

**MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING**

DATE: July 5, 2023
TO: Board of Directors
FROM: Jake Smith, Planning & Conservation Program Manager
REVIEWED BY: Shuran Parker, Acting General Manager/Administrative Services Manager
SUBJECT: Review and Approval of Resolution #2023-06, to Adopting the Laguna Grande Regional Park Trail and Maintenance Strategy Project, Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program and Resolution #2023-07, Adopting the Laguna Grande Regional Park Trail Vegetation Maintenance Strategy

SUMMARY:

The District is a member of the Laguna Grande Regional Park (LGRP) Joint Powers Authority (JPA) for LGRP along with the cities of Monterey and Seaside and the JPA is looking to make improvements to the park. For Board consideration are the associated materials.

FISCAL IMPACT:

The LGRP JPA awarded \$109,965 to BFS Landscape Architects to prepare the LGRP Trail and Maintenance Strategy and environmental review document for the project. The JPA approved a budget amendment (\$18,600) on March 30, 2023, to address unanticipated issues discovered during the project's environmental review. In addition, the cities of Monterey and Seaside, and District staff time has been spent on the project. Project permits and implementation costs are not yet funded. Initial cost estimates for the implementation of the project scope (including invasive species removal, tree maintenance, trail repairs, landscape maintenance, and seasonal trail development) are expected to exceed \$1,000,000. Actual costs will likely exceed this value. Each member of the JPA was asked to budget \$20,000 for FY2023-24.

FUNDING SOURCE:

Community Facilities District, Account #6794

FUNDING BALANCE:

All FY2023-24 funding is available.

ENVIRONMENTAL DETERMINATION:

The proposed project is located in both the cities of Monterey and Seaside and includes ownership by the Monterey Peninsula Regional Park District, cities of Monterey and Seaside, and private owners. The JPA adopted Resolution 2021-01, allowing Monterey to manage the project and environmental review. The JPA adopted the Initial Study and Mitigated Negative Declaration (IS/MND) on March 30, 2023, as the lead agency. Both

the cities of Monterey and Seaside and the District will need to adopt the IS/MND as responsible agencies.

A Notice of Intent to Adopt a Mitigated Negative Declaration was posted according to the California Environmental Quality Act (CEQA) Guidelines Section 15072, and a Draft IS/MND were circulated for public review for the required 30-day public review period, from January 18, 2023 to February 17, 2023 (CEQA Guidelines Section 15073), during which time all related documents were made available at the Monterey City Hall Planning Office and on the City's website (**ATTACHMENT 1**).

The IS/MND identifies that the project could result in potentially significant environmental impacts associated with air quality, biological resources, cultural resources, geology and soils, tribal cultural resources, and mandatory findings of significance. Mitigation Measures have been required that will reduce the potential impacts to a less-than-significant level. These mitigation measures are discussed in this report (See Analysis Section).

No comment letters were received during the public review period. There is no evidence before the JPA indicating that the proposed project could cause significant adverse environmental effects which have not already been considered, analyzed, and mitigated in the IS/MND.

Further, the Mitigated Negative Declaration was circulated with the Initial Study. The JPA adopted resolutions adopting the IS/MND and program on March 30, 2023. Once adopted by the Board, a Notice of Determination will be filed according to CEQA requirements.

The JPA has prepared a Mitigation Monitoring and Reporting Program (MMRP) (**Exhibit B to ATTACHMENT 1**) that will be implemented to ensure compliance with mitigation measures and critical timing of these measures. City or District staff will complete the last column of the MMRP to verify that the mitigation measure has been completed.

ALTERNATIVES CONSIDERED:

The Board could decide not to adopt the mitigated negative declaration. The Board could conclude that a mitigation measure in a mitigated negative declaration is infeasible or otherwise undesirable. It may adopt a substitute measure of equal or greater efficacy without recirculating the document if the substitution is considered at a public meeting and the Board makes a written finding that the measure is of equal or greater efficacy and will not itself cause any potential significant effect on the environment. (City Attorneys' Dep't, League of Cal. Cities, *The Municipal Law Handbook* (Cont. Ed. Bar 2022, §11.35.)

DISCUSSION:

On December 2, 2019, the Laguna Grande Regional Park JPA approved the release of a Request for Proposal for two projects - new park plan and trail maintenance strategy. The JPA discussed the desire to have an entire park plan updated but also emphasized

that a trail maintenance strategy was its highest priority at that time. Key considerations would be cost and relationship to regional projects such as the Fort Ord Regional Trail and Greenway project (FORTAG).

