (San Benito County) Air Quality Attainment Status for 2012.

Table A: NCCAB (San Benito County) Air Quality Attainment Status for 2012

Pollutant	State	Federal
Ozone (1 hour)	Moderate	No Federal Standard Revoked in June 2005
Ozone (8 hour)	Nonattainment	Unclassified/Attainment
PM ₁₀	Nonattainment	Unclassified
PM _{2.5}	Attainment	Unclassified/Attainment
Carbon Monoxide	Unclassified	Unclassified/Attainment
Nitrogen Dioxide	Attainment	Unclassified/Attainment
Lead	Attainment	Unclassified/Attainment
Sulfur Dioxide	Attainment	Unclassified
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard

Source: California Air Resources Board, 2012. Area Designations. <http://www.arb.ca.gov/desig/desig.htm>. Accessed August 28, 2013.

As shown above in Table A, the NCCAB is in moderate nonattainment for the State one-hour ozone standard, nonattainment for the State eight-hour ozone standard and unclassified/attainment for the Federal eight-hour ozone standard. The Air Basin is in unclassified and unclassified/attainment for PM₁₀ and PM_{2.5} Federal standards, respectively; and, in nonattainment and attainment for PM₁₀ and PM_{2.5} State standards, respectively. The nearest air quality monitoring station, Pinnacles National Monument Station, is located approximately 13 miles to the southwest of the Project site. Major findings regarding air quality in the NCCAB (San Benito County) include the following:

- The NCCAB is currently in a nonattainment status for ozone and particulate matter pollutants. As a result, MBUAPCD is preparing ozone and PM₁₀ attainment plans that would identify new regulations necessary to bring the basin into compliance;
- Emission sources within San Benito County include major reactive organic gases (ROG), nitrogen oxide (NO_x), fugitive dust (PM₁₀), and fine particulates (PM_{2.5}). The major sources of these emissions in the County include:
 - ROG = solvent evaporation, farming, and managed burning;
 - NO_x = motor vehicles;
 - PM₁₀ = unpaved roads, wind erosion, and agricultural tillage; and,
 - PM_{2.5} = managed burning and the combustion of fossil fuels.
- Emissions data collected between 2005 and 2009 from the Pinnacles National Monument air quality monitoring station showed violations for the Federal eight-hour and state one-hour ozone standards. However, there were no violations of either the Federal or state PM₁₀ and PM_{2.5} standards.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a nonattainment area. The main purpose of air quality plans is to bring the area into compliance with the requirements of Federal and state air quality standards. The air quality plans use the assumptions and projections of local planning agencies to determine control strategies for regional compliance status. Since the plans are based on local General Plans (e.g., San Benito County General Plan), projects that are deemed consistent with applicable General Plans are usually found to be consistent with the air quality plans. It should be noted that the NACCB (San Benito County) is in nonattainment status for ozone and particulate matter; therefore, the MBUAPCD is preparing ozone and PM₁₀ attainment plans that would identify new regulations necessary to bring the basin into compliance. The proposed Project would also comply with existing MBUAPCD air quality plans as well as the ozone and PM₁₀ attainment plans that are currently being prepared.

As the proposed Project is a bridge replacement, it would not result in the generation of additional vehicle trips along Rocks Road and is not expected to increase regional Vehicle Miles Traveled (VMT). Construction and development of the proposed Project would include demolition of the existing bridge, channel slope protection (in Pinacate Rock Creek), approach roadway work, bridge construction, metal beam guard rail installation, bridge railing installation, temporary traffic control, right-of-way acquisition and temporary construction easements and utility relocation. As such, the proposed Project would not conflict with or obstruct implementation of the MBUAPCD air quality plan. Impacts would be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant with Mitigation Incorporated. The short-term and long-term air quality impacts associated with the proposed Project are discussed below.

Short-Term (Construction) Emissions. Short-term air pollutant emissions associated with the proposed Project would occur during demolition and construction activities. Bridge demolition, grading, and vehicle/equipment use would contribute to short-term air pollution emissions.

Demolition and construction activities at the Project site would generate exhaust emissions from engines, on-site heavy duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting construction crews. Exhaust emissions during construction would vary daily as construction activity levels change. The use of construction equipment would result in localized exhaust emissions that could affect the residential units northeast of the Project site. However, due to the limited extent of construction proposed, the projected short-term emissions of criteria pollutants as a result of Project construction are expected to be below the emissions thresholds set forth by the MBUAPCD.

Construction activities at the Project site would include the use of construction vehicles and equipment which would increase air pollutants associated with burning fossil fuel and dust on a short-term basis. Dust from on-site construction activities is a major cause of increased PM₁₀ and PM_{2.5} concentrations. Construction activities on the Project site have the potential to contribute to

MBUAPCD's existing nonattainment status for particulate air quality through the contribution of slight increases to PM₁₀ and PM_{2.5}.

Based on the "Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California Map" prepared by the U.S. Geologic Survey and California Geological Survey (2011), former asbestos mines/prospects, reported asbestos occurrences, asbestos-bearing tale deposits, reported fibrous amphiboles, and ultramafic rock in outcrops is located in the vicinity of the proposed Project. The nearest occurrence shown on the map indicates that an ultramafic rock contained within an outcrop is located approximately 5.9 miles north of the Project site.

Implementation of **Mitigation Measure AIR-1**, presented below would reduce potential impacts associated with dust emissions and air pollutant emissions on the Project site during construction activities:

Mitigation Measure AIR-1: The Project contractor, on behalf of the Project applicant (San Benito County), shall prepare a Dust Control Plan for demolition and construction activities at the Project site pursuant to the requirements and regulations of the MBUAPCD. The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures:

- All visible, dry, disturbed soil on road surfaces shall be watered to minimize fugitive dust emissions;
- All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- Earth or other material that has been deposited by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- Asphalt, oil, water or suitable chemicals shall be applied on stockpiled materials and other surfaces that can give rise airborne dusts;
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- The contractor's foreman shall take reasonable precautions to prevent the entry of unauthorized vehicles during non-work hours;
- The contractor's foreman shall keep a daily log of activities to control fugitive dust;
- If deposits of Naturally Occurring Asbestos (NOA) are discovered during construction, activities shall be suspended and mitigation on a site-specific basis shall be developed and implemented. Construction Plans for this Project shall include a notice stating: "If NOA is discovered (uncovered) during demolition, grading, or construction activities, work shall be suspended immediately and the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be contacted to determine compliance measures to be taken regarding the NOA." In addition, the following measures shall be required:
 - The speed of any vehicles and equipment traveling across unpaved areas shall be no more than fifteen (15) miles per hour unless the road surface and surrounding area is

sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust that is visible crossing the Project boundaries;

- o Storage piles and disturbed areas not subject to vehicular traffic shall be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos (by weight of the material); and,
- o Activities shall be conducted so that no track-out from any road construction activities is visible on any paved roadway open to the public.

With implementation of **Mitigation Measure AIR-1** impacts regarding this threshold would be reduced to a less than significant level.

Long-Term (Operational) Emissions. Operational air emission impacts are associated with any change in permanent use of the Project site by on-site stationary and off-site mobile sources that substantially increase vehicle trip emissions. No stationary sources are associated with the proposed Project and new vehicle trips would not be generated or significantly increase vehicle miles traveled (VMT). Therefore, operational activities associated with the proposed Project would not contribute substantially to an existing or projected air quality violation. Operational impacts would be less than significant and operational mitigation measures would not be required.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?*

Less Than Significant with Mitigation Incorporated. As described above in Section III(b), the proposed Project would result in short-term increases in air pollutant emissions due to construction activities. The proposed Project would not result in increased air pollutant emissions during operation. Increases of short-term air pollutant emissions would not result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in nonattainment status, for Federal or state ambient air quality standards. Implementation of **Mitigation Measure AIR-1**, described above, would reduce construction impacts regarding air quality issues to a less than significant level.

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant with Mitigation Incorporated. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants such as: young children, the elderly, and people with illnesses. The Project is located in a rural area of San Benito County; however, rural residential units are located adjacent to the northwestern boundary of the Project site.

Construction activities occurring on the Project site may expose these residents to airborne particulates and fugitive dust as well as small quantities of pollutants associated with the use of construction equipment (e.g., diesel-fueled vehicles and equipment) on a short-term basis. Implementation of **Mitigation Measure AIR-1** would reduce construction-related emissions to a less than significant level thus minimizing possible exposure of these sensitive receptors to substantial pollutant concentrations.

The proposed Project would not result in increased pollutant emissions during operation since its implementation would not increase traffic along Rocks Road nor would it increase VMT within the area. Therefore, the nearby sensitive receptors would not be exposed to substantial pollutant emissions during Project operation. Impacts would be less than significant.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or vehicles during the Project construction period. However, these odors would be short term in nature and would not result in permanent impacts to the nearby sensitive receptors. In addition, odors from construction equipment and vehicles on the Project site would be dispersed quickly and would not likely subject the adjacent rural residential units to objectionable odors. Long-term operation of the proposed Project would not generate any new vehicle trips; therefore, increases in permanent odors would not result from Project operation. Impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

LSA Associates, Inc. prepared a Natural Environment Study (NES) and Biological Assessment (BA) in July 2012 for the proposed Project (attached as Appendix A). The following summarizes the setting and methods used to determine biological impacts with implementation of the proposed Project. Results from the analysis in the BA and NES were used in addressing the impacts and developing mitigation measures in the following section.

Analysis presented in this section is based on the Biological Study Area (BSA) which is larger than the 2.62 acre Project site. The BSA is comprised of 3.77 acres and consists of the Project footprint, existing roadways, cut/fill slopes, and construction access and staging areas. The BSA also includes

lands beyond the Project footprint that could potentially be affected by Project construction activities and/or were determined necessary to inventory in order to perform an adequate analysis of Project impacts on biota. Land in the BSA consists of plant communities and developed areas.

Plant communities within the BSA total 2.88 acres and include: California Annual Grassland (1.83 acres); Mixed Willow Series (0.86 acre); Coast Live Oaks Series (0.12 acre); and Watercress/Wild Rye Wetland (0.07 acre). Developed areas in the BSA total 0.89 acre and consist of Rocks Road and access roadways/driveways.

The BSA lies in a largely undeveloped area among rolling hills within the Pinacate Rock Creek watershed. Aquatic features in the general vicinity are composed of small ephemeral drainages as well as several stock ponds that are tributary to Pinacate Rock Creek. The majority of the land in the area is privately owned and appears to be similar to the BSA in use and vegetative characteristics.

A list of sensitive wildlife and plant species potentially occurring within the BSA was compiled to evaluate potential impacts resulting from Project construction. Sources used to compile the list include the California Natural Diversity Data Base (CNDDDB), the USFWS official online species list, and the California Native Plant Society (CNPS) Online Edition (2012). The special status species lists obtained from the CNDDDB, CNPS, and USFWS were reviewed to determine which species could potentially occur in the Project area.

Special status wildlife species that may occur in the BSA include pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), white tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperi*), merlin (*Falco columbarius*), burrowing owl (*Athene cunicularia*), least Bell's vireo (LBV) (*Vireo bellii pusillus*), Pacific pond turtle (*Actinemys marmorata*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), coast range newt (*Taricha torosa*), California red-legged frog (CRLF) (*Rana draytonii*), California tiger salamander (CTS) (*Ambystoma californiense*). No special status plants are expected to occur in the BSA and the BSA is not within range of any special status fish species. Nesting birds are also likely to be present on or under the bridge and are protected under the Migratory Bird Treaty Act and California Fish and Game Code.

The proposed Project has the potential to affect federally listed threatened or endangered species, pursuant to the Federal Endangered Species Act (FESA), including: Least Bell's vireo (*Vireo bellii pusillus*) (LBV); California red-legged frog (*Rana aurora draytonii*) (CRLF); and California tiger salamander (CTS) (*Ambystoma californiense*). The proposed Project would not affect any federally listed threatened or endangered plants.

Aquatic resources within the BSA consist of Pinacate Rock Creek and its associated wetlands and willow riparian community. Within the BSA, Pinacate Rock Creek is a perennial, low-gradient stream within a well-defined channel. The bed is composed of bedrock, cobble, and sand. The creek flows east to west through the BSA and joins with Pinacate Creek before draining into Elkhorn Slough approximately 8.5 miles to the west of the Project site. Pooled areas directly adjacent to the existing bridge on the Project site are also present as the water moves at a slower velocity than the rest of the channel at these locations.

Discussion

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation Incorporated. Impacts to candidate, sensitive, or special status species in the Project area consist of the following:

Bats

The BSA is likely to be used as foraging habitat by several bat species, including pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillei*), and hoary bat (*Lasiurus cinereus*) bat. The western red and hoary bats may also roost in the BSA. The hoary bat is classified as a CDFW 'special animal'; the other three species are State Species of Concern. None of the bat species have any formal federal status. A description of the different bat species potentially found in the BSA is provided in the NES.

There are two CNDDDB records of pallid bats in the vicinity; one record is dated 1945 and is approximately 1.1 miles northwest of the BSA, and the other is dated 1938 and is approximately 10 miles north of the BSA near Gilroy. The CNDDDB includes a 1998 record for both the western red bat and the greater western mastiff bat; both records are from Hollister, approximately 12 miles east of the BSA. The CNDDDB includes three records for the hoary bat; one record, dated 1945, is from 1 mile south of the BSA. The other two records, dated 1937 and 1938, are both from the Gilroy area, approximately 10 miles north of the BSA.

The coast live oaks in the BSA provide potential roosting sites for the hoary bat and the western red bat. Both species prefer dense canopy and these oaks may be only marginally suitable for these species. The mixed willow riparian habitat supports a large willow and walnut tree that could provide potential roosting habitat. However, no sign of bat usage was observed in any tree cavities (e.g., urine staining, droppings etc.). The pallid bat may use the residence located in the northwestern corner of the BSA as a night or 'feeding' roost, but the exposure and level of human disturbance at the residence is likely to discourage daytime use. The bridge may provide potential roosting habitat for the pallid bat. However, no sign of bat usage was observed under the bridge structure (e.g., urine staining, droppings etc.). No suitable roost sites are present for the western mastiff bat. The grasslands, riparian area, and habitat edges provide potential foraging habitat for bats and any of these species could occur in the BSA.

As a result of placement of Rock Slope Protection (RSP), fill, and roadway realignment, the Project will result in the removal of 0.11 acre of mixed willow riparian vegetation which represents a permanent loss of potential foraging habitat for bats. The removal of the willow and walnut trees within this community is also a loss of potential roosting habitat for the western red and hoary bats. In addition, 0.10 acre of temporary impacts to mixed willow riparian habitat would occur during removal of the existing bridge for access and installation of RSP and access for placement of fill along the improved roadway alignment. Removal of 0.10 acre of California annual grassland would

result in a permanent loss of potential foraging habitat for bats. In addition, 0.23 acre of California annual grassland would be temporarily impacted by construction and staging activities. The following mitigation measure would be implemented to reduce any potential impacts to foraging bats:

Mitigation Measure BIO-1:

- All potential roost trees (i.e., 20 diameter at breast height (dbh) or greater), including snags, within the BSA that would be impacted by Project construction shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of trees during these periods would avoid impacts to any bats occurring on the Project site during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). Removal shall occur as follows:
 - Prior to removal of the potential roost site trees, smaller trees and brush from the area near the potential roost tree shall be removed in order to expose bats potentially using the roost tree to the sounds and vibrations of equipment. These activities shall be conducted on at least two consecutive days before potential roost trees are removed.
 - Equipment and vehicles shall not be operated under potential roost trees while nearby trees and brush are being removed to prevent exhaust fumes from filling roost cavities.
- Alternatively, all potential roost trees within the BSA shall be surveyed by a qualified biologist to determine if any trees can be excluded as suitable bat roosts due to the lack of suitable structural characteristics. If any trees can be excluded as bat roosts, removal of these trees would not be subject to the seasonal restrictions discussed above.
- Work activities shall be limited to daylight hours to minimize potential effects to foraging bats.
- Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified below in Table B: Native Seed Mix:

Table B: Native Seed Mix

Scientific Name	Common Name	Rate (Lbs./Acre)	Minimum Percent Germination
<i>Artemisia douglasiana</i>	Mugwort	2.0	50
<i>Baccharis pilularis</i>	Coyote brush	1.0	40
<i>Elymus X triticum</i>	Regreen	10.0	80
<i>Eschscholzia californica</i>	California poppy	2.0	70
<i>Lupinus bicolor</i>	Bicolored lupine	4.0	80

Source: LSA Associates, Inc. *Rocks Road Bridge Replacement Biological Assessment*, April 2013.

With implementation of **Mitigation Measure BIO-1** presented above, impacts to bats within the BSA would be less than significant.

White-Tailed Kite

The white-tailed kite (*Elanus leucurus*) is State listed as fully protected; it has no formal federal status. White-tailed kites build stick nests in the tops of trees, preferentially near an open foraging area. They typically forage within 0.5 mile of the nest during breeding season, which extends from February through October. White-tailed kites nest and forage in a variety of settings including grassland, savanna, cultivated fields, marshes, and riparian woodlands. Though they are not migratory, white-tailed kites may roam widely when prey is scarce. Communal roosting is common during the nonbreeding season.

The nearest CNDDDB record is dated 2001 and was located 4.6 miles south of the BSA. Another sighting of this species occurred in 2002 and was located 8.5 miles west of the BSA in the Elkhorn Slough Ecological Reserve. The BSA supports coast live oaks and there are two large trees in the mixed willow riparian area that could provide suitable nesting habitat for white-tailed kites. The annual grassland in and adjacent to the BSA provides potential foraging habitat. No kites were observed during the May or July 2011 site visits; however, two stick nests were observed. One was observed in the large willow near the existing bridge and one was located just east of the BSA. White-tailed kites could potentially occur in the BSA.

Project implementation would result in the removal of the large willow and walnut trees within the mixed willow riparian vegetation (suitable nesting trees) as a result of placement of RSP, fill, and roadway realignment. The proposed Project also would remove 0.10 acre and temporarily disturb 0.23 acre of California annual grassland (which is a potential foraging habitat for this species) as a result of construction of the new bridge approaches and temporary access and staging.

The following mitigation measure would be implemented to reduce impacts to nesting white-tailed kites:

Mitigation Measure BIO-2:

- If possible all trees that would be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1) to avoid take of a nest or bird. If this is not possible, a survey for nesting white-tailed kites shall be conducted in the BSA and within a 500 foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc.
- If nesting white-tailed kites are found within 500 feet of the BSA, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, and line of sight between the nest and the BSA.
- CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities.
- If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur in the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

- Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-2**, impacts to nesting white-tailed kites would be reduced to a less than significant level.

Cooper's Hawk

Cooper's hawks are on the CDFW watch list for nesting but have no other formal status. In California they are primarily year-long residents and are found throughout most of the wooded portion of the state. A detailed description of Cooper's Hawk is provided in the NES.

The nearest CNDDDB record is dated 2004 and was located approximately 10.5 miles south of the Project site. The Project site supports coast live oaks, a large willow and a walnut tree provide potential nesting habitat for Cooper's hawk; the woodland and habitat edges in and adjacent to the Project site provides potential foraging habitat. No Cooper's hawks were observed during the May or July 2011 site visits; however, two stick nests were observed. One was in the large willow near the existing bridge and one was just east of the Project site. Cooper's hawks could occur in the BSA.

Project implementation would result in the removal of 0.11 acre of mixed willow riparian habitat as a result of placement of RSP, fill, and roadway realignment. The large willow and walnut trees are potential nest trees; they are within this habitat and would be removed. Temporary impacts to mixed willow riparian habitat totaling 0.10 acre would also occur during removal of the existing bridge, access for installation of RSP, and access for placement of fill along the new roadway alignment.

The following mitigation measure would be implemented to reduce impacts to Cooper's Hawk:

Mitigation Measure BIO-3:

- If possible, all trees that would be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1) to avoid take of a nest or bird. If this is not possible, a survey for nesting Cooper's hawks shall be conducted in the BSA and within a 500 foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc;
- If nesting Cooper's hawks are found within 500 feet of the BSA, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, and line of sight between the nest and the BSA;
- CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities; and,
- If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur in breeding season to monitor nesting activity. The biologist would have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

With implementation of the measures discussed above in **Mitigation Measure BIO-3** impacts to nesting and foraging Cooper's Hawks would be reduced to a less than significant level.

Merlin

Merlins (*Falco columbarius*) breed in Alaska and Canada and winter in California, from September through May. This species has the potential to winter in the BSA of the Project site. The merlin is on the CDFW Watch List but has no formal federal status. A detailed description of the merlin is provided in the NES.

The nearest CNDDDB record for the merlin occurred in 2004 approximately 12 miles east of the BSA near the Hollister Hills State Vehicular Recreation Area. The grassland areas within the Project BSA provides potential habitat for wintering merlin therefore this species could occur within the Project BSA.

Activities associated with Project implementation, such as construction of new bridge approaches and temporary access and staging areas, would result in the loss of 0.10 acre of California annual grassland (potential foraging habitat for merlins) and result in 0.23 acre of temporary impacts.

The following mitigation measure would be implemented to reduce impacts to nesting and foraging merlins:

Mitigation Measure BIO-4:

- Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified above in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-4** impacts to nesting and foraging Merlins would be reduced to a less than significant level.

Burrowing Owl

The burrowing owl (*Athene cunicularia*) is a California Species of Concern. It has no federal status. Burrowing owls occur in warmer valleys, open, dry grasslands, deserts, and scrublands associated with agriculture and urban areas that support populations of California ground squirrels. Burrowing owls nest below ground using abandoned burrows of other species (most commonly ground squirrel) and feed on insects and small mammals.

The burrowing owl is well-documented in the region; the CNDDDB includes 10 records of this species within 10 miles of the BSA. The closest record is dated 2001 and is approximately 3.5 miles northeast of the BSA. The most recent record in a 10 mile radius is dated 2009 and is 10 miles northeast of the BSA.

The annual grassland on the north side of the road within the BSA has not been mowed or grazed and consequently is too high to provide suitable foraging or nesting habitat for burrowing owls. The BSA may provide foraging habitat in the grassland on the south side of the road. No suitable burrows are

present in the BSA; no signs of owl presence were observed during the field visits. However, this species could occur in the BSA.

The Project would remove 0.10 acre and temporarily disturb 0.23 acre of California annual grassland as a result of construction of the new bridge approaches and temporary access and staging areas, which is potential foraging habitat for burrowing owl.

The following mitigation measure would be implemented to reduce impacts to burrowing owls:

Mitigation Measure BIO-5:

- A preconstruction survey for nesting burrowing owls shall be conducted in the BSA and vicinity by a qualified biologist no more than 30 days prior to initiation of earthmoving activities. If nesting burrowing owls are found within the biological study area, the following measure shall be implemented:
 - o During the non-breeding season (September 1 through January 31) any burrowing owls occupying the Project site should be evicted from the Project site by passive relocation as described in the California Department of Fish and Wildlife's Staff Report on Burrowing Owls (Oct., 1995).
 - o During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 250 feet protective buffer until and unless a qualified biologist verifies through noninvasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.
- Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-5** impacts to burrowing owls would be reduced to a less than significant level.

Least Bell's Vireo

The least Bell's vireo (*Vireo bellii pusillus*) (LBV) is both state and federally listed as endangered. Critical habitat has been established for the LBV; the nearest critical habitat is in Santa Barbara County, over 100 mi south of the BSA. A detailed description of LBV is provided in the NES.

The nearest CNDDDB record for LBV is dated 2001 and is approximately 9.5 miles northeast of the BSA near Gilroy. The mixed willow vegetation in the BSA provides potential nesting habitat for LBV. It is unlikely but possible for this species to occur in the BSA.

Project implementation would result in direct permanent effects to 0.11 acre of potential nesting habitat (i.e., mixed willow riparian) for LBV due to placement of RSP, fill, and roadway realignment resulting in habitat removal. The Project also would result in direct temporary effects to 0.10 acre of potential nesting habitat through disturbance from construction activities and the cutting back of

vegetation to provide access routes. Furthermore, the Project could also result in temporary impacts to LBV attempting nest in the vicinity of the Project as construction activities could potentially discourage nesting.

The following mitigation measure would be implemented to reduce impacts to LBV:

Mitigation Measure BIO-6:

- A preconstruction survey for nesting LBV shall be conducted in the BSA and within a 100-foot radius by a qualified biologist. The survey shall be conducted no more than 14 days prior to the start of earthmoving activities.
- If LBV are found within the area surveyed the USFWS and CDFW shall be contacted to determine appropriate measures to take to avoid any impact to this species. At a minimum, construction activity within 100 feet of the nest shall cease until a qualified biologist verifies that the young have fledged and are capable of independent survival. Caltrans would notify the USFWS. San Benito County would be responsible for notifying CDFW.
- Native topsoil from the channel would be incorporated within the replacement RSP to provide a seeding and planting medium. Areas of RSP above the OHWM would be revegetated with the seed mix specified in Table B. In addition, locally-obtained willow cuttings/poles would be installed within the lower sections of the RSP near the OHWM.
- Realignment of the roadway and new bridge would open up an area that is currently covered by the existing bridge. The revegetation of this area would restore approximately 0.01 acre of mixed willow habitat.

With implementation of the measures discussed above in **Mitigation Measure BIO-6** impacts to LBV would be reduced to a less than significant level.

Pacific Pond Turtle

The Pacific pond turtle (*Actinemys marmorata*) is a State species of concern; it has no federal status. The Pacific pond turtle ranges from western Washington State south to northwestern Baja California. Two subspecies occur in California: the north Pacific pond turtle (*A.m. marmorata*); and the south Pacific pond turtle (*A.m. pallida*). The BSA is within the range of intergradations between the two subspecies. The pond turtle is a highly aquatic species found in ponds, marshes, rivers, streams, and irrigation ditches that typically have rocky or muddy bottoms and support aquatic vegetation. Eggs are laid at upland sites away from the water from April through August.

The Pacific pond turtle is well documented in the region. The CNDDDB includes 15 records of this species within the nine-quad search area; three records are within 5 miles of the BSA. The most recent and closest record occurred in 2007 and was located approximately 1.2 miles west of the BSA; a second occurred in 2003, approximately 2.2 miles west of the BSA; and a third record occurred in 1988, approximately 2.4 miles north of the BSA. The reach of Pinacate Rock Creek within the BSA provides potential habitat for Pacific pond turtle. Though this species was not observed during the site visits, it could be present in the BSA.

Project implementation would permanently impact 0.01 acre of wetlands and 0.02 acre of non-wetland waters as a result of placement of RSP that is suitable habitat for Pacific pond turtle. The Project would also result in temporary impacts to 0.02 acre of wetlands and 0.01 acre of non-wetland waters during temporary dewatering activities. Furthermore, indirect effects may occur due to potential degradation of water quality until the plants in the revegetated area are established.

The following mitigation measure would be implemented to reduce impacts to Pacific Pond Turtles:

Mitigation Measure BIO-7:

- Prior to the start of construction activities in Pinacate Rock Creek, the reach of the creek within the BSA shall be surveyed by a qualified biologist for the presence of Pacific pond turtles. If Pacific pond turtles are observed in the BSA they shall be relocated outside of the work area by a qualified biologist.
- Areas temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-7** impacts to Pacific Pond Turtles would be reduced to a less than significant level.

San Joaquin Whipsnake

The San Joaquin whipsnake (*Masticophis flagellum ruddocki*) is a State species of concern but has no federal status. It inhabits the Sacramento and San Joaquin Valleys from Colusa County to Kern County and westward to the inner South Coast Ranges. An isolated population occurs in the Sutter Buttes. It is found at elevations between 60 to 3,000 feet above sea level. This snake is typically located in open, dry, treeless areas, including grassland and saltbush scrub, and seeks cover in rodent burrows, under shaded vegetation, and under surface objects such as rocks or logs. A detailed description of the San Joaquin Whipsnake is provided in the NES.

The closest occurrence for the San Joaquin whipsnake to the Project site was 9 miles to the east in 1996 according to a CNDDB records search. The Project site is within the range of this species and the annual grassland within the BSA of the Project provides potential habitat for the San Joaquin whipsnake. Consequently, this species could occur in the BSA.

Project implementation would remove 0.10 acre and temporarily disturb 0.23 acre of California annual grassland (which is potential habitat for the San Joaquin whipsnake) as a result of construction of the new bridge approaches and temporary access and staging.

The following mitigation measure would be implemented to reduce impacts to San Joaquin whipsnake:

Mitigation Measure BIO-8:

- Prior to any ground-disturbing activities the area shall be surveyed by a qualified biologist for the presence of San Joaquin whipsnakes. If San Joaquin whipsnakes are observed in the BSA they shall be relocated outside of the work area by a qualified biologist.
- Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-8** impacts to San Joaquin Whipsnake would be reduced to a less than significant level.

California Tiger Salamander

The California tiger salamander (*Ambystoma californiense*) (CTS) is State and federally listed as a threatened species. The Project site is located near critical habitat designated for CTS (Unit eb-12 and Unit ev-15A). Unit eb-12 is located approximately 11 miles northeast of the Project site along the San Benito County and Santa Clara County border and Unit eb-15A is located approximately 13 miles east of the Project site on the east side of Highway 25. A detailed description of CTS is provided in the NES.

The CTS is well documented in the region, with 60 CNDDDB records in the area found near the Project site. Three records of CTS within 3.1 miles of the Project site. The closest record, which occurred in 2008, is approximately 1.8 miles northwest of the Project site. The observance occurred in a stock pond that is tributary to Pinacate Rock Creek and is therefore hydrologically connected to the creek within the Project boundary.

Site visits were not conducted during a time when CTS would be observable. The reach of Pinacate Rock Creek within the BSA is a perennial watercourse and does not provide suitable aquatic breeding habitat for CTS and no other potential aquatic habitat occurs in the BSA. Though grassland and pasture are present in the BSA (potential upland/estivation habitat for CTS) no suitable burrows or other suitable openings in the ground were observed in the BSA during site visits.

A site assessment for the CTS was prepared in June 2011. The site assessment concluded that CTS are potentially present in the vicinity and could migrate through the BSA based on species range, species records, and presence or absence of habitat within and near the BSA. However, CTS are not likely to either breed or estivate within the BSA.

Project implementation would not temporarily or permanently remove CTS habitat as the BSA does not provide suitable aquatic breeding or upland estivation habitat for CTS and the only CTS that would likely occur within the BSA are migrating individuals.

The following mitigation measure would be implemented to ensure that there are no direct or indirect effects to CTS:

Mitigation Measure BIO-9:

- ESA fencing shall be installed along the edge of the work limits including staging areas. ESA fencing shall consist of orange construction fencing (or equivalent) and shall be maintained in good condition until construction is complete. In addition, silt fencing shall be installed along the bottom of the ESA fencing to prevent CTS from entering the work area during construction;
- A USFWS-approved biological monitor shall be present during initial ground disturbing activities;
- If CTS are found within the area surveyed the USFWS and CDFW shall be contacted. Caltrans shall notify the USFWS. San Benito County shall be responsible for notifying CDFW;
- All work in the creek shall be conducted during the dry season (June through October) when CTS are estivating and unlikely to enter the BSA;
- The BSA shall be surveyed for CTS if a substantial rain event (i.e., at least 0.25 inch) occurs during construction to avoid affecting salamanders that may have emerged from their burrows in the BSA (e.g., under equipment); and,
- Following completion of the Project, all fill slopes, temporary impact and/or otherwise graded or denuded areas shall be restored to preconstruction contours (if necessary) and revegetated with the seed mix specified in Table B.

With implementation of the measures discussed above in **Mitigation Measure BIO-9** impacts to CTS would be less than significant.

California Red-Legged Frog

California Red-Legged Frog (CRLF) (*Rana aurora draytonii*) is a federally-listed threatened species and a State species of concern. The Project site is approximately 5 miles southeast of Unit SNB-1 which is a designated critical habitat for CRLF.

The CRLF is well documented in the region of the Project site, with over 60 CNDDDB records in the area. There are a total of 11 records located within a 5 mile radius of the BSA. The closest recent record is dated 2008 and was approximately 1.2 miles southwest of the BSA in a perennial stock pond that drains into a tributary to Pinacate Rock Creek.

Suitable aquatic and upland habitats are both present in the BSA. Pinacate Rock Creek within the BSA is a low-gradient creek with pooled areas directly adjacent to the existing bridge structure where the water moves at a slower velocity than the rest of the channel. The bed of the live channel is composed of bedrock, rock, cobble, and sand; the edges of the creek have sediment deposited at varying levels. Emergent vegetation is fairly dense and grows along the edges and within the live channel. The riparian corridor likely provides more suitable estivation sites than the annual grassland within the BSA and the corridor is also a natural path for dispersal.

A site assessment for the CRLF was prepared in June 2011. The site assessment concluded that CRLF are potentially present in the BSA, based on species range, species records, and presence of habitat within and near the BSA. Based on the results of this report CRLF is presumed present in the BSA. Project implementation would result in the loss of 0.03 acre of suitable aquatic habitat and 0.18 acre of suitable upland habitat for CRLF. Permanent habitat loss is due to construction of the abutments and wing walls, placement of RSP, roadway improvement work, and development of the retaining wall.

The Project would also result in temporary impacts to 0.06 acre of suitable aquatic habitat and 0.27 acre of suitable upland habitat for CRLF. Temporary impacts would occur due to dewatering activities, placement of temporary falsework, and development of construction equipment staging areas and access routes. Indirect impacts may occur due to potential degradation of water quality until the plants in the revegetated area are established.

The following mitigation measure would be implemented to reduce impacts to CRLF:

Mitigation Measure BIO-10:

- Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF;
- Ground disturbance shall not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work unless the individual(s) has/have been approved previously and the USFWS has not revoked that approval;
- A USFWS-approved biologist shall survey the Project site no more than 48 hours before the onset of work activities. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by construction activities the approved biologist shall be allowed sufficient time to move them from the site before work begins. The USFWS-approved biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and that would not be affected by activities associated with the proposed Project. The relocation site shall be in the same drainage to the extent practicable. The County shall coordinate with the USFWS on the relocation site prior to the capture of any CRLF;
- Before any activities begin on the Project a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings shall be used in the training session, provided that a qualified person is on hand to answer any questions;
- A USFWS-approved biologist shall be present at the work site until all CRLF have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed. After this time the State or local sponsoring agency shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor or the USFWS-approved biologist recommends that work be stopped because CRLF would be affected in a manner not anticipated by the County and the USFWS during review of the proposed action, they shall notify the resident engineer

- (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer shall either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. USFWS shall be notified as soon as possible if work is halted;
- During Project activities all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction all trash and construction debris shall be removed from work areas;
 - All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that a plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur;
 - Habitat contours shall be returned to their original configuration at the end of Project activities. This measure shall be implemented in all areas disturbed by activities associated with the Project, unless the USFWS and the County determine that it is not feasible or modification of original contours would benefit the CRLF;
 - The number of access routes, size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the Project goals. Environmentally Sensitive Areas shall be delineated to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to CRLF habitat. This goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable;
 - The County shall attempt to schedule work activities for times of the year when impacts to the CRLF would be minimal. For example, work that would affect large pools that may support breeding shall be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain CRLF through the driest portions of the year shall be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and coordination between the County and the USFWS during Project planning shall be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year;
 - To control sedimentation during and after Project implementation, the County shall implement Best Management Practices (BMPs) outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific Project. If BMPs are ineffective the County, in coordination with USFWS, shall attempt to remedy the situation immediately;
 - Intakes shall be completely screened with wire mesh not larger than 0.2 inch to prevent CRLF from entering a pump system should dewatering be required by the proposed Project. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed shall be minimized to the maximum

- extent possible; any imported material shall be removed from the stream bed upon completion of the Project;
- Unless approved by the USFWS water shall not be impounded in a manner that may attract CRLF;
 - A USFWS-approved biologist shall permanently remove any individuals of non-native species, such as bullfrogs (*Rana catesbeiana*), signal and red swamp crayfish (*Pacifastacus leniusculus*; *Procambarus clarkii*), and centrarchid fishes from the Project area to the maximum extent possible. The USFWS-approved biologist shall be responsible for ensuring his or her activities are in compliance with the CDFW Code;
 - If the County demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the CRLF, these areas shall not be included in the amount of total habitat permanently disturbed;
 - To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times;
 - Project sites shall be re-vegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable. This measure shall be implemented in all areas disturbed by activities associated with the Project unless the USFWS and the County determine that it is not feasible or practical;
 - Herbicides shall not be the primary method used to control invasive, exotic plants. However, if the County determines the use of herbicides is the only feasible method for controlling invasive plants at the Project site, the following additional protective measures for the CRLF shall be implemented:
 - Herbicides shall not be used during the breeding season for the CRLF;
 - A qualified biologist hired by the County shall conduct surveys for the CRLF immediately prior to the start of any herbicide use. If found, CRLF shall be relocated to suitable habitat far enough from the Project area that no direct contact with herbicides would occur;
 - Giant reed and other invasive plants shall be cut and hauled out by hand and then painted with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®;
 - Licensed and experienced Caltrans staff or a licensed and experienced contractor shall use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands occur at the Project site;
 - All precautions shall be taken to ensure that no herbicide is applied to native vegetation;
 - Herbicides shall not be applied on or near open water surfaces (no closer than 60 feet from open water);
 - Foliar applications of herbicide shall not occur when wind speeds are in excess of 3 miles per hour;
 - No herbicides shall be applied within 24 hours of forecasted rain;

- o Application of all herbicides shall be done by qualified personnel retained by the County to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and all safety measures associated with herbicide application is implemented. A safe dye shall be added to the mixture to visually denote treated sites. Application of herbicides shall be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins; and,
- o All herbicides, fuels, lubricants, and equipment shall be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. Construction contractors retained by the County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work the County shall ensure that a plan is in place for a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- During placement of Rock Slope Protection (RSP), native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in **Table B**. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.

With implementation of the measures discussed above in **Mitigation Measure BIO-10** impacts to CRLF would be less than significant.

Coast Range Newt

The Coast Range newt (*Taricha torosa*) is a State species of concern but has no federal status. This species is found along the coast and coast range mountains from Mendocino County to San Diego County. A geographically separated population of this species is found in the southern Sierra Nevada from northern Kern County to a zone of intergradation with the Sierra newt along the Kaweah River in Tulare County.

The CNDDDB contains two records of the Coast Range newt within 10 miles of the BSA. In 2001 a specimen was located in a stock pond approximately 3.5 miles south of the BSA and in 1998 a specimen was located approximately 8 miles east of the BSA.

The reach of Pinacate Rock Creek in the BSA may provide breeding or dispersal habitat for the Coast Range newt and the mixed willow riparian vegetation provides potential terrestrial habitat. Though this species was not observed during field investigations, it could be present in the BSA.

Project implementation would remove 0.11 acre of mixed willow vegetation in the BSA as a result of placement of RSP, fill, and roadway realignment, which is potential upland habitat for Coast Range newt. Temporary impacts, totaling 0.10 acre, would also occur during removal of the old bridge, access for installation of RSP, and access for placement of fill along new road prism. In addition, the Project would permanently impact 0.01 acre of wetlands as a result of placement of RSP which is potential aquatic habitat for Coast Range newt. The Project would also result in temporary impacts to

0.02 acre of wetlands during temporary dewatering activities. Indirect effects may occur due to potential degradation of water quality until the plants in the revegetated area are established.

The following mitigation measure would be implemented to reduce impacts to Coast Range newt:

Mitigation Measure BIO-11:

- Prior to the start of construction activities in the mixed willow area of Pinacate Rock Creek, the reach of the creek within the BSA shall be surveyed by a qualified biologist for the presence of Coast Range newts. If Coast Range newts are observed in the BSA they shall be relocated outside of the work area by a qualified biologist;
- Following completion of the new bridge, all fill slopes, creek banks with RSP, temporary impact, and/or otherwise graded areas shall be restored to preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B; and,
- During placement of RSP native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in Table B. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM.

With implementation of the measures discussed above in **Mitigation Measure BIO-11** impacts to Coast Range newt would be less than significant.

Implementation of **Mitigation Measures BIO-1** through **BIO-11** potential impacts to federally and state listed species would be reduced to a less than significant impact.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation Incorporated. The proposed Project is located in an area where natural communities exist. Vegetation communities and land uses occurring within the BSA includes two natural communities of special concern: Mixed Willow Series and Watercress/Wild Rye Wetland. Natural communities comprise a 0.93 acre area of the BSA and **Table C: Natural Communities in the BSA** describes the acreage of each natural community located in the BSA.

Table C: Natural Communities in the BSA

Natural Community	Acres
Mixed Willow Series	0.86
Watercress/Wild Rye Wetland	0.07
Total	0.93

Source: LSA Associates, Inc. *Rocks Road Bridge Replacement Biological Assessment*, April 2013.

Mixed Willow Series

The mixed willow series within the Project area, totaling approximately a 0.86 acre area of the BSA, occurs primarily along the reach of Pinacate Rock Creek south of Rocks Road. Goodding's black willow (*Salix gooddingii*), arroyo willow (*S. lasiolepis*) and narrow-leaved willow (*S. exigua*) are dominant and form a dense overstory and thicket. A limited number of coast live oak and black walnut (*Juglans californica*) are also present. Poison hemlock (*Conium maculatum*), California blackberry (*Rubus ursinus*), and poison oak (*Toxicodendron diversiloba*) are the primary understory species. Horsetail (*Equisetum* sp.) is present in patches near the bridge and under openings in the canopy. Two 30-foot tall walnut trees and a willow are located close to the existing bridge.

Project implementation would remove a 0.11 acre area of mixed willow vegetation in the BSA due to placement of RSP, fill, and roadway realignment. The 30-foot tall willow and walnut trees located in the new roadway alignment would also require removal. Temporary impacts would total a 0.10 acre area and would occur due to removal of the existing bridge, access for installation of RSP, and access for placement of fill along the new roadway alignment.

Watercress Wild Rye Wetland

The watercress-wild rye wetland community is not a Keeler-Wolf series but is named according to the dominant species present. This community, totaling approximately a 0.07 acre area within the BSA, is located in the westernmost part of the reach of Pinacate Rock Creek north of Rocks Road. Vegetation is dominated by watercress (*Rorippa nasturtium-aquaticum*) and blue wild rye (*Elymus glaucus*). Secondarily important species in this area include creeping wild rye (*Leymus triticoides*) and soft rush (*Juncus effusus*). Tule (*Scirpus acutus occidentalis*), broad-leaf cattail (*Typha latifolia*), nutsedge (*Cyperus eragrostis*), and dock (*Rumex* sp.) are also present.

The watercress wild rye wetland natural community would not be directly impacted by Project implementation and mitigation measures presented below would reduce indirect impacts.

The following mitigation measures would be implemented to reduce direct and indirect impacts to the Mixed Willow Series and Watercress Wild Rye Wetland Natural Communities within the Project site:

Mitigation Measure BIO-12:

- Work in the live channel of Pinacate Rock Creek shall be minimized to the extent possible;
- Work shall occur during periods of low flow in Pinacate Rock Creek. Consistent with measures to protect CRLF, a window of June 1 through October 15 shall be observed for work in waters or riparian areas;
- Brightly colored fencing shall be placed along the limits of work areas to protect habitat adjacent to Pinacate Rock Creek. Fencing shall be maintained in good condition for the duration of construction activities;
- Staging areas, access routes, and construction areas shall be located outside of wetlands and riparian areas to the maximum extent practicable;
- During demolition of the existing bridge a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pinacate Rock Creek. This measure may also apply during construction of the new bridge deck;

- Measures consistent with the current Caltrans' Construction Site Best Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan [SWPPP] and Water Pollution Control Plan [WPCP] Manuals) shall be implemented to minimize effects to wetlands resulting from erosion, siltation, etc. during construction;
- Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B. Invasive exotic plants shall be controlled to the maximum extent practicable;
- During placement of RSP native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in Table B. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM; and,
- Prior to issuance of a grading permit or other authorization to proceed with Project construction, the Project proponent shall obtain any regulatory permits that are required from the ACOE, RWQCB, and /or CDFW.

Mitigation Measure BIO-13: The removal of mixed willow riparian vegetation shall be compensated for at a 3:1 ratio. Mitigation shall be accomplished using one of the following methods or by using a combination of the methods, contingent upon approval by the CDFW, ACOE, and RWQCB:

- Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 3:1. This work shall occur solely within the Project impact area;
- Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio; and,
- All mitigation lands shall be protected in perpetuity through recordation of a conservation easement or equivalent method.

Mitigation Measure BIO-14:

- Work in the live channel of Pinacate Rock Creek shall be minimized to the extent possible;
- Work shall occur during periods of low flow in Pinacate Rock Creek. Consistent with measures to protect CRLF, a window of June 1 through October 15 shall be observed for work in waters or riparian areas;
- Brightly colored fencing shall be placed along the limits of work areas to protect habitat adjacent to Pinacate Rock Creek. Fencing shall be maintained in good condition for the duration of construction activities;
- Staging areas, access routes, and construction areas shall be located outside of wetlands and riparian areas to the maximum extent practicable;
- During demolition of the existing bridge a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pinacate Rock Creek. This measure shall also apply during construction of the new bridge deck;

- Measures consistent with the current Caltrans' Construction Site BMPs Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to wetlands resulting from erosion, siltation, etc. during construction; and,
- Following completion of the new bridge, all fill slopes, temporary impact, and/or otherwise disturbed areas shall be restored to approximate preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B. Invasive exotic plants shall be controlled to the maximum extent practicable.

With implementation of **Mitigation Measures BIO-12** through **BIO-14** impacts to natural communities due to development of the proposed Project would be reduced to a less than significant level.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Less Than Significant with Mitigation Incorporated. Aquatic resources within the BSA consist of Pinacate Rock Creek and its associated wetlands and willow riparian community. Pinacate Rock Creek within the BSA is a perennial, low-gradient stream within a well-defined channel. The creek bed is composed of bedrock, cobble, and sand. The creek flows east to west through the BSA and joins Pinacate Rock Creek prior to draining into Elkhorn Slough approximately 8.5 miles to the west of the Project site. Pooled areas directly adjacent to the existing bridge are present as the water within the creek channel moves at a slower velocity at this location.

Potential wetland areas within the BSA are located along the length of Pinacate Rock Creek except under the existing bridge deck and the portion of the channel at the east end of the BSA. Vegetation within these wetland areas are dominated by a variety of hydrophytic species including Goodding's black willow, water cress, blue wild rye, soft rush, rice cutgrass (*Leeria oryzoides*), and California blackberry (*Rubus ursinus*). Other representative species include nutsedge, broadleaved cattail (*Typha latifolia*), tule, horsetail, and poison hemlock (*Conium maculatum*). The areas with these species and the indicators for hydric soils and wetland hydrology are all sufficient to meet ACOE criteria for wetland designations.

The Project would impact wetlands and non-wetland waters subject to regulation by the ACOE, RWQCB, and CDFW, as summarized below in Table D: Jurisdictional Waters in the BSA.

Table D: Jurisdictional Waters in the BSA

Features	Area (acres)
Wetland Waters of the U.S.	
Mixed Willow Riparian	0.17
Watercress-Wild Rye Wetlands	0.07
Subtotal Wetlands	0.24
Non-Wetland Waters of the U.S.	
Pinacate Rock Creek	0.10
Subtotal Non-wetlands	0.10
Total Waters of the U.S.	0.34
CDFW 1602 Wetland Waters	
Narrow-leaved Willow Riparian	0.86
Watercress-Wild Rye Wetlands	0.07
Total CDFW 1602 Waters	0.93

Source: LSA Associates, Inc. *Rocks Road Bridge Natural Environmental Study*, March 2013.

Total Waters of the U.S. within the BSA are limited to the reach of Pinacate Rock Creek and total a 0.34 acre area. Wetlands within the BSA, totaling a 0.24 acre area, are located along most of the length of the creek channel. Non-wetland waters (a 0.10 acre area), consist of the deeper, un-vegetated area of Pinacate Rock Creek channel which is upstream from the existing bridge.

Project implementation would result in permanent and temporary impacts to Waters of the U.S. Permanent impacts to wetlands, totaling a 0.01 acre area, would occur due to RSP being placed along banks and development of portions of the new bridge abutments. Temporary impacts to wetlands, totaling a 0.02 acre area would occur during dewatering activities. Dewatering activities include placement of the temporary falsework needed for construction of the new bridge and placement of RSP. Permanent impacts to non-wetland waters, totaling a 0.02 acre area, would occur due to the widening of the approaches to the new bridge along Rocks Road. Temporary impacts to non-wetland waters, totaling a 0.01 acre area, would occur during dewatering activities. Dewatering activities include placement of temporary falsework for new bridge construction and placement of RSP, cofferdam and pipe culvert.

The Waters of the U.S. would be temporarily and permanently impacted by Project implementation and are regulated by the ACOE under Section 404 of the Clean Water Act (CWA). It is expected that the proposed discharge into Pinacate Rock Creek during construction of the proposed Project would be authorized by the ACOE using Nationwide Permit (NWP)14-Linear Transportation Projects. As a

BMP and in accordance with the conditions of NWP 14, a Preconstruction Notification would be submitted to the ACOE for verification that the discharges associated with construction of the proposed Project would comply with the conditions of the subject NWP.

Jurisdictional Waters in the BSA, totaling a 0.93 acre area, include the live channel of Pinacate Rock Creek and any adjacent riparian vegetation (i.e., mixed willow series and watercress-wild rye wetland). Project implementation would result in permanent impacts to a 0.10 acre area of waters within CDFW jurisdiction due to construction of the replacement bridge abutments, development of the wing walls and retaining walls, and RSP being placed along banks and portions of the new bridge abutments. The proposed Project would also result in temporary impacts to a 0.08 acre area of waters within CDFW jurisdiction during placement of the temporary falsework that would be needed for construction of the new bridge. As a BMP and in accordance with the CDFW the impacts to these resources would require a Lake and Streambed Alteration Agreement from CDFW under Sections 1600-1616 of the Fish and Game Code.

Implementation of **Mitigation Measures BIO-12** through **BIO-14** as well as the BMPs discussed above would reduce temporary and permanent impacts to federally protected wetlands to a less than significant level.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less Than Significant with Mitigation Incorporated. Wildlife movement corridors are linear habitats that function to connect two or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wild animals from one area of suitable habitat to another in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

Pinacate Rock Creek within the BSA is at the upper end of the watershed and provides a link between inland habitats and the more coastal habitats near the confluence with Elkhorn Slough. Therefore, Pinacate Rock Creek provides a potential movement corridor for smaller species of wildlife. Implementation of **Mitigation Measures BIO-1** through **BIO-14** as described above would ensure that species would still be able to use the area as a movement corridor and would also ensure that Pinacate Rock Creek remains as a viable movement corridor for species. Impacts would be less than significant with implementation of **Mitigation Measures BIO-1** through **BIO-14**.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less Than Significant Impact. The County of San Benito protects and manages woodlands through implementation of Chapter 19.33: Management and Conservation of Woodlands in the San Benito County Code of Ordinances.¹ The County understands the benefits that woodlands provide to

¹ County of San Benito, County Code of Ordinances, Chapter 19.33: Management and Conservation of Woodlands, Sections 19.33.001 through 19.33.016.

communities including reducing air and noise pollution, providing of shade and cooling, furnishing habitat for wildlife, stabilizing soils and protect against erosion, enhancing aesthetics and property value and increase community image and quality of life. Specifically, this ordinance is concerned with oak woodlands which are an integral part of California's living environment and provide cover, breeding areas, and food for over 331 vertebrate species. The ordinance is intended to control the removal of protected woodlands and maintain and enhance tree cover on improved or unimproved property to ensure that values and benefits provided by native trees are realized; prevent unpermitted wholesale removal of a majority of native trees on a parcel prior to application for a development permit; protect woodland environments on agricultural land through an educational outreach program; and, educate residents of the county about the functions, benefits and values of woodlands to further the protection, conservation and regeneration of trees. The ordinance protects trees native to San Benito County including: Black Oak; Blue Oak; Blue Oak-Foothill Pine; California Bay; California Black Walnut; California Buckeye; California Juniper; California Pepper; Canyon Live Oak; Coast Live Oak; Coastal Redwood; Common Manzanita; Coulter Pine; Digger Pine; Engelmann Oak; Gowen's Cypress; Incense Cedar; Interior Live Oak; Jeffrey Pine; Madrone; Monterey Pine; Mountain Mahogany; Pacific Wax Myrtle; Red Shanks; Scrub Oak; Sycamore; and, Tanbark Oak.

Project implementation would require the removal of a willow tree and a California Black Walnut tree because both trees are located in the new roadway alignment. The willow tree is not a native tree and is therefore not protected under the above-discussed County ordinance. However, the California Black Walnut tree is a native tree to San Benito County and is protected under the County ordinance. The California Black Walnut tree is located in the mixed willow series which is located primarily along the reach of Pinacate Rock Creek that lies south of Rocks Road. Per the County Ordinance, a "tree pruning/removal permit" would be required as a condition of approval for removing the Black Walnut Tree. Implementation of **Mitigation Measure BIO-13**, described above, would reduce the impacts associated with the permanent loss of the mixed willow series and in turn would also mitigate for the removal of the California Black Walnut tree beyond the mitigation required in the County ordinance. Impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?

No Impact. The site is not subject to any local, regional or State habitat conservation plans. Therefore, no impacts would occur with implementation of the proposed Project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

A Historic Property Survey Report (HPSR) and Archaeological Survey Report (ASR) (April 16, 2012) were completed by LSA for the proposed Project. These studies consisted of background research, consultation with potentially interested parties, and a field survey. The information for the following section was based on these two studies.

Cultural Resources. The Rocks Road Bridge (No. 43C-0053) crosses Pinacate Rock Creek and was built in 1930. The bridge is approximately 24 feet long and 20 feet wide. Caltrans has determined the bridge to be functionally obsolete and ineligible for listing on the National Register of Historic Places.

Research was conducted regarding historical properties and Native American cultural sites in an Area of Potential Effect (APE) associated with the proposed Project. The APE for the Project was established as approximately 950 feet long and 185 feet wide, encompassing both sides of Pinacate Rock Creek at Rocks Road Bridge. The approximately four-acre APE is located one half mile south of U.S. 101, three quarters of a mile west of Via Vaquero Norte Road, approximately four miles west of San Juan Bautista, and just east of Little Merrill Road intersecting with Rocks Road. The APE has been bounded to include the maximum extent of ground disturbing activities and all utility relocations. A record search of the APE at a ¼-mile radius was conducted on August 19, 2011 at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, in Rohnert Park, California. The search resulted in the finding of the following two resources:

- CA-SBN-209H. This resource is a segment of Rocks Road in the current APE on the historic alignment of the San Juan-Watsonville Road. A portion of Rocks Road was evaluated and determined to be ineligible for the National Register of Historic Places and the California Register of Historical Resources; and,

- C-1321. This resource is a cave with “Indian pictographs.” No evidence of C-1321 was identified during the field survey despite a focus on rock outcrops in the APE.

Consultation with the *Native American Heritage Commission* (NAHC) occurred on August 22, 2011, and the results indicated that a records search of the Sacred Lands File “failed to indicate the presence of Native American cultural resources in the immediate project area.” On September 6, 2011 eight local Native American Tribe representatives were contacted regarding the location of the proposed Project. Of the eight representatives that were contacted, five did not respond to the request, and three did respond. The representative from the Amah Mutsun Tribal Band emphasized “that the area was sacred to his people” and requested a copy of the finished report. A second representative from the Amah Mutsun Tribal Band indicated that, “In the Mutsun world this was a place of power...one of the places where evil entered and the underworld (sic). We would like further consultation.” A response to this request was sent on October 25, 2011, and no return response has been received to date. The representative from the Trina Marine Ruano Family stated “she had no concerns about cultural resources in the APE.”

Archaeological Sensitivity. The archaeological sensitivity assessment included a review of publications and maps for archaeological and environmental information about the soils, geology, and sediments in the APE. Although the soil profile of the APE suggests the possibility of a buried soil horizon, the sensitivity for archaeological deposits appears low because the APE would not have been conducive to preserving buried cultural resources due to periodic flooding, because the installation of the existing Rocks Road and bridge have already impacted the APE, and because excavation for the proposed Project would be limited to replacing the existing road, bridge, and relocation of utility poles.

Discussion

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?*

Less Than Significant with Mitigation Incorporated. As described above, research was conducted to determine if historical and Native American sensitive sites were located within the APE or surrounding the Project site. Two historical resources were identified; however, historical resource CA-SBN-209H was determined to be ineligible for the National Register of Historic Places and the California Register of Historical Resources and historical resource C-1321 was not identified during field surveys despite a focus on rock outcrops in the APE.

It cannot be definitively stated that no previously unidentified archaeological deposits that meet the definition of historical resources would be encountered during Project activities. Should resources be discovered and damaged during Project activities, a substantial adverse change in their significance could occur, which could potentially result in a significant impact.

Implementation of **Mitigation Measure CULT-1** would reduce impacts to previously undiscovered historical resources to a less than significant level.

Mitigation Measure CULT-1: If deposits of prehistoric or historical archaeological materials are discovered during non-monitored Project activities, all work within 25 feet of the discovery shall

be redirected and a qualified archaeologist contacted, if one is not present, to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. San Benito County shall also be notified. Project personnel shall not collect or move any archaeological materials.

It is recommended that adverse effects to the archaeological resources be avoided by Project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated to determine if they qualify as a historical resource or unique archaeological resource or as historic property. If the deposits do not so qualify avoidance is not necessary. If the deposits do qualify, adverse effects on the deposits shall be avoided or such effects shall be mitigated. Mitigation may consist of, but is not limited to, recovery and analysis of the archaeological deposit; recording the resource; preparing a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Educational public outreach may also be appropriate.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to San Benito County.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?*

Less Than Significant with Mitigation Incorporated. No archaeological resources, as defined by §15064.5, have been identified in the Project area. Archaeological resources are not anticipated to be discovered during Project activities.

It is possible that previously unknown buried archaeological deposits could be discovered during grading and excavation work associated with construction. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt or quartzite tool making debris; bone tools; culturally darkened soil (e.g., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse. Implementation of **Mitigation Measure CULT-1** would reduce impacts to previously undiscovered resources to a less than significant level.

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant with Mitigation Incorporated. No paleontological resources or unique geologic features are known to exist within the APE. However, should paleontological resources or unique geologic features be discovered during Project construction, the following **Mitigation Measure** shall be implemented:

Mitigation Measure CULT-2: If paleontological resources are encountered during Project subsurface construction and no monitor is present, all ground-disturbing activities shall be redirected within 50 feet of the resource until a qualified paleontologist can be contacted to evaluate the resource and make recommendations. If Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan, as described above,

shall be implemented. Adverse effects to paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository.

Implementation of **Mitigation Measure CULT-2** would reduce impacts to a less than significant level to paleontological resources or unique geologic features if discovered during Project construction activities.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant with Mitigation Incorporated. No human remains are known to exist within the APE. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of San Benito County has determined whether or not the remains are subject to the coroner's authority. There is no indication that human remains are present within the Project site. Implementation of **Mitigation Measure CULT-3** would ensure that potential impacts to human remains, should they be encountered, would be reduced to a less than significant level.

Mitigation Measure CULT-3: If human remains are encountered during Project activities, work within 25 feet of the discovery shall be redirected and the San Benito County Sheriff's Office Coroner notified immediately. At the same time an archaeologist shall be retained to assess the situation and consult with agencies as appropriate. The Project proponent shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission would identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated artifacts.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report shall be submitted to the San Benito County Department of Public Works.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Information in this section was gathered from the San Benito County General Plan and the *Foundation Report (Draft)* (February 9, 2012 – attached as Appendix B) prepared for the proposed Project. Design recommendations identified in the *Foundation Report* would be implemented as part of the proposed Project to ensure that the new bridge would be compliant with Caltrans and San Benito County seismic and geological safety standards.

San Benito County is located within the Coastal Ranges Geomorphic Province. The northern central portion of the county is characterized by the relatively flat San Juan, Hollister, and Santa Ana Valleys that are composed of alluvium. These fertile valleys support extensive agriculture activities and are

surrounded by the mountains of the Diablo Range to the east and the Gablian Range to the west. Active geologic features within the County are well known including the most significant geologic feature: the San Andreas Fault Zone. The Project site is located north of the Call Mountain Range and south of the Las Aguilas Mountain Range.

The San Andreas Fault is a right-lateral strike-slip fault and spans the length of San Benito County, stretching 60 miles from the Santa Cruz County line in the north to the Monterey County line in the south. There are several other known faults in the County including the Calaveras, Sargent, Paicines, Bear Valley, Zayante-Vergeles, and Quien-Sabe Faults. The Project site is located outside the designated State of California "Special Studies Zones" (1982) for active faulting and no mapped evidence or potentially active faulting was found within or near the Project boundary. The nearest fault to the proposed Project is the San Andreas Fault Zone (Santa Cruz Mountains Section) approximately 1.5 miles to the northwest.

The California Geologic Survey Probabilistic Seismic Hazard Assessment (PHSA) calculates earthquake shaking hazards through historic seismic activity and fault slip rates. Four PHSA-identified faults are present within San Benito County including: the San Andreas; Calaveras, Zayante-Vergeles, and Quien-Sabe Faults. Shaking from these faults is expressed as the Peak Ground Acceleration (PGA) measured as a percentage (or fraction) of acceleration due to gravity (%g) from ground motion that has a 10 percent probability of being exceeded in 50 years. The Project site is located in an area of San Benito County with a PGA of 77 percent (0.77 g).¹

Seismic ground shaking can result in soil compaction and settlement. If the sediments that compact during an earthquake become saturated they are subject to liquefaction. If liquefaction occurs soil loses its supporting structure resulting in a condition where buildings and other constructed facilities could settle into the ground. Liquefaction mapping of San Benito County has not occurred; however, it is reasonable to assume that liquefaction hazards exist near surface streams and in areas of unconsolidated sediment within San Benito County. The Project site is located on soil that is susceptible to potential liquefaction and post-liquefaction settlement is estimated to be 1.3 inches.²

Slope instability (landslides and rockfalls) can result in the movement of material down a slope or gradient. Areas at risk from landslides within San Benito County are expected to be concentrated along steep topographical slopes. The Project site is surrounded by gentle hillsides and the potential for landslides and/or rockfalls is low.

Soil types located within the Project area include the following:

- **Botella Loam, 2 to 9 percent slope (BoC)** –This soil is gently to moderately sloping and occurs on alluvial fans. It has a loam surface layer and a clay and a clay loam subsoil, and 5 to 15 percent of the entire soil profile is gravel. This soil is well drained. Permeability is moderately slow. Runoff is slow to medium, and the erosion hazard is slight to moderate. This Botella soil is

¹ Parikh Consultants, Inc. Foundation Report (Draft) Rocks Road Bridge Replacement, San Benito County, California, Bridge No. 43C53, February 9, 2012, pg. 6.

² Parikh Consultants, Inc. Foundation Report (Draft) Rocks Road Bridge Replacement, San Benito County, California, Bridge No. 43C53, February 9, 2012, pg. 7.

used for dryland hay, grain, and beans and for annual pasture and range. The Project site is composed of 2.56 acres of Botella loam on 2 to 9 percent slope soil;

- **Sedimentary Rock Land (SeG)** – Sedimentary rock land consists of outcrops of moderately hard sandstone and shale and areas of very thin soils. The rock outcrops generally make up 35 to 90 percent of the soil surface. The plant cover is sparse to moderately thick and consists of low brush, small areas of sparse grasses, and some scattered oaks and Digger pine. Drainage is excessive and a moderate to large amount of silt is washed away. This land is used for watersheds, wildlife, and recreation. The Project site is composed of 0.06 acre of Sedimentary Rock Land.

Botella Loam soil type has a moderate shrink-swell potential (subsidence).¹ Sedimentary Rock Land is not rated for subsidence characteristics according to the Soil Survey of San Benito County, California.

Discussion

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less than Significant Impact. Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along an active or potentially active major fault trace. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone²; however, the Project site is located 1.5 miles to the southwest of the San Andreas Fault (Santa Cruz Mountains Section) which has been identified as an Alquist-Priolo Earthquake Fault Zone. The San Andreas Fault (Santa Cruz Mountains Section) is the closest fault to the Project site. No active or potentially active faults have been mapped at the Project site; therefore, potential for fault rupture that would expose people or structures to injury or death is low. Impacts would be less than significant.

- ii) *Strong seismic ground shaking?*

Less than Significant with Mitigation Incorporated. The Project site, San Benito County, and Northern California are in a seismically active region subject to strong seismic ground shaking. Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The extent of ground-shaking is controlled by the magnitude and intensity of the earthquake, depth of the epicenter, distance from the epicenter, and local geologic conditions.

¹ U.S. Department of Agriculture, Soil Survey San Benito County, California, pg. 85, November 1969.

² California Emergency Management Agency, Hazard Mitigation Website, <http://myplan.calema.ca.gov/>. Accessed August 7, 2013.

The Working Group on California Earthquake Probabilities (WGCEP) 2008 Report showed there is a 93 percent probability that a magnitude 6.7 or greater earthquake and a 16 percent probability of magnitude 7.5 or greater earthquake would occur during the next 30 years in northern California. Individual faults within San Benito County with the highest earthquake probabilities cited in the 2008 report were the San Andreas and Calaveras Faults. The Project site is located in an area that has the potential to experience Peak Ground Acceleration of 77 percent (0.77 g) during such a seismic event. Although the Project site could be exposed to strong seismic ground shaking, the proposed Project would be constructed using design recommendations as discussed in the *Foundation Report*. The design recommendations would be compliant with seismic safety standards of Caltrans and San Benito County for bridge development and roadway improvements. Impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant with Mitigation Incorporated. Soil liquefaction is a phenomenon primarily associated with the saturated soil layers located close to the ground surface. These soils lose strength during ground shaking. Due to the loss of strength, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (minute silt and clay fraction) may also liquefy. According to the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey, soils at the Project site include Botella Loam and Sedimentary Rock Land.¹ These soils have a potential risk of liquefaction during a seismically related event; therefore, the following **Mitigation Measure** would be implemented:

Mitigation Measure GEO-1: The replacement bridge would be supported by 24-inch diameter Cast-In-Drilled-Hole piles. These piles shall extend through the potentially liquefiable soil zone to a specified tip elevation depth of 256 feet at Abutment 1 and 262 feet at Abutment 2. Each abutment shall have 13 piles (each shall be 24-inches in diameter) and shall extend 24 feet below the pile cap (29 feet below the creek invert) at Abutment 1 and 18 feet below the pile cap (23 feet below the creek invert) at Abutment 2.

With implementation of **Mitigation Measure GEO-1** failure of the bridge due to liquefaction would be reduced, and impacts would be less than significant.

iv) Landslides?

Less than Significant Impact. The Project site is surrounded by gently sloped rolling hills and flat agricultural land. The proposed Project is located in an area that has a low susceptibility to landslides. Implementation of the proposed Project would not alter slopes or hills adjacent to the site in a manner that would increase the risk of a landslide occurring. Although the likelihood of a seismically induced landslide is minimal in the Project area; the new bridge associated with the proposed Project would be engineered to withstand damage from potential landslide activity. Additionally, during construction of the proposed Project channel slope protection techniques would be implemented along the creek channel to ensure that soil remains in place and landslides falling into the creek would not occur.

¹ United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (WSS), <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. Accessed August 8, 2013.

Implementation of the proposed Project would not adversely impact persons or structures due to landslides. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant with Mitigation Incorporated. The proposed Project site is located on relatively flat land; therefore, construction activities associated with the proposed Project are not anticipated to result in substantial soil erosion or loss of topsoil. Once the proposed bridge replacement is completed, the disturbed construction area would be stabilized to prevent erosion. As a BMP, projects that disturb one or more acres of soil are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit would require development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a project site map(s), which shows the construction site perimeter, existing and proposed facilities, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. To avoid substantial erosion or loss of topsoil during construction, the following mitigation measure would be implemented:

Mitigation Measure GEO-2: Since the proposed Project site is greater than 1 acre in size, the construction contractor, prior to commencement of construction activities, shall develop a Stormwater Pollution Prevention Plan (SWPPP) that is in compliance with minimum requirements of the Environmental Project Agency’s 2012 Construction General Permit. The SWPPP shall include Best Management Practices (BMPs) designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality to Pinacate Rock Creek. The County shall require the construction contractor to implement BMPs for erosion and sedimentation outlines in the most recent version of the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, 2002), the Environmental Protection Agency Construction Site Stormwater Runoff Control BMP Fact Sheets, or an equivalent publication. Below are some examples of the measures that shall be included and/or implemented in the SWPPP to reduce stormwater runoff during Project construction:

- Best management practices outlined in the most recent version of the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water;
- Exposed slopes shall be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls;
- Erosion prevention and sediment control measures shall be inspected and maintained until disturbed areas are stabilized;

- Disturbed ground surfaces near the creek bank shall be revegetated and monitored for future erosion;
- To ensure that stockpiled granular material does not enter the creek or storm drains, the material shall be covered with a tarp and surrounded with sand bags when rain is forecast;
- At the end of each working day roadways shall be cleaned and swept, and scrap, debris, and waste material shall be collected and disposed of properly;
- Vehicle or equipment cleaning shall be performed with water only, and in a designated, bermed area that shall not allow rinse water to run off-site or into the creek;
- Maintenance and fueling of construction vehicles and equipment shall be performed in a designated, bermed area or over a drip pan that shall not allow run-on of stormwater or runoff of spills; and
- Discharges to Pinacate Rock Creek shall be reported to the County immediately upon discovery and a written discharge notification must be submitted to the Regional Water Quality Control Board within seven (7) days of such a discharge.

Implementation of **Mitigation Measure GEO-2** would reduce potential impacts associated with soil erosion or loss of topsoil during construction activities. Impacts would be less than significant.

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less than Significant Impact. The geological units of the Project site and its vicinity are generally mantled by quaternary alluvial sediments (Qoa, Qpa, and Qhy), from early Pleistocene to Holocene, which are mostly a mixture of unconsolidated sand, gravel and clay. The overlying rocks include sedimentary rocks (Toes and QTs) from Oligocene and (or) Eocene to early Pleistocene and (or) Pliocene eras. The primary sedimentary rock type is sandstone and secondary rock type is siltstone and other rock types include conglomerate. The potential hazards from landslide and liquefaction events at the Project site are low. The potential for liquefaction induced lateral spreading is also low. The soils located on the Project site are not susceptible to initial or future subsidence. Two geotechnical explorations (borings) were conducted and included one boring near each of the proposed abutment locations associated with the new bridge development. The *Foundation Report* includes design recommendations that would be implemented as part of the proposed Project. The design recommendations would be compliant with engineering standards of Caltrans and San Benito County for bridge development and roadway improvements and would therefore reduce potential damage to the proposed Project if a geological event (soil stability, landslides, lateral spreading, subsidence, liquefaction, or collapse) would occur. With implementation of these recommendations as part of the Project design, impacts would be less than significant.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less than Significant Impact. Expansion and contraction of volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking) and are generally associated with clayey soils. During these cycles the volume of the soil changes markedly. Expansive soils are

common throughout California and can cause damage to foundations and slabs unless properly treated during the construction process. The Botella Loam soil located at the Project site has a shrink-swell (expansive soil rating) rating of 0.50 (the Sedimentary Rock Land soil is not rated for shrink-swell potential due to the material its composed of). This rating indicates that the soil has a medium probability of being subject to shrink-swell processes. Although this soil is susceptible to shrink-swell processes, the proposed Project would be constructed using design recommendations as discussed in the *Foundation Report*. The design recommendations would be compliant with engineering standards of Caltrans and San Benito County for bridge development and roadway improvements would therefore reduce potential damage to the proposed Project from expansive soils. Additionally, the potential soil expansion on the Project site would not create substantial risks to life or property. Impacts associated with expansive soils would be less than significant.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water*

No Impact. The proposed Project would not generate wastewater requiring disposal. Septic tanks are not proposed as part of the Project. Therefore, implementation of the proposed Project would not result in impacts to soils associated with the use of such wastewater treatment systems.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Emissions of greenhouse gases (GHGs) contribute to global climate change and have a broad global impact. Global climate change is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), Ozone (O₃), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere but they prevent heat from escaping back out into space. Among the potential implications of global climate change are rising sea levels and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most air quality pollutants much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county and subregional level, and other measures to reduce automobile use. Energy conservation measures can contribute to reduction in GHG emissions as well.

The primary existing sources of human-caused GHGs in the Project area are emissions from vehicles traveling along Rocks Road (traversing through the Project site) and U.S. 101 (located 0.37 miles north of the Project site).

Discussion

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant with Mitigation Incorporated. GHG emissions associated with implementation of the proposed Project would occur over the short term due to construction activities, primarily consisting of emissions from construction equipment exhaust.

Short-Term GHG Emissions. Demolition and construction at the Project site would produce combustion emissions from various sources. During site preparation, demolition, and construction of the Project, GHGs would be emitted through the operation of construction equipment and from

worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄ and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site demolition and construction activities would vary daily as construction activity levels change.

Implementation of **Mitigation Measure GHG-1** would ensure that the proposed Project would reduce the generation of GHG emissions to below applicable threshold standards during the short term due to demolition and construction activities. With implementation of **Mitigation Measure GHG-1** impacts from short-term GHG emissions would be less than significant:

Mitigation Measure GHG-1: To the extent feasible and to the satisfaction of the County of San Benito and Caltrans, the following measures shall be incorporated into the design, demolition, and construction of the proposed Project:

- On-site idling of construction equipment shall be minimized (no more than 5 minutes maximum);
- Biodiesel shall be used as an alternative fuel to diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within 5 miles of the Project site;
- At least 10 percent of the building material shall be local to the extent feasible; and,
- At least 50 percent of construction waste or demolition materials shall be recycled.

Long-Term GHG Emissions. The proposed Project would include existing bridge demolition, channel slope protection, approach roadway work, bridge construction, metal beam guard rail installation, bridge railing installation, temporary traffic control, right-of-way acquisition, temporary construction easements, and utility relocation. Once completed the new bridge on Rocks Road at Pinacate Rock Creek crossing would not generate any new vehicle trips which would contribute to an increase in GHG emissions. Therefore, the proposed Project would not cause a long-term increase in GHG emissions. Long-term impacts regarding GHG emissions would be less than significant.

b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

No Impact. As discussed above the proposed Project would not generate new vehicle trips and, therefore, would not generate additional operational GHG emissions. Therefore, the proposed Project would be consistent with all applicable local plans, policies, and regulations and would not conflict with the provisions of AB 32, the applicable air quality plan, or any other State or regional plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. No impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

A Phase I Initial Site Assessment (Parikh Consulting December 2011), a Final Report of Asbestos and Lead in Paint Inspection (Entek Consulting Group Inc. January 2013), and a Draft Aerially Deposited Lead Assessment (Blackburn Consulting January 2013) was prepared for the proposed Project (attached as **Appendix C**). The information for the following section was based on the aforementioned reports and information gathered from the San Benito County General Plan.

The San Benito County Department of Environmental Health enforces State regulations governing hazardous substance generators, hazardous substance storage, and the inspection, enforcement, and removal of underground storage tanks (UST) in the unincorporated areas of the County. The County of San Benito has tracked the following types of hazardous sites within its boundaries, as shown below in Table E: Types of Hazardous Sites in San Benito County (2010).

Table E: Types of Hazardous Sites in San Benito County (2010)

Type of Site	Number
Cleanup Program Site – Open	8
Cleanup Program Site - Closed	2
Leaking Underground Storage Tank (LUST) Cleanup Site - Open	12
Leaking Underground Storage Tank (LUST) Cleanup Site – Closed	43
Underground Storage Site (UST)	23
Land Disposal Sites	13

Source: San Benito County General Plan, Administrative Draft Background Report, August 2010, Table 11-10 Types of Hazardous Sites in San Benito County, pg. 11-72.

The Project site is located in an area dominated by open space (Grazing) land uses and single-family residential units. Construction and development activities occurring at the Project site could potentially expose nearby residents to hazardous materials.

The Project site and nearby land uses are not located in an area that is included on a list of material sites compiled pursuant to Government Code Section 65962.5. A search of environmental regulatory databases was conducted for the Project to determine whether documentation exists related to environmental incidents at the Project site or on surrounding properties. The databases searched and respective search distances from the Project site as specified by ASTM guidelines included are further discussed in the Phase I ISA attached in Appendix D. The results of the database search indicated there are no sites of environmental concern within the Project boundary or near the Project site.

Considering that the original bridge spanning Pinacate Rock Creek on Rocks Road was developed in 1930, the Project site may contain hazardous materials associated with the existing bridge (i.e., asbestos-containing materials, lead-based paint) and the existing roadway (i.e., traffic striping, aerially-deposited lead).