Staff met with the two city managers (Monterey and Seaside) and the District General Manager and determined there is inadequate funding to pay for the parks plan at this time and recommended that JPA move forward with only the Trail Maintenance Strategy. The proposed Trail Maintenance Strategy included the following key steps:

1. Inventory existing trail network and biotic communities
2. Prepare a draft trail maintenance strategy and vegetation management recommendations
3. Review maintenance strategy with stakeholders such as the California Department of Fish and Wildlife, Coastal Commission and Regional Water Quality Control Board and interested parties such as the Audubon Society and residents
4. Revise the maintenance strategy based on public and stakeholders' input
5. Present maintenance strategy to the JPA and finalize the project description
6. Prepare the required environmental document
7. Present maintenance strategy and environmental document to the JPA for certification

As part of the planning process, the public and stakeholders requested that the strategy focus on a number of goals and implementation items (see Project Description section).

If the document is certified by all member agencies of the JPA, the JPA would then need to authorize funding and pursuance of permits for the project from various resource agencies such as the Regional Water Quality Control Board, etc. Work could commence after all permits are obtained.

Project Description

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

The following are some of the key items the project includes:

- Seasonal Trail Development
- Vegetation Clearing
- Trail Maintenance and Improvements
- Accessibility Improvements
- Invasive Species Removal and Restoration Planting
- Lighting

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

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

Figure 1. Project Location

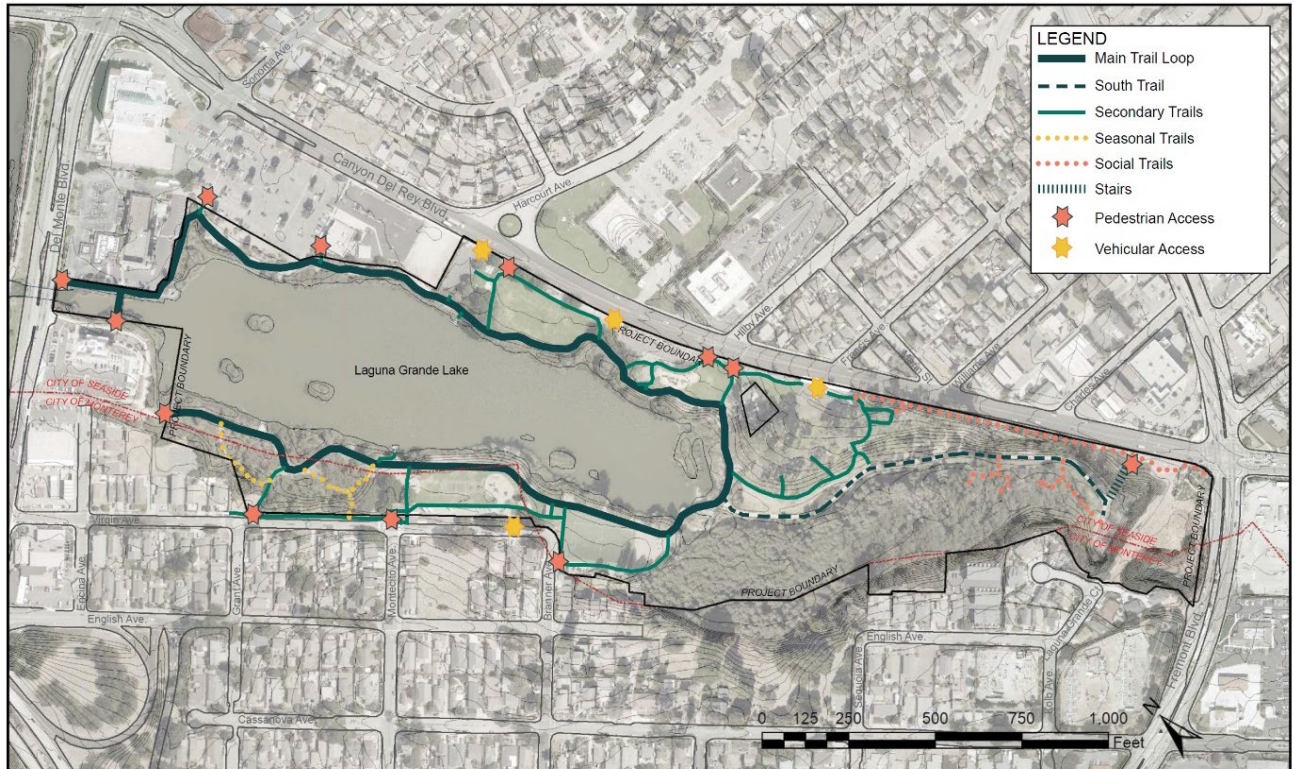


Figure 2. Proposed project (North)