Naturally occurring asbestos occurs in many coastal range counties including San Benito County. The San Benito County General Plan has identified areas where naturally occurring asbestos (NOA) occurs. Most of these locations occur in the southern half of the County and there are no areas around the Project site that are designated with NOA. NOA typically occurs in geological areas containing ultramafic rock or a fault/shear zone area. The Project site is located in a geological area of quaternary alluvial sediments, overlying sedimentary rocks, sandstone and siltstone, as well as conglomerate.

Discussion

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less Than Significant with Mitigation Incorporated. Construction of the proposed Project would involve the use of heavy equipment for grading, hauling, and handling materials. Use of this equipment may require the use of fuels and other common materials that have hazardous properties (e.g., fuels are flammable). These materials would be used in accordance with all applicable laws and regulations and, if used properly, would not pose a hazard to people, animals, plants or sensitive areas (Pinacate Rock Creek) on or near the Project site. All refueling of construction vehicles and equipment would occur within the designated staging area on the southern portion of the Project site. The use of such hazardous materials would be temporary and the proposed Project would not include a permanent use or source of hazardous materials. Implementation of **Mitigation Measure HAZ-1**, as presented below, would reduce this impact to a less than significant level.

Mitigation Measure HAZ-1: The construction contractor shall prepare a Spill Prevention and Countermeasure Plan (SPCP) prior to the commencement of construction activities. The SPCP shall include information on the nature of all hazardous materials that will be used on-site. The SPCP shall also include information regarding proper handling of hazardous materials and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant with Mitigation Incorporated. After construction the newly developed bridge on Rocks Road crossing Pinacate Rock Creek would operate similar to existing conditions; therefore, operation of the Project would not create a significant hazard to the public or environment. However, demolition and construction activities could expose construction workers and residents adjacent to the northwest boundary of the Project site to potentially hazardous materials, including: traffic striping, asbestos containing materials, lead containing paint, and aerially deposited lead (ADL).

Traffic Striping. Existing traffic striping within the Project area would include both yellow and white striping. Both types of striping are known to contain lead but older yellow striping is known to contain higher levels of heavy materials such as lead and chromium at concentrations in excess of the hazardous waste thresholds established by the California Code of Regulations (CCRs). When heated yellow striping may generate toxic fumes. Implementation of **Mitigation Measure HAZ-2**, as presented below, would reduce this impact to a less than significant level:

Mitigation Measure HAZ-2: Traffic Stripes – Yellow thermoplastic and/or paint striping shall be removed as an independent action and the waste generated during striping removal shall be sampled, if necessary, handled, and disposed of as a hazardous waste. Processes and requirements for removal or grinding of traffic striping shall be conducted in compliance with current Caltrans Standard Special Provisions (SSPs).

Asbestos Containing Materials/Lead-Based Paint. The existing bridge was built in 1930. Due to the age of this existing bridge there is a potential for presence of asbestos containing materials (ACM) and lead-based paint. Demolition of the existing structure could potentially release airborne particles of hazardous materials that may affect construction workers or the public.

The U.S. Environmental Protection Agency and the Department of Toxic Substances Control (DTSC) require that lead-based paint with lead concentrations equal to or greater than the U.S. Department of Housing and Urban Development (HUD) definition of lead-based paints (greater or equal to 1 mg/cm² or 0.5 percent lead by weight) be removed prior to demolition if the paint is loose and peeling. If the paint is securely adhering to the substrate the entire material may be disposed of as demolition debris which is a non-hazardous waste. Loose and peeling paint must be disposed of as a State and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds. Hazardous wastes must be managed, labeled, transported, and disposed of in accordance with local requirements by trained workers. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present.

Removal of asbestos or suspect ACM, including removal as part of bridge demolition, is regulated by the U.S. EPA, federal and State Occupational Safety and Health Administration (OHSA), and the DTSC. All friable (crushable by hand) ACM, or non-friable ACM subject to damage, must be abated prior to disturbance in accordance with applicable requirements. Friable ACM must be disposed of as an asbestos waste at an approved facility. Non-friable ACM may be disposed of as a non-hazardous waste at landfills that accept such wastes. Workers conducting asbestos abatement must be trained in accordance with State and federal OSHA requirements.

A Final Report of Asbestos Inspection and Lead in Paint Inspection was prepared by Entek Consulting Group, Inc. (January 25, 2013 attached as **Appendix C**) for the existing bridge at the Project site to determine if Asbestos Containing Materials and Lead Based Paint was present on-site.

Three bulk samples were collected for lead in painted components from the existing bridge structure. White colored paint was the only color seen on the three samples, which included the 2" by 6" wood guard rail on the north side of the bridge, the galvanized metal guard rail at the south side of the bridge, and from the concrete base at the north side of the existing bridge. Lead concentrations did not exceed 17 CCR 35036 standards of 1,000 parts per million (ppm) for any of the samples.

One bulk sample of material at the Project site was collected and analyzed to determine if asbestos was present. The sample consisted of a loose concrete-like material or patch material at the base of one of the metal guard rails. The sample was analyzed by polarized light microscopy (PLM) and found not to contain asbestos. No other materials at the existing bridge site were suspected of containing asbestos and, therefore, no further sampling was warranted.

Aerially Deposited Lead (ADL) and Other Potential Soil/Groundwater Contamination. Soil located adjacent to roadways may contain elevated concentrations of ADL in exposed surface soils which could pose a health hazard to construction workers. Potential ADL impact is anticipated to be limited to the areas of exposed soil at both ends of the bridge where roadway alignment work would be conducted. As described above, the Project site is not near any hazardous materials sites as identified by the Water Resources Control Board.

A *Draft Aerially Deposited Lead Assessment* was prepared by Blackburn Consulting for the proposed Project in January 2013. The purpose of the assessment was to evaluate whether impacts due to ADL are sufficient to require additional testing and/or mitigation recommendations for construction. The assessment analyzed 22 soil samples taken in various areas within the Project boundary to determine the amount of ADL that was present. Twenty of the twenty-two soil samples that were analyzed indicated that ADL amounts were below the reporting limit (threshold) of 3.0 milligrams/kilogram (mg/kg). Two of the samples analyzed indicated ADL levels that exceeded the reporting limit threshold; however, these two detected levels were well below the Total Threshold Limit Concentration (TTLC) of 1,000 mg/kg (considered the hazardous waste threshold) and below the 50 mg/kg threshold which is used to identify samples having the potential to exceed the Soluble Threshold Limit Concentration (STLC) of 5 milligrams per liter (mg/l).

Based on the ADL levels in the soil that was tested all of the soil excavated within the proposed Project boundary may be reused without restrictions and the lead impacted soils would not pose a significant health risk to site construction workers or adjacent residents. Mitigation measures would not be required regarding ADL.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. No schools are located within or adjacent to the Project site. The closest school is the Glenshire Elementary School located approximately 2 miles southeast of the Project area. Therefore, the proposed Project would not emit hazardous emissions nor handle hazardous materials or substances within one-quarter mile of a school. No impacts would occur under this threshold.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. As described above, the proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, implementation of the proposed Project would not create a significant hazard to the public or the environment. No impacts would occur.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The Project site is not within two miles of a public airport nor is it located within the boundary of an airport land use plan. The nearest airport or airstrip is Frazier Lake Airpark located approximately 9 miles northeast of the Project site and Hollister Municipal Airport located approximately 10.5 miles east of the Project site. The Project proposes to replace a bridge and would not have an impact on local airport safety. No impacts would occur.

- f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. The proposed Project is not located within the vicinity of a private airstrip and thus would not result in a safety hazard for people residing or working in the Project area. No impacts would occur.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant. The proposed Project would not interfere with an emergency evacuation plan. During construction the bridge would be closed; however, detour routes would be easily accessible. Residents living on the east side of the bridge would take Rocks Road east to Highway 156 and residents living on the west side of the bridge would take Rocks Road west to Highway 101/156. Therefore, an emergency escape route for residents near the proposed Project would be available during construction in the event of an emergency. Once complete the proposed Project would allow similar traffic flows along Rocks Road and would not hinder emergency escape routes. Impacts would be less than significant.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Less Than Significant with Mitigation Incorporated. According to San Benito County and the California Department of Forestry and Fire Protection (CALFIRE), the Project site is located in an area designated as a High Fire Hazard Zone and an area designated with a High to Very High Fire Threat.¹ Construction activities that could produce sparks or embers (such as welding) may increase the chance of wildfires in the Project area. **Mitigation Measure HAZ-3**, presented below, would be implemented during Project construction to reduce the probability of starting a wildland fire.

Mitigation Measure HAZ-3: The contractor shall prepare a Fire Safety Plan prior to the commencement of construction. The Fire Safety Plan shall include best management practices (BMPs) to reduce the risk of starting a wildland fire during the construction period. BMPs that may be implemented, include, but are not limited to:

- The use of spark arrestors on construction equipment;
- Working in an area cleared of vegetation (working in an area with defensible space);
- Prohibiting smoking except in designated areas on the Project site; and,
- Educating construction workers on emergency escape routes from the Project site in the event a conflagration commences.

¹ San Benito County General Plan, Administrative Draft Background Report, Figure 11-11 Fire Hazard Safety Zones in San Benito County, pg. 11-55 and Figure 12 Fire Threat in San Benito County, pg. 11-58, August 2010.

With implementation of **Mitigation Measure HAZ-3** impacts would be less than significant during construction of the proposed Project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The information in this section is based on the *Draft Bridge Hydraulics Report* prepared by Nolte-Vertical 5 in August 2011 (attached as Appendix D) and the San Benito County General Plan.

The Project site is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB) which is under the direction of the California State Water Resources Control Board. Under the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act, the CCRWQCB has regulatory responsibility for protecting water quality.

Surface Water. The Project site is located on Rocks Road at Pinacate Rock Creek crossing. The Project site lies in a largely undeveloped area among rolling hills within the Pinacate Creek watershed. Pinacate Creek Watershed is a sub-watershed of the Pajaro River Watershed and is approximately 8,845 acres in size. Elevation ranges from 34 to 399 feet above mean sea level (msl). Average annual precipitation in the Pajaro River Watershed ranges from 13 to 44 inches. Aquatic features in the general vicinity are composed of small ephemeral drainages as well as several stock ponds that are tributary to Pinacate Rock Creek. Pinacate Rock Creek is a perennial stream that flows from east to west through the Project site area. Pinacate Rock Creek meanders west to Pinacate Creek before draining into the Elkhorn Slough approximately 8.5 miles to the west of the Project site.

The Elkhorn Slough watershed stretches from the Pajaro Valley south to Castroville and from the headwaters in San Benito County west to the Monterey Bay. Freshwater enters Elkhorn Slough from Carneros Creek and the Pajaro River at the head of the estuary and the old Salinas River Channel draining the Tembladero watershed at the mouth of the Elkhorn Slough. The Elkhorn Slough watershed is 30,292 acres; however, Elkhorn Slough is part of a larger interconnected network of estuarine habitats.

The Pajaro River Watershed, where the Pinacate Creek sub-watershed area is located, is on the Clean Water Act (CWA) Section 303(d) list of water quality impairment because the water quality objectives for pesticides and toxicity are not being met due to excessive concentration of chlorpyrifos and diazinon.¹

Groundwater. The Project site is located 0.50 mile south of the Pajaro Valley Groundwater Basin. The Pajaro Valley Groundwater Basin is bounded to the west by Monterey Bay and to the east by the San Andreas Fault, adjacent pre-Quaternary formations, and the Santa Cruz Mountains beyond. The basin's northern boundary is the surface expression of the geologic contact between Quaternary alluvium of the Pajaro Valley and marine sedimentary deposits of the Pliocene Purisima Formation. The southern basin boundary is a drainage divide in the Carneros Hills between the Elkhorn Slough to the north and the Moro Cojo Slough and lower Salinas River Valley and the Salinas Valley-Langley Groundwater Subbasin to the south. The mean annual precipitation within the Pajaro Valley Groundwater Basin ranges from 16 inches near the coast to more than 40 inches in the Santa Cruz

¹ State of California Regional Water Quality Control Board Central Coast Region, Staff Report for Regular Meeting of July 11, 2013, Prepared March 27, 2013, *Adopting a Total Maximum Daily Load for Chlorpyrifos and Diazinon in the Pajaro River Watershed, Monterey, San Benito, Santa Clara, and Santa Cruz Counties, California*.

Mountains. This groundwater basin is 76,800 acres in size. It should be noted that the Project site is not located within the boundary of the Pajaro Valley Groundwater Basin.

Floodplain. The Project site is located in Panel 06069C0175D of the Federal Emergency Management Agency (FEMA). This panel is unavailable according to the FEMA Map Service Center website.¹ According to San Benito County the Project site is not located in a FEMA Flood Zone.²

An engineering evaluation was performed for Pinacate Rock Creek at the Rocks Road crossing to determine the clearance needed to allow flood waters to flow unhindered in the proposed Project area. The discharge estimates in the model were based on 50- and 100-year flood events from the USGS gauging station on Pinacate Rock Creek in the Project area.

Discussion

a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant with Mitigation Incorporated. The Project site is within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB) under the direction of the California State Water Resources Control Board. The proposed Project has the potential to cause temporary water quality impacts during construction phase due to grading activities, dewatering, and removal of existing vegetation, which can cause increased erosion. Stormwater runoff may transport pollutants into nearby water resources such as Pinacate Rock Creek and its associated tributaries. Sediments and other pollutants suspended in runoff would be carried downstream from the proposed Project, where if not controlled, could accumulate in downstream water courses or wetland areas and potentially harm downstream aquatic resources and degrade existing water quality.

Work would be required in the live channel of Pinacate Rock Creek during Project construction and would include installation of the new abutments and wing walls, placement of rock slope protection (RSP), and installation of temporary falsework. To conduct these activities water diversion (dewatering) would be required. Dewatering would consist of corrugated metal pipes (CMP) to direct the flow of water through the Project work area. The CMP would be placed along the low-flow invert of the natural creek and earthen berms would be installed at each end of the pipes to direct water into the pipe. Clean gravel filled bags would be used to form the berms and would be covered with a clean, secure plastic covering to minimize impacts on water quality. Both berms and CMP would be completely removed at the completion of Project construction. Falsework construction for the replacement bridge deck can be constructed to span the low flow channel of Pinacate Rock Creek. The falsework would double as a working platform and protect the creek from falling construction debris.

Potential short-term water quality impacts from construction related activities at the Project site would be minimized and reduced through implementation of Best Management Practices (BMPs) and compliance with existing regulatory requirements. Implementation of **Mitigation Measures**

¹ FEMA Map Service Center, <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>. Accessed October 22, 2013.

² San Benito County GIS Website, <http://www.lynxgis.com/sanbenitoco/index2.cfm>. Accessed July 2, 2013.

HYDRO-1 through **HYDRO-3** would ensure compliance in regards to water quality standards and would reduce temporary construction-related water quality impacts to a less than significant level.

Mitigation Measure HYDRO-1: The County of San Benito shall prepare and implement construction site temporary BMPs in compliance with the provisions of the Caltrans Statewide NPDES Permit and any subsequent permit pertaining to construction of the proposed Project. The County shall submit a Notice of Construction (NOC) to the Central Coast Regional Water Quality Control Board at least 30 days prior to the commencement of construction and shall submit a Notice of Termination (NOT) to the CCRWQCB upon completion of the Project. The temporary BMPs shall be installed prior to commencement of any construction activities and shall be in place for the duration of the construction period. The removal of the BMPs along with the Project site cleanup shall be the final operation.

Mitigation Measure HYDRO-2: The County of San Benito shall incorporate Design Pollution Prevention (DPP) and Treatment Control BMPs into the Project design in accordance with the procedures outlined in the Stormwater Quality Handbooks' Project Planning and Design Guide (July 2010). The County shall coordinate with the CCRWQCB with respect to the feasibility, maintenance, and monitoring of Treatment Control BMPs as set forth in Caltrans' Statewide Stormwater Management Plan (SWMP).

Mitigation Measure HYDRO-3: The provision of the General Waste Discharge requirements for discharges to surface waters that pose an insignificant (de minimus) threat to water quality, Order No. R8-2003-0061 NPDES No. CAG99800, as they relate to construction activities shall be followed for the Project during dewatering activities. A Notice of Intent (NOI) shall be submitted to the CCRWQCB at least three months prior to the start of dewatering. The County of San Benito shall comply with all applicable provisions in the de minimus permit including water sampling, analysis, and reporting of dewatering-related discharges.

The potential for adverse long-term impacts to water quality would be eliminated with completion of the proposed Project. Long-term water quality impacts usually occur due to changes in stormwater drainage or increases in impervious surfaces. The proposed Project would result in a negligible increase in impervious surfaces and, therefore, changes in stormwater drainage are not expected. As a result, the proposed Project would not cause a permanent increase in degradation of water quality. Operational impacts would be less than significant.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Less Than Significant Impact. Construction activities at the Project site would require the use of water for dust control. The amount of water that would be required during the three month construction period would not be drawn from groundwater supplies and, therefore, would not substantially deplete groundwater levels. Once operational the proposed Project would not require the use of water. The developed Project site would create a negligible increase in impervious paved surfaces; however, groundwater recharge on the Project site would remain similar to existing conditions. Impacts would be less than significant.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

Less Than Significant with Mitigation Incorporated. Implementation of the proposed Project would include demolition and construction activities within the boundary of Pinacate Rock Creek. An existing 10-inch water line on the south side of the existing road and poles for overhead power and telephone lines on the north side of the road near the bridge would need to be relocated. It is anticipated that the water line that currently crosses the creek via an inverted siphon would be moved and mounted on the downstream (north) face of the replacement bridge. The new water line would replace the existing 10-inch water line siphon crossing (currently just upstream of the existing bridge). This work would be done concurrent with construction of the new bridge.

Work would be required in the live channel of Pinacate Rock Creek during Project construction and would include installation of the new abutments, wing walls and retaining walls, placement of rock slope protection (RSP) along the creek banks, and installation of temporary falsework. The falsework supports would be located directly adjacent to the abutment walls at either side of the creek; however, due to the steepness of the creek banks, the falsework supports may be at or near the invert elevation of the creek at certain points along each abutment wall.

These activities would require water diversion (dewatering) and would be installed prior to the construction of the new bridge abutments. Dewatering would consist of corrugated metal pipes (CMP) to direct the flow of water through the Project work area. The total length of dewatering would be approximately 220 feet. The CMP would be placed along the low-flow invert of the natural creek and a berm would be installed at each end of the pipes to direct water into the pipe. Clean gravel filled bags would be used to form the berms and would be covered with a clean, secure plastic covering to minimize impacts on water quality. Both berms and CMP would be completely removed at the completion of Project construction. The maximum anticipated duration that the pipe would be in place is 4 months.

Once Project construction is complete Pinacate Rock Creek would continue to flow and would not result in substantial erosion or siltation on-or off-site. With implementation of the above described creek improvements as well as **Mitigation Measure HYDRO-4** impacts would be reduced to a less than significant level.

Mitigation Measure HYDRO-4: Construction documents for the proposed Project shall be submitted and approved by the County of San Benito and Caltrans. The construction documents shall contain BMPs describing strict excavation and bridge abutment removal techniques and guidelines so as to not damage or alter the natural flowline of Pinacate Rock Creek and its tributaries.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant with Mitigation Incorporated. The proposed Project would include improvements to Pinacate Rock Creek and its associated tributaries that would reduce the amount of surface runoff in a manner which would reduce on-or off-site flooding. Details regarding such procedures for improvement are discussed above in Response IX(c). With implementation of

Mitigation Measure HYDRO-4, presented above, impacts would be reduced to a less than significant level.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant With Mitigation Incorporated. Please refer to Response IX(a) and IX(c). With implementation of **Mitigation Measures HYDRO-1** through **HYDRO-4** impacts would be less than significant.

- f) *Otherwise substantially degrade water quality?*

Less Than Significant With Mitigation Incorporated. Potential water quality impacts related to construction activities and post-construction site uses are addressed in Section IX(c). With implementation of **Mitigation Measure HYDRO-4** impacts would be less than significant.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No Impact. Housing units would not be developed as part of the proposed Project. Therefore, the proposed Project would not develop housing within the boundary of a 100-year flood hazard area. No impact would occur.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Less Than Significant Impact. As previously described, the Project site is located along Pinacate Rock Creek. This area is not located within a 100-year flood plain; however, an engineering evaluation was performed for Pinacate Rock Creek at the Rocks Road crossing to determine the clearance needed to allow flood water to flow unhindered in the proposed Project area. The discharge estimates in the model were based on 50- and 100-year flood events from the USGS gauging station on Pinacate Rock Creek in the Project area. Based on the results of the engineering analysis the deck of the replacement bridge would be set approximately 3 feet higher than that of the existing bridge and have 2-feet of freeboard to accommodate a 50 and 100 year storm events. The proposed Project would not place structures within a 100-year flood hazard area that would impede or redirect the flood flows. Impacts would be less than significant.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?*

Less Than Significant Impact. The Project site is not located in an area that would be inundated as a result of the failure of a levee or dam. The proposed Project would be designed 3-feet higher than the existing bridge deck and would have 2-feet of freeboard to accommodate flooding events. Project implementation would not expose people or structures to a significant injury or loss of life involving flooding as a result of the failure of a levee or dam. Impacts would be less than significant.

- j) *Inundation by seiche, tsunami, or mudflow?*

No impact. The proposed Project is not located adjacent to the ocean, a lake, or a reservoir that could result in impacts caused by inundation by tsunami or seiche. The Project site does not contain

mountains or other geologic formations that would make it prone to being damaged by mudflows. Therefore, no impacts related to exposure to seiche, tsunami or mudflows are anticipated.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project includes the removal of an existing bridge and development of a new bridge over Pinacate Rock Creek along Rocks Road in rural San Benito County. Two single-family ranch style residential units to the west and two single-family ranch style residential units to the east are within 500 to 1,000 feet of the proposed Project. Other than these residential units the nearest established communities are Aromas and San Juan Bautista, 3.0 miles and 3.5 miles to the northwest and east of the Project site, respectively.

The Project site is within the jurisdiction of the San Benito County General Plan. San Benito County has land use regulatory authority over all unincorporated land in the county which includes everything except land within the city limits of Hollister and San Juan Bautista or land owned/managed by either the state or Federal governments (e.g., State Parks, National Parks, Bureau of Land Management area, and Native American tribal lands). The Project site is located in an area designated as Agricultural Productive (AP) land use and zoning according to the San Benito County General Plan Land Use Element and Map.¹ The AP land use and zoning designations include areas with prime agricultural land and other agriculturally productive lands including grazing land. Allowable uses in the AP land use and zoning designations include: agriculture, grazing, wildlife refuges, open space, and very-low-intensity residential. Conditional uses include mineral extraction, low-density recreation facilities, and institutional uses. The proposed Project would be located on Rocks Road at Pinacate Rock Creek and would not result in a change in existing land use or zoning designations.

The Project site is not located in an area that is designated under a habitat conservation plan or natural community conservation plan.

¹ San Benito County General Plan, Public Review Draft Background Report, Chapter 3 Land Use, pg. 3-15, November 2010.

Discussion

a) Physically divide an established community?

No Impact. The proposed Project would replace an existing structurally deficient bridge with a new bridge. The Project site is located in a rural area surrounded by rolling hills and undeveloped open space. The proposed Project is on Rocks Road at Pinacate Rock Creek approximately 3.5 miles northwest of the City of San Juan Bautista in an unincorporated part of northwestern San Benito County, California. According to the existing San Benito County General Plan the land use designation for the Project area (and surrounding vicinity) is AP – Agricultural Productive. There is no existing established community that includes this Project site; therefore, implementation of the proposed Project would not physically divide an established community. No impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed Project does not involve a change in land use and is planned in accordance with the San Benito County General Plan. The proposed Project would not conflict with applicable land use plans, policies, or regulations. No impact would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The Project site is not located in within the boundaries of a habitat conservation plan or natural community conservation plan. Implementation of the proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Minerals are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat and oil bearing rock, but excluding geothermal resources, natural gas, and petroleum. Rock, sand, gravel and earth are also considered minerals by the California Department of Conservation when extracted by surface mining operations. No known mineral resources that would be of value are located on or near the Project site according to the San Benito County General Plan.

Discussion

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

No Impact. According to the San Benito County General Plan the Project site is located in an area designated as an MRZ-1 Mineral Resource Zone. The MRZ-1 designation indicates areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.¹ Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of California. No impact would occur.

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. The Project site is not located in an area designated as a mineral resource recovery site. Project implementation would not result in the loss of availability of a locally important mineral resource recovery site. No impact would occur.

¹ San Benito County General Plan Public Review Draft Background Report, Chapter 8 Natural Resources, Figure 8-1-1 San Benito County Aggregate Resources, pg. 8-39, November 2010.

XII. NOISE

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting**Construction and Operational Noise**

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement that indicates the relative intensity of a sound. The 0 measurement on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10.0 dB represents a 10-fold increase in acoustic energy, while 20.0 dB increases is 100 times more intense, and 30.0 dB is 1,000 times more intense. Each 10.0 dB increase in sound level is perceived as approximately a doubling of loudness to the human ear. Sound

intensity is normally measured through the *A-weighted sound level* (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The primary existing noise source in the Project vicinity is vehicle traffic along Rocks Road, including cars, trucks, and motorcycles. The level of vehicular noise generally varies with the volume of traffic, the number of trucks or motorcycles, the speed of traffic, and the distance from the roadway. Rocks Road is in a rural area and therefore traffic flows and related noise is minimal. Additionally, some noise is produced at the residential units northeast of the Project site in the form of daily household activities, including landscape maintenance, music, and domestic animal noises.

The proposed Project would include the demolition of an existing bridge, construction of a new bridge, creek bed shoring, and roadway alignment improvements. During demolition and construction activities, construction equipment such as loaders, haul/dump trucks, and low impact hammers (for rock excavation) would be expected to be used either individually or simultaneously. Table F: Typical Construction Equipment Noise Levels shows the noise levels of various construction equipment as measured from a distance of 50-feet.

Table F: Typical Construction Equipment Noise Levels

Type of Equipment	Range of Maximum Sound Levels Measured (dB(A) at 50 ft)	Suggested Maximum Sound Levels for Analysis (dB(A) at 50 ft)
Pile Drivers	81-96	93
Rock Drills	83-99	96
Jackhammers	75-85	82
Pneumatic Tools	78-88	85
Pumps	74-84	80
Scrapers	83-91	87
Haul Trucks	83-94	88
Cranes	79-86	82
Portable Generators	71-87	80
Rollers	75-82	80
Dozers	77-90	85
Tractors	77-82	80
Front-End Loaders	77-90	86
Hydraulic Backhoe	81-90	86
Hydraulic Excavators	81-90	86
Graders	79-89	86
Air Compressors	76-89	86
Trucks	81-87	86

Source: Noise Control for Buildings and Manufacturing Plants, Bolt, Beranek & Newman 1987.

Notes: ft-lb/blow = foot pound per blow; ft = feet/foot; dB(A) = A-weighted decibels

Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, churches, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks are considered noise-sensitive. The nearest sensitive receptor to the west end of the proposed Project is a

single-family residential unit, which is located approximately 260 feet from the bridge construction area. The nearest sensitive receptor (a single-family residential unit) to the east end of the proposed Project is located approximately 1,100 feet from the bridge construction area.

The County of San Benito provides guidelines for daytime and nighttime noise exposure limits for Agricultural Productive land uses. During daytime, noise levels are not to exceed 45.0 dB(A) and during nighttime, 35.0 dB(A), for more than 15-minutes during a 60-minute period.¹ However the proposed Project would be exempt from this provision as, “Temporary construction noise, demolition or maintenance of structures between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, except Sundays and federal holidays” is allowed to occur.²

Groundborne Vibrations

Ground-borne vibration can be a serious concern for residential areas and sensitive land uses. Some common sources of ground-borne vibrations include construction activities such as blasting, pile-driving and operating heavy earth-moving equipment. Vibration is an oscillatory motion which can be described in terms of displacement, velocity, or acceleration. The response of humans, buildings, sensitive land use areas, and equipment vibration is more accurately described using velocity or acceleration. The Peak Particle Velocity (PPV) is used to describe construction related vibrations. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration signal and is measured in inches/second. PPV is often used in monitoring of blasting vibration since it is related to the stresses that are experienced by buildings. Table G: Vibration Source Levels for Construction Equipment, provides typical vibration levels generated by operating construction equipment as measured from 25-feet away.

¹ San Benito County Code of Ordinances, Title 19 Land Use and Environmental Regulations, Article IV Sound Level Restrictions, Section 19.39.030 Maximum Permissible Sound Pressure Levels.

² San Benito County Code of Ordinances, Title 19 Land Use and Environmental Regulations, Article VI Exceptions and Exemptions, Section 19.39.051 Exemptions.

Table G: Vibration Source Levels for Construction Equipment

Equipment Type ^{1,2}	PPV at 25 Feet (inches/second)	PPV at 150 Feet (inches/second)
Vibratory Roller	0.210	0.014
Large Bulldozer	0.089	0.006
Caisson Drilling	0.089	0.006
Loaded Trucks	0.076	0.005
Jackhammer	0.035	0.002
Small Bulldozer	0.003	0.0002
Crack-and-seat operations	2.400	0.163
Pile Driver (impact)-upper range	1.518	0.103
Pile Driver (impact)-typical	0.644	0.044
Pile Driver (sonic)-upper range	0.734	0.050
Pile Driver (sonic)-typical	0.170	0.012

Source: ¹ Information for the vibratory roller, large bulldozer, caisson drilling, loaded trucks, jackhammer, small bulldozer and crack-and-seat operations are sourced from: California Department of Transportation Environmental Engineering Noise, Vibration and Hazardous Waste Management Office, *Transportation- and Construction-Induced Vibration Guidance Manual*, pg. 26, Table 18: Vibration Source Amplitudes for Construction Equipment, June 2004.

² Information for the pile drivers are sourced from: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, pg. 12-12, Table 12-2: Vibration Source Levels for Construction Equipment, May 2006.

The County of San Benito does not regulate vibration impacts from construction activity and thresholds are not discussed in the San Benito County General Plan or San Benito County Code of Ordinances. Therefore, the Federal Transit Administration (FTA) vibration threshold criteria of a “Reinforced-concrete, steel or timber” building being exposed to vibrations no greater than 0.5 PPV (inches/second) will be used in this analysis.¹

Discussion

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less Than Significant with Mitigation Incorporated. Short-term (construction) and long-term (operational) noise impacts of the proposed Project are described below.

During construction, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Two types of short-term noise impacts would occur during the proposed Project construction phases. The first type would be from construction crew commutes and the transport of construction equipment and materials to the Project site, which would incrementally and temporarily increase noise levels along Rocks Road. The pieces of heavy equipment for grading, bridge demolition, and construction would be moved on site, would remain for the duration of each construction phase, and would not add to the daily traffic volume level that

¹ Federal Transit Administration, Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06, Chapter 12 Noise and Vibration During Construction, pg. 12-13.

the nearby residential units would be exposed to. There is a potential for a high single-event noise exposure at a maximum level of 87.0 dB(A) maximum instantaneous noise level (L_{max}) from trucks passing as measured from 50-feet from the centerline of Rocks Road. However, the projected construction traffic would be minimal when compared to existing traffic volumes on Rocks Road and Little Merrill Road, and its associated short-term noise level change would not be perceptible to the nearby sensitive receptors. Therefore, short-term construction-related commutes and equipment transport noise impacts would be less than significant.

The second type of short-term noise impact is related to noise generated during excavation, grading, and bridge demolition and construction activities. Construction would be performed in steps, each of which would have its own mix of equipment and, consequently, its own noise characteristics. These sequential phases would change the character of the noise generated and, therefore, the noise levels as construction progresses. Loaders, haul/dump trucks, and low impact hammers likely would be used during construction of the proposed Project. As shown above, in Table F, the maximum noise level generated by each loader would be 86.0 dB (A) L_{max} at 50-feet distance; each haul/dump truck would generate approximately 88.0 dB (A) L_{max} noise levels at 50-feet distance; and, pile driving for bridge construction would be approximately 93.0 dB(A) L_{max} at 50-feet. If all of this equipment were to be used simultaneously, operating at some distance from each other, the predicted noise level during construction phases would be 95.0 dB (A) L_{max} at a distance of 50 feet from active construction staging areas.

The closest sensitive receptor to the west end of the Project is a residence, is located approximately 260 feet from the bridge construction area. At this distance, this receptor may be subject to short-term noise levels reaching 81.0 dB (A) L_{max} generated by construction activities. The closest residential receptor to the east end of the proposed Project is a residence that is located approximately 1,100 feet from the bridge construction area. At this distance, this receptor may be subject to short-term noise levels reaching 68.0 dB (A) L_{max} generated by construction activities. In addition to bridge construction, the Project would include roadway resurfacing and conforming of the existing roadway to the new bridge alignment. This work would include the use of tractors, trucks, and rollers and could occur within 50 feet of the nearest sensitive receptor. At this distance, this receptor may be subject to short-term temporary noise levels reaching 91.0 dB (A) L_{max} generated by construction activities. These L_{max} noise levels would be intermittent during construction activities and these sensitive receptors would not be exposed to these noise levels on a long-term basis.

To minimize the construction noise impacts for the sensitive receptors adjacent to the Project site, construction noise is regulated by the California Department of Transportation (Caltrans) Standard Specification Section 14-8.02, "Noise Control," and also by Caltrans Standard Special Provisions S5-310, "Noise Control." These regulations state that noise levels generated during construction shall comply with applicable local, state, and federal regulations. Although construction activities in San Benito County are exempt from noise standards, implementation of **Mitigation Measures NOISE-1** would reduce exposure of the sensitive receptors to noise generated during construction of the proposed Project:

Mitigation Measure NOISE-1: During construction activities on the Project site the construction foreman shall implement the following measures to reduce noise level exposure that would occur at the residential units to the northeast:

- the construction contractor shall comply with all local sound control noise level rules, regulations, and ordinances that apply to any work performed;
- each internal combustion engine, used for any purpose on the Project site, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated without a muffler during Project construction activities;
- between the hours of 7:00 AM and 7:00 PM, the noise level from the construction areas on the Project site shall not exceed 86.0 dB(A) at a distance of 50-feet. Work shall not occur on Sundays or federal holidays, unless specifically permitted by contract and the County of San Benito.
- the use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of the construction personnel on-site during construction activities, and;
- as directed by the County, the construction contractor shall implement appropriate additional noise mitigation measures, as required, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction activities that would produce louder than expected noise levels, and installing acoustic barriers (walls or curtains) around stationary construction equipment noise sources.

Long-Term (Operational) Impacts. The proposed Project would replace an existing bridge with a new bridge on Rocks Road. Rocks Road would remain a two-lane road in the vicinity of the proposed Project; therefore, it is not anticipated that vehicular trips through the area would increase in the future. Noise levels along Rocks Road would not increase with use of the replacement bridge. Long-term (operational) impacts would therefore be less than significant.

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Less Than Significant Impact. Construction activities associated with implementation of the proposed Project could temporarily expose persons in the vicinity of the Project site to excessive ground borne vibration or ground borne noise levels. The Project site is located far enough away from the four residential units to the northwest and east that ground-borne vibrations during construction activities would not cause damage or be a nuisance. The residential units to the northwest of the Project site would be exposed to vibration levels estimated to be below the 0.5 PPV (inches/second) threshold administered by the Federal Transportation Authority (FTA). Impacts would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. The proposed Project would replace an existing structurally deficient bridge with a new bridge. The proposed Project would not generate any additional traffic noise in the vicinity of the Project site. No substantial long-term increase in ambient noise levels would be expected because of Project implementation. Impacts would be less than significant.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less Than Significant with Mitigation Incorporated. Temporary intermittent noise from short-term construction activities associated with the development of the proposed Project would occur. These activities would expose the sensitive receptors near the Project site to intermittent short-term increases in ambient noise levels. Although construction noise levels are exempt under the San Benito County Code of Ordinances, **Mitigation Measure NOISE-1** would be implemented to reduce the short-term noise exposure that the residential units adjacent to the Project site would be exposed to during construction. With implementation of **Mitigation Measure NOISE-1** impacts would be less than significant.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The Project is not located within 2 miles of a public airport or within the vicinity of a private airstrip. The closest airport is Hollister Airport located approximately 10 miles east of the Project site. Therefore, the proposed Project would not expose construction workers to excessive noise levels associated with airports or airplanes. No impact would occur.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. The Project site is not located within the vicinity of a private airstrip. The proposed Project includes the replacement of a bridge on Rocks Road and would not include development of residential units. Project implementation would not expose residents or construction worker to excessive noise levels generated by a private airstrip. No impact would occur.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The Project site is located in a rural portion of San Benito County along Rocks Road at the Pinacate Rock Creek crossing. Two rural single-family residential units are located adjacent to the northern and northwestern portion of the Project boundary. Additionally, two residential units are located 0.15 miles to the east of the Project site with residential/commercial uses 0.25 mile west of the Project site. A gated neighborhood of single-family residential units is located at the Rocks Road / Via Vaquero Norte intersection approximately 0.40 mile east of the Project site. Implementation of the proposed Project would not require the demolition or displacement of the residential uses adjacent to or near the site. The nearest established community is San Juan Bautista, approximately 2.5 miles to the southeast of the Project site.

Discussion

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. The proposed Project would include the demolition of the existing bridge on Rocks Road at the Pinacate Rock Creek crossing. Once completed, the replacement bridge would not cause an increase to vehicular travel nor indirectly induce substantial population growth in the area around the Project site. The nearest residential units are adjacent to the northwest corner of the Project site. Implementation of the proposed Project would not encourage population growth to the rural-residential areas adjacent to the Project. Therefore, the proposed Project would not directly or indirectly induce population growth. No impact would occur.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The Project site is located adjacent to two residential properties. Project implementation would not require the demolition of these residences nor would it require the acquisition of the parcels of land where the residential units are located. Construction of replacement housing would not be required. No impacts would occur.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. The proposed Project is located in a rural area of San Benito County. Project implementation would include replacement of a bridge on Rocks Road and would not displace residents in the area, necessitating the construction of replacement housing elsewhere. No impact would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project site is located in a rural area of San Benito County and is served by the following public services:

Law Enforcement Services. The San Benito County's Sheriff's Office has the primary responsibility for protecting the life and property of citizens living in the unincorporated areas of San Benito County. The San Benito County Sheriff's Office has 32 sworn deputies serving 18,859 residents which equates to a staffing level of 1.7 officers per 1,000 residents. The main sheriff's station is located in the City of Hollister, approximately 10.5 miles east of the Project site. The California Highway Patrol (CHP) is responsible for traffic enforcement services on state highways and county roads.

Fire Protection Services. The San Benito County Fire Department is responsible for fighting urban and structural fires within unincorporated San Benito County. The nearest San Benito County Fire Department station is located at 1979 Fairview Road in the City of Hollister, approximately 12.5 miles to the east of the Project site. The California Department of Forestry and Fire Protection (CAL FIRE) is a State wild land fire agency established to protect non-Federal, unincorporated lands within California. The nearest CAL FIRE station is co-located at the same facility as the nearest San Benito County Fire Department station. When available, CAL FIRE also assists the San Benito County Fire Department. The City of San Juan Bautista Fire Department provides service to an area encompassing approximately 70 square miles within the City limits. The nearest San Juan Bautista Fire station is located 3.5 miles east of the Project site at 24 Polk St, San Juan Bautista, CA.

Schools. The Project site is located within the boundary of the Aromas-San Juan Unified School District. This district is composed of two kindergarten through 8th grade schools (Aromas School and San Juan School), a 9th to 12th grade high school (Anzar High School), and the Tom Connolly “Mi Escuelita” Preschool. No schools are located within proximity of the Project site.

Parks. For a discussion of parks and recreation, see Section XV Recreation.

Discussion

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities?*

No Impact. The proposed Project includes the replacement of the existing bridge on Rocks Road overcrossing the Pinacate Rock Creek. The proposed Project would not increase demand for public service, nor degrade the quality of existing public services in the area. The proposed Project would improve traffic circulation along Rocks Road at the Pinacate Rock Creek crossing by providing a wider bridge that is in compliance with AASHTO standards. No parks, recreational facilities, or other public facilities are located near the proposed Project; therefore, public facilities would not be impacted by Project implementation. Impacts to public services would not occur due to Project implementation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

San Benito County is a predominantly rural county with a variety of park and recreational facilities. The County contains several large and significant parklands that are owned and operated by the Federal and State governments, including Pinnacles National Monument, Hollister Hills State Vehicular Recreational Area, and Fremont Peak State Park. These large recreational areas are complemented by several County and city-owned parks, historical sites, and special use areas that provide important recreational amenities for County residents, employees and visitors. The county of San Benito does not have any parks that provide active recreation, such as sports fields, an aquatic center, or comprehensive trail network.

No recreational facilities, community or neighborhood parks are located near the Project site.

Discussion

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No Impact. The Project site is located in a rural part of San Benito County and is not located near any existing regional or neighborhood parks or other recreational facilities. Therefore, implementation of the proposed Project would not increase the use of such recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. No impacts would occur.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No Impact. Recreational facilities would not be included as part of the proposed Project and the expansion of an existing recreational facility would not be required. No impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project is located on Rocks Road at the overcrossing of Pinacate Rocks Creek approximately 0.8 mile west of Rocks Road and U.S. Route 101. The existing bridge was built in 1930 and is a simple span reinforced concrete T-girder structure. The abutments are founded on spread footings, the existing bridge is in fair condition, has a sufficiency rating of 66.0 and is functionally obsolete. The one lane bridge has no barrier rails.

Rocks Road in the area of the proposed Project is designated as a rural major collector roadway and has an existing Average Daily Traffic (ADT) count of 1,200 vehicles. Rocks Road connects to U.S. Route 101, 0.8 mile west of the Project site and to California State Route 156, 1.1 miles east of the Project site. Given that the Project site is located in a rural area of San Benito County these two intersections are the only major/minor intersections near the site.

The County of San Benito has not identified Rocks Road as an emergency access road; however, residents on Rocks Road near the Project site would use this road to gain access to U.S. Route 101 and California State Route 156 in the event of an emergency.

According to the County of San Benito the Project site is not located on a non-motorized transportation route (bicycle), bus transit system service route, or designated/eligible scenic roadway segment.

The proposed Project includes replacement of the existing bridge with a cast-in-place post tensioned concrete slab measuring 52 feet long and approximately 35 feet wide. The new bridge would carry two 12-foot wide lanes and two 4-foot wide shoulders with a standard Caltrans Type 732 concrete barrier. The horizontal alignment for the replacement bridge and roadway approaches would be at approximately the same location as the existing horizontal alignment. The deck of the replacement bridge would be set approximately 3 feet higher than that of the existing bridge to accommodate the 50 year storm flow plus 2 feet of freeboard for the 100 year storm flow. The roadway would be vertically re-aligned to provide a smooth transition from the bridge to the existing roadway. The proposed bridge deck would be supported on concrete abutments on pile footings. The new bridge abutments would be placed at the top of the Pinacate Rock Creek banks. Rock slope protection (RSP) would be utilized along the face of the abutments and roadway approach fills adjacent to the creek banks. The unprotected roadway approach fill would have maximum side-slopes of 2H: 1V and the abutment slopes armored with RSP would have slopes no steeper than 1.5H: 1V.

During construction, Rocks Road would be closed at the bridge for approximately 4 months during construction. A detour route would be provided along adjacent roads including U.S. Route 101 and State Route 156. Construction would consist of removing the existing bridge, installing the bridge foundations, constructing the abutment walls, placing the concrete deck slab, and post tensioning the deck. Due to the perennial flows in Pinacate Rock Creek water diversion is anticipated during construction. Falsework construction for the replacement bridge deck would be constructed to span of the low flow channel of Pinacate Creek. The falsework would double as a working platform and protect the creek from falling construction debris.

Discussion

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Less than Significant Impact. A small volume of traffic would be generated during construction, resulting in an increase in vehicle trips associated with construction trucks and equipment. However, the number of vehicles would be relatively small (e.g., staging equipment to the site and daily trips by operators and workers to the site) and the construction period would be of limited duration (approximately 4 months). Rocks Road at the Pinacate Rocks Creek bridge would be closed for 4 months to allow construction to occur. Residents would be able to continue to access their homes along Rocks Road west and east of the Project site; however, through traffic past the Project site would not be permitted during the 4 month construction period. Construction related impacts to traffic and circulation along Rocks Road would be less than significant.

Once completed the proposed Project would not generate an increase in traffic volumes along Rocks Road. Furthermore, the proposed Project is not near any major or minor intersections along Rocks Road; and therefore, would not impact local intersection traffic volumes. Operational-related impacts to traffic and circulation along Rocks Road would be less than significant.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Less than Significant Impact. Construction activities associated with development of the proposed Project would generate a small increase in vehicular traffic associated with construction trucks/equipment and personnel traveling to and from the Project site. However, the increase in traffic would be minimal during construction activities. Once completed, the proposed Project would not generate an increase in traffic volumes along Rocks Road. Therefore, Project implementation would not result in an increase in Level of Service (LOS) standards established by San Benito County on nearby roadways. Impacts would be less than significant.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?*

No Impact. The proposed Project does not include any towers or any tall structures that would result in a change in air traffic patterns, including either an increase in air traffic levels or change in location that would result in substantial air safety risks. No impacts would occur.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No Impact. Development of the proposed Project would use enhanced and updated design features that would reduce hazards for vehicles traveling along Rocks Road. The proposed Project would include roadway improvements at the approaches (alignment) of the new bridge which would meet AASHTO standards for design speed and road/bridge width. The proposed Project would not substantially increase hazards due to design features or incompatible uses. No impacts would occur.

- e) *Result in inadequate emergency access?*

Less Than Significant Impact. The proposed Project would not impact emergency access in the area. Rocks Road would be closed during construction just to the east and west of the Project site; however, several easily accessible detour routes would be available for local access. Access would continue to be available to the Project site approaching from the east and west along Rocks Road in the event of an emergency. Due to the type of Project (replacement of an existing outdated bridge) and the continued access to Rocks Road from the west and east, a Traffic Management Plan (TMP) would not be required by Caltrans. Impacts would be less than significant.

- g) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

No Impact. The proposed Project is located in a rural area of San Benito County and is not within the boundary of adopted policies, plans or programs supporting alternative transportation. Project implementation would not include the development of a bike lane. The proposed Project would not conflict with alternative transportation policies, plans, or programs. No impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Project site is located in a rural area of San Benito County where utility services are available.

Three sources of water supply municipal, rural, and agricultural land uses in San Benito County including water purchased and imported from the Central Valley Project (CVP) by the San Benito County Water District (SBCWD), local surface water stored in and released from SBCWD-owned and operated Hernandez and Paicines reservoirs, and local groundwater pumped from wells. While the SBCWD is the CVP wholesaler and has jurisdiction over water management throughout the county much of the population is served by water purveyors, including the City of Hollister, Sunnyslope County Water District (SSCWD), and other small local purveyors. Some communities within the County are not served by water districts nor do not have water systems that provide water service. The Project site is located in a rural area of San Benito County and is not within the jurisdiction of a water district. However, a 10" existing water line is located near the Project site and

is owned by Aromas Water District. Water used during construction of the proposed Project would be shipped in and housed in water trucks at the construction staging areas.

Most of unincorporated San Benito County lacks public sewer infrastructure and instead is serviced by either community septic systems or individual septic systems and leachfield disposal. The Project site is located in an area of San Benito County that lacks public sewer infrastructure. Any wastewater or sewage that is generated during construction of the proposed Project would be collected and transported to offsite facilities to be disposed. The nearest treatment facility is the City of San Juan Bautista Wastewater Treatment Plant approximately 2.8 miles to the east of the Project site. This WTP provides tertiary treatment and has a capacity of 0.27 million gallons per day (mgd). Average dry weather flows are currently 0.18 mgd which equates to this WTP currently operating at 66.6 percent of daily intake capacity.

Any wastewater or sewage generated during Project construction would be minimal and no wastewater or sewage would be generated during Project operation.

Solid waste generated by the proposed Project during construction activities would be collected and transported to John Smith Landfill, 15 miles to the east of the Project site. John Smith Landfill, a Class III municipal waste landfill owned by the County and operated by a private firm, Waste Connections, is the only operating active solid waste landfill within the County of San Benito. The facility receives on average 250 tons of waste per day, 50 percent of which is diverted to recycling. The maximum permitted throughput of this facility is 1,000 tons per day. The landfill has a maximum permitted capacity of 9,354,000 cubic yards and as of November 30, 2012 had a remaining capacity of 4,625,827 cubic yards (50.5 percent remaining capacity).

Construction of the proposed Project would include the relocation of utility poles/lines providing electrical service to the area. Pacific Gas and Electric (PG&E) is the only purveyor of electricity service in the County of San Benito. PG&E would be contacted for proper shut down of electrical service to the utility poles that would be relocated due to implementation of the proposed Project.

Discussion

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Less than Significant With Mitigation Incorporated. As discussed above in Section IX(a), Project implementation would not lead to an exceedance of wastewater treatment requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB). Construction of the proposed Project would consist of removing the existing bridge, installing the new bridge foundations, constructing the abutment walls, placing the concrete deck slab, post tensioning of the new deck, and roadway approach work on Rocks Road. Due to the relatively low volume of flow in Pinacate Creek during the construction season summer months, water diversion would not occur. Falsework construction for the replacement bridge deck would be constructed to span the low flow channel of Pinacate Creek. The falsework would double as a working platform and would protect the creek from falling construction debris. Wastewater that would be generated by construction workers during the construction period would be stored on-site and transported from the Project site to the nearest Wastewater Treatment Plant (WTP) for treatment. Once operational, no wastewater would be generated by uses associated

with the proposed Project. Implementation of **Mitigation Measures HYDRO 1** through **HYDRO 3** would reduce potential impacts to a less than significant level.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less than Significant Impact. The proposed Project consists of demolition of the existing on-site bridge, development of a new bridge, and roadway approach improvements on Rocks Road. During construction activities at the Project site, water associated with dust controlling activities would be expected to be used in minimal amounts. The water that would be used during construction would be trucked in and housed in a water truck at construction staging areas at the Project site. Any waste water that would be generated at the Project site during construction would be hauled off-site to the nearest WTP for treatment.

The proposed Project would require water and would generate wastewater during construction activities only. The amount of water required and wastewater expected to be generated during construction would be minimal and would only occur on a temporary basis for the three month duration of construction activities. New water treatment or wastewater treatment facilities would not have to be developed due to Project implementation. Additionally local water treatment and wastewater treatment plants would not need to be expanded due to Project implementation. During operation of the proposed Project water would not be required and no new wastewater would be generated on-site. Impacts would be less than significant.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less than Significant Impact. The proposed Project consists of demolition of the existing on-site bridge, development of a new bridge, and roadway approach improvements on Rocks Road. Project modifications to the Rocks Road drainage facilities would be minor and would not significantly increase the watershed areas or runoff rates for local drainage in the area. New drainage facilities would be designed in accordance with San Benito County guidelines and drain to the same discharge points as the existing drainage facilities. Reconstruction of roadway approaches along Rocks Road would change some existing pervious areas to impervious areas. However, compared to the size of the offsite areas, the increased runoff rate at each cross culvert would be minimal and would not cause significant environmental effects. Impacts would be less than significant.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less than Significant Impact. As discussed above, water would be needed during construction on the Project site for dust control activities. Water would be obtained from San Benito County (County owned groundwater wells) and transported to the Project site via water trucks when needed during construction. Once operational, features of the proposed Project would not require water supplies. The amount of water that would be used during construction activities would be negligible and would not require new or expanded entitlements. Impacts would be less than significant.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. Construction workers would generate a minimal amount of wastewater during the construction of the proposed Project. Any wastewater that would be generated during Project construction would be stored on-site and then transported to the City of San Juan Bautista Wastewater Treatment Plant. This WTP is currently operating at 67 percent of its daily intake capacity; and therefore, would be able to treat any wastewater generated during construction activities on the Project site. Impacts would be less than significant.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Less than Significant Impact. The Project site is served by the John Smith Landfill located at 2650 John Smith Road in the City of Hollister, approximately 11 miles to the east. The John Smith Landfill is designated as a Class III facility and intakes agricultural, construction/demolition, green material, industrial, inert, manure, mixed municipal, tires and wood waste products. This landfill has a daily intake capacity of 1,000 tons and is currently taking in 250 tons/day of solid waste. The landfill's maximum capacity is 9,354,000 cubic yards of solid waste and as of November 2012 has a remaining capacity of 4,625,827 cubic yards.

The proposed Project would generate construction and demolition debris over a short period as the existing bridge is demolished and the new bridge is constructed. Solid waste generated by the proposed Project during construction could include wood and concrete debris, inert materials, and mixed municipal waste from construction workers on the Project site. Once operational, the proposed Project would not generate solid waste. The amount of solid waste that would be generated during construction of the proposed Project would be minimal compared to the existing daily intake at the John Smith Landfill. The John Smith Landfill would be able to intake material from the Project site during the construction period and would still have remaining capacity to serve other solid waste disposal requirements. Considering that solid waste would be generated during construction only and no solid waste would be generated during the operation of the Project, disposal operations at John Smith Landfill would not be impacted by the proposed Project. Therefore, impacts would be less than significant.

- g) *Comply with federal, State, and local statutes and regulations related to solid waste?*

No Impact. The proposed Project would comply with federal, State and local regulations related to solid waste. No impacts would occur.

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

Environmental Setting

The Mandatory Findings of Significance section discusses the potential of the proposed Project to degrade the quality of the environment and any biological habitats. Impacts on a cumulative basis are also discussed as well as the Project having any environmental impacts which would cause substantial direct or indirect adverse impacts on human beings.

Discussion

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant with Mitigation Incorporated. The proposed Project includes the demolition of an existing bridge on Rocks Road at Pinacate Rock Creek and the construction of a replacement bridge. As described throughout this Initial Study, implementation of the proposed Project has the potential to adversely impact sensitive natural communities, special-status animals and previously undiscovered cultural resources and/or human remains. With implementation of the mitigation measures recommended in this Initial Study, compliance with San Benito County requirements, and application of standard practices, implementation of the proposed Project would not: 1) degrade the

quality of the environment; 2) substantially reduce the habitat of fish or wildlife species; 3) cause a fish or wildlife population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or, 6) eliminate important examples of the major periods of California history or prehistory.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

Less Than Significant Impact. The impacts of the proposed Project would be individually limited and would not be cumulatively considerable. The proposed Project would include the demolition of an existing bridge and development of a replacement bridge over Pinacate Rocks Creek along Rocks Road. All environmental impacts that could occur as a result of the proposed Project would be reduced to a less than significant level with implementation of the mitigation measures recommended throughout this Initial Study. When viewed in conjunction with other closely related past, present or reasonably foreseeable future projects, development of this Project would not cumulatively contribute to impacts.

- c) *Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact. The purpose of the proposed Project is to replace the existing Rocks Bridge over Pinacate Creek with a new longer and wider bridge on an improved roadway alignment. Once completed, the new bridge would meet current AASHTO standards for design speed and road/bridge width. As described in this Initial Study, implementation of the proposed Project could result in temporary air quality, greenhouse gas, hazardous waste, hydrology, and noise impacts during the construction period. Implementation of the mitigation measures recommended in this Initial Study, compliance with San Benito County regulations, and application of standard construction practices would ensure that the proposed Project would not result in environmental effects that would cause substantial direct or indirect adverse effects on human beings.

3.0 REPORT PREPARERS

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5.0 RESPONSE TO COMMENTS



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

September 18, 2014

RECEIVED

SEP 23 2014

Public Works
San Benito County

Arman Nazemi
San Benito County
2301 Technology Parkway
Hollister, CA 95023

Subject: Rocks Road Bridge (No. 43C-0053) Replacement at Pinacale Rock Creek Project
SCH#: 2014081058

Dear Arman Nazemi:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on September 17, 2014, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

SCH-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014081058
Project Title Rocks Road Bridge (No. 43C-0053) Replacement at Pinacale Rock Creek Project
Lead Agency San Benito County

Type MND Mitigated Negative Declaration

Description The proposed Project would include the replacement of the existing single-lane concrete bridge with a two-lane, clear span concrete bridge with 4-foot wide shoulders. The new bridge soffit would be raised to be above the top of the Pinacale Rock Creek bank to open up the hydraulic cross section through the crossing. The vertical profile of the new bridge would be raised approximately 3 feet in order for the new bridge to accommodate a 100-year storm event. Project implementation would also include up to 400 feet of roadway approach improvements on the west and east side of the bridge. The overall Rocks Road alignment is not changing; however, a slight double "S" curve would be incorporated onto the roadway approach horizontal alignment to reduce the length of the replacement bridge and provide a less sharp angle between the centerline of the road.

Lead Agency Contact

Name Arman Nazemi
Agency San Benito County
Phone 831 636 4170 **Fax**
email
Address 2301 Technology Parkway
City Hollister **State** CA **Zip** 95023

Project Location

County San Benito
City San Juan Bautista
Region
Lat / Long 36° 51' 15.8" N / 121° 35' 23.7" W
Cross Streets Rocks Road / Little Merrill Road
Parcel No. Roadway ROW / 011-310-003
Township 12S **Range** 3E **Section** 25 **Base** MDB&M

Proximity to:

Highways US 101
Airports
Railways
Waterways Pinacale Rock Creek
Schools
Land Use Surrounding land use / Z: AP / AR. Roadway/Bridge no designation

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse

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

Date Received 08/19/2014 **Start of Review** 08/19/2014 **End of Review** 09/17/2014

Response to Comments

State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit (September 18, 2014)

SCH-1: Comment noted.

6.0 MITIGATION AND MONITORING PROGRAM

This Mitigation and Monitoring Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Victory Road Bridge Replacement Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies mitigation monitoring requirements. This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impact. The MMRP is intended to ensure compliance during implementation of the Project. Responsibility for ensuring successful implementation of the MMRP lies with the San Joaquin County Public Works Department, representing the Lead Agency for the Project under CEQA.

Environmental monitoring will be required throughout all phases of the proposed Project. Prior to, and during construction, mitigation monitoring shall minimize potential impacts to environmental resources. Monitoring is also necessary to ensure and verify implementation of the mitigation measures prescribed in the IS/MND. Compliance with mitigation measures can be documented in the Project file through written reports, accompanied by Project photos where necessary. Post construction monitoring of revegetation and other Project components can be documented by yearly report, on a schedule typically determined by one or more of the Project permits. Depending on the complexity of the post construction mitigation effort, tasks will be implemented by County staff or technical experts under contract to the County. Post construction monitoring is typically conducted for three to five years, depending on permit requirements and success criteria.

The MMRP is organized in a matrix. The first column identifies the mitigation measures. Included with each mitigation measure is a short summary of the specific action needed to fulfill the mitigation measure as well as the milestone date and the agency/agencies responsible for mitigation monitoring.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
II. AGRICULTURAL RESOURCES			
<p>Mitigation Measure AG-1: The County of San Benito shall notify the California Department of Conservation regarding the need to acquire a portion of APN 011-310-003-00 which is currently under a Williamson Act Contract. While the County of San Benito would not be required to follow a specific template to submit a Williamson Act Public Acquisition notice, the California Department of Conservation website provides examples of a “Notification Form Template,” “Example Notification Letter” and “Examples of Supporting Documentation” that are to be used when compiling a notice to ensure that the notification process is streamlined and that all required material is contained in the initial notice to the Department. Information regarding the notification process and examples of an approved notification letter and supporting documentation can be found at the California Department of Conservation Williamson Act Program-Basic Contract Provisions website:</p> <p>http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/public_acquisitions.asp x.</p>	Notify California Department of Conservation of partial parcel acquisition that is under a Williamson Act Contract.	Prior to acquisition of partial portion of land parcel.	San Benito County.
III. AIR QUALITY			
<p>Mitigation Measure AIR-1: The Project contractor, on behalf of the Project applicant (San Benito County), shall prepare a Dust Control Plan for demolition and construction activities at the Project site pursuant to the requirements and regulations of the MBUAPCD. The Project contractor shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of construction and maintenance activities at the Project site. The Dust Control Plan shall include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> • All visible, dry, disturbed soil on road surfaces shall be watered to minimize fugitive dust emissions; • All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour; 	Preparation of a Dust Control Plan that outlines measures for dust control procedures during construction activities.	Prior to commencement of construction activities.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<ul style="list-style-type: none"> • Earth or other material that has been deposited by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed; • Asphalt, oil, water or suitable chemicals shall be applied on stockpiled materials and other surfaces that can give rise airborne dusts; • All earthmoving activities shall cease when sustained winds exceed 15 miles per hour; • The contractor's foreman shall take reasonable precautions to prevent the entry of unauthorized vehicles during non-work hours; • The contractor's foreman shall keep a daily log of activities to control fugitive dust; • If deposits of Naturally Occurring Asbestos (NOA) are discovered during construction, activities shall be suspended and mitigation on a site-specific basis shall be developed and implemented. Construction Plans for this Project shall include a notice stating: "If NOA is discovered (uncovered) during demolition, grading, or construction activities, work shall be suspended immediately and the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be contacted to determine compliance measures to be taken regarding the NOA." In addition, the following measures shall be required: <ul style="list-style-type: none"> ○ The speed of any vehicles and equipment traveling across unpaved areas shall be no more than fifteen (15) miles per hour unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust that is visible crossing the Project boundaries; ○ Storage piles and disturbed areas not subject to vehicular traffic shall be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 			

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>percent asbestos (by weight of the material); and,</p> <ul style="list-style-type: none"> Activities shall be conducted so that no track-out from any road construction activities is visible on any paved roadway open to the public. 			
IV. BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1:</p> <ul style="list-style-type: none"> All potential roost trees (i.e., 20 diameter at breast height (dbh) or greater), including snags, within the BSA that would be impacted by Project construction shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of trees during these periods would avoid impacts to any bats occurring on the Project site during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). Removal shall occur as follows: <ul style="list-style-type: none"> Prior to removal of the potential roost site trees, smaller trees and brush from the area near the potential roost tree shall be removed in order to expose bats potentially using the roost tree to the sounds and vibrations of equipment. These activities shall be conducted on at least two consecutive days before potential roost trees are removed. Equipment and vehicles shall not be operated under potential roost trees while nearby trees and brush are being removed to prevent exhaust fumes from filling roost cavities. Alternatively, all potential roost trees within the BSA shall be surveyed by a qualified biologist to determine if any trees can be excluded as suitable bat roosts due to the lack of suitable structural characteristics. If any trees can be excluded as bat roosts, removal of these trees would not be subject to the seasonal restrictions discussed above. Work activities shall be limited to daylight hours to minimize potential effects to foraging bats. 	Roost tree removal and survey of potential roost trees.	Prior to Project construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<ul style="list-style-type: none"> Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified below in Table B: Native Seed Mix: 			
<p><u>Mitigation Measure BIO-2:</u></p> <ul style="list-style-type: none"> If possible all trees that would be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1) to avoid take of a nest or bird. If this is not possible, a survey for nesting white-tailed kites shall be conducted in the BSA and within a 500 foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc. If nesting white-tailed kites are found within 500 feet of the BSA, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, and line of sight between the nest and the BSA. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur in the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B. 	Survey of BSA for nesting white-tailed kites. Revegetation of grassland disturbed during construction.	Prior to commencement of construction.	San Benito County.
<p><u>Mitigation Measure BIO-3:</u></p> <ul style="list-style-type: none"> If possible, all trees that would be impacted by Project construction shall be removed during the non-nesting season (between September 16 and February 1) to avoid take of a nest or bird. If this is not possible, a survey 	Survey of BSA for nesting white-tailed kites.	Prior to commencement of construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>for nesting Cooper's hawks shall be conducted in the BSA and within a 500 foot radius by a qualified biologist. The survey shall be conducted a maximum of 14 days prior to the start of construction. The survey area may be decreased due to property access constraints, etc;</p> <ul style="list-style-type: none"> • If nesting Cooper's hawks are found within 500 feet of the BSA, a qualified biologist shall evaluate the potential for the proposed Project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, and line of sight between the nest and the BSA; • CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities; and, • If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur in breeding season to monitor nesting activity. The biologist would have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 			
<p><u>Mitigation Measure BIO-4:</u></p> <ul style="list-style-type: none"> • Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified above in Table B. 	Revegetation of disturbed during areas construction.	Post construction activities.	San Benito County.
<p><u>Mitigation Measure BIO-5:</u></p> <ul style="list-style-type: none"> • A preconstruction survey for nesting burrowing owls shall be conducted in the BSA and vicinity by a qualified biologist no more than 30 days prior to initiation of earthmoving activities. If nesting burrowing owls are found within the biological study area, the following measure shall be implemented: <ul style="list-style-type: none"> ◦ During the non-breeding season (September 1 through January 31) any burrowing owls occupying the Project site should be evicted from the Project site by passive relocation as described in the California 	Preconstruction survey for nesting burrowing owls. Revegetate disturbed areas.	During construction and post construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>Department of Fish and Wildlife's Staff Report on Burrowing Owls (Oct., 1995).</p> <ul style="list-style-type: none"> During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 250 feet protective buffer until and unless a qualified biologist verifies through noninvasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B. 			
<p><u>Mitigation Measure BIO-6:</u></p> <ul style="list-style-type: none"> A preconstruction survey for nesting LBV shall be conducted in the BSA and within a 100-foot radius by a qualified biologist. The survey shall be conducted no more than 14 days prior to the start of earthmoving activities. If LBV are found within the area surveyed the USFWS and CDFW shall be contacted to determine appropriate measures to take to avoid any impact to this species. At a minimum, construction activity within 100 feet of the nest shall cease until a qualified biologist verifies that the young have fledged and are capable of independent survival. Caltrans would notify the USFWS. San Benito County would be responsible for notifying CDFW. Native topsoil from the channel would be incorporated within the replacement RSP to provide a seeding and planting medium. Areas of RSP above the OHWM would be revegetated with the seed mix specified in Table B. In addition, locally-obtained willow cuttings/poles would be installed within the lower sections of the RSP near the OHWM. Realignment of the roadway and new bridge would open up an area that is currently covered by the existing bridge. The revegetation of this area 	<p>Preconstruction survey for least Bell's vireo. Revegetation of areas disturbed.</p>	<p>Prior to and during construction and post construction.</p>	<p>San Benito County.</p>

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
would restore approximately 0.01 acre of mixed willow habitat.			
<u>Mitigation Measure BIO-7:</u> <ul style="list-style-type: none"> Prior to the start of construction activities in Pinacate Rock Creek, the reach of the creek within the BSA shall be surveyed by a qualified biologist for the presence of Pacific pond turtles. If Pacific pond turtles are observed in the BSA they shall be relocated outside of the work area by a qualified biologist. Areas temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B. 	Survey for the presence of Pacific pond turtles. Revegetation of areas disturbed.	Prior to and during construction and post construction.	San Benito County.
<u>Mitigation Measure BIO-8:</u> <ul style="list-style-type: none"> Prior to any ground-disturbing activities the area shall be surveyed by a qualified biologist for the presence of San Joaquin whipsnakes. If San Joaquin whipsnakes are observed in the BSA they shall be relocated outside of the work area by a qualified biologist. Areas of California annual grassland temporarily disturbed during construction shall be revegetated with the seed mix specified in Table B. 	Survey for presence of San Joaquin whipsnakes. Revegetation of areas disturbed.	Prior to and during construction and post construction.	San Benito County.
<u>Mitigation Measure BIO-9:</u> <ul style="list-style-type: none"> ESA fencing shall be installed along the edge of the work limits including staging areas. ESA fencing shall consist of orange construction fencing (or equivalent) and shall be maintained in good condition until construction is complete. In addition, silt fencing shall be installed along the bottom of the ESA fencing to prevent CTS from entering the work area during construction; A USFWS-approved biological monitor shall be present during initial ground disturbing activities; If CTS are found within the area surveyed the USFWS and CDFW shall be contacted. Caltrans shall notify the USFWS. San Benito County shall be 	Installation of ESA fencing around sensitive areas. Construction monitoring for presences of California Tiger Salamander. Restoration and revegetation of temporary impact areas.	Prior to, during, and post construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>responsible for notifying CDFW;</p> <ul style="list-style-type: none"> • All work in the creek shall be conducted during the dry season (June through October) when CTS are estivating and unlikely to enter the BSA; • The BSA shall be surveyed for CTS if a substantial rain event (i.e., at least 0.25 inch) occurs during construction to avoid affecting salamanders that may have emerged from their burrows in the BSA (e.g., under equipment); and, • Following completion of the Project, all fill slopes, temporary impact and/or otherwise graded or denuded areas shall be restored to preconstruction contours (if necessary) and revegetated with the seed mix specified in Table B. 			
<p><u>Mitigation Measure BIO-10:</u></p> <ul style="list-style-type: none"> • Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF; • Ground disturbance shall not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work unless the individual(s) has/have been approved previously and the USFWS has not revoked that approval; • A USFWS-approved biologist shall survey the Project site no more than 48 hours before the onset of work activities. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by construction activities the approved biologist shall be allowed sufficient time to move them from the site before work begins. The USFWS-approved biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and that would not be affected by activities associated with the proposed Project. The relocation site shall be in the same drainage to the extent practicable. The County shall coordinate with the USFWS on the relocation site prior to the capture of any CRLF; 	<p>Training session for construction workers on identifying CRLF and associated habitat. Monitoring for CRLF during construction. Procedures on capturing and handling CRLF onsite.</p>	<p>Prior to and during construction and post construction.</p>	<p>San Benito County.</p>

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<ul style="list-style-type: none"> • Before any activities begin on the Project a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings shall be used in the training session, provided that a qualified person is on hand to answer any questions; • A USFWS-approved biologist shall be present at the work site until all CRLF have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed. After this time the State or local sponsoring agency shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor or the USFWS-approved biologist recommends that work be stopped because CRLF would be affected in a manner not anticipated by the County and the USFWS during review of the proposed action, they shall notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer shall either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. USFWS shall be notified as soon as possible if work is halted; • During Project activities all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction all trash and construction debris shall be removed from work areas; • All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor shall ensure 			

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that a plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur;</p> <ul style="list-style-type: none"> • Habitat contours shall be returned to their original configuration at the end of Project activities. This measure shall be implemented in all areas disturbed by activities associated with the Project, unless the USFWS and the County determine that it is not feasible or modification of original contours would benefit the CRLF; • The number of access routes, size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the Project goals. Environmentally Sensitive Areas shall be delineated to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to CRLF habitat. This goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable; • The County shall attempt to schedule work activities for times of the year when impacts to the CRLF would be minimal. For example, work that would affect large pools that may support breeding shall be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain CRLF through the driest portions of the year shall be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and coordination between the County and the USFWS during Project planning shall be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year; • To control sedimentation during and after Project implementation, the County shall implement Best Management Practices (BMPs) outlined in any authorizations or permits issued under the authorities of the Clean 			

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>Water Act that it receives for the specific Project. If BMPs are ineffective the County, in coordination with USFWS, shall attempt to remedy the situation immediately;</p> <ul style="list-style-type: none"> Intakes shall be completely screened with wire mesh not larger than 0.2 inch to prevent CRLF from entering a pump system should dewatering be required by the proposed Project. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed shall be minimized to the maximum extent possible; any imported material shall be removed from the stream bed upon completion of the Project; Unless approved by the USFWS water shall not be impounded in a manner that may attract CRLF; A USFWS-approved biologist shall permanently remove any individuals of non-native species, such as bullfrogs (<i>Rana catesbeiana</i>), signal and red swamp crayfish (<i>Pacifasticus leniusculus</i>; <i>Procambarus clarkii</i>), and centrarchid fishes from the Project area to the maximum extent possible. The USFWS-approved biologist shall be responsible for ensuring his or her activities are in compliance with the CDFW Code; If the County demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the CRLF, these areas shall not be included in the amount of total habitat permanently disturbed; To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times; Project sites shall be re-vegetated with an assemblage of native riparian, 			

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable. This measure shall be implemented in all areas disturbed by activities associated with the Project unless the USFWS and the County determine that it is not feasible or practical;</p> <ul style="list-style-type: none"> • Herbicides shall not be the primary method used to control invasive, exotic plants. However, if the County determines the use of herbicides is the only feasible method for controlling invasive plants at the Project site, the following additional protective measures for the CRLF shall be implemented: <ul style="list-style-type: none"> ○ Herbicides shall not be used during the breeding season for the CRLF; ○ A qualified biologist hired by the County shall conduct surveys for the CRLF immediately prior to the start of any herbicide use. If found, CRLF shall be relocated to suitable habitat far enough from the Project area that no direct contact with herbicides would occur; ○ Giant reed and other invasive plants shall be cut and hauled out by hand and then painted with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®; ○ Licensed and experienced Caltrans staff or a licensed and experienced contractor shall use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands occur at the Project site; ○ All precautions shall be taken to ensure that no herbicide is applied to native vegetation; ○ Herbicides shall not be applied on or near open water surfaces (no closer than 60 feet from open water); ○ Foliar applications of herbicide shall not occur when wind speeds are in 			

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>excess of 3 miles per hour;</p> <ul style="list-style-type: none"> o No herbicides shall be applied within 24 hours of forecasted rain; o Application of all herbicides shall be done by qualified personnel retained by the County to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and all safety measures associated with herbicide application is implemented. A safe dye shall be added to the mixture to visually denote treated sites. Application of herbicides shall be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins; and, o All herbicides, fuels, lubricants, and equipment shall be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. Construction contractors retained by the County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work the County shall ensure that a plan is in place for a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. • During placement of Rock Slope Protection (RSP), native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in Table B. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM. 			
<p><u>Mitigation Measure BIO-11:</u></p> <ul style="list-style-type: none"> • Prior to the start of construction activities in the mixed willow area of Pinacate Rock Creek, the reach of the creek within the BSA shall be surveyed by a qualified biologist for the presence of Coast Range newts. If 	Survey for Coast Range newts and relocation if found. Restoration and revegetation of disturbed areas.	Prior to construction and post construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>Coast Range newts are observed in the BSA they shall be relocated outside of the work area by a qualified biologist;</p> <ul style="list-style-type: none"> Following completion of the new bridge, all fill slopes, creek banks with RSP, temporary impact, and/or otherwise graded areas shall be restored to preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B; and, During placement of RSP native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in Table B. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM. 			
<p><u>Mitigation Measure BIO-12:</u></p> <ul style="list-style-type: none"> Work in the live channel of Pinacate Rock Creek shall be minimized to the extent possible; Work shall occur during periods of low flow in Pinacate Rock Creek. Consistent with measures to protect CRLF, a window of June 1 through October 15 shall be observed for work in waters or riparian areas; Brightly colored fencing shall be placed along the limits of work areas to protect habitat adjacent to Pinacate Rock Creek. Fencing shall be maintained in good condition for the duration of construction activities; Staging areas, access routes, and construction areas shall be located outside of wetlands and riparian areas to the maximum extent practicable; During demolition of the existing bridge a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pinacate Rock Creek. This measure may also apply during construction of the new bridge deck; Measures consistent with the current Caltrans' Construction Site Best 	<p>Mitigation to be implemented to reduce impacts to Watercress Wild Rye Wetland. Minimize work in Pinacate Rock Creek channel. ESA fencing to protect habitat. Revegetate and recontour areas that are disturbed.</p>	<p>Prior to and during construction.</p>	<p>San Benito County.</p>

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>Management Practices (BMP) Manual (including the Storm Water Pollution Prevention Plan [SWPPP] and Water Pollution Control Plan [WPCP] Manuals) shall be implemented to minimize effects to wetlands resulting from erosion, siltation, etc. during construction;</p> <ul style="list-style-type: none"> • Following completion of the new bridge, all fill slopes, temporary impact and/or otherwise disturbed areas shall be restored to preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B. Invasive exotic plants shall be controlled to the maximum extent practicable; • During placement of RSP native topsoil from the channel shall be incorporated within the RSP to provide a seeding and planting medium. Areas of RSP above the OHWM shall be revegetated with the seed mix specified above in Table B. In addition, locally-obtained willow cuttings/poles shall be installed within the lower sections of the RSP near the OHWM; and, • Prior to issuance of a grading permit or other authorization to proceed with Project construction, the Project proponent shall obtain any regulatory permits that are required from the ACOE, RWQCB, and /or CDFW. 			
<p><u>Mitigation Measure BIO-13:</u></p> <p>The removal of mixed willow riparian vegetation shall be compensated for at a 3:1 ratio. Mitigation shall be accomplished using one of the following methods or by using a combination of the methods, contingent upon approval by the CDFW, ACOE, and RWQCB:</p> <ul style="list-style-type: none"> • Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 3:1. This work shall occur solely within the Project impact area; • Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio; and, 	Compensation of removed mixed willow riparian.	Post construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<ul style="list-style-type: none"> All mitigation lands shall be protected in perpetuity through recordation of a conservation easement or equivalent method. 			
<p><u>Mitigation Measure BIO-14:</u></p> <ul style="list-style-type: none"> Work in the live channel of Pinacate Rock Creek shall be minimized to the extent possible; Work shall occur during periods of low flow in Pinacate Rock Creek. Consistent with measures to protect CRLF, a window of June 1 through October 15 shall be observed for work in waters or riparian areas; Brightly colored fencing shall be placed along the limits of work areas to protect habitat adjacent to Pinacate Rock Creek. Fencing shall be maintained in good condition for the duration of construction activities; Staging areas, access routes, and construction areas shall be located outside of wetlands and riparian areas to the maximum extent practicable; During demolition of the existing bridge a heavy tarp, temporary decking, or equivalent structure shall be placed beneath the bridge to collect debris falling from the bridge and prevent it from entering Pinacate Rock Creek. This measure shall also apply during construction of the new bridge deck; Measures consistent with the current Caltrans' Construction Site BMPs Manual (including the SWPPP and WPCP Manuals) shall be implemented to minimize effects to wetlands resulting from erosion, siltation, etc. during construction; and, Following completion of the new bridge, all fill slopes, temporary impact, and/or otherwise disturbed areas shall be restored to approximate preconstruction contours (if necessary) and revegetated with the native seed mix specified above in Table B. Invasive exotic plants shall be controlled to the maximum extent practicable. 	<p>Mitigation to be implemented to reduce impacts to Watercress Wild Rye Wetland. Minimize work in Pinacate Rock Creek channel. ESA fencing to protect habitat. Revegetate and recontour areas that are disturbed.</p>	<p>Prior to and during construction.</p>	<p>San Benito County.</p>
<p>V. CULTURAL RESOURCES</p>			
<p><u>Mitigation Measure CULT-1:</u> If deposits of prehistoric or historical archaeological</p>	<p>Halt construction in</p>	<p>During</p>	<p>San Benito</p>