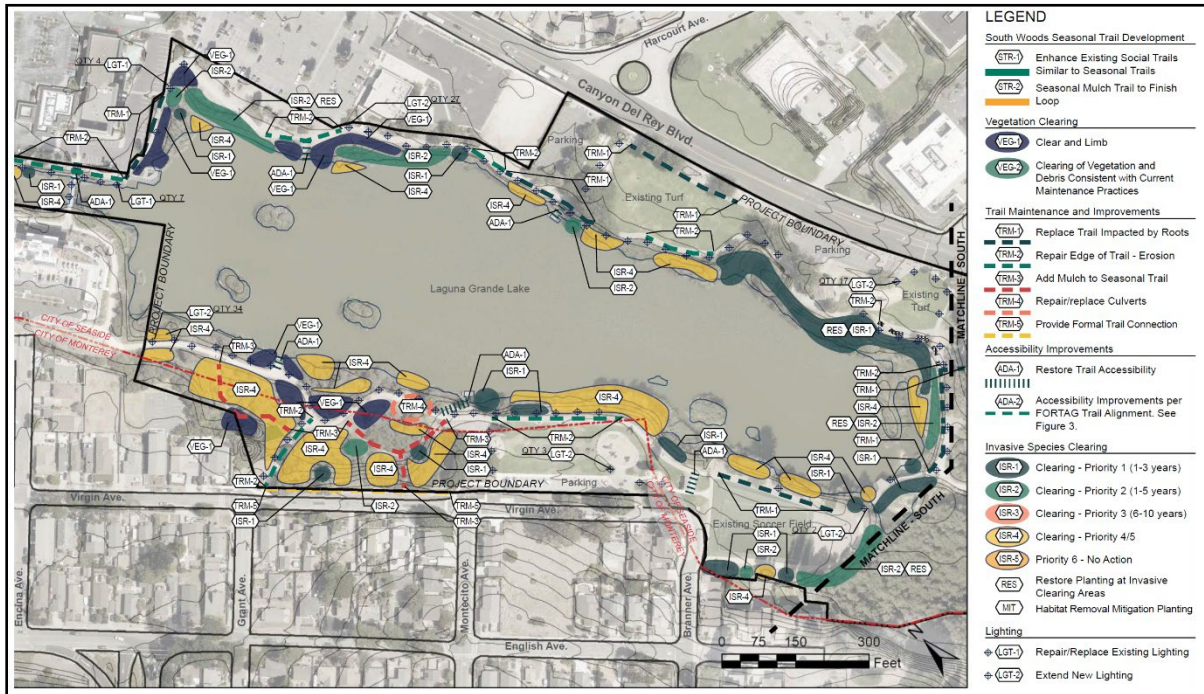
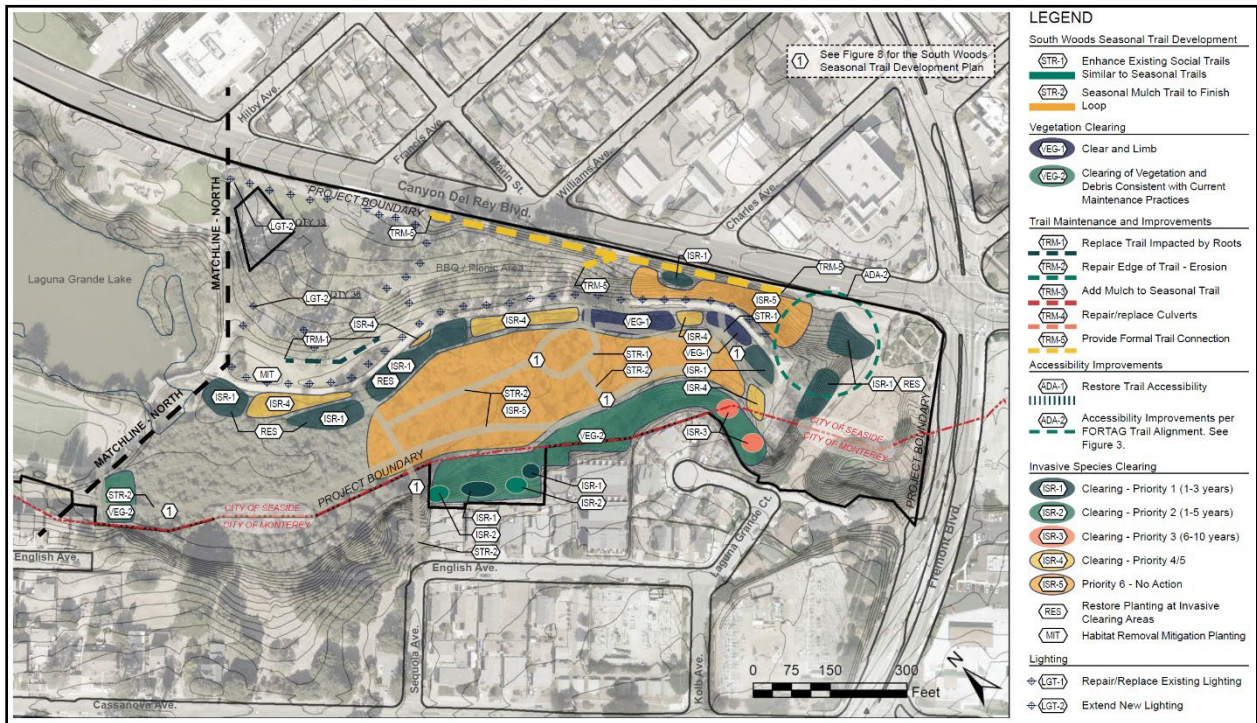