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>materials are discovered during non-monitored Project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted, if one is not present, to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. San Benito County shall also be notified. Project personnel shall not collect or move any archaeological materials.</p> <p>It is recommended that adverse effects to the archaeological resources be avoided by Project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated to determine if they qualify as a historical resource or unique archaeological resource or as historic property. If the deposits do not so qualify avoidance is not necessary. If the deposits do qualify, adverse effects on the deposits shall be avoided or such effects shall be mitigated. Mitigation may consist of, but is not limited to, recovery and analysis of the archaeological deposit; recording the resource; preparing a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Educational public outreach may also be appropriate.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to San Benito County.</p>	<p>areas where historical or prehistorical archaeological resources are unearthed and implement appropriate measures to mitigate potential efforts to such resources.</p>	<p>construction.</p>	<p>County and Archaeological Monitor.</p>
<p>Mitigation Measure CULT-2: If paleontological resources are encountered during Project subsurface construction and no monitor is present, all ground-disturbing activities shall be redirected within 50 feet of the resource until a qualified paleontologist can be contacted to evaluate the resource and make recommendations. If Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan, as described above, shall be implemented. Adverse effects to paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the accession of all fossil material to a paleontological repository. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and</p>	<p>Halt construction in areas where paleontological resources are unearthed and implement appropriate measure to mitigate potential effects to paleontological resources.</p>	<p>During construction.</p>	<p>San Benito County and Paleontological Monitor.</p>

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
recommendations shall be prepared and submitted to the paleontological repository.			
<p>Mitigation Measure CULT-3: If human remains are encountered during Project activities, work within 25 feet of the discovery shall be redirected and the San Benito County Sheriff's Office Coroner notified immediately. At the same time an archaeologist shall be retained to assess the situation and consult with agencies as appropriate. The Project proponent shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission would identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated artifacts.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report shall be submitted to the San Benito County Department of Public Works.</p>	Adhere to the County's Native American Heritage Commission's guidelines for handling the discovery of human remains.	During construction.	San Benito County.
VII. GEOLOGY AND SOILS			
Mitigation Measure GEO-1: The replacement bridge would be supported by 24-inch diameter Cast In-Drilled-Hole piles. These piles shall extend through the potentially liquefiable soil zone to a specified tip elevation depth of 256 feet at Abutment 1 and 262 feet at Abutment 2. Each abutment shall have 13 piles (each shall be 24-inches in diameter) and shall extend 24 feet below the pile cap (29 feet below the creek invert) at Abutment 1 and 18 feet below the pile cap (23 feet below the creek invert) at Abutment 2.	Conditions for placing Cast-in-Drilled-Hole piles.	Prior to and during construction.	San Benito and Project Engineer.
Mitigation Measure GEO-2: Since the proposed Project site is greater than 1 acre in size, the construction contractor, prior to commencement of construction activities, shall develop a Stormwater Pollution Prevention Plan (SWPPP) that is in compliance with minimum requirements of the Environmental Project Agency's 2012 Construction General Permit. The SWPPP shall include Best Management	Development and submittal of an SWPPP. Implementation of SWPPP Best Management Practices to	Prior to and during construction.	San Benito County and Construction Contractor.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>Practices (BMPs) designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality to Pinacate Rock Creek. The County shall require the construction contractor to implement BMPs for erosion and sedimentation outlines in the most recent version of the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, 2002), the Environmental Protection Agency Construction Site Stormwater Runoff Control BMP Fact Sheets, or an equivalent publication. Below are some examples of the measures that shall be included and/or implemented in the SWPPP to reduce stormwater runoff during Project construction:</p> <ul style="list-style-type: none"> • Best management practices outlined in the most recent version of the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water; • Exposed slopes shall be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls; • Erosion prevention and sediment control measures shall be inspected and maintained until disturbed areas are stabilized; • Disturbed ground surfaces near the creek bank shall be revegetated and monitored for future erosion; • To ensure that stockpiled granular material does not enter the creek or storm drains, the material shall be covered with a tarp and surrounded with sand bags when rain is forecast; • At the end of each working day roadways shall be cleaned and swept, and scrap, debris, and waste material shall be collected and disposed of properly; • Vehicle or equipment cleaning shall be performed with water only, and in a 	<p>reduce erosion and prevent sediment or other potential pollutants into Pinacate Rock Creek.</p>		

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>designated, bermed area that shall not allow rinse water to run off-site or into the creek;</p> <ul style="list-style-type: none"> • Maintenance and fueling of construction vehicles and equipment shall be performed in a designated, bermed area or over a drip pan that shall not allow run-on of stormwater or runoff of spills; and • Discharges to Pinacate Rock Creek shall be reported to the County immediately upon discovery and a written discharge notification must be submitted to the Regional Water Quality Control Board within seven (7) days of such a discharge. 			
VII. GREENHOUSE GAS EMISSIONS			
<p>Mitigation Measure GHG-1: To the extent feasible and to the satisfaction of the County of San Benito and Caltrans, the following measures shall be incorporated into the design, demolition, and construction of the proposed Project:</p> <ul style="list-style-type: none"> • On-site idling of construction equipment shall be minimized (no more than 5 minutes maximum); • Biodiesel shall be used as an alternative fuel to diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within 5 miles of the Project site; • At least 10 percent of the building material shall be local to the extent feasible; and, • At least 50 percent of construction waste or demolition materials shall be recycled. 	Implementation of measures to reduce greenhouse gas emissions during construction activities.	During construction activities.	San Benito County and Construction Contractor.
VIII. HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure HAZ-1: The construction contractor shall prepare a Spill Prevention and Countermeasure Plan (SPCP) prior to the commencement of construction activities. The SPCP shall include information on the nature of all hazardous materials that will be used on-site. The SPCP shall also include information regarding proper handling of hazardous materials and clean-up</p>	Preparation and submission to San Joaquin County of a Spill Prevention and Countermeasure Plan (SPCP).	Prior to commencement of construction activities.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCP.			
Mitigation Measure HAZ-2: Traffic Stripes – Yellow thermoplastic and/or paint striping shall be removed as an independent action and the waste generated during striping removal shall be sampled, if necessary, handled, and disposed of as a hazardous waste. Processes and requirements for removal or grinding of traffic striping shall be conducted in compliance with current Caltrans Standard Special Provisions (SSPs).	Yellow thermoplastic and/or paint striping removal.	During construction activities.	San Benito County.
Mitigation Measure HAZ-3: The contractor shall prepare a Fire Safety Plan prior to the commencement of construction. The Fire Safety Plan shall include best management practices (BMPs) to reduce the risk of starting a wildland fire during the construction period. BMPs that may be implemented, include, but are not limited to: <ul style="list-style-type: none"> • The use of spark arrestors on construction equipment; • Working in an area cleared of vegetation (working in an area with defensible space); • Prohibiting smoking except in designated areas on the Project site; and, • Educating construction workers on emergency escape routes from the Project site in the event a conflagration commences. 	Preparation and submission of a Fire Safety Plan. Implementation of Fire Safety Plan BMPs.	Prior to and during construction activities.	San Benito County and Construction Contractor.
IX. HYDROLOGY AND WATER QUALITY			
Mitigation Measure HYDRO-1: The County of San Benito shall prepare and implement construction site temporary BMPs in compliance with the provisions of the Caltrans Statewide NPDES Permit and any subsequent permit pertaining to construction of the proposed Project. The County shall submit a Notice of Construction (NOC) to the Central Coast Regional Water Quality Control Board at least 30 days prior to the commencement of construction and shall submit a Notice of Termination (NOT) to the CCRWQCB upon completion of the Project. The temporary BMPs shall be installed prior to commencement of any construction activities and shall be in place for the duration of the construction period. The	Prepare and implement BMPs in compliance with Caltrans' Statewide NPDES Permit. Submit NOC and NCC to CVRWQCB.	Prior to, during, and subsequent to construction.	San Benito County.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
removal of the BMPs along with the Project site cleanup shall be the final operation.			
Mitigation Measure HYDRO-2: The County of San Benito shall incorporate Design Pollution Prevention (DPP) and Treatment Control BMPs into the Project design in accordance with the procedures outlined in the Stormwater Quality Handbooks' Project Planning and Design Guide (July 2010). The County shall coordinate with the CCRWQCB with respect to the feasibility, maintenance, and monitoring of Treatment Control BMPs as set forth in Caltrans' Statewide Stormwater Management Plan (SWMP).	Incorporate DPP and Treatment Control BMPs into Project design. Coordinate with CVRWQCB.	Prior to and during construction.	San Joaquin County.
Mitigation Measure HYDRO-3: The provision of the General Waste Discharge requirements for discharges to surface waters that pose an insignificant (de minimus) threat to water quality, Order No. R8-2003-0061 NPDES No. CAG99800, as they relate to construction activities shall be followed for the Project during dewatering activities. A Notice of Intent (NOI) shall be submitted to the CCRWQCB at least three months prior to the start of dewatering. The County of San Benito shall comply with all applicable provisions in the de minimus permit including water sampling, analysis, and reporting of dewatering-related discharges.	General Waste Discharge for discharges to surface waters be implemented as relating to construction activities if dewatering activities are required.	Prior to and during construction.	San Joaquin County.
Mitigation Measure HYDRO-4: Construction documents for the proposed Project shall be submitted and approved by the County of San Benito and Caltrans. The construction documents shall contain BMPs describing strict excavation and bridge abutment removal techniques and guidelines so as to not damage or alter the natural flowline of Pinacate Rock Creek and its tributaries.	Construction documents submittal to ensure Pinacate Rock Creek is not damaged or its natural flowline altered.	Prior to and during construction.	San Benito County.
XII. NOISE			
Mitigation Measure NOISE-1: During construction activities on the Project site the construction foreman shall implement the following measures to reduce noise level exposure that would occur at the residential units to the northeast: <ul style="list-style-type: none"> the construction contractor shall comply with all local sound control noise level rules, regulations, and ordinances that apply to any work performed; each internal combustion engine, used for any purpose on the Project site, shall be equipped with a muffler of a type recommended by the 	Noise level reduction strategies during Project construction to be in compliance with the Noise Ordinance of neighboring Stanislaus County.	Prior to and during construction activities.	San Benito County and Construction Contractor.

Mitigation Measures	Specific Action	Mitigation Milestone	Responsible Monitoring Party
<p>manufacturer. No internal combustion engine shall be operated without a muffler during Project construction activities;</p> <ul style="list-style-type: none"> • between the hours of 7:00 AM and 7:00 PM, the noise level from the construction areas on the Project site shall not exceed 86.0 dB(A) at a distance of 50-feet. Work shall not occur on Sundays or federal holidays, unless specifically permitted by contract and the County of San Benito. • the use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of the construction personnel on-site during construction activities, and; • as directed by the County, the construction contractor shall implement appropriate additional noise mitigation measures, as required, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction activities that would produce louder than expected noise levels, and installing acoustic barriers (walls or curtains) around stationary construction equipment noise sources. 			

The appendices to the Initial Study-Mitigated Negative Declaration are not included in the agenda packet, due to their voluminous size. The complete Initial Study-Mitigated Negative Declaration, together with all of its appendices, is lodged with the Clerk of the Board of Supervisors and with the San Benito County Resource Management Agency. It is available for review during regular business hours (8:00-5:00 Monday through Friday) at the County Administrative Office, located at 481 Fourth Street, Hollister, California, and the Resource Management Agency, located at 2301 Technology Parkway, Hollister, California. It is also available on-line at www.cosb.us



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 14.

MEETING DATE: 4/11/2017

DEPARTMENT: SHERIFF'S DEPARTMENT

DEPT HEAD/DIRECTOR: Sheriff Darren Thompson

AGENDA ITEM PREPARER: Captain Tony Lamonica

SBC DEPT FILE NUMBER: 110

SUBJECT:

SHERIFF'S OFFICE - D. THOMPSON

Accept all bids received for the Sheriff's Office Radio System Upgrades project, award contract in the amount of \$48,594.95 to Metro Mobile as the lowest responsive, responsible bidder, approve the contract with Metro Mobile, authorize the Sheriff to execute the contract upon receipt of signed contract documents as required by the project specifications, and grant the Sheriff change order authority in an amount not to exceed 10% off contract award.

SBC FILE NUMBER: 110

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

On March 14, the Board adopted plans and specifications for the Sheriff's Office Radio System Upgrades project and authorized the advertisement for bids. Bids were due on March 23 and only one bid was received.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

1045.1000.619.252

CURRENT FY COST:

\$50,000.000

STAFF RECOMMENDATION:

It is respectfully recommended that the Board:

1. Accept all bids received for the Sheriff's Office Radio System Upgrades project;
2. Award contract in the amount of \$48,594.95 to Metro Mobile as the lowest responsive, responsible bidder;
3. Approve the contract with Metro Mobile;
4. Authorize the Sheriff to execute the contract upon receipt of signed contract documents as required in the project specifications; and
5. Grant the Sheriff change order authority in an amount not to exceed \$4,859.50 (10% of contract award).

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Contract with Metro Mobile	4/4/2017	Contract
Metro Mobile Bid	4/3/2017	Backup Material

COUNTY OF SAN BENITO



STATE OF CALIFORNIA

THIS CONTRACT, made and entered into this 11th day of April, 2017, between the County of San Benito, a political subdivision of the State of California, hereinafter referred to as County, and Metro Mobile Communications, hereinafter referred to as Contractor.

WHEREAS, the County of San Benito heretofore caused plans and specifications for the work hereinafter mentioned to be prepared, and thereafter did approve and adopt said plans and specifications; and

WHEREAS, the County of San Benito did cause to be noticed for the time and in the manner required by law a Notice inviting sealed bids for the performance of said work; and

WHEREAS, the Contractor, in response to such Notice, submitted to the Board of Supervisors of said County of San Benito within the time specified in said Notice, and in the manner provided for therein, a sealed bid for the performance of the work specified in said plans and specifications, which said bid and proposal, and the other bids and proposals submitted in response to said Notice, the County of San Benito publicly opened and canvassed in the manner provided by law; and

WHEREAS, the Contractor was the lowest responsive, responsible bidder for the performance of said work, and the County of San Benito, as a result of the canvass of said bids, did determine and declare the Contractor to be the lowest responsive, responsible bidder for the work and awarded to it a contract therefore.

NOW, THEREFORE, in consideration of the above, it is mutually agreed between the parties hereto as follows:

1. The CONTRACTOR will commence and complete the construction of the following public work project:

RADIO SYSTEM UPGRADES – SHERIFF’S DEPARTMENT – PWB-1705

2. The CONTRACTOR shall do all of the work and furnish all of the materials, supplies, tools, equipment, labor, and other services necessary to construct and complete in a good, workmanlike and substantial manner and to the COUNTY’S satisfaction, the project as described in the Invitation for Bids package, including all of the CONTRACT DOCUMENTS.

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within 10 calendar days after the date of the Notice To Proceed and will complete the same within 120 calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the work described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of forty-eight thousand, five hundred, ninety-four dollars and ninety-five cents (\$48,594.95).
5. The term "CONTRACT DOCUMENTS" means and includes the following, all of which documents are incorporated herein by reference:
 - a. INVITATION FOR BIDS "THE BID PACKAGE" INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (1) INVITATION FOR BIDS
 - (2) INSTRUCTIONS FOR SUBMITTING BIDS
 - (3) GENERAL TERMS AND CONDITIONS
 - (4) AWARD OF BID
 - (5) SPECIFICATIONS AND REQUIREMENTS
 - (6) ADDENDA:
No. ____, dated ____, 20 ____. No. ____, dated ____, 20 __.
 - b. THE ACCEPTED BID/PROPOSAL INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (1) SIGNATURE SHEET
 - (2) BID COST SHEET
 - (3) REFERENCE LIST
 - (4) SUBCONTRACTOR LIST
 - (5) NON-COLLUSION DECLARATION
 - c. NOTICE OF AWARD
 - d. CONTRACT, SIGNED BY THE COUNTY AND THE CONTRACTOR
 - e. PERFORMANCE BOND
 - f. PAYMENT BOND
 - g. NOTICE TO PROCEED
 - h. FUTURE CHANGE ORDERS

All CONTRACT DOCUMENTS are intended to cooperate, so that any work called for in one and not mentioned in another is to be executed the same as if mentioned in all. However, should there be any conflict between the terms of this instrument and the CONTRACTOR'S bid or proposal, then this instrument shall control. Where the specific terms and conditions in any of the referenced CONTRACT DOCUMENTS conflict with general terms and conditions in any referenced CONTRACT DOCUMENTS, the more specific terms and

conditions shall be deemed to control. However, the general terms and conditions in any referenced CONTRACT DOCUMENTS shall remain in full force and effect, to the extent they do not conflict with the specific terms and conditions in any referenced CONTRACT DOCUMENTS.

6. The COUNTY will pay to the CONTRACTOR in the manner and at such times set forth in the CONTRACT DOCUMENTS such amounts as required by the CONTRACT DOCUMENTS.
7. In lieu of the COUNTY retaining a portion of progress payments due the CONTRACTOR, the CONTRACTOR may elect to deposit qualifying securities equivalent to the amount to be withheld. Upon such deposit under an escrow agreement substantially in the form specified in section 22300(e) of the Public Contracts Code, the funds shall be released.
8. Eight hours of labor shall constitute a legal day's work, and the CONTRACTOR or any subcontractor under him/her, in the performance of the contract, shall not require more than eight hours of labor in any calendar day, or more than forty hours of labor in any calendar week, from any person employed by the CONTRACTOR in the performance of the work under this Contract, except as permitted under the provisions of Section 1815 of the Labor Code of the State of California. The CONTRACTOR shall forfeit, as penalty to the County, twenty-five dollars (\$25.00) for each worker employed by the CONTRACTOR or any subcontractor under the CONTRACTOR in the performance of the contract for each calendar day during which any worker is required or permitted to labor more than eight hours and for each calendar week during which any worker is required or permitted to labor more than forty hours, in violation of the provisions of such Labor Code.
9. The Contractor and subcontractors shall comply with the requirements of Labor Code sections 1777.5 and 1777.6 in the employment of apprentices. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations ex officio the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.
10. Pursuant to Section 1770 et seq. of the California Labor Code, the CONTRACTOR shall pay not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations. The statement of prevailing wages appearing in the General Prevailing Wage Rates, as established by the California Department of Industrial Relations, is hereby specifically referred to and by this reference is made a part of this contract. Copies of the Prevailing Wage Scale are available at the following website: http://www.dir.ca.gov/DLSR/statistics_research.html#PWD. Those copies shall be made available to any interested party upon request. Failure to pay such prevailing wages shall subject the employer to the penalties set forth in Labor Code section 1775. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which the worker was paid less than the prevailing wage rate shall be paid to each worker by the CONTRACTOR or subcontractor. An error on the part of the COUNTY does not relieve the CONTRACTOR or any subcontractor from responsibility for payment of the prevailing rate of per diem wages and penalties pursuant to Labor Code sections 1770 through 1775.

11. The CONTRACTOR and each subcontractor must keep accurate payroll records of employees on public contracts and certify these records upon request, pursuant to Section 1776 of the California Labor Code and implementing regulations set forth in Title 8, Division 1, Chapter 8, Subchapter 3, sections 16000 and 16400 through 16404 of the California Code of Regulations. Payroll records must be made available for inspection by employees, the County, the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards. The CONTRACTOR shall be responsible for compliance by the CONTRACTOR'S subcontractors.
12. The CONTRACTOR shall be subject to the examination and audit of the State auditor, at the request of the County or as part of any audit of the County, for a period of three (3) years after final payment under the contract.
13. During the performance of this Contract, the CONTRACTOR agrees as follows:
 - a. During the performance of this Contract, the CONTRACTOR and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability, medical condition (cancer related), marital status, pregnancy, age (over 18), sex, sexual orientation, veteran's status or any other non-merit factor unrelated to job duties. The CONTRACTOR and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - b. The CONTRACTOR shall, in all solicitations or advertisements for employees by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, pregnancy, sex, sexual orientation, age (over 18), veteran status, or any other non-merit factor unrelated to job duties.
 - c. The CONTRACTOR shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Contract.
14. The CONTRACTOR offers and agrees to assign to the COUNTY all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this CONTRACT. This assignment shall be made and become effective at the time the COUNTY tenders final payment to the CONTRACTOR, without further acknowledgment by the parties.
15. This CONTRACT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
16. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said

CONTRACTOR, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said bid or proposal conflicting herewith.

17. The following individuals are the parties CONTRACT Administrators:

COUNTY'S Contract Administrator:

Name: Darren Thompson
Title: Sheriff
Address: 2301 Technology Pkwy.
Hollister, CA 95023
Phone: 831-636-4080
Fax: 831-636-1416
E-mail: dthompson@cosb.us

CONTRACTOR'S Contract Administrator:

Name: John Singer
Title: President
Address: 1140 Old County Rd.
Belmont, CA 94002
Phone: 650-367-1992
Fax: 650-832-1943
E-mail: singer@metromobile.com

This CONTRACT shall not be effective unless and until approved by a duly authorized representative of County of San Benito and approved as to legal form by the San Benito County Counsel or designee.

IN WITNESS WHEREOF, County of San Benito and the Contractor have caused this Agreement to be signed as of the day and year first above written.

COUNTY OF SAN BENITO

Darren Thompson, Sheriff

Date _____

CONTRACTOR (FIRM)

John Singer, President

Date _____

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

Date April 3, 2017



March 21, 2017

County of San Benito
Resource Management Agency, Public Works Division
Attn: Adam Goldstone
2301 Technology Parkway
Hollister CA 95023

Re: IFB No. PWB-1705

Dear Mr. Goldstone:

Please find enclosed our response to your IFB No. PWB-1705, for your consideration.

We became aware of the posting of this IFB to your website only late Thursday afternoon, 3-16-17, giving us only four days to review the documents, prepare our submission, and mail our bid package in time to meet your required deadline.

Given this, we have not been able to complete the bid bond application process in time to submit the requested bid bond with our enclosed response. It has been a long time since we have been required to provide surety bonds for a project of this type and size. If we are awarded this project, we will be more than happy to comply with your surety bond requirements. We have included a \$1,500.00 Project Management and Administrative Expense fee to cover the anticipated cost of the bonds. In the event you waive this requirement, we will remove the \$1,500.00 fee.

My records indicate the current sales tax rate for Hollister CA is 8.25%, and taxable items in my proposal have been taxed at 8.25%. If I am incorrect on this, please let me know and I will adjust the quotation.

Your IFB indicates that a number of factors will be considered in determining the most responsive bid. I wanted to make two points regarding this.

1. Within the past year we were contacted by County of San Benito Sheriff's Office regarding problems with their existing radio communications system. We were able to make recommendations, then incorporate these recommended repairs and upgrades, and the result is that the radio system performance has dramatically improved.
2. Subsequently, at the request of your Sheriff's Office, we have expended a significant amount of time and resources to research the engineering and regulatory aspects of this project and to develop a very specific plan for its implementation. You have chosen to use both our precise equipment list and verbatim action plan in this IFB in order to solicit competitive bids.

We have proven to be a trusted and valuable supplier of professional goods and services to San Benito County and its citizens. And we have dealt with San Benito County at all times in extreme good faith.



**Metro Mobile
Communications**

Metro Mobile Communications

Wireless Solutions for Business and Government

**1140 Old County Road, Suite A
Belmont, CA 94002**

Please contact me with any question you may have, or if we may be of service to you in any way. We look forward to working with you in the near future should you choose to favor us with your business.

Best Regards,

John Singer
President
Metro Mobile Communications



Metro Mobile Communications

1140 Old County Road, Suite A
Belmont, CA 94002-3919

phone 650-367-1992 | 800-383-2929
fax 650-832-1943

Sales Order # 38853

This quote valid for 30 days.

Quote Date: 3/17/2017

Sched Ship Date: 6-10 weeks

Bill To:

SAN BENITO COUNTY SHERIFF'S OFFICE
ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
HOLLISTER, CA 95023

Ship To:

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
		IFB No. PWB-1705		
1	EQUIPMENT	Telewave M108-150-1TP-M60 1 Channel TX Combiner	3,432.00	3,432.00T
1	OTHER	TWCH-2 2 Channel Phasing Harness	279.00	279.00T
1	OTHER	TPRC-1508-1 Single Pass/Reject Cavity	527.00	527.00T
1	OTHER	TWPC-1508-2 Dual Pass Cavity	1,107.00	1,107.00T
2	OTHER	TW2 Critical Length Cable	69.00	138.00T
1	EQUIPMENT	TW150-2HRB1M 2 Channel Hybrid Combiner	6,403.00	6,403.00T
1	OTHER	TWPC-1504-1C 4" Single Square Pass Cavity	414.00	414.00T
2	OTHER	TPCP-1543C VHF Pass Preselector	1,357.00	2,714.00T
7	OTHER	TW2 Critical Length Cable	65.00	455.00T
1	OTHER	TLA3-PS150 Panel Mounted Preamplifier	1,736.00	1,736.00T
1	OTHER	TW4-150 4-Way Junction	334.00	334.00T
1	OTHER	7864 Junction Bracket	26.00	26.00T
1	OTHER	TWX150-NF Crystal Filter	1,672.00	1,672.00T
3	OTHER	PNL061 Blank Rack Panel	22.00	66.00T
1	ANTENNA	ANT-150F2 Collinear Antenna	895.00	895.00T
1	ANTENNA	ANT150D VHF Dipole Antenna	418.00	418.00T
1	ANTENNA	ANT450D UHF Dipole Antenna	329.00	329.00T
1	OTHER	21' Mast, 2.375"OD, Schedule 80 Galvanized with Threaded Caps(2)	235.00	235.00T
2	OTHER	BB-S10-10 Clamp Set	109.00	218.00T
1	OTHER	UGBKIT-0210-T Outdoor Ground Bus Bar	60.00	60.00T
1	OTHER	UGBKIT-0210 Indoor Ground Bus Bar	55.00	55.00T
2	OTHER	10' Copper Grounding Rod	37.00	74.00T
1	OTHER	204673-2A Cable Entry Port	60.00	60.00T
1	OTHER	SC-400T-6 Rubber Cushion for LMR400	15.00	15.00T
1	OTHER	WSPC4-BLANK Cushion Blank	12.00	12.00T

Subtotal

Sales Tax (8.25%)

Total


MMC Rep Signature

3-17-17
Date

Authorized Purchaser Signature
Page 1

Date
418



Metro Mobile Communications

1140 Old County Road, Suite A
Belmont, CA 94002-3919

phone 650-367-1992 | 800-383-2929
fax 650-832-1943

Sales Order # 38853

This quote valid for 30 days.

Quote Date: 3/17/2017

Sched Ship Date: 6-10 weeks

Bill To:

SAN BENITO COUNTY SHERIFF'S OFFICE
ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
HOLLISTER, CA 95023

Ship To:

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
2	OTHER	294573 Boot for Cable Entry	22.00	44.00T
1	OTHER	IS-50BLN-CO Polyphasor Impulse Arrestor	73.00	73.00T
1	OTHER	LMR400 Cable-150'	300.00	300.00T
12	OTHER	RF Connector	12.00	144.00T
3	OTHER	Chatsworth Equipment Rack	125.00	375.00T
1	MISC HARDW...	Miscellaneous Hardware	250.00	250.00T
1	SERVICE	Labor: Procure, deliver, and install 3, 19" Chatsworth Products, open frame aluminum equipment racks. Drill and bolt racks to concrete floor in new radio room. Rent outdoor scissor lift to get 2 persons to roof level of building. Rent concrete coring drill, drill 2x 4" holes through concrete wall. Install cable entry plate, drill and bolt to wall, covering 2 new 4" holes. Bolt to wall 4, heavy duty clamp sets to mount 21 foot schedule 80 2.375" diameter pipe to concrete wall. 15 feet above wall, 6 feet beside wall to attach to clamps. Install vertical antenna on top of mast, "master receive antenna" Install UHF single folded dipole antenna to center of mast that extends above roof. Install VHF single folded dipole, master TX antenna to lower section of mast, just above roof line.	20,000.00	20,000.00

Subtotal

Sales Tax (8.25%)

Total


MMC Rep Signature

3. 17.17
Date

Authorized Purchaser Signature
Page 2

Date
419



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ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
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Ship To:

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

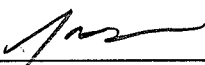
Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
1	LICENSE FEE	<p>Raise, align, tighten, secure mast and associated cabling. Mount cable management hangars to wall. Feed cables into building, install entry port boots and inserts.</p> <p>Bolt outdoor ground bus to wall just below entry port. Attach ground kits from main mast and 3 coax cables to ground bus. Drive in 3/4" x 10 foot ground rod directly below cable entry. Connect master ground from bus to ground rod. Not cad-welded, clamp only.</p> <p>Install indoor ground bus to wall. Drill and mount 3x Polyphasor to bus. Drill hole in floor directly below ground bus. Drive 3/4" x 10 foot ground rod, 6" above indoor grade. Connect by clamp connection indoor ground bus to indoor ground rod.</p> <p>Terminate 3 LMR400 coaxial cables to Polyphasor. Build 3 custom length cables from Polyphasor to 3 radio transceivers. FCC License Fee: Relocate to New Control Point Address: 2301 Technology Pkwy, Hollister, CA (831) 902-2459</p> <p>WPVY817: (Sheriff) Admin Update to change control point address to new building; Delete current FX1 located @ Loc 4: (153.875) FX1</p>	1,849.00	1,849.00

Subtotal

Sales Tax (8.25%)

Total



MMC Rep Signature

3-17-17

Date

Authorized Purchaser Signature
Page 3

Date
420



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Belmont, CA 94002-3919

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fax 650-832-1943

Sales Order # 38853

This quote valid for 30 days.

Quote Date: 3/17/2017

Sched Ship Date: 6-10 weeks

Bill To:

SAN BENITO COUNTY SHERIFF'S OFFICE
ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
HOLLISTER, CA 95023

Ship To:

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

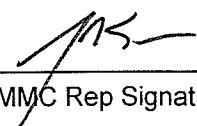
Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
		WPWR746, (Dept of Public Works) Admin Update to change control point address to new building; (156.120) FX1 KUZ854: (Fire Dept) City of Hollister (155.805/153.905) Control Point meeting 20' rule moving to new building; This license is held by City of Hollister; WNGV580 Clemars Mutual Aid Frequency, 154.920, this frequency is licensed under WNGV580 to State of California, with base station located in San Benito County There is no current license being held by San Benito County for this frequency; WPWF625: UHF MED TAC/155.280 Admin Update to change control point address to new building; & change control phone number; KYB973, Cancel---No longer needed--- licensed for 451 Fourth St ...this license is for simplex base station on frequency 156.120; 156.120 is input to Dept of Public Works repeater (input to repeater transmitting on 151.025) KYB975: Cancel-- Duplicate/no longer needed..old site for repeater on 151.025 & simplex base on 151.025 @ 451 Fourth St. Includes all processing and frequency coordination fees where applicable.		
1	SHIPPING	Shipping & Handling	250.00	250.00
1	TRAVEL FEE	Travel Fee for Field Service	250.00	250.00
1	OTHER	Project Management and Administrative Expense	1,500.00	1,500.00
		Project Overview:		

Subtotal

Sales Tax (8.25%)

Total



MMC Rep Signature

3-17-17

Date

Authorized Purchaser Signature
Page 4

Date
421



Metro Mobile Communications

1140 Old County Road, Suite A
Belmont, CA 94002-3919

phone 650-367-1992 | 800-383-2929
fax 650-832-1943

Sales Order # 38853

This quote valid for 30 days.

Quote Date: 3/17/2017

Sched Ship Date: 6-10 weeks

Bill To:

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ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
HOLLISTER, CA 95023

Ship To:

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2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
		<p>After site construction is completed for the antenna system and racks, the following can take place.</p> <p>County IT services will provide all analog tone control circuits from the old location on 4th Street Hollister, to the new location. Note that the Clemars transceiver will not be relocated to Technology Pkwy.</p> <p>The analog tone control circuits that will be transferred to Technology Pkwy. Are: SO Fire Medical DPW</p> <p>These circuits will be terminated to a "punch down" block that is dedicated for radio circuits and located in the new radio room.</p> <p>Using newly acquired replacement system parts (radio repeater, RF power amplifier, power supply, and Telex IP223 tone termination panel), MMC will mock up, configure, and commission a complete redundant control station for the Sheriff's transmitter. This will be transported to and installed into the new radio facility at Technology Pkwy. When the analog tone circuits are available at the new</p>		

Subtotal

Sales Tax (8.25%)

Total



MMC Rep Signature

3-17-17

Date

Authorized Purchaser Signature
Page 5

Date
422



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2301 TECHNOLOGY PKWY
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RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
		<p>location, at a predetermined time, the old system (SO only) will be powered down at the 4th Street location. The new transmitter will be immediately activated at the new (Technology) location and tested with actual on air calls.</p> <p>If this is completely successful, the newly commissioned SO transmitter will be left in operation. The decommissioned SO transmitter from 4th Street will be taken back to Metro Mobile for modifications to operate as a Fire Dept. control station. Following completion of modifications, it will be taken to Technology to operate as a hot swap for the similar seamless transition of the Fire Department system from 4th Street to Technology.</p> <p>The Public Works radio transmitter will be next to be hot swapped with the reconfigured Fire Department hardware.</p> <p>There is no spare or redundant equipment for the Medical transmitter that we know of. This needs to be confirmed. Unless spare hardware is located, this will result in downtime.</p> <p>Contact with the IT folks will be required ahead of starting on this project.</p> <p>Several trips may be required to hot swap each VHF radio system (3), and if spare parts can be located, another set of</p>		

Subtotal

Sales Tax (8.25%)

Total



MMC Rep Signature

3-17-17

Date

Authorized Purchaser Signature
Page 6

Date
423



Metro Mobile Communications

1140 Old County Road, Suite A
Belmont, CA 94002-3919

phone 650-367-1992 | 800-383-2929
fax 650-832-1943

Sales Order # 38853

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Sched Ship Date: 6-10 weeks

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ATTN: KELLIE KENNEDY, FISCAL MGR
2301 TECHNOLOGY PKWY
HOLLISTER, CA 95023

Ship To:

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
2301 TECHNOLOGY PKWY
HOLLISTER CA 95023
ATTN: ADAM GOLDSTONE

PO #

Rep: SINGR
Singer@MetroMobile.com

Terms: Net 30

Qty	Item Id	Description	Unit Price	Extended Price
		hardware modifications can be done to hot swap the Medical UHF radio equipment. A trip down there will be needed to extract configuration settings from the Kenwood repeaters and the Telex IP223 control panels. At minimum, a day at MMC will be needed to mock up and configure the first SO hot swap set from spare parts.		

Subtotal \$46,709.00

Sales Tax (8.25%) \$1,885.95

Total \$48,594.95



MMC Rep Signature

3/17/17

Date

Authorized Purchaser Signature
Page 7

Date
424

**ATTACHMENT A
SIGNATURE SHEET**

I/We the undersigned hereby certify that I/We am/are a duly authorized official of the company and have the authority to sign on behalf of the company and assure that all statements made in the bid are true. I/We agree to furnish and deliver the specified items/services at the prices stated herein, and have read, understand, and agree to the terms and conditions contained herein and on all of the attachments.

Name of Individual/Company: METRO MOBILE COMM

Business Address: 1140 OLD COUNTY Rd., BELMONT CA 94002

Telephone No.: 650-367-1992 Fax No.: 650-832-1943

Contractor Tax ID#: 77-00671122*

Contractor's License #: NA Type: _____
(as applicable)

Contractor Does Business As: ☐ Individual ☐ Partnership ☒ Corporation
☐ Government ☐ Fiduciary ☐ Other

Contractor is a: ☒ Resident ☐ Non-Resident of California

1) Is your firm authorized to do business in the State of California? ☒ Yes ☐ No

2) Is your firm a State of California registered small business? ☒ Yes ☐ No

3) Local Business ☐ Yes ☒ No

4) This firm has been in continuous business under the present name for 30 years.

5) Annual sales volume: 2.5 M

6) Net worth of business: \$ 1 M

* A completed W9 Taxpayer form will be required from an awarded vendor not on the County's vendor list.

Signature of Authorized Official: 

Name/Title of Authorized Official: JOHN SINGER

E-Mail: SINGER@METROMOBILE.COM

THIS ATTACHMENT MUST BE COMPLETED AND RETURNED WITH BID

**ATTACHMENT B
BID COST SHEET**

The undersigned offers and agrees to furnish all work, materials, equipment or incidentals which are subject to this IFB at the prices stated, and in conformance with all plans, specifications, requirements, conditions and instructions of County of San Benito Invitation for Bid, IFB No. PWB-1705.

I/We agree that the prices stated herein will be firm for ninety (90) calendar days from the Bid Submittal Deadline.

Item	Qty (Unit)	Description (Model, Manufacturer, Material, etc..)	Unit Price	Tax 8.5%	Total
Materials	1 (L.S.)	SEE ATTACHED	22,860	+ 1,885.95	
Labor	1 (L.S.)	SALES ORDER	20,000		
FCC License Fee	1 (L.S.)	# 38853	1,849		
OTHER	1		2,000		
GRAND TOTAL				\$ 48,594.95	

Total price in words: Forty Eight Thousand Five Hundred Ninety Four Dollars and 95 Cents

Acknowledge receipt of addenda: # _____ Date: _____
_____ Date: _____

A. Brand and Model offered, delivered F.O.B. Destination: SEE ATTACHED

B. Any exception to, or deviation from, specifications, conditions, or requirements as noted in this invitation:
Check One: ☒ None ☐ Detailed Statement Attached

C. Warranty offered: Full explanation of standard parts and labor warranty, and duration (copy of warranty form must be attached).

NONE OFFERED BEYOND STANDARD MANUFACTURERS WARRANTY

D. Statement and full explanation of any optional extended warranties or maintenance agreements available, with costs:

METRO MOBILE COMM - BELMONT CA

E. Name and address of nearest authorized services to San Benito County:

NA

F. Guaranteed maximum response time to non-scheduled service calls will be _____ hours.

- G. Delivery: All equipment will be delivered and fully operational within 120 calendar days after notice of award.
- H. Cash discount offered for prompt payment: 0 %, 30 days
- I. The item offered is composed of 0 % recycled materials. Of this total, 0 % is post-consumer waste.
- J. Complied with all specifications, requirements, terms and conditions of this Proposal?
☒ Yes ☐ No
- K. Is a Solid Waste Diversion Plan needed for these services?
☐ Yes ☐ No ☒ Not Applicable

A "no" answer requires a detailed explanation giving reference to all deviations to be submitted on company letterhead in attachment form. All exceptions must reference the IFB paragraph and section number followed by an explanation

Executed in BELMONT, California, on 3-17, 2012

Signature [Signature] Title PRESIDENT

Print Name JOHN SINGER

Name of Company METRO MOBILE COMM

Address 1140 OLD COUNTY RD City BELMONT Zip 94002

Telephone 650-367-1992 Date 3-17-17

Email Address SINGER@METROMOBILE.COM

I declare under penalty of perjury that I have not been a party with any other bidder to offer a fixed cost in conjunction with this Invitation for Bid.

THIS ATTACHMENT MUST BE COMPLETED AND RETURNED WITH BID

ATTACHMENT C
REFERENCE LIST

1) NAME: SAN BENITO COUNTY
ADDRESS: _____
P.O. Box/Street City State Zip
CONTACT PERSON/TITLE: ANTHONY WEIR
TELEPHONE NUMBER: 831-636-4080 FAX NUMBER: _____
DOLLAR AMOUNT OF CONTRACT: _____
DATE AND SERVICES PROVIDED: _____

2) NAME: SAN JOSE STATE UNIVERSITY
ADDRESS: _____
P.O. Box/Street City State Zip
CONTACT PERSON/TITLE: ~~JAMES~~ JAMES RENELLE
TELEPHONE NUMBER: 408-924-2109 FAX NUMBER: _____
DOLLAR AMOUNT OF CONTRACT: _____
DATE AND SERVICES PROVIDED: _____

3) NAME: SAN MATEO COMMUNITY COLLEGE DIST
ADDRESS: _____
P.O. Box/Street City State Zip
CONTACT PERSON/TITLE: BILL WOODS
TELEPHONE NUMBER: 650-358-6840 FAX NUMBER: _____
DOLLAR AMOUNT OF CONTRACT: _____
DATE AND SERVICES PROVIDED: _____

THIS ATTACHMENT MUST BE COMPLETED AND RETURNED WITH BID

**ATTACHMENT D
SUBCONTRACTOR LIST**

SUBCONTRACTOR NO. 1 - COMPANY NAME: _____
ADDRESS: _____
CONTACT PERSON: _____ **TITLE:** _____
E-MAIL: _____ **TELEPHONE NUMBER:** _____
AMT. OF CONTRACT: _____ **DATE AND TYPE OF SERVICE** _____

SUBCONTRACTOR NO. 2 - COMPANY NAME: _____
ADDRESS: _____
CONTACT PERSON: _____ **TITLE:** _____
E-MAIL: _____ **TELEPHONE NUMBER:** _____
AMT. OF CONTRACT: _____ **DATE AND TYPE OF SERVICE** _____

SUBCONTRACTOR NO. 3 - COMPANY NAME: _____
ADDRESS: _____
CONTACT PERSON: _____ **TITLE:** _____
E-MAIL: _____ **TELEPHONE NUMBER:** _____
AMT. OF CONTRACT: _____ **DATE AND TYPE OF SERVICE** _____

SUBCONTRACTOR NO. 4 - COMPANY NAME: _____
ADDRESS: _____
CONTACT PERSON: _____ **TITLE:** _____
E-MAIL: _____ **TELEPHONE NUMBER:** _____
AMT. OF CONTRACT: _____ **DATE AND TYPE OF SERVICE** _____

SUBCONTRACTOR NO. 5 - COMPANY NAME: _____
ADDRESS: _____
CONTACT PERSON: _____ **TITLE:** _____
E-MAIL: _____ **TELEPHONE NUMBER:** _____
AMT. OF CONTRACT: _____ **DATE AND TYPE OF SERVICE** _____

THIS ATTACHMENT MUST BE COMPLETED AND RETURNED WITH BID

**ATTACHMENT E
NON-COLLUSION DECLARATION**

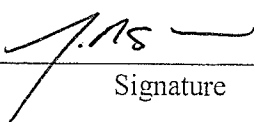
TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID:

I, JOHN SINGER, am the
Name
PRESIDENT of METRO MOBILE,
Position/Title Company Name

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid; and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the County of San Benito or anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his/her or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

3.17.17
Date


Signature

THIS ATTACHMENT MUST BE COMPLETED AND RETURNED WITH BID



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 15.

MEETING DATE: 4/11/2017

DEPARTMENT: SHERIFF'S DEPARTMENT

DEPT HEAD/DIRECTOR: Darren Thompson

AGENDA ITEM PREPARER: Kellie Kennedy

SBC DEPT FILE NUMBER: 110

SUBJECT:

SHERIFF'S OFFICE - D. THOMPSON

Adopt Resolution approving the submission of an application for off-highway grant funds.

SBC FILE NUMBER: 110

RESOLUTION NO: 2017-38

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The California Department of Parks and Recreation, Off-Highway Vehicle Recreation Grant Program, has released its 2016 grant program cycle. The purpose of this grant is to provide financial assistance for development, maintenance, operation, expansion, or support of off-highway vehicle recreation areas, roads, and trails. Applications may be submitted for land acquisition, planning, development, restoration, ground operations, education and safety, and law enforcement.

Staff is preparing the application for the law enforcement grant which involves patrol of off-highway areas within our county. Additionally, the grant will provide funds for replacement and maintenance of off-road equipment. The attached Resolution is a requirement of the grant application process, is in the State provided format, and approves submission of the grant application.

Prior grant awards has allowed the Sheriff's Office to purchase off-road vehicles which were used approximately six times within the past year for search and rescue call-outs. Funds were also used to purchase digital hand-held radios and reprogram repeaters to enable clear radio communication.

Other Agency Involvement: The California Department of Parks and Recreation, OHV Division

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

Adopt Resolution, approving the submission of an application for off-highway grant funds by the Sheriff or designated representative.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description

Resolution

Upload Date Type

3/21/2017

Cover Memo

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS APPROVING)
THE APPLICATION TO APPLY FOR GRANT FUNDS) **Resolution No: _____**
FOR THE STATE OF CALIFORNIA, DEPARTMENT)
OF PARKS AND RECREATION, OFF-HIGHWAY)
VEHICLE GRANT FUNDS)
_____)

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law Enforcement, and Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application to apply for Off-Highway Motor Vehicle Grant Funds; and

WHEREAS, this Project appears on, or is in conformance with this jurisdiction's adopted general or master plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project:

NOW, THEREFORE, BE IT RESOLVED that the San Benito County Board of Supervisors hereby:

1. Approves the filing of an Application for an Off-Highway Vehicle Grant or Cooperative Agreement; and
2. Certifies that this agency understands its legal obligation to the State upon approval of the Grant; and
3. Certifies that this agency understands the California Public Resources Code requirements that Acquisition and Development Projects be maintained to specific conservation standards; and
4. Certifies that this Project will be well-maintained during its useful life; and
5. Certifies that this agency will implement the Project with diligence once funds are available and the Applicant is reviewed, understands, and agrees with the Project Agreement; and
6. Certifies that this agency will provide the required matching funds; and
7. Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and
8. Appoints the County Sheriff or designated representative as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

Approved and Adopted on the 11th day of April 2017. I the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Board of Supervisors, County of San Benito following a roll call vote:

Ayes:	Supervisors:
Noes:	Supervisors:
Absent:	Supervisors:
Abstain:	Supervisors:

Jaime De La Cruz, Chairman
San Benito County Board of Supervisors

ATTEST:
Chase Graves
Clerk of the Board

By: _____

Date: _____

APPROVED AS TO LEGAL FORM:
Matthew Granger, County Counsel

By: Matthew Granger

Date: 3-16-2017



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 16.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Matthew Granger

AGENDA ITEM PREPARER: Barbara Thompson

SBC DEPT FILE NUMBER: 160

SUBJECT:

COUNTY COUNSEL'S OFFICE - M. GRANGER

Receive update from staff and the ad hoc committee regarding the marijuana cultivation ordinance. Discussion of current status of interim urgency ordinance & development of a new marijuana cultivation ordinance, enforcement of existing San Benito County ordinance, and future actions to be taken under existing interim ordinance regarding applications for extended amortization periods. Provide direction to staff.

SBC FILE NUMBER: 160

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Information from the March 28, 2017, Board of Supervisors' meeting is presented below. At that time, this matter was continued to the April 11, 2017 meeting for a further report and recommendation of the Ad Hoc Committee. At the April 11th meeting of the Board of Supervisors, the Board will receive a further report from the Ad Hoc Committee and provide direction to staff.

From March 28, 2017 Board Meeting

Introduction:

Today's board report will address the following issues:

- a. Current status of interim urgency ordinance regarding marijuana cultivation
- b. Current status of development of a new marijuana cultivation ordinance
- c. Summary of effect of annual Federal Budget appropriations
- d. Summary of ability to criminally enforce existing San Benito County ordinance
- e. Receive direction from the Board of Supervisors regarding future actions to be taken under existing ordinance.

A. Current Status of Interim Urgency Ordinance

The current ordinance was adopted September 27, 2016 for a 45 day period of time. It was extended on November 8, 2016 for an additional 10 months, fifteen days. It remains in effect through September 23, 2017. On or before September 23, 2017, by 4/5 vote, the Board may extend the ordinance for an additional 12 months.

B. Current status of development of a new marijuana cultivation ordinance

Below is a high level summary of the Board's actions to date regarding development of a cultivation action.

September 22, 2015 – consideration of proposed cultivation ordinance

The proposed cultivation ordinance would have prohibited outdoor cultivation of marijuana and restricted indoor cultivation to no more than 12 plants on any premises. The ordinance also contains a limited immunity section, with a registration process, to allow a 2 year amortization period for existing cultivation sites. Introduction of the ordinance was made, and the matter continued to October 6, 2015 for adoption.

October 6, 2015

On October 6, 2015, the matter was referred back to the committee for further study.

December 9, 2015

Public Meeting on future marijuana cultivation ordinance held by the Ad Hoc Committee.

October 6, 2015-September 27, 2016:

Continued work on draft cultivation ordinance and draft urgency ordinance.

September 27, 2016:

Approval of 45 day urgency interim ordinance.

November 8, 2016:

Public Hearing to Urgency Interim Ordinance an additional 10 months, 15 days.

January 10, 2017:

Appointment of new ad hoc subcommittee.

Feb. 15, 2017

Approval of contract with consultant Pinnacle Strategy, staffed by Victor Gomez, to help facilitate County developing new cultivation ordinance

February 18, 2017

Presentation by Pinnacle Strategy at Board Retreat.

C. Effect of Annual Federal Budget Appropriations

On August 16, 2016, the 9th Circuit Federal Court of Appeals held in the case *United States of America v. Steve McIntosh, et. al.* 833 F.3d 1163, that the Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, § 542 **prohibits DOJ from spending funds from relevant appropriations acts for the prosecution of individuals who engaged in conduct permitted by the State Medical Marijuana Laws and who fully complied with such laws:**

.. If DOJ wishes to continue these prosecutions, Appellants are entitled to evidentiary hearings to determine whether their conduct was completely authorized by state law, by which we mean that they strictly complied with all relevant conditions imposed by state law on the use, distribution, possession, and cultivation of medical marijuana. . .

The Court further noted that:

“§ 542 does not provide immunity from prosecution for federal marijuana offenses...The federal government can prosecute such offenses for up to five years after they occur. See 18 U.S.C. § 3282. Congress currently restricts the government from spending certain funds to prosecute certain individuals. But Congress could restore funding tomorrow, a year from now, or four years from now, and the government could then prosecute individuals who committed offenses while the government lacked funding. Moreover, a new president will be elected soon, and a new administration could shift enforcement priorities to place greater emphasis on prosecuting marijuana offenses. Nor does any state law "legalize" possession, distribution, or manufacture of marijuana. Under the *Supremacy Clause of the Constitution*, state laws cannot permit what federal law prohibits. *U.S. Const. art VI, cl. 2*. Thus, while the CSA remains in effect, states cannot actually authorize the manufacture, distribution, or possession of marijuana. Such activity remains prohibited by federal law.

In short, to the extent that the congress continues to put similar language in each annual budget appropriation, the DOJ will continue to be restricted from spending money to prosecute cultivators' whose conduct is completely authorized by state law. Potentially there may be more enforcement of recreational marijuana in the future under President Trump; however, whether this is true and to what degree enforcement could occur is unknown at the present time.

D. Summary of ability to criminally enforce existing San Benito County ordinance

The enforcement section of the County's current ordinance states:

11.15. 090 - ENFORCEMENT

(A) *Violation; criminal penalties.* The County may enforce this ordinance through all lawful provisions set forth in State Law and the San Benito County Code, including but not limited to the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Ordinance or requiring compliance with other terms. Additionally, failure to abate a notice of violation may also be enforceable criminally, to the extent allowed by the County Code and State law. **However, notwithstanding the foregoing, violation of this Ordinance does not**

constitute a misdemeanor or infraction.

(B) *Violation; public nuisance.* Any violation of this chapter is unlawful and a public nuisance and shall be abated, eliminated and enjoined as provided in Chapter 1.03 of this code, and/or as may be allowed by State Law.

(C) *Administrative citation.* Any person violating any provisions of this article may be issued an administrative citation as set forth in Chapter 1.04 of this Code, except that notwithstanding Section 1.04.005, any nuisance as described in this chapter may be subject to an administrative penalty of up to one thousand dollars per day. The administrative penalty may be imposed via the administrative process set forth in Chapter 1.04, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

(D) *Remedies; cumulative.* Except as otherwise provided by law, the remedies for violation(s) of this Chapter shall be cumulative and not exclusive. Nothing in this chapter is intended or shall be deemed or construed to limit or impair the ability of the county, or any of its officers, agents or employees, to take any administrative or judicial action, otherwise authorized by law, to abate any public nuisance.

It is noted that the provisions of subdivision (A) was similar to the San Luis Obispo County ordinance:

... by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Ordinance or requiring compliance with other terms. **Notwithstanding the foregoing, violation of this Ordinance does not constitute a misdemeanor or infraction.**

Both ordinances were drafted as a result of the 2015 California Court of Appeals' ruling:

We conclude the CUCSA and the MMP's prohibition of arrests manifest the Legislature's intent to fully occupy the area of criminalization and decriminalization of activity directly related to marijuana. As a result, the criminalization provision in County Code section 10.60.080, subdivision A is "in conflict with" and thus preempted by the CUCSA and subdivision (e) of section 11362.71. (Cal. Const., art. XI, § 7.) Alternatively, the criminalization provision is void because it is not "consistent with" the MMP as required by subdivision (c) of section 11362.83. Consequently, Kirby has stated a cause of action for the preemption of the part of County Code section 10.60.080, subdivision A that provides a person violating the ordinance is "guilty of a misdemeanor and subject to the penalties as set forth in chapter 1.12."

As to the scope of this cause of action, we conclude it does not provide a basis for invalidating the entire ordinance because the ordinance's severability provision expresses the intent that the invalidity of any part shall not affect the validity of any other part of the ordinance. (County Code, § 10.60.090.) Thus, the **only provision subject to invalidation under this legal theory is the provision classifying violations of the ordinance as misdemeanors.** (Cf. Kelly, supra, 47 Cal.4th at pp. 1048–1049 [§ 11362.77 invalidated only to the extent of its unconstitutional application; lower court erred in voiding § 11362.77 in its entirety].) **To further explain the scope of the cause of action stated by Kirby, we**

note the possibility that failing to abate a public nuisance involving the cultivation of medical marijuana might be prosecuted as a misdemeanor. This indirect criminal sanction is not preempted because the failure to abate a public nuisance after notice is recognized as a separate crime by the Legislature. (See Pen. Code, § 373a [person who allows a public nuisance to exist on his or her property after reasonable notice in writing is guilty of a misdemeanor]; see also Health & Saf. Code, § 11362.83, subd. (b).)

Kirby v. County of Fresno, 242 Cal. App. 4th 940 (Cal. App. 5th Dist. 2015)

However, in the future it will be necessary reevaluate the potential of criminal prosecution of violations of the County's permanent marijuana ordinance due to evolving case and statutory law. It is noted that the ban in *Kirby* was an *absolute* ban on marijuana cultivation and was deemed to conflict with state law.

E. Receive Information from Ad Hoc Committee and Provide Direction to Staff

The Ad Hoc Committee will present to the Board recommendations. Issues that may be addressed include, but are not limited to: future meetings of the Ad Hoc Committee and/or whether hearings should be scheduled regarding the applications that have been received for an extended amortization period.

The current interim ordinance cannot be enforced against any cultivator who has filed a request for amortization until that request has been resolved

“The County shall not take any action to enforce this Ordinance against any owner or operator of an existing facility if an application for an Extended Amortization Period has been filed in compliance with this Section and the application has not expired, or final action to deny the application has not occurred.”

(Section 11.15. 120, subdivision E).

The Board is required to hold at least one noticed public hearing on the application. At that time, the Board shall approve, conditionally approve or deny the request. Notice of the hearing must be published in a newspaper of general circulation and mailed to all persons and entities within 300 feet of the property. The hearing shall be held within 180 days of the determination that the application is complete. For good cause, the Board of Supervisors may delay the holding of the hearing for an additional 180 days.

At this time, the Board may determine to set the hearings, or direct staff to provide notice to the applicants that this matter will be scheduled before the Board of Supervisors to determine whether to extend the hearings for an additional 180 days due to the development of a new cultivation ordinance.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

1. Provide staff direction as to whether to set formal hearings on the amortization requests, or whether to schedule this matter before the Board of Supervisors to determine whether good cause exists to extend those hearings by an additional 180 days due to the fact that the County of San Benito is currently devising a revised cultivation ordinance, and direct staff to provide notice to the applicants of the same.
2. Provide other direction to staff.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 17.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY ADMINISTRATION OFFICE

DEPT HEAD/DIRECTOR: Ray Espinosa

AGENDA ITEM PREPARER: Chase Graves

SBC DEPT FILE NUMBER: 119

SUBJECT:

COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Receive presentation from Shawn Tennenbaum, Director of Human Resources for San Benito High School District, on a possible partnership between the County of San Benito and San Benito High to build a new aquatic facility.

SBC FILE NUMBER: 119

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Facilities Presentation SBHSD	3/29/2017	Presentation

SAN BENITO HIGH SCHOOL FACILITIES PLANNING

March 28th, 2017





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North of Nash Road Summer Mod 2017

- Finish Upgrades at 100's and 200's Wing, excluding 180's, 190's and Science Rooms
- Exterior ADA upgrades
- Restroom upgrades
- Staff Lounge and Restrooms in Building 250
- Automating rear entrance to Administration Building
- PA throughout the whole campus

LEGEND

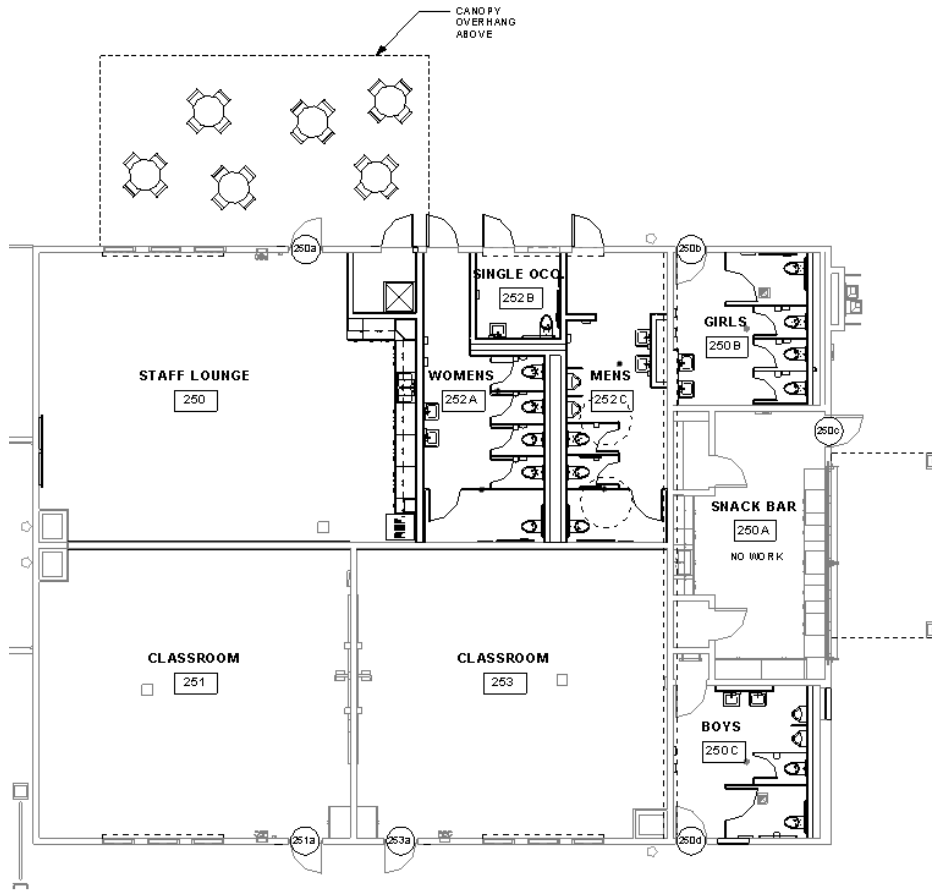
-  Interior Classroom Modernization
-  Exterior Site Modernization

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2017 SUMMER PROJECTS

444





Staff Lounge

- Kitchenette
- TV
- Upgraded Finishes
- New Restrooms
- Exterior Courtyard



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2017 SUMMER PROJECTS

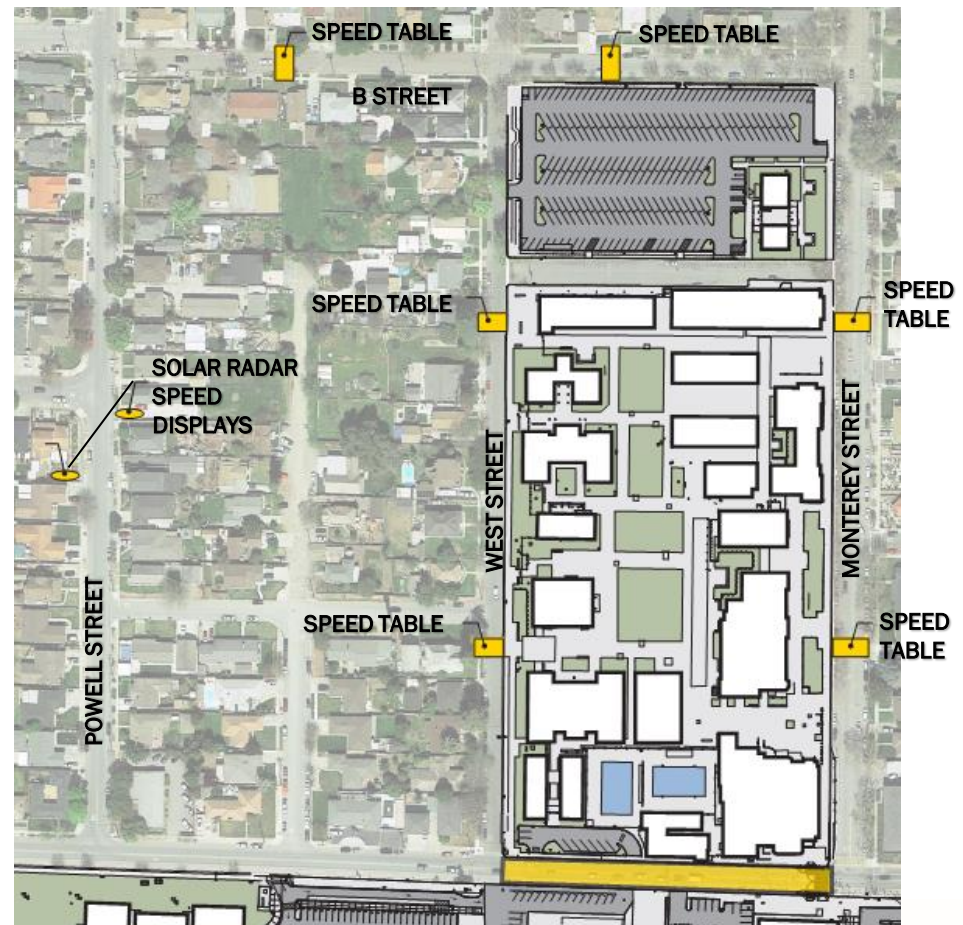


Nash Road

- Traffic Calming Measures
- Gate at intersections of Nash at West and Monterey



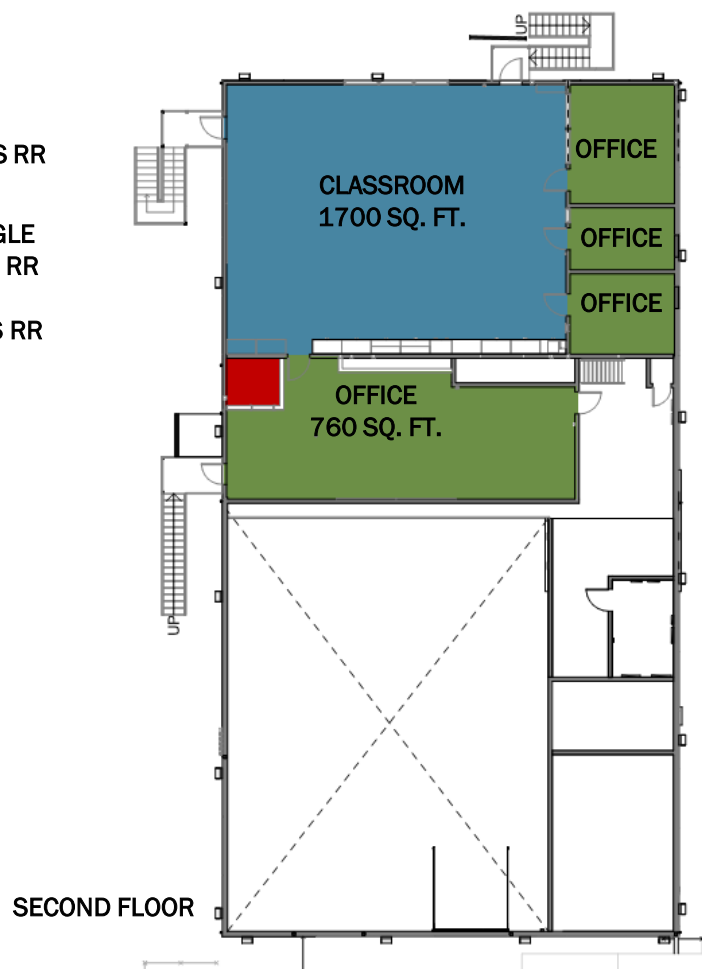
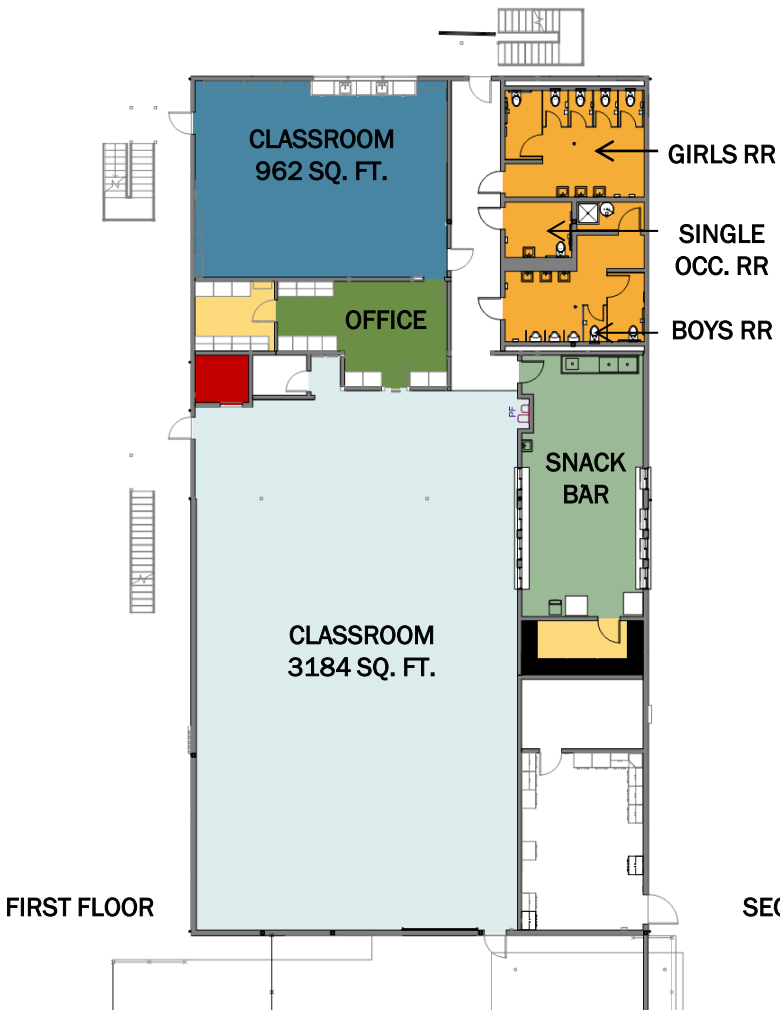
Proposed gate at intersection of Nash and Monterey



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UPCOMING PROJECT



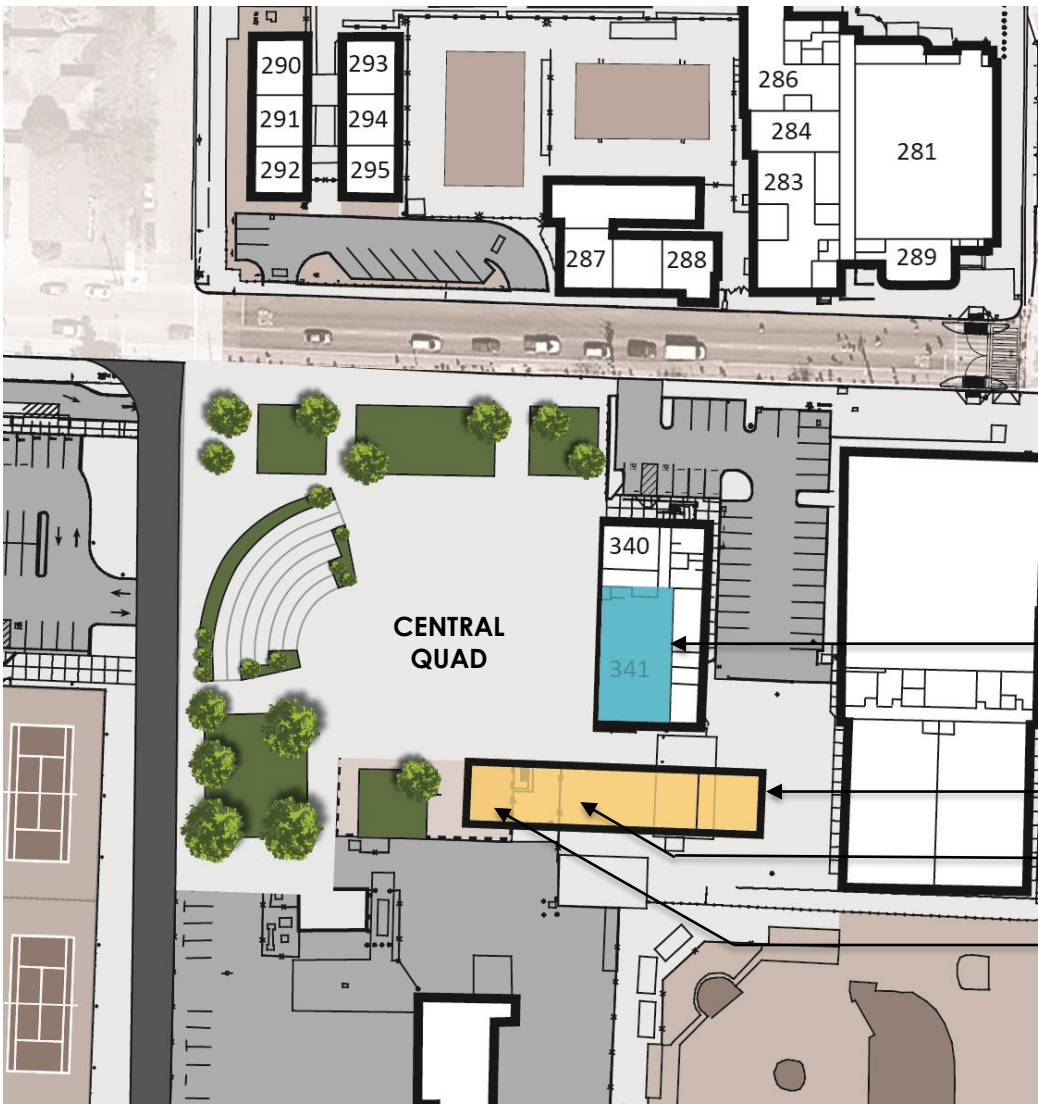


- New Restrooms
- New Snack Bar
- Upgrades to Interior Finishes
- Code-Mandated Structural Upgrades

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AG TO STUDENT UNION CONVERSION





- ASB with offices
- Main Kitchen and Serving Area
- Restrooms
- Central Quad
- Athletic Department

STUDENT
UNION
(3,200 SF)

ATHLETIC OFFICES
(2,200 SF)

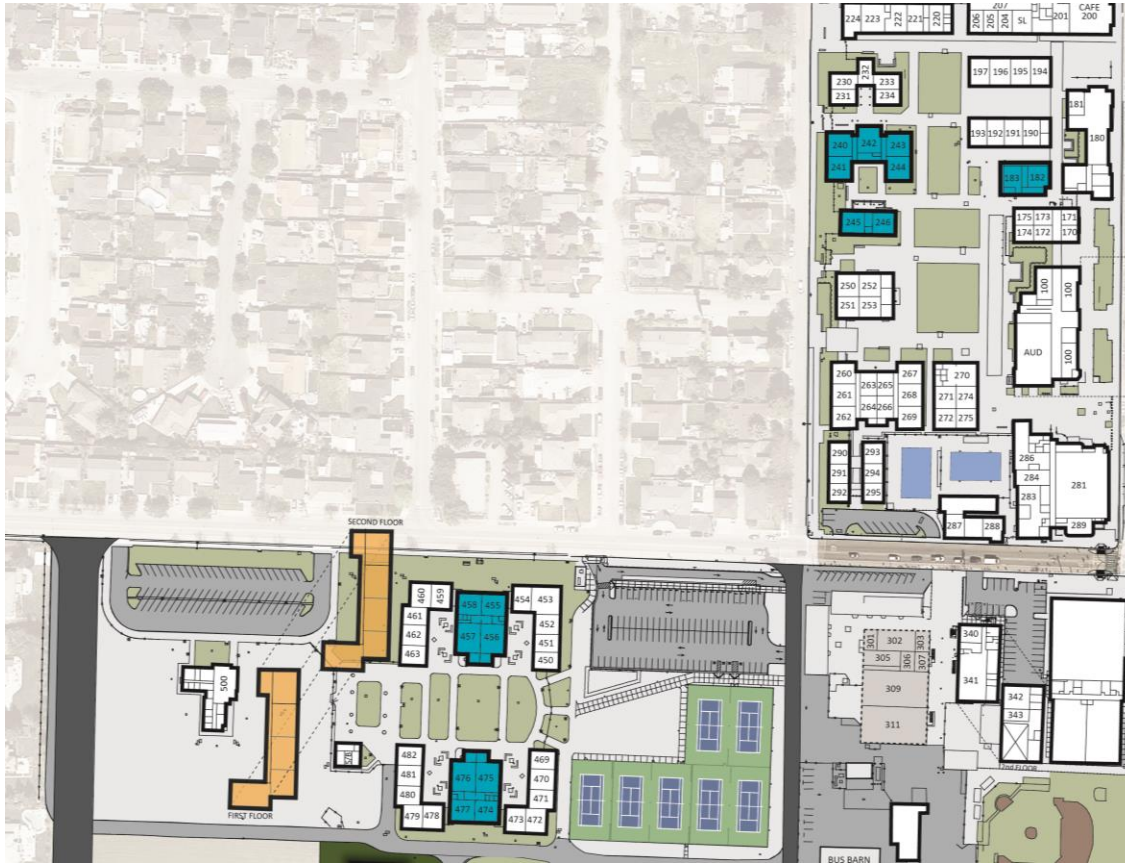
KITCHEN/SERVERY
(4,500 SF)

ASB W/ OFFICES
(3,250 SF)

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ASB/STUDENT UNION EXPANSION/ CENTRAL QUAD





- 12 Science Labs with shared prep spaces
- Teachers will not be displaced, and main campus will be minimally affected.
- Location supports center of campus shifting south.
- Strategic to locate new science next to existing science wing.
- Existing utilities are already stubbed out in the area and will reduce the amount of underground work.