Figure 3. Proposed project (South)



Analysis

Unless exempted, CEQA requires environmental review of discretionary projects proposed to be carried out or approved by public agencies. (Public Resources Code section 21080.) If a proposed activity is a project and is not exempt from CEQA, the lead government agency ordinarily must prepare an “initial study” to determine whether the project will have a significant effect on the environment. (City Attorneys’ Dep’t, League of Cal. Cities, *The Municipal Law Handbook* (Cont. Ed. Bar 2022 §11.26.) When the initial study identifies potentially significant impacts, but the revisions made to the project before public review of the negative declaration clearly reduces impacts to a level of insignificance, a mitigated negative declaration is prepared.

The Initial Study/Mitigated Negative Declaration (ISMND) identifies significant impacts to biological resources, cultural resources, noise, tribal cultural resources, and mandatory findings of significance. The following mitigation measures are proposed to reduce the impact to less than significant:

Mitigation Measures

Air Quality

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

Biological Resources

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

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

be notified immediately and all work within 50 feet of the individual will be halted and all equipment turned off until the individual has left the disturbance area.

The Lead Agency shall document evidence of completion of this training prior to ground disturbance.

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

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

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

- a. Plans shall delineate a 100-foot boundary from the outer edge of riparian vegetation along the lake and drainages.
- b. A qualified biologist shall be on site during all activities within 100 feet from the outer edge of riparian vegetation along the lake or drainage that where California red-legged frog may be encountered.
- c. To the extent possible, all ground-disturbing work within 100 feet from the outer edge of riparian vegetation along the lake and drainage shall be avoided between November 1 and March 31, the time period when California red-legged frogs are most likely to be moving through upland areas.
- d. All ground-disturbing work within 100 feet from the outer edge of riparian vegetation should be accomplished during the dry season, with no disturbance activities occurring during rain events or within 24 hours following a rain event.
- e. Prior to disturbance activities, exclusionary fencing shall be placed to keep construction vehicles and personnel from impacting potentially jurisdictional waters and riparian/wetland habitat outside of work areas. A biological monitor shall supervise the installation of exclusionary fencing and monitor at least once per week until disturbance activities are complete to ensure that the protective exclusionary fencing remains intact. Exclusion fencing material shall be selected to avoid accidental entrapment of wildlife species, such as fencing with a smaller gauge or no gaps at all (e.g., Animex™ fencing).

- f. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic shall be restricted to established roads, disturbance areas, equipment staging, storage, parking, and stockpile areas.
- g. If a California red-legged frog is encountered, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. A qualified biologist shall then assess the situation and select a course of action that shall avoid or minimize adverse effects to the animal.
- h. Uneaten human food and trash attracts crows, ravens, coyotes, and other predators of the California red-legged frog. A litter control program shall be instituted at each project site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the project site at the end of each working day.
- i. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of the California red-legged frog.
- j. No insecticides or herbicides shall be used at the project site during construction or long-term operational maintenance where there is the potential for these chemical agents to enter the river, or uplands that contain potential habitat for the California red-legged frog.
- k. For on-site storage of pipes, conduits, and other materials that could provide shelter for special-status species, an open-top trailer shall be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials.
- l. To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog is most actively moving and foraging.
- m. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used at the project site because California red-legged frogs can become entangled and trapped in them. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.
- n. Trenches or pits one foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent the California red-legged frog from falling into them.

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

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

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

- a. Two surveys for active bird nests will occur within 14 days prior to start of disturbance activities, with the final survey conducted within 48 hours prior to disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority and no further mitigation is required.
- b. If the qualified biologist documents active nests within the invasive removal, maintenance or improvement footprints or in nearby surrounding areas, an appropriate buffer between each nest and active disturbance area shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to ground disturbance, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during disturbance activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the Laguna Grande Regional Park Joint Powers Authority.

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

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

- a. If the biologist determines that a den may be active, coordination with the CDFW shall be undertaken to develop a suitable strategy to avoid impacts to American badger. The strategy may include the following: the biologist shall install a one-way door in the den opening and continue use of the game camera. Once the camera captures the individual exiting the one-way door, the den can be excavated with hand tools to prevent badgers from reusing them. If the biologist determines that the den is a maternity den, disturbance activities shall be delayed during the maternity season (February to August), or until the badgers leave the den on their own accord or the biologist determines that the den is no longer in use.
- b. If the game camera does not capture an individual entering/exiting the den, the den can be excavated with hand tools to prevent badgers from reusing them.

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

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

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

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

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

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

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

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

- a. Prior to implementation of invasive removal, maintenance, or improvement activities, the location and extent of the areas to be restored will be clearly delineated and mapped. A plant palette shall be determined, with preference to plant species endemic to coastal Monterey County. The plant palette used for restoration will be reviewed and approved by the Laguna Grande Regional Park Joint Powers Authority.
- b. The restoration plan will include seed collection and transplantation/preservation or restoration/preservation guidelines. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native invasive plants. Monitoring will occur for a minimum of five years after mitigation area installation to verify that restoration activities have been successful and will include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years.
- c. The abundance of annual plants naturally varies from year to year depending on multiple factors including disturbance and rainfall. The performance standard for successful mitigation will be a minimum 2:1 replacement ratio (i.e. two plants observed in the restoration area for each plant lost from the impact area) during at least one spring occurring in year 3, 4, or 5 after installation. The plan will contain options for corrective action and extended maintenance/monitoring if the performance standard is not achieved during the 5-year monitoring period.
- d. During each monitoring effort undertaken in the restoration area, a qualified biologist will conduct a comparison of spring survey conditions from the previous year(s) and prepare a written report for the Laguna Grande Regional Park Joint Powers Authority.

If adaptive management (corrective measures) are warranted, a description and recommendation will be included in the annual report.

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

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

- i. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of disturbance activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process; Or,
- ii. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

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

Cultural Resources

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

- a. All work within 50- meter (165 feet) shall be halted and a qualified archaeologist shall be consulted to assess the significance of the finding according to CEQA Guidelines Section 15064.5.
- b. If any find is determined to be significant, representatives from the City of Monterey Recreation Department and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation.
- c. All significant prehistoric cultural materials and or tribal cultural resources recovered shall be; returned to Native American tribes traditionally and culturally affiliated with the area.
- d. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations.
- e. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be implemented.
- f. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

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

Geology and Soils

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

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

Tribal Cultural Resources

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

These mitigation measures are incorporated into the attached Mitigation Monitoring and Reporting Program.

RECOMMENDED ACTION:

It is recommended that the Board adopt resolutions adopting the Laguna Grande Regional Park Trail and Maintenance Strategy Project Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and adopting the Laguna Grande Regional Park Trail and Maintenance Strategy Plan (**ATTACHMENT 2**)

ATTACHMENTS:

1. [Resolution #2023-06, Adopting the Laguna Grande Regional Park Trail and Maintenance Strategy Project Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program](#)
 - [Exhibit A: Initial Study/Mitigated Negative Declaration](#)
 - [Exhibit B: Mitigated Monitoring Chart](#)
2. [Resolution #2023-07, Adopting the Laguna Grande Regional Park Trail and Maintenance Strategy Plan](#)
 - [Exhibit A: Laguna Grande Regional Park Trail and Maintenance Strategy Plan](#)