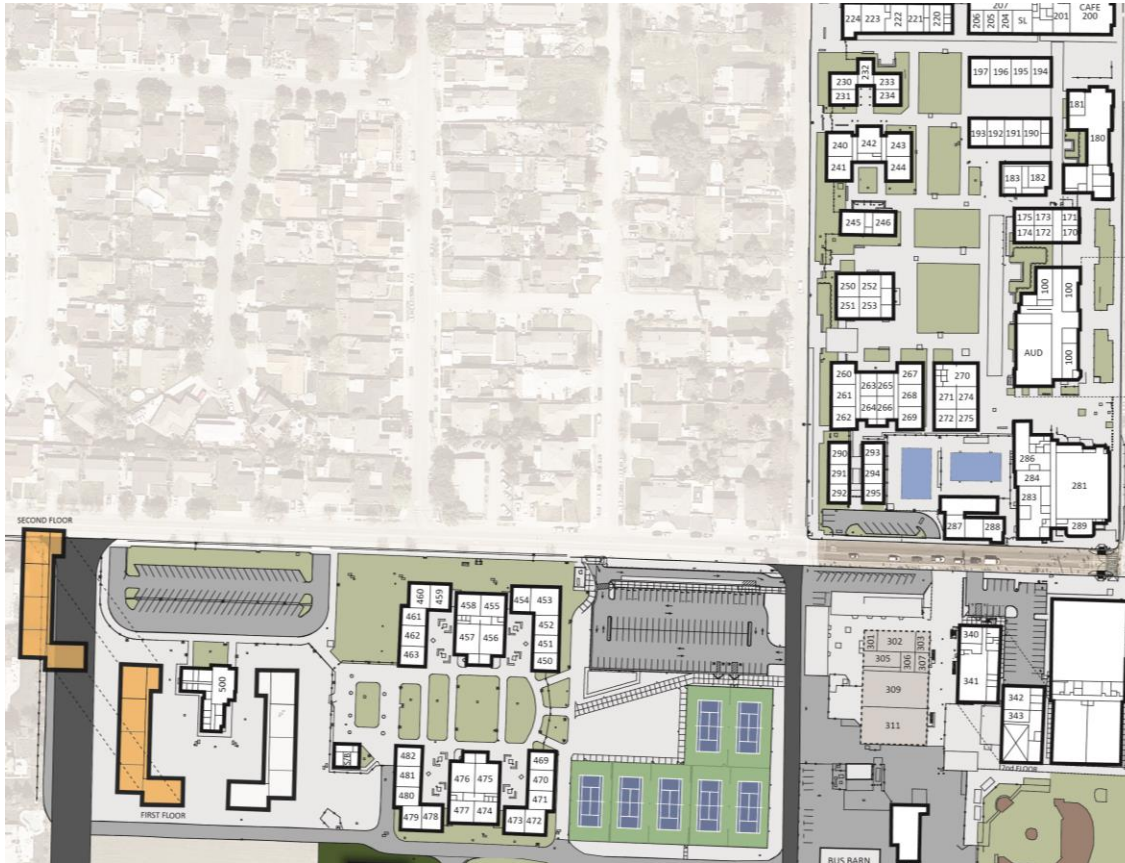
LEGEND

- Current Science Lab Locations
- Proposed New Science Lab Location

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SCIENCE BUILDING





- 12 Classrooms
- 21st Century learning spaces for flexibility
- Teachers will not be displaced, and main campus will be minimally affected.
- Location supports center of campus shifting south.
- Reuse of Social Science, Visual and Performing Art plans

LEGEND

- Proposed New Classroom Growth Building

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CLASSROOM BUILDING FOR GROWTH





Option 1



Option 2



Option 3



Option 4



Option 5

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PHYSICAL EDUCATION FACILITIES

452



3 WAY STOP

SCIENCE
BUILDING

GROWTH
BUILDING

AG GARDEN
& ORCHARD

COUNTY
PARKING

COUNTY
BYPASS ROAD

PRACTICE FIELDS

SOFTBALL
FIELD

AG
PASTURE

POOL

POOL HOUSE

BLEACHERS

TRACK & FIELD

BLEACHERS

BUS DROP-OFF

ENTRANCE

PARKING

OPTION_1A

PHYSICAL EDUCATION FACILITIES

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3 WAY STOP

SCIENCE
BUILDING

GROWTH
BUILDING

AG GARDEN
& ORCHARD

COUNTY
BYPASS ROAD

PRACTICE FIELDS

COUNTY
PARKING

SOFTBALL
FIELD

AG
PASTURE

POOL HOUSE

BLEACHERS

TRACK & FIELD

BLEACHERS

BUS DROP-OFF

ENTRANCE

PARKING

POOL

OPTION_2A

PHYSICAL EDUCATION FACILITIES

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3 WAY STOP



OPTION_B

PHYSICAL EDUCATION FACILITIES

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3 WAY STOP



OPTION_C

PHYSICAL EDUCATION FACILITIES

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THANK YOU!



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 18.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY ADMINISTRATION OFFICE

DEPT HEAD/DIRECTOR: Ray Espinosa

AGENDA ITEM PREPARER: Louie Valdez

SBC DEPT FILE NUMBER: 119

SUBJECT:

COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Discuss proposal for Solar Energy Partnership between OpTerra Energy Solutions and the County of San Benito, and approve "Program Development Agreement in the amount of \$39,872.00 and authorize the CAO to approve any necessary amendments to this contract, in an amount not to exceed \$3,987 (10% of the contract amount).

SBC FILE NUMBER: 119

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

On March 14, 2017, Mr. Ashu Jain, P.E., Senior Manager, with OpTerra Energy Solutions presented a PowerPoint presentation to the Board proposing a partnership for solar energy power between his firm and the County of San Benito. The County has reviewed the "Program Development Agreement", in the amount of \$39,872 (reduced from the original proposed amount of \$49,872), which will further develop the proposed scope of work of potential projects the County may wish to implement.

The County is not obligated to proceed with the work. However, in the event that the County does proceed with a project through OpTerra with the time period specified in the contract, it would receive a credit for the \$39,872 paid under this agreement.

Of note in the contract:

- 1) Although County retains discretion to determine whether or not to perform the work, if the County determines to proceed with a scope of work incorporating some or all of the recommendations identified, the County is agreeing to endeavor to negotiate in good faith and execute an Energy Services Contract with OpTerra.
- 2) The contract does not convey to the County the right to use the work product to complete the work through another vendor should the County decide not to use OpTerra.
- 3) The limitation of liability section greatly limits OpTerra's potential liability. San Benito County contracts generally do not contain such limitations, but may be approved by the Board on a case by case basis. The proposed language is based on language in OpTerra's agreement with Union City. OpTerra appears to be able to obtain "limitation of liability" language from multiple other jurisdictions based on a review of executed contracts.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

If desired, approve Program Development Agreement with OpTerra in the amount of \$39,872, and authorize the CAO to approve any necessary amendments to this contract, in an amount not to exceed \$3,987 (10% of the contract amount).

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Proposed Agreement	4/7/2017	Standard Contract
SBC OpTerra Proposal PowerPoint	3/9/2017	Backup Material

PROGRAM DEVELOPMENT AGREEMENT

This PROGRAM DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into as of this _____ () day of April 2017, between OpTerra Energy Services, Inc. ("OpTerra Energy Services"), having its principal offices at 500 Twelfth Street, Suite 300, Oakland, CA 94607, and The County of San Benito, with offices located at 481 4th Street, 1st Floor, Hollister, CA 95023-3840 ("San Benito County" and together with OpTerra Energy Services the "Parties" and each of San Benito County and OpTerra Energy Services a "Party".)

WHEREAS, OpTerra Energy Services is an energy services and solutions company with the technical and management capabilities and experience to perform an integrated energy assessment (an "Assessment") and to identify supply-side and/or demand-side energy conservation measures ("ECMs");

WHEREAS, San Benito County desires to enter into an agreement to have OpTerra Energy Services perform an Assessment in accordance with the scope of work set forth in Attachment A (the "Scope of Work") for the sites listed on Part I of Attachment B (the "Sites"), and to deliver recommendations, on an arms' length basis, identifying energy improvements and operational changes to be installed or implemented by OpTerra Energy Services at the Sites (the "Recommendations"), to personnel of San Benito County; such personnel will work together with OpTerra Energy Services, and will present the Recommendations to the Board of Supervisors for consideration and possible acceptance and approval of the desired scope of work; and

WHEREAS, the primary purpose of the Assessment and the Recommendations is to provide an engineering and economic basis for the implementation by OpTerra Energy Services of the ECMs identified in the Recommendations, in furtherance of which, if San Benito County approves a scope of work for implementation, the Parties will endeavor to negotiate and execute a contract providing for, among other things, engineering, procurement, installation, construction and training services (an "Energy Services Contract");

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. ASSESSMENT AND RECOMMENDATIONS

OpTerra Energy Services agrees to complete the Assessment and to present Recommendations to San Benito County within ninety (90) calendar days after the date on which OpTerra Energy Services receives the information listed in Part I of Attachment A (the "Required Information"). San Benito County agrees to make best efforts to deliver the Required Information to OpTerra Energy Services no later than thirty (30) calendar days after the date hereof.

San Benito County agrees to assist OpTerra Energy Services in performing the Assessment by (i) providing OpTerra Energy Services with access to key decision makers and stakeholders of the County of San Benito, (ii) providing OpTerra Energy Services its employees and agents, such access to the Sites and other relevant facilities of San Benito County as OpTerra Energy Services deems necessary and (iii) providing, or causing San Benito County's energy suppliers to provide, complete and accurate data concerning energy usage and costs related to the Sites and other relevant facilities. OpTerra Energy Services will be entitled to rely upon the accuracy and completeness of all information provided to OpTerra Energy Services by San Benito County and San Benito County's energy suppliers. OpTerra Energy Services will promptly provide written notice to San Benito County if OpTerra Energy Services determines there is any incorrect data included in the information provided by San Benito County or San Benito County's energy suppliers, but OpTerra Energy Services will have no obligation to correct or confirm any such information unless otherwise specified in the Scope of Work. Any change(s) in the Scope of Work will be set forth in a writing executed by the Parties.

2. COMPENSATION TO OPTERRA ENERGY SERVICES

San Benito County will compensate OpTerra Energy Services for the Assessment and the Recommendations by payment to OpTerra Energy Services of a fee (the "Assessment Fee") in the amount of Thirty-Nine Thousand Eight Hundred Seventy-Two Dollars (\$39,872).

The Assessment Fee will be due and payable thirty (30) calendar days after OpTerra Energy Services' submission of the Recommendations; *provided that* if on such thirtieth (30th) calendar day OpTerra Energy Services

and San Benito County are negotiating an Energy Services Contract in good faith, the Assessment Fee will be due ninety (90) calendar days after OpTerra Energy Services' submission of the Recommendations; *provided further*, that if OpTerra Energy Services and San Benito County execute an Energy Services Contract within ninety (90) calendar days after OpTerra Energy Services' submission of the Recommendations, the Assessment Fee, and other fees, costs, expenses, disbursements and overhead of OpTerra Energy Services incurred during the Assessment, will be incorporated into the total contract amount payable under such Energy Services Contract. San Benito County will be given credit, in the Energy Services Contract, for any payments already made to OpTerra Energy Services under this Agreement.

The Assessment Fee is not due if San Benito County decides not to pursue any project within the next two (2) years, because it has been determined not to be financially beneficially or in the best interests of San Benito County. The Assessment Fee shall be due if San Benito County determines to pursue an energy project through any party other than OpTerra Energy Services.

Each of San Benito County and OpTerra Energy Services reserves the right to terminate this Agreement at any time during the course of the Assessment, by delivery of written notice to the other. If this Agreement is terminated by San Benito County, the Assessment Fee will be payable by San Benito County to OpTerra Energy Services within thirty (30) calendar days of termination. If this Agreement is terminated by OpTerra Energy Services, San Benito County will have no obligation to pay any portion of the Assessment Fee to OpTerra Energy Services. If OpTerra Energy Services determines that the projected savings from implementation of the ECMs identified during the Assessment cannot result in a paid-from-savings project which complies with California Government Code Sections 4217.10 through 4217.18, the Assessment and this Agreement will be terminated by OpTerra Energy Services.

Any amount not paid when due will, from and after the due date, bear interest at a fluctuating rate equal to the sum of (a) The United States Prime Rate as listed from time to time in the Eastern print edition of the Wall Street Journal® *plus* (b) 2% per annum. Accrued and unpaid interest on past due amounts (including interest on past due interest) will be due and payable upon demand.

3. INSURANCE

OpTerra Energy Services will maintain, or cause to be maintained, for the duration of this Agreement, the insurance coverage outlined in (A) through (F) below, and all such other insurance as required by applicable law. Evidence of coverage will be provided to San Benito County via an insurance certificate.

A. Workers' Compensation/Employers Liability for states in which OpTerra Energy Services is not a qualified self-insured. Limits as follows:

- * Workers' Compensation: Statutory
- * Employers Liability: Bodily Injury by accident \$1,000,000 each accident
Bodily Injury by disease \$1,000,000 each employee
Bodily Injury by disease \$1,000,000 policy limit

B. Commercial General Liability insurance with limits of:

- * \$2,000,000 each occurrence for Bodily Injury and Property Damage
- * \$4,000,000 General Aggregate - other than Products/Completed Operations
- * \$4,000,000 Products/Completed Operations Aggregate
- * \$2,000,000 Personal & Advertising Injury
- * \$ 100,000 Damage to premises rented to OpTerra Energy Services

Coverage to be written on an occurrence form. Coverage to be at least as broad as ISO form CG 0001 (04/13) or its equivalent forms, without endorsements that limit the policy terms with respect to:
(1) provisions for severability of interest or (2) explosion, collapse, underground hazard.

C. Auto Liability insurance for owned, hired and non-owned vehicles with limits of \$1,000,000 per accident. Coverage to be written on an occurrence form.

D. Professional Liability insurance with limits of:

- * \$1,000,000 per occurrence
- * \$1,000,000 aggregate

Coverage to be written on a claims-made form.

E. Umbrella/Excess Liability Insurance. Limits as follows:

- * \$1,000,000 each occurrence
- * \$1,000,000 aggregate

Coverage terms and limits to apply excess of the per occurrence and/or aggregate limits provided for Commercial General Liability and Professional Liability written on a claims made form. Coverage terms and limits also to apply in excess of those required for Employers Liability and Auto Liability written on an occurrence form.

F. Policy Endorsements.

- * The insurance provided for Workers Compensation and Employers Liability above will contain waivers of subrogation rights against San Benito County, but only to the extent of the indemnity obligations contained in this Agreement.
- * The insurance provided for Commercial General Liability and Auto Liability above will:
 - (1) include San Benito County as an additional insured with respect to Work performed under this Agreement, but only to the extent of the indemnity obligations contained in this Agreement, and
 - (2) provide that the insurance is primary coverage with respect to all insureds, but only to the extent of the indemnity obligations contained in this Agreement.

4. INDEPENDENT CONTRACTOR

OpTerra Energy Services, and the agents and employees of OpTerra Energy Services, its subcontractors and/or consultants, are acting in an independent capacity in the performance of this Agreement, and not as public officials, officers, employees, consultants, or agents of San Benito County for purposes of conflict of interest laws or any other applicable law. This Agreement may not be construed to represent the creation of an employer/employee or principal/agent relationship. OpTerra Energy Services will act in an independent capacity and retain sole discretion in the manner and means of carrying out its activities under this Agreement. OpTerra Energy Services is free to work for other entities while under contract with San Benito County.

5. ENERGY SERVICES CONTRACT

As it is the intent of San Benito County and OpTerra Energy Services to pursue cost effective energy retrofits and ECMs at the Sites pursuant to an Energy Services Contract. San Benito County retains discretion as to if and when such work will be performed. However, if San Benito County approves a scope of work incorporating some or all of the ECMS identified in the Recommendations, both Parties agree to endeavor to negotiate in good faith and execute an Energy Services Contract immediately following approval of the scope of work by San Benito County.

6. WORK PRODUCT

San Benito County will not, by virtue of this Agreement, acquire any interest in any formulas, patterns, devices, secret inventions or processes, copyrights, patents, other intellectual or proprietary rights, or similar items of property which are or may be used in connection with the Assessment or the Recommendations. OpTerra Energy Services will be deemed the author of the Recommendations, and all data, proposals, plans, specifications, flow sheets, drawings, and other work product prepared or produced by OpTerra Energy Services hereunder ("Work Product") and furnished directly or indirectly, in writing or otherwise, to San Benito County under this Agreement. OpTerra Energy Services will retain all common law, statutory and other reserved rights, including copyrights, in the Work Product. Any use of the Work Product by San Benito County without the prior written consent of OpTerra Energy Services will be at San Benito County's sole risk and without liability to OpTerra Energy Services, and San Benito County agrees to defend, indemnify and hold harmless OpTerra Energy Services, its subcontractors, and their directors, employees, subcontractors, and agents from any and all actions, claims, demands, damages, disabilities, fines, penalties, losses, costs, expenses (including consultants' and attorneys' fees and other defense expenses) and liabilities of any nature (collectively, "Losses") associated with or resulting from such use.

7. LIMITATION OF LIABILITY

Except for third-party claims subject to Section 8 hereof, the liability of a defaulting Party, in connection with this Agreement or any analysis, report, recommendations, or other deliverables provided hereunder, will be limited to direct, actual damages. Neither Party shall be liable to the other Party for any special, indirect, incidental or consequential damages whatsoever, whether in contract, tort (including negligence) or strict liability, including, but not limited to, operational losses in the performance of business such as lost profits or revenues or any increase in operating expense.

Rev. Date: _____

Page 3 of 9

Program Development Agreement
V01/01/16

8. INDEMNIFICATION

To the full extent permitted by applicable laws, each Party will indemnify, hold harmless, release and defend the other Party, its officers, employees, and agents, from and against any and all Losses that may be asserted by any person or entity, to the extent arising out of that Party's negligence or willful misconduct in its performance or activities hereunder, including the performance or activities of other persons employed or utilized by that Party in the performance of this Agreement, excepting liabilities to the extent due to the negligence or willful misconduct of the indemnified party. This indemnification obligation will continue to bind the Parties after the termination of this Agreement.

9. NONDISCRIMINATION; COMPLIANCE WITH LAWS

OpTerra Energy Services will comply with all applicable laws, rules, regulations and policies, including, but not limited to, those relating to nondiscrimination, accessibility and civil rights.

The Parties acknowledge and agree that OpTerra Energy Services is not a municipal advisor and cannot give advice to San Benito County with respect to municipal securities or municipal financial products absent San Benito County being represented by, and relying upon the advice of, an independent registered municipal advisor. OpTerra Energy Services is not subject to a fiduciary duty with regard to San Benito County or the provision of information to San Benito County. San Benito County will consult with an independent registered municipal advisor about the financing option(s) appropriate for San Benito County's situation.

OpTerra Energy Services cannot guarantee that San Benito County will receive funding from any energy efficiency rebate, incentive, and/or loan program(s) (collectively, "Incentive Funds"); OpTerra Energy Services expressly disclaims any liability for San Benito County's failure to receive any portion of the Incentive Funds, and San Benito County acknowledges and agrees that OpTerra Energy Services will have no liability for any failure to receive all or any portion of the Incentive Funds.

10. FORCE MAJEURE

Neither Party will be considered to be in default in the performance of any material obligation under this Agreement (other than the obligation to make payments) when a failure of performance will be due to an event of Force Majeure. The term "Force Majeure" will mean any cause beyond the control of the affected Party and which by the exercise of due diligence such Party could not reasonably have been expected to avoid and which, despite using commercially reasonable efforts, it has been unable to overcome. Neither Party will be relieved of its obligation to perform if such failure is due to causes arising out of its own negligence or due to removable or remediable causes which it fails to remove or remedy within a reasonable time period. Either Party rendered unable to fulfill any of its obligations under this Agreement by reason of an event of Force Majeure will give prompt written notice of such fact to the other Party.

11. INTEGRATION; AMENDMENT; COUNTERPARTS

This Agreement constitutes the entire contract among the Parties relating to the subject matter hereof and supersedes any and all previous agreements and understandings, oral or written, relating to the subject matter hereof. This Agreement may not be amended except by a writing executed by both Parties. No oral amendment shall be enforceable, even if supported by new consideration. Except as otherwise provided herein, the terms and provisions of this Agreement will apply to, be binding upon, and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors, and permitted assigns.

This Agreement may be executed in counterparts (and by different parties hereto in different counterparts), each of which shall constitute an original, but all of which when taken together shall constitute a single contract. Delivery of an executed counterpart of a signature page of this Agreement by email or fax shall be effective as delivery of a manually executed counterpart of this Agreement.

12. DISPUTE RESOLUTION; APPLICABLE LAW; VENUE; SEVERABILITY

If a dispute arises out of or relates to this Agreement, or the transaction contemplated by this Agreement (a "Dispute"), either Party may initiate the dispute resolution process set forth in this Section 11 by giving notice to the other Party. Senior executives for the Parties will meet, within thirty (30) calendar days after notice of the Dispute, in an attempt to resolve the Dispute and any other identified disputes or any unresolved issues that may lead to a

dispute. If the senior executives are unable to resolve a Dispute or if a senior management conference is not held within the time provided herein, either Party may submit the Dispute to mediation.

If the Dispute is not settled by senior management conference, the Parties will endeavor to settle the Dispute by mediation under the Commercial Mediation Procedures of the American Arbitration Association ("AAA"). Mediation is a condition precedent to arbitration or the institution of legal or equitable proceedings by either Party. Once one Party files a request for mediation with the other Party and with the American Arbitration Association, the Parties agree to conclude the mediation within sixty (60) calendar days after filing the request. Either Party may terminate the mediation at any time after the first session, but the decision to terminate must be delivered in person by the Party's representative to the other Party's representative and the mediator.

If the Dispute is not resolved by mediation within sixty (60) calendar days after the date of filing of the request for mediation, then the exclusive means to resolve the Dispute is final and binding arbitration. Either Party may initiate arbitration proceedings by notice to the other Party and the American Arbitration Association. The following provisions apply to all arbitration proceedings pursuant to this Article: (i) The place of arbitration will be the American Arbitration Association office closest to where the Assessment was performed; (ii) one arbitrator will conduct the arbitral proceedings in accordance with the Commercial Arbitration Rules and Mediation Procedures (excluding the Procedures for Large, Complex Commercial Disputes) of the American Arbitration Association currently in effect ("Arbitration Rules") (to the extent of any conflicts between the Arbitration Rules and the provisions of this Agreement, the provisions of this Agreement prevail); (iii) the Parties will submit true copies of all documents considered relevant with their respective statement of claim or defense, and any counterclaim or reply (in the discretion of the arbitrator, the production of additional documents that are relevant and material to the determination of the Dispute may be required); (iv) the arbitrator does not have the power to award, and may not award, any damages (however denominated) inconsistent with the provisions of this Agreement; all arbitration fees and costs are to be shared equally by the parties, regardless of which Party prevails, and each Party will pay its own costs of legal representation and witness expenses; (v) the award must be in the form of a reasoned award; (vi) the Dispute will be resolved as quickly as possible, and the arbitrator will endeavor to issue the arbitration award within six (6) months after the date on which the arbitration proceedings were commenced; and (vii) the award will be final and binding and subject to confirmation and enforcement proceedings in any court of competent jurisdiction.

If any term of this Agreement is declared by a court to be illegal, invalid or unenforceable, the legality, validity and enforceability of the other terms of this Agreement will not be affected or impaired thereby, and the rights and obligations of the Parties will be enforced as if the illegal, invalid or unenforceable term were revised to the minimum extent necessary to make such term legal, valid and enforceable.

[the Parties' signatures appear on the following page]

IN WITNESS WHEREOF, and intending to be legally bound, the Parties hereto subscribe their names to this Agreement.

OPTERRA ENERGY SERVICES:

SAN BENITO COUNTY:

OpTerra Energy Services, Inc.

The County of San Benito

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

DRAFT

ATTACHMENT A

SCOPE OF WORK

I. Required Documents (Needed to Proceed).

A. San Benito County will provide the following detailed documentation:

1. Most recent three (3) years of audited financial statements.
2. Actual utility company invoices for all utilities serving the Sites, for a minimum of two (2) years, and preferably three (3) years, immediately prior to the date hereof, with, beginning with the most recently completed month.
3. Utility company demand interval recordings of 15/30 minute electrical demand for one year, where available.
4. Record drawings (AutoCAD or hard copy) for the Sites:
 - a. Electrical
 - b. mechanical
 - c. structural
 - d. modifications and remodels
 - e. site landscaping
5. AutoCAD or hard copy of 8 ½" x 11" or 11" x 17" floor and roof plans of all Sites, as well as information on the age, type and condition of buildings and roofs.
6. A list of key contacts at each site, including San Benito County personnel knowledgeable of the electrical, HVAC, lighting and controls systems.

II. Scope of Work.

An Assessment will be performed as described below:

- A. Perform detailed review of documents delivered above.
- B. Perform site surveys to identify potential ECMs and distributed/renewable generation technologies including proposed locations and potential improvements to the working environment. Survey consists of:
 - a. Site walk to observe and capture data on energy using equipment including data regarding nameplate, condition, and operating parameters.
 - b. Shading analysis
 - c. Data logging if necessary
- C. Perform Utility Analysis and Solar Photovoltaic Production Analysis:
 - a. Identify current rate schedule and analyze electrical usage and model load profile for each site
 - b. Determine the historical site-specific rate escalation
 - c. Determine expected solar photovoltaic production curve for proposed sites
 - d. Overlay electrical load profile with expected solar photovoltaic production curve to "right size" the solar systems and identify rate restructuring opportunities
- D. Prepare a post-inspection status update to present preliminary findings.
- E. Calculate energy use and cost for all viable ECMs, with each ECM calculated separately: Calculation methodology will be determined by OpTerra Energy Services, and may include spreadsheet analysis or other accepted tools following the methodology of ASHRAE or other nationally recognized authority and shall be based on sound engineering principles. Operational and maintenance savings, if any, will be identified as a separate line item.
- F. Prepare a proposed "Project Cost" and a list of "Services to Be Provided," in anticipation of OpTerra Energy Services and San Benito County entering into an Energy Services Contract to design, construct, install, and monitor the proposed ECMs. The proposed Project Cost is conditioned on prompt execution

of the Energy Services Contract and the condition that hazardous substance or abnormal subsurface/soil condition issues are not present.

- G. Prepare preliminary measurement and verification plan, explaining how such ECM is to be measured and verified. This plan need only show intended methodologies, but is not required to identify precise instrumentation and/or formulae intended for use. This plan should be carefully enough prepared so as not to materially conflict with the final measurement and verification plan to be prepared during final negotiations of, and incorporated into, the Energy Services Contract.
- H. Provide to San Benito County the financial analysis and the draft Energy Services Contract.
- I. Meet with San Benito County to review the options proposed and assemble a package of options which is compatible with San Benito County's investment and infrastructure improvement goals and review the project cost and list of services to determine next steps.

III. Technologies to be Considered:

- A. The technologies listed below will be considered during the performance of assessments:
 - 1. LED lighting upgrades
 - 2. HVAC upgrades/replacements/addition
 - 3. Solar photovoltaic projects
 - 4. Water conservation measures
 - 5. High efficiency transformers

ATTACHMENT B**SAN BENITO COUNTY SITE INVENTORY**

(all Sites – both included and excluded – must be listed)

PART I: SITES INCLUDED IN ASSESSMENT

Building Name	Address	City	State	ZIP Code	Sq Feet
Health & HSA	1111 San Felipe Road	Hollister	CA	95023	26000
Community Services	1131 San Felipe Road	Hollister	CA	95023	26000
Homeless Shelter	1161 San Felipe Road	Hollister	CA	95023	TBD
Community Hall / Clubhouse	1221 Memorial Drive	Hollister	CA	95023	2380
UNET	1745 San Felipe Road, Ste 2	Hollister	CA	95023	2300
Sheriff Administration / County Permit Center	2301 Technology Parkway	Hollister	CA	95023	42269
County Yard	3220 Southside Road	Hollister	CA	95023	5200
County Yard – Sign / Tire Shop	3220 Southside Road	Hollister	CA	95023	4330
County Yard - Repair Shop	3220 Southside Road	Hollister	CA	95023	4000
County Yard - Agriculture Commissioner Office	3220 Southside Road	Hollister	CA	95023	3432
Public Works	3220 Southside Road	Hollister	CA	95023	2160
County Yard - Public Works Office	3220 Southside Road	Hollister	CA	95023	2043
Offices / Probation / D.A.	419 4th Street 400 Monterey Street	Hollister	CA	95023	9460
Department Of Health Offices	439 4th Street	Hollister	CA	95023	3169
County Courthouse	440 5th Street	Hollister	CA	95023	22410
Hall Of Records	440 5th Street	Hollister	CA	95023	5590
Library & Office Of Education	460 & 470 5th Street	Hollister	CA	95023	15442
911 Call Center - Offices	471 4th Street	Hollister	CA	95023	2760
Administrative-Counsel Building	481 4th Street	Hollister	CA	95023	11442
Historical Society Museum	498 5th Street	Hollister	CA	95023	5162
Day Care Center	5381 Fairview Road	Hollister	CA	95023	2680
San Benito County Juvenile Hall	708 Flynn Road	Hollister	CA	95023	7535
San Benito County Jail	710 Flynn Road	Hollister	CA	95023	32424



OPTERRA
ENERGY SERVICES

40
YEARS

A Proposal for Partnership: County of San Benito

Ashu Jain, P.E., Senior Manager
Tamra Cihla, P.E., Senior Project Director

March 14, 2017

469

Agenda



1. Introducing OpTerra Energy Services

2. Case Studies of OpTerra Partnerships

3. Project Development and Procurement Process

4. Next Steps



OpTerra Energy Services

By the Numbers



40+ YEARS

Experience as an Accredited Energy Service Provider (NAESCO)

150 MW+

Installed Solar Projects for Public Entities in CA

\$2.5B

Of Completed Projects

1,000+

Satisfied Customers Nation Wide

\$300MM

Sales in 2016

300+

Employees, Including 150 Engineers (PE, ME, EE, Civil, CEM, LEED AP)

Owned by **ENGIE** – largest independent electricity producer in the world. ENGIE operates in the US through its subsidiary GDF SUEZ Energy North America and is the third largest retail electricity supplier in the US. Engie has over 150,000 employees and over \$75 billion in revenue

Recent County Energy Savings Projects



■ County of Alameda – Santa Rita Jail Phase 1	\$1.3 million
■ County of Alameda – Santa Rita Jail Phase 2	\$6.1 million
■ County of Alameda – Santa Rita Jail Phase 3	\$0.8 million
■ County of Alameda – Santa Rita Jail Phase 4	\$11.7 million
■ County of Kings Phase 1	\$3.0 million
■ County of Kings Phase 2	\$8.4 million
■ County of Kings Phase 3	\$4.1 million
■ County of Madera	\$10.0 million
■ County of Merced	\$11.8 million
■ County of Riverside	\$54.6 million
■ County of Sacramento	\$5.2 million
■ County of Sutter	\$10.5 million
■ County of Tulare	\$7.2 million
■ County of Yuba Phase 1	\$9.9 million
■ County of Yuba Phase 2	\$5.2 million

PROGRAM HIGHLIGHTS

- Country's largest Consortium for Electric Reliability Technology Solutions (CERTS)-based microgrid with renewable generation and large-scale energy storage
- Prevents disturbance through automatic detection and remote monitoring capabilities
- Enables potential for PV, fuel cell, and storage markets

TECHNICAL SCOPE

- Installed 1.2-MW rooftop solar PV system
- 1-MW fuel cell power plant with heat recovery for facility hot water and space heating
- Five 2.3-kW wind turbines
- Two 1.2-MW emergency backup diesel generators
- 2-MW advanced energy storage system
- 12-kV sub-cycle static disconnect switch
- "Islanding" capability
- Electric power export and import capability
- CERTS smart grid control logic

Designed and constructed by OpTerra, this first-of-its-kind Smart Grid project at Santa Rita Jail established Alameda County as a leader in sustainability.



PROGRAM HIGHLIGHTS

- Expected to deliver \$15MM in savings over the life of the project
- Reduces impact of utility rate hikes by cutting electricity bills almost by nearly 50% for affected facilities
- Utilizes savings to replace 40-year old mechanical systems at Library
- Avoids 2,230 metric tons of carbon emissions per year, equivalent to annual emissions from 469 cars

“As a result of our partnership with OpTerra, the County has improved comfort in public facilities, reduced the impact of utility rate increases, cut our electricity bills by half, and made critical investments in infrastructure to propel the County into a more sustainable, environmentally sound future.”

Rick Farinelli, Chairman of the Board, Madera County

TECHNICAL SCOPE

- Solar PV systems provide 1.6 MW of clean, sustainable energy annually
 - Installed 1.4 MW ground mount solar structure at Jail Complex, serving five sites
 - Installed 250 kW parking shade solar structure at Government Center
- New HVAC system for Madera County Library
- Upgraded building energy management systems



PROGRAM HIGHLIGHTS

- \$200MM in total energy savings
- Created 1,157 jobs over the lifetime of the program and 80% of local labor used
- Will offset 385,000 metric tons of CO₂, the equivalent to removing more than 81,000 cars from the road for one year

TECHNICAL SCOPE (in progress)

- 12 MW of solar PV will be installed at eight sites

“By harnessing the sun’s energy, we have been able to provide additional community benefits for our residents, our hardworking employees, and our taxpayers, even beyond the millions of dollars in guaranteed energy savings that this project is going to generate.”

Jay Orr, County of Riverside CEO



PROGRAM HIGHLIGHTS

- Will realize more than \$2.6MM in net savings after paying for all costs over a 20-year period
- Reduced CO₂ emissions by 980 metric tons, the equivalent to removing 190 cars from roadways each year

Sacramento County leaders worked with OpTerra to modernize 11 buildings which had outdated and inefficient systems. The low financial burden of the project allowed the County to address the needed improvements quickly, without straining its budget.

TECHNICAL SCOPE

- Interior lighting retrofits at two County facilities
- Induction lighting retrofit at seven County facilities
- Mental health facility mechanical system improvements including replacing HVAC units and a new water plant
- New direct digital controls energy management systems at four County facilities



PROGRAM HIGHLIGHTS

- Achieved nearly \$18.5MM in net savings
- Installed solar power, LED lighting, efficient air conditioning and developed water conservation measures
- Decreased electric utility purchases by 75%
- Reduced the County's carbon footprint – equivalent to taking 520 cars off the road every year

"This project will save us a considerable amount of energy and water, but more, it will save us money, now and into the future."

Stan Cleveland, Chairman,
Board of Supervisors

© 2017 OPTERRA E

TECHNICAL SCOPE

- Installed 1.46 MW solar power generating systems at ten sites
- Upgraded interior/exterior LED lighting at 22 sites
- New rooftop air conditioning units at 19 sites
- Upgraded County-wide energy management system to improve facility controls
- Water conservation measures at the County Jail



PROGRAM HIGHLIGHTS

- Will achieve \$11.2MM in savings to the County's General Fund
- Offsets nearly 2,300 tons of greenhouse gases annually
- Will reduce the County's annual energy purchases by 50%

"Yuba County was already dealing with the challenges of the economic downturn when it became necessary to confront long overdue repairs to some of our public buildings. We were able to partner with OpTerra Energy Services to install energy saving technology and leverage the future savings to immediately make much-needed repairs to our facilities."

Andy Vasquez, Chairman, Yuba County Board of Supervisors

TECHNICAL SCOPE

- Installed 1 MW PV solar systems at two sites
- Replaced outdated emergency generator
- Replaced HPS and MH lighting with induction lamp technology at ten County buildings
- Upgraded HVAC units at three sites
- Installed high-efficiency magnetic drive chiller
- Implemented water conservation measures



Success Story: Kings County

PROGRAM HIGHLIGHTS



- **\$9.7 million** net savings over the lifetime of the three phases
- Advances County's fiscal and environmental goals
- Leverages multiple advanced technologies
- Improves parking area lighting and daytime shade for vehicles

PROJECT SCOPE



- Installed Solar PV parking canopies at two sites
- Built energy-efficient central cooling and heating plants
- Thermal energy storage system
- Interior and exterior lighting retrofits
- Energy-efficient HVAC replacements
- Energy management system upgrades
- Roof replacement at four buildings
- 600 kW cogeneration system



FUNDING STRUCTURE



- Project total: **\$16 million**
- Three phases of work
- Paid through savings program

600-kW Cogeneration System at Kings County Government Center



Energy Efficient Lighting at Kings County Hanford Library



New Central Heating and Cooling Plant for Kings County Government Center



New Central Heating and Cooling Plant for Kings County Government Center



378-kW Solar Parking Canopies at Kings County Government Center



126-kW Solar Parking Canopies at Kings County Hanford Library



Competitive Procurement Process



- OpTerra ES runs a competitive procurement process for entire program including:
 - Equipment
 - Installations
 - Financing or Equity Partner
- No change orders except for explicit scope changes
- Prevailing wage and local subcontractors hired when possible
- Contracting process follows CA Government Code 4217
 - Allows public entities to procure energy services, similarly to professional services, without competitive bidding
 - Expedites project development – streamlined, proven design/build process
 - Faster realization of energy savings and other program benefits

Next Steps

1. OPPORTUNITY ASSESSMENT

- Engage critical stakeholders
- Identify sources of savings, revenue and possible financial solutions



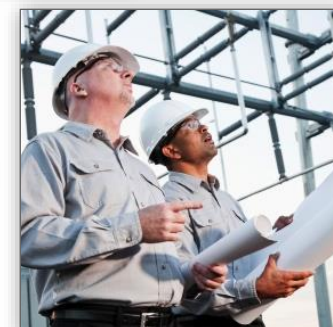
2. PROGRAM DEVELOPMENT

- In-depth program design and engineering
- Engage wider set of stakeholders to set program goals
- Establish finalized financial solution



3. IMPLEMENTATION

- Work closely with site-level staff during construction
- File for incentives
- Engage wider community and media to celebrate County leadership



Potential Energy Efficiency & Solar Opportunities at the County



- LED lighting at the Jail
- HVAC of the Jail?
- Solar project for the Jail
- Solar project at the Jail site to avoid electricity cost at other sites
- LED lighting at all County buildings
- HVAC replacement/upgrades Countywide
- Solar project for Monterey Bay Community Power at the Landfill
- Water conservation/recycling



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 19.

MEETING DATE: 4/11/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER: Adam Goldstone

SBC DEPT FILE NUMBER: 127

SUBJECT:

RESOURCE MANAGEMENT AGENCY

Accept all bids received for the Veterans Memorial Park Irrigation System Improvements project, award contract in the amount of \$260,140.00 to Northern Underground Construction as the lowest responsive, responsible bidder, approve the contract with Northern Underground Construction effective April 11, 2017, authorize the RMA Director to execute the contract upon receipt of signed contract documents as required by the project specifications, and grant the RMA Director change order authority in an amount not to exceed \$25,000.00.

SBC FILE NUMBER: 127

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

In 2014, the County decided to construct a well at Veterans Memorial Park for the purposes of irrigating the sports field . The park is served by City of Hollister water and they were intending to begin seeking payment for the water used at the park. A well was dug and a pump was installed, but the existing irrigation lines weren't able to handle the pressure and frequently blew out. In 2015, a consultant was hired to analyze the entire system and design a solution. After much

research and analysis, the consultant completed a design last year. The project was bid in December and bids were due January 25, 2017. Only one bid was received. The one bid is for \$260,140, and the consultant contract awarded last year is for \$38,050. That means design and construction activities will cost \$298,190, just under the total project budget of \$300,000. There would be no funds remaining for potential change orders without additional funding allocation. Also, staff time to date billed to the project will need to be backed out without additional funding.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

38,050.00

STAFF RECOMMENDATION:

It is respectfully recommended that the Board:

1. Accept all bids received for the Veterans Memorial Park Irrigation System Improvements project;
2. Award contract in the amount of \$260,140.00 to Northern Underground Construction as the lowest responsive, responsible bidder;
3. Approve the contract with Northern Underground Construction;
4. Authorize the RMA Director to execute the contract upon receipt of signed contract documents as required in the project specifications; and
5. Grant the RMA Director change order authority in an amount not to exceed \$25,000.

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Contract with Northern Underground Construction	4/3/2017	Contract



COUNTY OF SAN BENITO
STATE OF CALIFORNIA

THIS CONTRACT, made and entered into this 11th day of April, 2017 between County of San Benito, a political subdivision of the State of California, hereinafter referred to as County, and Northern Underground Construction, hereinafter referred to as Contractor;

WITNESSETH:

WHEREAS, the Board of Supervisors of said County of San Benito heretofore caused plans and specifications for the work hereinafter mentioned to be prepared, and thereafter did approve and adopt said plans and specifications; and,

WHEREAS, the Board of Supervisors of County of San Benito did cause to be noticed for the time and in the manner required by law a Notice inviting sealed bids for the performance of said work; and,

WHEREAS, Contractor, in response to such Notice, submitted to the Board of Supervisors of said County of San Benito within the time specified in said Notice, and in the manner provided for therein, a sealed bid for the performance of the work specified in said plans and specifications, which said bid and proposal, and the other bids and proposals submitted in response to said Notice, the Governing Board of County of San Benito publicly opened and canvassed in the manner provided by law; and,

WHEREAS, Contractor was the lowest responsible bidder for the performance of said work, and said Board of Supervisors of County of San Benito, as a result of the canvass of said bids, did determine and declare Contractor to be the lowest responsible bidder for the work and award to it a contract therefore.

NOW, THEREFORE, in consideration of the above, it is mutually agreed between the parties hereto as follows, to wit:

1. The CONTRACTOR will commence and complete the construction of the following public work project:

SAN BENITO COUNTY VETERANS MEMORIAL PARK IRRIGATION SYSTEM IMPROVEMENTS – PWB-1604

2. The CONTRACTOR shall do all of the work and furnish all of the materials, supplies, tools, equipment, labor, and other services necessary to construct and complete in a good, workmanlike and substantial manner and to the COUNTY'S satisfaction, the project as described in the Invitation for Bids package, including all of the CONTRACT DOCUMENTS.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within 5 calendar days after the date of the Notice To Proceed and will complete the same within 60 calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the work described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of Two Hundred Sixty Thousand One Hundred Forty Dollars and No Cents (\$260,140.00).
5. The term "CONTRACT DOCUMENTS" means and includes the following, all of which documents are incorporated herein by reference:
 - a. INVITATION FOR BIDS "THE BID PACKAGE" INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (1) INVITATION FOR BIDS
 - (2) INSTRUCTIONS FOR SUBMITTING BIDS
 - (3) GENERAL TERMS AND CONDITIONS

- (4) AWARD OF BID
- (5) DEPARTMENT OF PUBLIC WORKS GENERAL INSTRUCTIONS
- (6) SPECIFICATIONS AND REQUIREMENTS
- (7) ADDENDA:

No. 1, dated 1/17, 2017 No. , dated , 20

b. THE ACCEPTED BID/PROPOSAL INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- (1) SIGNATURE SHEET
 - (2) BID COST SHEET
 - (3) REFERENCE LIST
 - (4) SUBCONTRACTOR LIST
 - (5) NON-COLLUSION DECLARATION
- c. NOTICE OF AWARD
 - d. CONTRACT, SIGNED BY THE COUNTY AND THE CONTRACTOR
 - e. PERFORMANCE BOND
 - f. PAYMENT BOND
 - g. NOTICE TO PROCEED
 - h. FUTURE CHANGE ORDERS

All CONTRACT DOCUMENTS are intended to cooperate, so that any work called for in one and not mentioned in another is to be executed the same as if mentioned in all. However, should there be any conflict between the terms of this instrument and the CONTRACTOR'S bid or proposal, then this instrument shall control. Where the specific terms and conditions in any of the referenced CONTRACT DOCUMENTS conflict with general terms and conditions in any referenced CONTRACT DOCUMENTS, the more specific terms and conditions shall be deemed to control. However, the general terms and conditions in any referenced CONTRACT DOCUMENTS shall remain in full force and effect, to the extent they do not conflict with the specific terms and conditions in any referenced CONTRACT DOCUMENTS.

- 6. The COUNTY will pay to the CONTRACTOR in the manner and at such times set forth in the CONTRACT DOCUMENTS such amounts as required by the CONTRACT DOCUMENTS.
- 7. The statement of prevailing wages appearing in the General Prevailing Wage Rates, as established by the California Department of Industrial Relations, is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.
- 8. During the performance of this Contract, Contractor agrees as follows:
 - a. During the performance of this Contract, Contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability, medical condition (cancer related), marital status, pregnancy, age (over 18), sex, sexual orientation, veteran's status or any other non-merit factor unrelated to job duties. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - b. The Contractor shall, in all solicitations or advertisements for employees by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, pregnancy, sex, sexual orientation, age (over 18), veteran status, or any other non-merit factor unrelated to job duties.

- c. The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Contract.
9. This CONTRACT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
10. The following individuals are the parties CONTRACT Administrators:

COUNTY'S Contract Administrator:

Name: _____
Title: RMA Director _____
Address: 2301 Technology Parkway _____
Phone: 831-636-4170 _____
Fax: 831-636-4176 _____
E-mail: _____

CONTRACTOR'S Contract Administrator:

Name: _____
Title: _____
Phone: _____
Fax: _____
E-mail: _____

This CONTRACT shall not be effective unless and until approved by a duly authorized representative of County of San Benito and San Benito County Counsel.

IN WITNESS WHEREOF, County of San Benito and Contractor have caused this Agreement to be signed as of the day and year first above written.

COUNTY OF SAN BENITO

Date _____

RMA Director

CONTRACTOR (FIRM)

Date _____ By _____

Address: _____

Phone: _____

Fax: _____

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

Shirley L. Murphy

Shirley L. Murphy, Deputy County Counsel

Date *April 3, 2017*



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 20.

MEETING DATE: 4/11/2017

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Larry Perlin

AGENDA ITEM PREPARER: James Polfer

SBC DEPT FILE NUMBER: 105

SUBJECT:

RESOURCE MANAGEMENT AGENCY

Adopt Resolutions Making Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of Consultant Services Contracts With The Consulting Engineering Firms of Record to Complete The Engineering of The Rocks Road Bridge, Rosa Morada Bridge and Union Road Bridge Replacement Projects, and The Shore Road Bridge and San Felipe Road Bridge Guardrail Replacement Project.

SBC FILE NUMBER: 105

RESOLUTION NO'S: 2017-39, 2017-40, 2017-41, 2017-42

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

The following list of San Benito County projects (collectively "Project(s)") is funded by the Federal Highway Administration (FHWA):

1. Rocks Road Bridge Replacement Project (Federal Project No. BRLO-5943(054));
2. Shore Rd & San Felipe Rd Bridge Rail Replacement Project (Federal Project No. BRLO-5943(043));
3. Rosa Morada Bridge Replacement Project (Federal Project No. STPLX-5943(057)); and
4. Union Road Bridge Replacement Project (Federal Project No. BRLO-5943(055)).

The consultant contracts for the subject projects have expired. Since the expired contracts are no longer

The consultant contracts for the subject projects have expired. Since the expired contracts are no longer in force, federal funding guidelines require that any further work to be performed that would otherwise be completed by the previously retained consultants, are to be completed by a consultant selected pursuant to a competitive negotiation, except as noted below.

As a condition of funding, the FHWA requires that recipients of said funding adhere to federal procurement guidelines. These guidelines found in 23 CFR 172.5 require that procurement of professional services be through competitive negotiation. This requires that the request for qualifications and proposal be publicly advertised and selection of the engineering consultant be based on qualifications. Each consultant selected and contracted with was retained through competitive negotiation including public advertisement for consulting engineering services and qualifications based selection in accordance with 23 CFR 172.5.

Consultant services included preparation of all environmental documents required under the California Environmental Quality Act, performance of all investigations necessary to design the respective replacement bridge or rail, and preparation of the plans and specifications for construction of the Project(s) (collectively, "Construction Documents"). Specific project information and status regarding the consultant contracts of concern are as follows:

Project	Consultant	Contract Exp Date	Contract Amount	Consultant Charges	Balance of Consult Contract	Percent of PE Paid	Percent PE Complete
Rocks Road Bridge	NV5	6/30/2014	\$317,455	\$274,250.53	\$43,204.47	86.4%	65%->95%
Shore Road Bridge & San Felipe Road Bridge Guardrails	Cornerstone Engineering	6/30/2015	\$37,400	\$35,528.30	\$1,871.30	95%	95%
Rosa Morada Road Bridge	Biggs Cardosa Associates	6/30/2013	\$538,104	\$484,815.58	\$53,288.42	90.1%	95%
Union Road Bridge	Biggs Cardosa Associates	6/30/2015	\$2,821,890	\$2,586,739.70	\$235,150.3	91.67%	95%

Federal funding guidelines do allow noncompetitive negotiation in order to procure engineering and design related services on federal-aid participating projects when it is not feasible to award the contract using competitive negotiation.

The California Code of Regulations (CCR) requires that any professional engineer may assume responsible charge of a project (successor licensee) as long as the successor licensee exercises the requisite extent of control and assumes responsibility for all the engineering decisions involved in the

design (16 CCR, 404.1(c)). This would essentially require any engineer/firm that would take over one of the mentioned projects to re-evaluate/re-create the entire design to satisfy requisite responsible charge.

The current consulting firms/engineers of record for the referenced projects are qualified and capable of finishing the Construction Documents. Retaining consulting firms/engineers to complete the

Construction Documents would require competitive negotiation as described herein. This process would disrupt design continuity, will result in further delay of the Project(s), and increase the respective Project costs. Caltrans administers FHwy federal-aid projects for local agencies in California. Caltrans requires the governing or legislative board for the local agency desiring to enter into a non-negotiated contract to make certain findings supporting non-competitive negotiated contract.

The County's Public Works Division (PW) recommends that the Board adopt Public Interest Findings (PIF) and enter into new sole source (non-competitive negotiation) contracts with the current consultants of record for each of the projects of concern (see table above). The plans and specifications for these projects are at least 65% complete and most of them are 95% complete. It is PW's opinion that only the current firms have the base of knowledge in the projects' design to maintain status as responsible charge as defined in 16 CCR Section 404.1.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

1. Adopt Resolution 2017-____, Making Certain Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of a Consultant Services Contract with The Consulting Engineering Firm of Record (NV5, Inc.) to Complete The Engineering of The Rocks Road Bridge Replacement Project (Federal Project No. BRLO-5943(054));
2. Adopt Resolution 2017-____, Making Certain Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of a Consultant Services Contract with The Consulting Engineering Firm of Record (Cornerstone Structural Engineering Group, Inc.) to Complete The Engineering of The Shore Rd & San Felipe Rd Bridge Rail Replacement Project (Federal Project No. BRLO-5943(043));
3. Adopt Resolution 2017-____, Making Certain Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of a Consultant Services Contract with The Consulting Engineering Firm of Record (Biggs Cardosa & Associates, Inc.) to Complete The Engineering of The Rosa Morada Bridge Replacement Project (Federal Project No. STPLX-5943(057));
4. Adopt Resolution 2017-____, Making Certain Public Interest Findings and Determinations and Declaring The Board's Intention to Order The Preparation and Execution of a Consultant Services Contract with The Consulting Engineering Firm of Record (Biggs Cardosa & Associates, Inc.) to Complete The Engineering of The Union Road Bridge Replacement Project (Federal Project No. BRLO-5943(055)); and
5. Authorize the Board Chair to sign the Resolutions.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Board Resolution Adopting Public Interest Findings Re Rocks Rd. Bridge Project	4/5/2017	Resolution
Board Resolution Adopting Public Interest Findings Re Shore Rd. Bridge and San Felipe Rd. Bridge Guardrail Project	4/5/2017	Resolution
Board Resolution Adopting Public Interest Findings Re Rosa Morada Rd. Bridge Project	4/5/2017	Resolution
Board Resolution Adopting Public Inteest Findings Re Union Rd. Bridge Project	4/5/2017	Resolution

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

2 **A RESOLUTION OF THE SAN BENITO) Resolution No. 2017-_____**
3 **COUNTY BOARD OF SUPERVISORS,)**
4 **MAKING CERTAIN PUBLIC INTEREST)**
5 **FINDINGS AND DETERMINATIONS AND)**
6 **DECLARING ITS INTENTION TO ORDER)**
7 **THE PREPARATION AND EXECUTION OF)**
8 **A CONSULTANT SERVICES CONTRACT)**
9 **WITH THE CONSULTING ENGINEERING)**
10 **FIRM OF RECORD TO COMPLETE THE)**
11 **ENGINEERING OF THE ROCKS ROAD)**
12 **BRIDGE REPLACEMENT OVER PINACOTE)**
13 **ROCK CREEK PROJECT (FEDERAL)**
14 **PROJECT NUMBER BRLO-5943(053)))**

15 **WHEREAS**, the existing Rocks Road Bridge over Pinacate Creek (Bridge No.
16 43C0053) does not meet current standards for road/bridge width or has insufficient
17 hydraulic capacity for high flow conditions within Pinacate Creek; and

18 **WHEREAS**, the Board of Supervisors ("Board") for the County of San Benito
19 ("County") determined that in the interest of public safety that the bridge should be
20 replaced and developed the Rocks Road Bridge Replacement Over Pinacote Rock
21 Creek Project (Federal Project Number BRLO-5943(053)) ("Project"); and

22 **WHEREAS**, the Project is funded by the Federal Highway Administration, which
23 as a condition of funding requires recipients of said funding adhere to federal funding
24 guidelines, which requires selection of engineering consultants based on qualifications
25 through public advertisement for such services and competitive negotiation
26 (23 CFR 172.5); and

27 **WHEREAS**, following a public advertisement for consulting engineering services
28 and competitive negotiation, in accordance with 23 CFR 172.5, NV5, Incorporated,
29 formerly Nolte Associates, ("Consultant") was selected to perform engineering and
30 other services regarding the Project; and

31 **WHEREAS**, these services included preparation of all environmental documents
32 required under the California Environmental Quality Act, performance of all

1 investigations necessary to design the replacement bridge, and preparation of the plans
2 and specifications for construction of the Project (collectively, "Construction
3 Documents"); and

4 **WHEREAS**, on February 8, 2011 the Board approved a contract with Consultant,
5 retaining them to perform engineering and related services, and authorized the Chair of
6 the Board to execute the contract; and

7 **WHEREAS**, as a result of administrative oversight, the contract with Consultant
8 approved by the Board on February 8, 2011 expired on June 30, 2014; and

9 **WHEREAS**, the preparation of the Construction Documents for construction of
10 the Project are greater than sixty-five percent (65%) complete; and

11 **WHEREAS**, public interest and necessity require the proposed Project to be
12 constructed; therefore, requiring completion of the construction documents by a
13 professional engineer licensed in the State of California; and

14 **WHEREAS**, the California Code of Regulations ("CCR") requires that any
15 professional engineer may assume responsible charge of a project (successor licensee)
16 as long as the successor licensee exercises the requisite extent of control and assumes
17 responsibility for all the engineering decisions involved in the design (16 CCR 404.1(c));
18 and

19 **WHEREAS**, any successor licensee or consulting engineering firm would be
20 compelled to re-evaluate or re-create the entire design to satisfy requisite responsible
21 charge for the Project; and

22 **WHEREAS**, Consultant remains qualified to complete the Construction
23 Documents and has the base of knowledge in the Project design to maintain status as
24 the responsible charge/engineer of record as defined in 16 CCR 404.1; and

25 **WHEREAS**, federal funding guidelines allow for noncompetitive negotiation to
26 procure engineering and design related services on federal-aid participating contracts
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1 when it is not feasible to award the contract using competitive negotiation, equivalent
2 State qualifications-based procedures, or small purchase procedures: and

3 **WHEREAS**, in the interest of public safety and economy, the Board desires that
4 the Construction Documents for the Project be completed by Consultant under a new
5 contract through noncompetitive negotiation.

6 **NOW, THEREFORE, BE IT RESOLVED** that the San Benito County Board of
7 Supervisors hereby finds, determines, declares and resolves as follows:

- 8 1. The above recitals are all true and correct.
- 9 2. Based upon the evidence and alternatives presented, this Board finds,
10 determines, declares, and resolves each of the following:
 - 11 a. Public interest and necessity require the proposed completion of
12 the Project;
 - 13 b. Public safety would be better served through continuity in design
14 effort;
 - 15 c. Retaining the current Consultant in responsible charge of the work
16 is in the best interest of the public;
 - 17 d. Entering into a contract with Consultant is the best solution to
18 finishing the preparation of the Construction Documents; and
 - 19 e. It is appropriate to adopt a Public Interest Finding and a new
20 contract with Consultant should be negotiated.
- 21 3. The Board directs the Resource Management Agency's Public Works
22 Division (PW) to prepare and negotiate a new contract with Consultant,
23 the terms of which shall be consistent with the prior agreement, and that
24 no additional compensation will be allowed therefor.
- 25 4. The new agreement shall consider and ratify work performed by
26 Consultant and the Consultant's subconsultants involved in the
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preparation of the Construction Documents for that period between the expiration of the prior contract and the new contract.

5. In the event a new contract cannot be negotiated in accordance with Section 3 and Section 4 of this Resolution, PW is directed and authorized to advertise for consultant services in accordance with 23 CFR 172.5 for the completion of the Project's Construction Documents.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 11TH DAY OF APRIL, 2017, BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):
Noes: Supervisor(s):
Absent: Supervisor(s):
Abstain: Supervisor(s):

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

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

2 **A RESOLUTION OF THE SAN BENITO) Resolution No. 2017-_____**
3 **COUNTY BOARD OF SUPERVISORS,)**
4 **MAKING CERTAIN PUBLIC INTEREST)**
5 **FINDINGS AND DETERMINATIONS AND)**
6 **DECLARING ITS INTENTION TO ORDER)**
7 **THE PREPARATION AND EXECUTION OF)**
8 **A CONSULTANT SERVICES CONTRACT)**
9 **WITH THE CONSULTING ENGINEERING)**
10 **FIRM OF RECORD TO COMPLETE THE)**
11 **ENGINEERING OF THE SHORE ROAD)**
12 **BRIDGE AND SAN FELIPE ROAD BRIDGE)**
13 **GUARDRAIL REPLACEMENT PROJECT)**
14 **(FEDERAL PROJECT NUMBER)**
15 **BRLO-5943(043)))**
16 _____)

17 **WHEREAS**, the existing bridge railings for the Shore Road Bridge over
18 Tequisquita Slough Overflow (Bridge No. 43C0012), and San Felipe Road Bridge over
19 Santa Ana Creek (Bridge No. 43C0051), do not meet current safety standards; and

20 **WHEREAS**, the Board of Supervisors ("Board") for the County of San Benito
21 ("County") determined that in the interest of public safety that the bridge rails should be
22 replaced and developed the Shore Road Bridge and San Felipe Road Bridge Guardrail
23 Replacement Project (Federal Project Number BRLO-5943(043)) ("Project"); and

24 **WHEREAS**, the Project is funded by the Federal Highway Administration, which
25 as a condition of funding requires recipients of said funding adhere to federal funding
26 guidelines, which requires selection of engineering consultant based on qualifications
27 through public advertisement for such services and competitive negotiation
28 (23 CFR 172.5); and

29 **WHEREAS**, following a public advertisement for consulting engineering services
30 and competitive negotiation, in accordance with 23 CFR 172.5, Cornerstone Structural
31 Engineering Group, Incorporated ("Consultant"), was selected to perform engineering
32 and other services regarding the Project; and

1 **WHEREAS**, these services included preparation of all environmental documents
2 required under the California Environmental Quality Act, performance of all
3 investigations necessary to design the replacement guardrails, and preparation of the
4 plans and specifications for construction of the Project (collectively, "Construction
5 Documents"); and

6 **WHEREAS**, on August 19, 2014 the Board approved a contract with Consultant,
7 retaining them to perform engineering and related services, and authorized the Chair of
8 the Board to execute, a contract; and

9 **WHEREAS**, as a result of administrative oversight, the contract with Consultant
10 approved by the Board on August 19, 2014 expired on June 30, 2015; and

11 **WHEREAS**, the preparation of the Construction Documents for construction of
12 the Project are approximately ninety-five percent (95%) complete; and

13 **WHEREAS**, public interest and necessity require the proposed Project to be
14 constructed; therefore, requiring completion of the Construction Documents by a
15 professional engineer licensed in the State of California; and

16 **WHEREAS**, the California Code of Regulations ("CCR") requires that any
17 professional engineer may assume responsible charge of a project (successor licensee)
18 as long as the successor licensee exercises the requisite extent of control and assumes
19 responsibility for all the engineering decisions involved in the design (16 CCR 404.1(c));
20 and

21 **WHEREAS**, any successor licensee or consulting engineering firm would be
22 compelled to re-evaluate or re-create the entire design to satisfy requisite responsible
23 charge for the Project; and

24 **WHEREAS**, Consultant remains qualified to complete the Construction
25 Documents and has the base of knowledge in the Project design to maintain status as
26 the responsible charge/engineer of record as defined in 16 CCR, 404.1; and

WHEREAS, federal funding guidelines allow for noncompetitive negotiation to procure engineering and design related services on federal-aid participating contracts when it is not feasible to award the contract using competitive negotiation, equivalent State qualifications-based procedures, or small purchase procedures; and

WHEREAS, in the interest of public safety and economy the Board desires that the Construction Documents for the Project be completed by Consultant under a new contract through noncompetitive negotiation.

NOW, THEREFORE, BE IT RESOLVED that the San Benito County Board of Supervisors hereby finds, determines, declares and resolves as follows:

1. The above recitals are all true and correct.
2. Based upon the evidence and alternatives presented, this Board finds, determines, declares, and resolves each of the following:
 - a. Public interest and necessity require the proposed completion of the Project;
 - b. Public safety would be better served through continuity in design effort;
 - c. Retaining the current Consultant in responsible charge of the work is in the best interest of the public;
 - d. Entering into a contract with Consultant is the best solution to finishing the preparation of the Construction Documents; and
 - e. It is appropriate to adopt a Public Interest Finding and a new contract with Consultant should be negotiated.
3. The Board directs the Resource Management Agency's Public Works Division (PW) to prepare and negotiate a new contract with Consultant, the terms of which shall be consistent with the prior agreement, and that no additional compensation will be allowed therefor.

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4. The new agreement shall consider and ratify work performed by Consultant and the Consultant's subconsultants involved in the preparation of the Construction Documents for that period between the expiration of the prior contract and the new contract.

5. In the event a new contract cannot be negotiated in accordance with Section 3 and Section 4 of this Resolution, PW is directed and authorized to advertise for consultant services in accordance with 23 CFR 172.5 for the completion of the Project's Construction Documents.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 11TH DAY OF APRIL, 2017, BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):
Noes: Supervisor(s):
Absent: Supervisor(s):
Abstain: Supervisor(s):

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

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

2 **A RESOLUTION OF THE SAN BENITO) Resolution No. 2017-_____**
3 **COUNTY BOARD OF SUPERVISORS,)**
4 **MAKING CERTAIN PUBLIC INTEREST)**
5 **FINDINGS AND DETERMINATIONS AND)**
6 **DECLARING ITS INTENTION TO ORDER)**
7 **THE PREPARATION AND EXECUTION OF)**
8 **A CONSULTANT SERVICES CONTRACT)**
9 **WITH THE CONSULTING ENGINEERING)**
10 **FIRM OF RECORD TO COMPLETE THE)**
11 **ENGINEERING OF THE ROSA MORADA)**
12 **ROAD BRIDGE REPLACEMENT OVER)**
13 **ARROYO DOS PICACHOS CREEK)**
14 **PROJECT (FEDERAL PROJECT NUMBER)**
15 **STPLX-5943(057)))**

16 **WHEREAS**, the existing Rosa Morada Road Bridge over Arroyo Dos Picachos
17 Creek (Bridge No. 43C0041) does not meet current standards for road/bridge width and
18 is functionally obsolete; and

19 **WHEREAS**, the Board of Supervisors ("Board") for the County of San Benito
20 ("County") determined that in the interest of public safety that the bridge should be
21 replaced and developed the Rosa Morada Road Bridge Replacement Over Arroyo Dos
22 Picachos Creek Project (Federal Project Number STPLX-5943(057)) ("Project"); and

23 **WHEREAS**, the Project is funded by the Federal Highway Administration, which
24 as a condition of funding requires recipients of said funding adhere to federal funding
25 guidelines, which requires selection of engineering consultant based on qualifications
26 through public advertisement for such services and competitive negotiation
27 (23 CFR 172.5); and

28 **WHEREAS**, following a public advertisement for consulting engineering services
and competitive negotiation, in accordance with 23 CFR 172.5, Biggs Cardosa and
Associates, Incorporated ("Consultant"), was selected to perform engineering and other
services related to the Project; and

1 **WHEREAS**, these services included preparation of all environmental documents
2 required under the California Environmental Quality Act, performance of all
3 investigations necessary to design the replacement bridge, and prepare the plans and
4 specifications for construction of the Project (collectively, "Construction Documents");
5 and

6 **WHEREAS**, on May 24, 2011, the Board approved a contract with Consultant,
7 retaining them to perform engineering and related services, and authorized the Chair of
8 the Board to execute the contract; and

9 **WHEREAS**, as a result of administrative oversight, the contract with Consultant
10 approved by the Board on May 24, 2011 expired on June 30, 2013; and

11 **WHEREAS**, the preparation of the Construction Documents for construction of
12 the Project are approximately ninety-five percent (95%) complete; and

13 **WHEREAS**, public interest and necessity require the proposed Project to be
14 constructed; therefore, requiring completion of the Construction Documents by a
15 professional engineer licensed in the State of California; and

16 **WHEREAS**, the California Code of Regulations ("CCR") requires that any
17 professional engineer may assume responsible charge of a project (successor licensee)
18 as long as the successor licensee exercises the requisite extent of control and assumes
19 responsibility for all the engineering decisions involved in the design (16 CCR 404.1(c));
20 and

21 **WHEREAS**, any successor licensee or consulting engineering firm would be
22 compelled to re-evaluate or re-create the entire design to satisfy requisite responsible
23 charge for the Project; and

24 **WHEREAS**, Consultant remains qualified to complete the Construction
25 Documents and has the base of knowledge in the Project design to maintain status as
26 the responsible charge/engineer of record as defined in 16 CCR 404.1; and

27 **WHEREAS**, federal funding guidelines allow for noncompetitive negotiation to
28 procure engineering and design related services on federal-aid participating contracts

1 when it is not feasible to award the contract using competitive negotiation, equivalent
2 State qualifications-based procedures, or small purchase procedures: and

3 **WHEREAS**, in the interest of public safety and economy the Board desires that
4 the Construction Documents for the Project be completed by Consultant under a new
5 contract through noncompetitive negotiation.

6 **NOW, THEREFORE, BE IT RESOLVED** that the San Benito County Board of
7 Supervisors hereby finds, determines, declares and resolves as follows:

- 8 1. The above recitals are all true and correct.
- 9 2. Based upon the evidence and alternatives presented, this Board finds,
10 determines, declares, and resolves each of the following:
 - 11 a. Public interest and necessity require the proposed completion of
12 the Project;
 - 13 b. Public safety would be better served through continuity in design
14 effort;
 - 15 c. Retaining the current Consultant in responsible charge of the work
16 is in the best interest of the public;
 - 17 d. Entering into a contract with Consultant is the best solution to
18 finishing the preparation of the Construction Documents; and
 - 19 e. It is appropriate to adopt a Public Interest Finding and a new
20 contract with Consultant should be negotiated.
- 21 3. The Board directs the Resource Management Agency's Public Works
22 Division (PW) to prepare and negotiate a new contract with Consultant,
23 the terms of which shall be consistent with the prior agreement, and that
24 no additional compensation will be allowed therefor.
- 25 4. The new agreement shall consider and ratify work performed by
26 Consultant and the Consultant's subconsultants involved in the
27 preparation of the Construction Documents for that period between the
28 expiration of the prior contract and the new contract.

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

2 **A RESOLUTION OF THE SAN BENITO) Resolution No. 2017-_____**
3 **COUNTY BOARD OF SUPERVISORS,)**
4 **MAKING CERTAIN PUBLIC INTEREST)**
5 **FINDINGS AND DETERMINATIONS AND)**
6 **DECLARING ITS INTENTION TO ORDER)**
7 **THE PREPARATION AND EXECUTION OF)**
8 **A CONSULTANT SERVICES CONTRACT)**
9 **WITH THE CONSULTING ENGINEERING)**
10 **FIRM OF RECORD TO COMPLETE THE)**
11 **ENGINEERING OF THE UNION ROAD)**
12 **BRIDGE REPLACEMENT OVER THE SAN)**
13 **BENITO RIVER PROJECT (FEDERAL)**
14 **PROJECT NUMBER BRLO-5943(055)))**

15 **WHEREAS**, the existing Union Road Bridge over the San Benito River (Bridge
16 No. 43C0002) is scour critical and does not meet current standards for road/bridge
17 width for the service level required of the bridge; and

18 **WHEREAS**, the Board of Supervisors ("Board") for the County of San Benito
19 ("County") determined that in the interest of public safety that the bridge should be
20 replaced and developed the Union Road Bridge Replacement Over the San Benito
21 River Project (Federal Project Number BRLO-5943(055)) ("Project"); and

22 **WHEREAS**, the Project is funded by the Federal Highway Administration, which
23 as a condition of funding requires recipients of said funding adhere to federal funding
24 guidelines, which requires selection of engineering consultant based on qualifications
25 through public advertisement for such services and competitive negotiation
26 (23 CFR 172.5); and

27 **WHEREAS**, following a public advertisement for consulting engineering services
28 and competitive negotiation, in accordance with 23 CFR 172.5, Biggs Cardoso and
Associates, Incorporated ("Consultant"), was selected to perform engineering and other
services regarding the Project; and

WHEREAS, these services included preparation of all environmental documents
required under the California Environmental Quality Act, performance of all

1 investigations necessary to design the replacement bridge, and preparation of the plans
2 and specifications for construction of the Project (collectively, "Construction
3 Documents"); and

4 **WHEREAS**, on December 16, 2008, the Board approved a contract with
5 Consultant, retaining them to perform engineering and related services, and authorized
6 the Chair of the Board to execute the contract; and

7 **WHEREAS**, as a result of administrative oversight, the contract with Consultant
8 approved by the Board on December 16, 2008 expired on June 30, 2015; and

9 **WHEREAS**, on June 28, 2016, the Board approved a new contract with
10 Consultant, retaining them to continue to perform engineering and related services, and
11 authorized the Chair of the Board to execute the contract; and

12 **WHEREAS**, the new contract was not procured in accordance with
13 23 CFR 172.5; and

14 **WHEREAS**, to bring consultant services for the Project into compliance with
15 23 CFR 172.5 it is necessary to terminate the June 28, 2016 Consultant contract; and

16 **WHEREAS**, the preparation of the Construction Documents for construction of
17 the Project are approximately ninety-five percent (95%) complete; and

18 **WHEREAS**, public interest and necessity require the proposed Project to be
19 constructed, therefore, requiring completion of the Construction Documents by a
20 professional engineer licensed in the State of California; and

21 **WHEREAS**, the California Code of Regulations ("CCR") requires that any
22 professional engineer may assume responsible charge of a project (successor licensee)
23 as long as the successor licensee exercises the requisite extent of control and assumes
24 responsibility for all the engineering decisions involved in the design (16 CCR 404.1(c));
25 and

26 **WHEREAS**, any successor licensee or consulting engineering firm would be
27 compelled to re-evaluate or re-create the entire design to satisfy requisite responsible
28

1 charge for the Project; and

2 **WHEREAS**, Consultant remains qualified to complete the Construction
3 Documents and has the base of knowledge in the Project design to maintain status as
4 the responsible charge/engineer of record as defined in 16 CCR 404.1; and

5 **WHEREAS**, federal funding guidelines allow for noncompetitive negotiation to
6 procure engineering and design related services on federal-aid participating contracts
7 when it is not feasible to award the contract using competitive negotiation, equivalent
8 State qualifications-based procedures, or small purchase procedures; and

9 **WHEREAS**, in the interest of public safety and economy the Board desires that
10 the Construction Documents for the Project be completed by Consultant under a new
11 contract through noncompetitive negotiation.

12 **NOW, THEREFORE, BE IT RESOLVED** that the San Benito County Board of
13 Supervisors hereby finds, determines, declares and resolves as follows:

- 14 1. The above recitals are all true and correct.
- 15 2. Based upon the evidence and alternatives presented, this Board finds,
16 determines, declares, and resolves each of the following:
 - 17 a. Public interest and necessity require the proposed completion of
18 the Project;
 - 19 b. Public safety would be better served through continuity in design
20 effort;
 - 21 c. Retaining the current Consultant in responsible charge of the work
22 is in the best interest of the public;
 - 23 d. Entering into a contract with Consultant is the best solution to
24 finishing the preparation of the Construction Documents; and
 - 25 e. It is appropriate to adopt a Public Interest Finding and a new
26 contract with Consultant should be negotiated.

- 1 3. The Board directs the Resource Management Agency's Public Works
2 Division (PW) to prepare and negotiate a new contract with Consultant,
3 the terms of which shall be consistent with the prior agreement, and that
4 no additional compensation will be allowed therefor.
- 5 4. The new agreement shall consider and ratify work performed by
6 Consultant and the Consultant's subconsultants involved in the
7 preparation of the Construction Documents for that period between the
8 expiration of the prior contract and the new contract.
- 9 5. In the event a new contract cannot be negotiated in accordance with
10 Section 3 and Section 4 of this Resolution, PW is directed and authorized
11 to advertise for consultant services in accordance with 23 CFR 172.5 for
12 the completion of the Project's Construction Documents.

13 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
14 SAN BENITO THIS 11TH DAY OF APRIL, 2017, BY THE FOLLOWING VOTE:

15 Ayes: Supervisor(s):
16 Noes: Supervisor(s):
17 Absent: Supervisor(s):
18 Abstain: Supervisor(s):

19 By: _____
Jaime De La Cruz, Chair

20 ATTEST:
21 Chase Graves, Clerk of the Board

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

22
23 By: _____

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



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 21.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Matthew W. Granger, County Counsel

AGENDA ITEM PREPARER: Barbara Thompson, Assistant County Counsel

SBC DEPT FILE NUMBER: 235.6

SUBJECT:

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito,
City of Hollister, Superior Court of California, County of San Benito, Case No. CU-15-00056
SBC FILE NUMBER: 235.6

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

n/a

STAFF RECOMMENDATION:

Hold Closed Session.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 22.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Matthew W. Granger, County Counsel

AGENDA ITEM PREPARER: Barbara Thompson, Assistant County Counsel

SBC DEPT FILE NUMBER: 235.6

SUBJECT:

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL_EXISTING LITIGATION

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Award Homes, Inc. v. County of San Benito, City of Hollister, et. al., Superior Court of California, County of San Benito, Case No. CU-15-00099

SBC FILE NUMBER: 235.6

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

Conference with Legal Counsel-Existing Litigation.
Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Award Homes, Inc. v. County of San Benito, City of Hollister, et. al., Superior Court of California, County of San Benito, Case No. CU-15-00099

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Hold Closed Session.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 23.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Matthew Granger

AGENDA ITEM PREPARER: Barbara Thompson

SBC DEPT FILE NUMBER: 235.6

SUBJECT:

CLOSED SESSION PURSUANT TO SECTION 54956.95: LIABILITY CLAIMS and
Conference with Legal Counsel-Existing Litigation. Subdivisions (a) and (d)(1) of Section
54956.9

Name of Case: Egan v. San Benito County Sheriffs Office, Trindel Ins. Fund, WCAB, Case No.
ADJ10049774

Claimant: Patricia Egan

Agency claimed against: San Benito County -(member Trindel Insurance Fund)

SBC FILE NUMBER: 235.6

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

n/a

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Hold Closed Session.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 24.

MEETING DATE: 4/11/2017

DEPARTMENT: HUMAN RESOURCES

DEPT HEAD/DIRECTOR: Barbara Thompson

AGENDA ITEM PREPARER: G. Cochran

SBC DEPT FILE NUMBER: 235.6

SUBJECT:

CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, Steve Coffee

Employee Organizations:
Institutions Association
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU Local 2015 (IHSS)
Deputy Sheriff's Association
Confidential
Confidential Management
Appointed Department Heads
Unrepresented Employees
SBC FILE NUMBER: 235.6

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

235.6

CURRENT FY COST:

STAFF RECOMMENDATION:

HOLD CLOSED SESSION

ADDITIONAL PERSONNEL: No



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number: 25.

MEETING DATE: 4/11/2017

DEPARTMENT: COUNTY COUNSEL

DEPT HEAD/DIRECTOR: Matthew Granger

AGENDA ITEM PREPARER: Barbara Thompson

SBC DEPT FILE NUMBER: 235.6

SUBJECT:

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9

Number of cases: 1

Facts and Circumstances Justifying Closed Session: Receipt of Notice of Violation and Settlement Offer dated March 10, 2017.

SBC FILE NUMBER: 235.6

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

n/a

STAFF RECOMMENDATION:

Hold Closed Session.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

Item Number:

MEETING DATE: 4/11/2017

DEPARTMENT:

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER:

SBC DEPT FILE NUMBER:

SUBJECT:

Adjourn to the next special meeting of Tuesday, April 18, 2017.

AGENDA SECTION:

Next Meeting Date/Time

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL: