

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

In compliance with the California Environmental Quality Act (CEQA), the City of Hollister has undertaken supplemental environmental review for the City of Hollister San Benito River Greenway Project and intends to adopt a Supplemental Mitigated Negative Declaration. The City of Hollister invites all interested persons and agencies to comment on the environmental document.

File Number: SCH #2008121118

Project Location: Project is a 0.9 mile linear route on the west edge of the City of Hollister, beginning at the southwest corner of the Bridge/Bridgevale Road intersection, running roughly parallel and north of the San Benito River, to Apricot Park/Apricot Lane.

Project Description: The project is a site plan revision and specifications for a 0.9 mile river park trail on the west side of Hollister, consisting of 4,800 of linear pathway with a staging area at each end. The staging areas will be paved and will include improvements such as drinking fountains, bicycle racks, native landscaping, interpretive features and fencing.

The city approved a prior version of this project in 2008 and completed environmental review under CEQA, but obtained a new funding source (CDBG grant) in 2017. The current proposal consists of a site plan revision and updated plans and specifications that include the following revisions: use of decomposed granite for trail surface; removal of irrigation; design to comply with ADA requirements; avoidance of riparian habitat; and southern terminus to end in Apricot Park.

Public Review Period: Begins – Friday, November 8, 2019
Ends – Monday, December 9, 2019

The Supplemental Mitigated Negative Declaration is Available for Public Review at these Locations:

City of Hollister, City Hall 375 Fifth Street Hollister, CA 95023 (831) 636-4300 Or online at: http://hollister.ca.gov/government/city-departments/development-services/planning/ (Under “notices”).	City of Hollister, Development Services Department 339 Fifth Street Hollister, CA 95023 (831) 636-4360	San Benito County Free Library 470 Fifth Street Hollister, California 95023 (831) 636-4107
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Address Where Written Comments May be Sent: Written comments concerning the Supplemental Mitigated Negative Declaration should be submitted to the City of Hollister, Development Services Department by 5:00 p.m. on **Monday, December 9, 2019**. Please address comments or questions to:

City of Hollister, Development Services Department
c/o: Abraham Prado, Planning Manager and
Renee Perales, Capital Improvements Project Manager
375 Fifth Street
Hollister, CA 95023
(831) 636-4360 ph, (831) 634-4913 fax
abraham.prado@hollister.ca.gov and renee.perales@hollister.ca.gov

The tentative decision date would be December 2019 or January 2020, and would take place in the City of Hollister Council Chambers, 375 Fifth Street, Hollister, CA 95023 at 6:00 p.m. at a planning commission



CITY OF HOLLISTER

SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION RIVER PARK TRAIL ("GREENWAY") PROJECT (SCH #2008121118)



Lead Agency: City of Hollister
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Hollister, CA 95023

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Background

The City of Hollister City Council adopted a Mitigated Negative Declaration for the San Benito Greenway Trail Project in December of 2008. The 2008 MND is included as **Attachment 1**. Please note that the City of Hollister is not seeking comments on the original MND.

The Original Project proposed to construct a nearly one-mile linear park trail with a staging area near the intersection of Bridge and Bridgevale Roads and extending near the base the northern ponds of the City of Hollister Industrial Wastewater Treatment (IWTP) ponds. The trail route would then connect to a maintenance road for the IWTP that would be reconstructed as a 10-foot-wide trail. Southern access was proposed on private property south of the western terminus of Apricot Lane. See **Figure 1**.

Project construction and implementation was proposed to be funded with a grant. The grant funding was lost, however, because negotiations to acquire the property for the southern trailhead were unsuccessful. Within the past several years a residential subdivision has been constructed north of Apricot Lane with a small municipal park – Apricot Park. The City of Hollister was then successful in obtaining a 2017 Community Development Block Grant (CDBG) to construct the River Park Trail (previously referred to as the “Greenway” project) with a realigned trailhead at Apricot Park. The realigned access for the Modified Project is shown in **Figure 2**.

Project Location

As shown in Figures 1 and 2, the project is located on the west edge of the City of Hollister beginning at the southwest corner of the Bridge/Bridgevale Road intersection, traversing under the east side of the San Juan Road bridge over the San Benito River and connecting to the west side of the existing levee maintenance roads to connect to Apricot Lane for a distance of about 0.9 mile.

Summary of Project Modifications

The proposed minor modifications to the Original Project constitute the following: 1) The trail will be constructed with decomposed granite mixed with beeswax over base rock to reduce erosion and maintenance costs instead of decomposed granite over base rock. 2) Irrigation will not be installed. Native plants will be hand watered until they are established. 3) The trail design has been updated to comply with Americans with Disabilities Act requirements. 4) The northern trail section near the base of the IWTP levees has been designed to avoid encroachment with riparian habitat. 5) The southern end of the trail has been re-oriented to connect to Apricot Park, and Trailhead B on the Original Project site plan has been eliminated. The Apricot Park parking lot will be used as the trailhead parking lot.

Supplemental Mitigated Negative Declaration

Pursuant Section 21166 (c) of the California Public Resources Code and Section 15163 of the CEQA Guidelines, the Lead Agency determined that a supplemental evaluation is warranted because there is new information of substantial importance that could result in potentially significant impacts to biological resources and special status species. For this reason, a Supplemental Mitigated Negative Declaration has been prepared for the Modified Project.

This document is titled a "Supplemental Mitigated Negative Declaration" (SMND). Pursuant to CEQA, a supplement to an adopted CEQA document is appropriate when only minor additions or changes would be necessary to make the previous document adequately apply to the project in the changed situation. In this case, the Modified Project and updated biological information results in only minor additions to the project and associated mitigation measures. As such, only the description of the project changes and updated biological assessment are being circulated for public review (CEQA Guidelines Section 15163 (d)). The project modifications to not affect any other natural resource or environmental condition.

This SMND has been released and will be available for a 30-day public review and comment period from November 8, 2019 to December 9, 2019. The deadline for submitting comments on the SMND is 5 p.m. on December 9, 2019.

Figure 1: San Benito River Greenway Original Site Plan

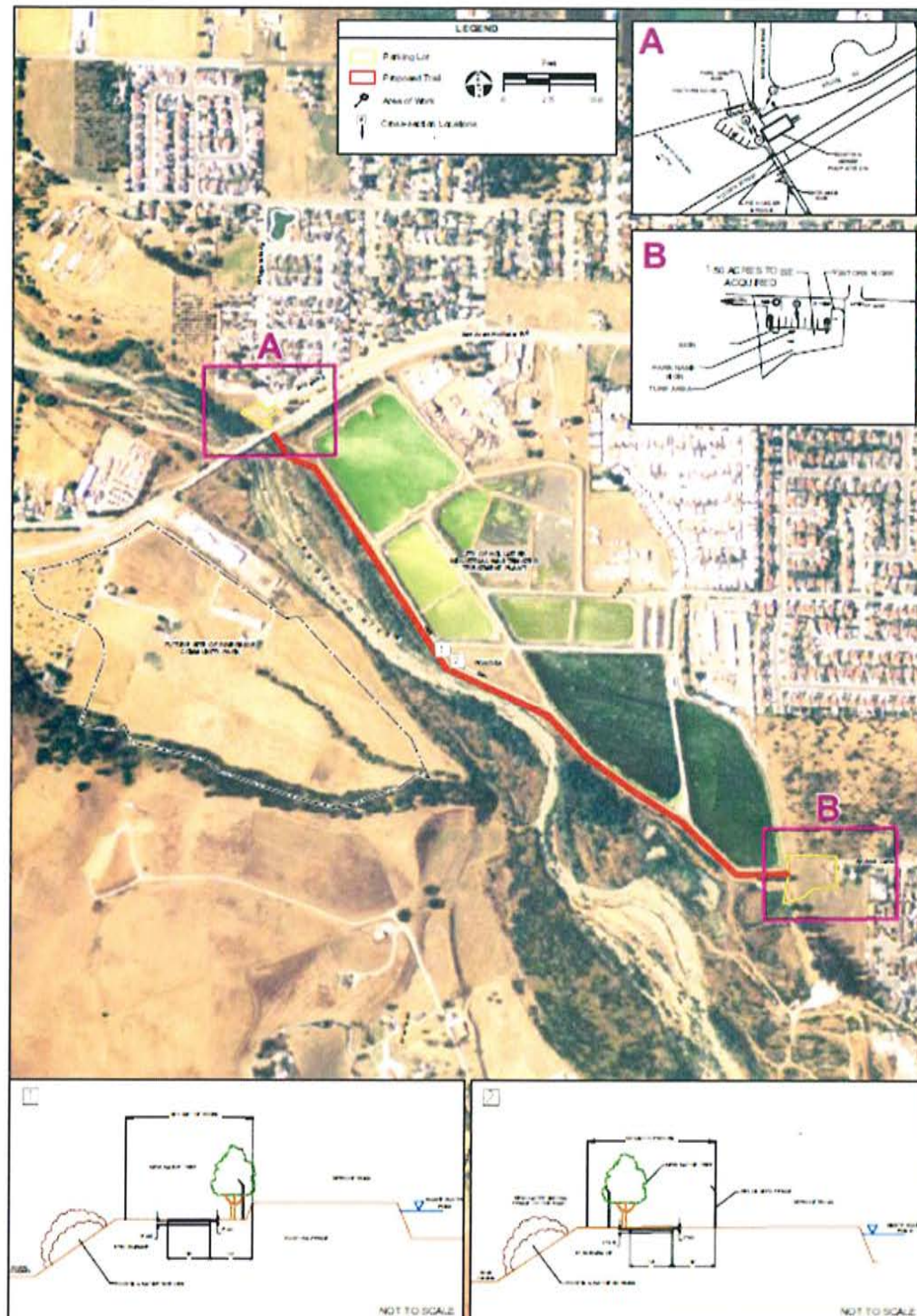
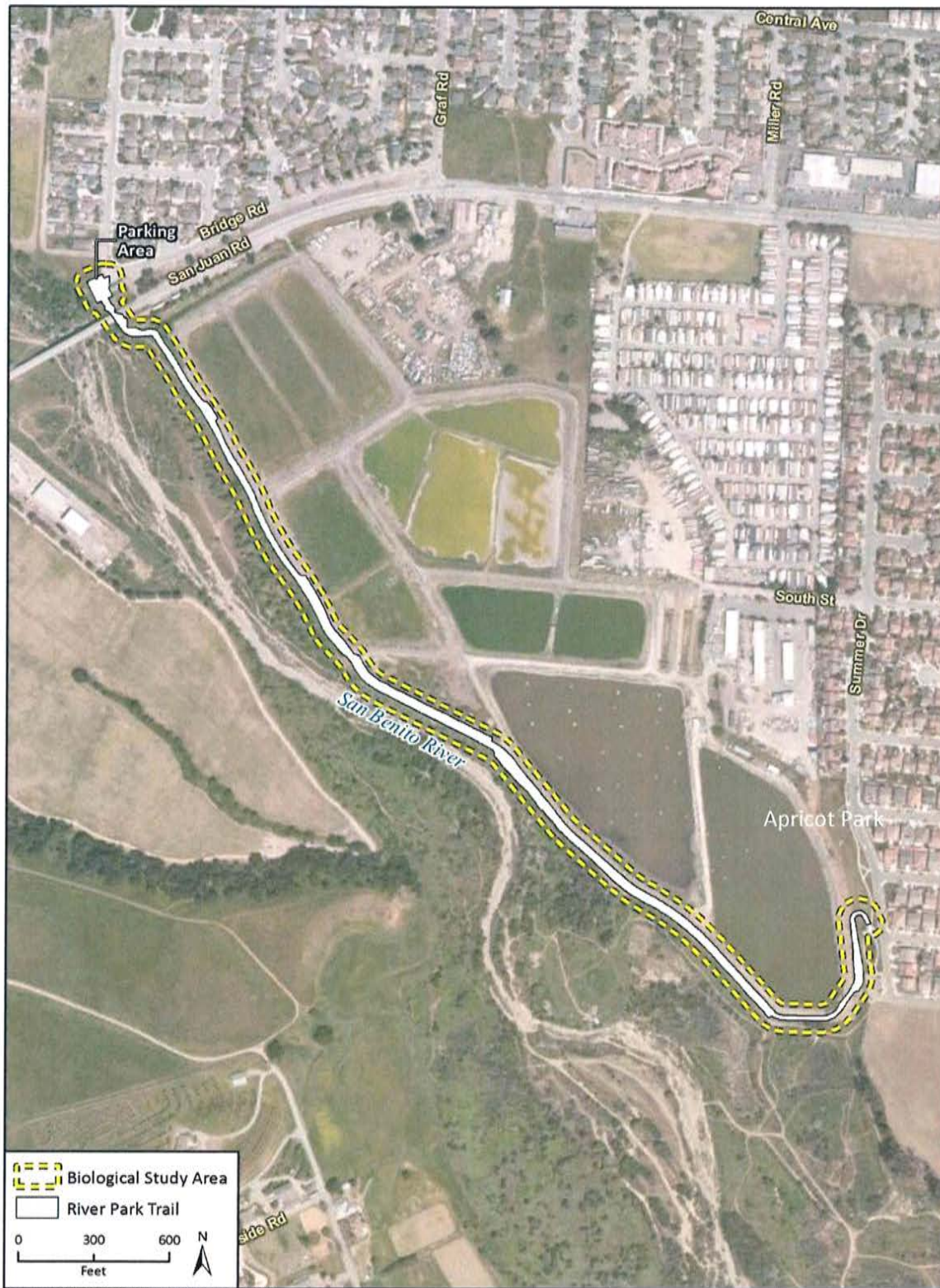


Figure 2: River Park Trail Modified Site Plan



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Project Description Details

The City of Hollister was awarded a Community Development Block Grant to construct a nearly one-mile river park trail on the west side of Hollister between the intersection of Bridge/Bridgevale Roads and Apricot Lane. The ten-foot-wide 4,800-foot linear trail will be constructed between a new 0.32 acre staging area at the southern corner of Bridge Road and Bridgevale Road and the recently constructed Apricot Park. The 0.32-acre Bridge Road staging area will be improved with paving, five parking stalls, a bike rack, drinking fountain, educational features, native landscaping and dispensers for dog waste baggies. The trail will be constructed with base rock overlaid with decomposed granite mixed with beeswax. The beeswax will prevent erosion and reduce maintenance costs. An existing six-foot cyclone perimeter fence will be relocated to prevent pedestrian access to the IWTP and replaced with an eight-foot wrought iron or aluminum fence. The west side of the trail will be improved with four-foot-high split rail fencing.

Existing debris on the southern perimeter of the IWTP includes rip-rap and cement debris that would be relocated to an unused area of the IWTP. Native trees will be planted along the trail to provide shade and enhance habitat. Ten benches will be installed along the trail. Bilingual "No Trespassing" signs will be placed along the trail.

The ten-foot-wide pedestrian and bicycle trail will pass under the existing San Juan Hollister Bridge and connect to an existing unpaved levee maintenance road used for the Industrial Waste Water Treatment Plant (IWTP) where it will then connect to the western end of Apricot Lane and the Apricot Lane Park. The northern portion of the trail will be constructed near a social path that will pass under the San Juan Hollister Road bridge and traverse at the base of the western levees for the City's Industrial wastewater treatment ponds for a distance of about 700 feet. The trail will then rise up to traverse along an existing levee road and connect with Apricot Park near Apricot Lane for a distance of about 2,500 feet. The 60% Plans and Specifications are included in **Attachment 2** to this SMND.

Concurrent NEPA Review

The Modified Greenway Project is subject to CEQA as described above, and also subject to the National Environmental Policy Act (NEPA) because federal HUD funds will be used for the Community Development Block Grant (CDBG) funding source. An Environmental Assessment was prepared for the Modified Project in November 2019 with a Finding of No Significant Impact (FONSI) pursuant to NEPA.

Summary of Findings and Environmental Declaration

The SMND finds that the modified Project could result in new potentially significant environmental impacts to one or more Statewide Species of Concern that were not previously identified. However, with the addition of preventative mitigation measures, the impacts can be reduced to a less than significant level.

The proposed changes to the Modified Project are considered to be minor and do not constitute substantial changes to the project pursuant to Section 21166 (a) of the Guidelines to CEQA that would require major revisions to the mitigated negative declaration adopted for the Original Project.

A residential subdivision with single family homes and a small park have been constructed north of Apricot Lane and west of the IWTP since the adoption of the MND for the Original Project. The alteration of land use from vacant to park and single-family homes near the southern trailhead does not constitute a significant change to the circumstances under which the project will be carried out that would result in a new significant impact pursuant to Section 21166 (b) of the Guidelines to CEQA.

The MND for the Original Project concluded that there would be No Impact or Less than Significant Impact to Aesthetics, Agriculture Resources, Air Quality, Greenhouse Gas Emissions, Hazardous/Hazardous Materials, Land Use/Planning, Mineral Resources, Population and Housing, Public Services, and Utilities. The relocation of the southern trailhead to Apricot Park would not significantly alter the grading or land use patterns in the project vicinity and the impacts would remain less than significant. The adopted MND for the Original Project included mitigation measures to reduce potentially significant impacts to Biological Resources, Geology/Soils, Noise, Hydrology/Water Quality and Transportation/Traffic associated with construction of the Greenway trail. Relocation of the south trail access to Apricot Park would not require alteration of the adopted mitigation measures except as specified below.

The current River Trail project has been mitigated to a point where no significant effects will occur. There is no substantial evidence that the project may have a significant effect on the environment. The following reasons support these findings:

1. The proposal is a logical and supportive component of the existing land uses in the area.
2. Identified adverse impacts can be mitigated by avoidance through design, construction best practices, pre-construction surveys and standard conditions and regulations.
3. The proposed project is consistent with the adopted goals, policies and land uses of the City of Hollister General Plan and Municipal Code.
4. With the application of the mitigation measures contained herein, the proposed project as modified will not have any significant impacts on the environment.

New Information and/or Impacts

A 2019 Biological Resources Assessment (BRA) prepared for the NEPA Environmental Assessment (Rincon Consulting, October 2019) determined that there is potential for significant impacts to several special status species that could be mitigated to an insignificant level that were not identified in the 2008 MND. Pursuant Section 21166 (c) of the CEQA a supplemental evaluation is warranted because there is new information of substantial importance that would result potentially significant impacts to state species of concern.

The BRA evaluated the updated 30% plans, specifications and project description in the 2017 NOFA application. The BRA is included as **Attachment 3** to this SMND, and is available for public review at the City of Hollister Development Services Department, 339 Fifth Street and can also be reviewed at the following link:

<http://hollister.ca.gov/government/city-departments/development-services/>

The Biological Study Area (BSA) included an approximately 4,800-foot trail corridor, between Apricot Lane and Bridge Road plus a 50-foot survey buffer. Three natural vegetation communities and four land cover types were documented within the project site: 1) annual grassland; 2) riparian woodland 3) ruderal; 4) developed; 5) landscaped; 6) Industrial Wastewater Treatment Pond; and 7) rock pile. Eight acres of the BSA consists of developed, landscaped, Industrial Waste Water Treatment Pond and rock pile. Four- and one-half acres include annual grassland (1.82 ac.), riparian woodland (1.39 ac) and ruderal vegetation (0.7 ac.) and coyote brush (0.64). None of the riparian woodland in the BSA is located within the trail corridor. Coyote Brush is primarily located in the BSA near the San Benito River and above the top of the bank and near some sections of the trail corridor. The annual grasses are primarily located near the Bridge Road staging area. The Biological Resource Assessment (BRA) concluded that the project would have no effect on sensitive plant species.

The BRA concluded that the trail corridor would not be located in a Critical Habitat or Sensitive Plant Community but that the riparian woodland and San Benito River to the west could be considered a Sensitive Plant Community by the California Department of Fish and Wildlife. Potential Riparian habitat was flagged in order to design the trail to avoid encroachment.

The BRA documented that the trail corridor is not located within a significant area for Wildlife Movement or Natural Landscape Blocks.

The BRA determined that construction activities could result in significant effects to the following species but the effects could be avoided with the mitigation measures in the previously adopted MND for the Original Project and the following additional mitigation measures: California tiger salamander, California red legged frog, Western spadefoot, Burrowing Owl, San Joaquin Coachwhip, Western Pond turtle, American badger, Pallid bat, Townsend's big-eared bat, western mastiff bat, and western red bat, Coast range newt and nesting special status species of birds, raptors and other protected birds.

New Additional or Modified Mitigation Measures

The following mitigation measures have been identified in the October 2019 BRA. These measures are conservative and preventative, designed to avoid potential impacts associated with project construction. Despite some level of redundancy, these measures will be added to the list of mitigation measures adopted in 2008 for the Original Project. The entire BRA (analysis, findings and conclusions) is included as an Appendix to this SMND.

California Red-legged Frog

BIO-1 No work should occur during a rain event (over 0.25 inches). If a rain event occurs, a qualified biologist shall inspect the site again prior to resuming work.

California Tiger Salamander

BIO-2 a. A qualified biologist shall conduct a pre-construction survey within 14 days prior to initiation of construction activities. The USFWS will be notified should CTS be observed within the project site.

- b. The "Species Sensitivity Training" program presented prior to commencement of construction activities should include CTS. This program will be designed to educate construction personnel about the mitigation measures required for the execution of the project. All construction personnel will attend the sensitivity training that will provide instruction on CTS identification, status and detailed protocol of the actions that should be taken in the event that a CTS is encountered onsite during construction activities.
- c. Construction crew should be trained during the "Species Sensitivity Training" to check beneath the staging equipment each morning prior to commencement of daily construction activities. Should CTS occur within the staging areas, construction activities should be halted until the CTS vacates the project site.
- d. A qualified biologist should be present during grading activities. Should CTS be observed within the project site, the USFWS shall be notified and construction should be halted until either the CTS exits the site and approval to begin again is provided by the USFWS.
- e. For segments of the trail corridor and parking area that occur within 100 feet of the Industrial wastewater treatment ponds and the San Benito River, exclusionary fencing will be established to prevent CTS from entering construction areas. The fencing shall be marked by highly visibility signs indicating that human activity is prohibited within these areas.
- f. No work should occur during a rain event (over .25"). If a rain event occurs, a qualified biologist should inspect the site again prior to resuming work.

Nesting Special Status Birds, Raptors and Other Protected Birds

BIO-3 For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the CFGC (including, but not limited to, tricolored blackbird, Cooper's hawk, and white-tailed kite) shall be conducted by a qualified biologist no more than 14 days prior to initiation of construction activities for within the river park trail), including construction staging and vegetation removal. The surveys shall include the entire disturbance areas plus a 200-foot buffer around any disturbance areas. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

Western Spadefoot

- BIO-4** a. If construction activities are to occur between November to March, then a qualified biologist shall conduct pre-construction western spadefoot surveys (within mammal burrows and stockpiles) before any construction activities occur in or adjacent to suitable habitat. The surveys should be conducted within 14 days prior to initiation of construction activities. Should western spadefoot be observed within the project site, the biologist shall note the location on a map and resurvey the site prior to commencement of construction activities ensure the toad vacated the area. Should the western spadefoot still be present, then a 50 foot buffer around the location shall be established and construction activities shall be prohibited within the buffer zone until the snake has vacated the project site.
- b. Prior to the start of work a "Species Sensitivity Training" program will be established for the western spadefoot. This program will be designed to educate construction personnel about the mitigation measures required for the execution of the project. All construction personnel will attend the sensitivity training that will provide instruction on western spadefoot identification, status and detailed protocol of the actions that should be taken in the event that a western spadefoot is encountered onsite during construction.
- c. A qualified biologist should be present on the project site to monitor the initial ground disturbance. Monitoring shall take place throughout the entire removal process. Should a western spadefoot occur beneath a stockpile, then removal of that stockpile should be halted until the western spadefoot has vacated the stockpile.

Coast Range Newt

- BIO-5** a. If construction activities are to occur between November to March, then a qualified biologist shall conduct pre-construction coast range newt surveys (within mammal burrows and stockpiles) before any construction activities occur in or adjacent to suitable habitat. The surveys should be conducted within 14 days prior to initiation of construction activities. Should coast range newt be observed within the project site, the biologist shall note the location on a map and resurvey the site prior to commencement of construction activities ensure the toad vacated the area. Should the coast range newt still be present, then a 50-foot buffer around the location shall be established and construction activities shall be prohibited within the buffer zone until the snake has vacated the project site.
- b. Prior to removal of stockpiles within the proposed project site, a "Species Sensitivity Training" program will be established for the coast range newt. This program will be designed to educate construction personnel about the mitigation measures required for the execution of the project. All construction personnel will attend the sensitivity training that will provide instruction on coast range newt identification, status and detailed protocol of the actions that should be taken in the event that a coast range newt is encountered onsite during construction.
- c. A qualified biologist should be present on the project site to monitor the disturbance and removal of all stockpiles. Monitoring shall take place throughout the entire removal process.

Should a coast range newt occur beneath a stockpile, then removal of that stockpile should be halted until the coast range newt has vacated the stockpile.

Special Status Bats

- BIO-6 a. A qualified wildlife biologist should conduct pre-construction surveys for special-status Townsend's big-eared bat and western red bat in the vicinity of the bridge and riparian woodlands no more than 14 days prior to commencement of construction activities. If no active roosts or evidence of Townsend's big-eared bat and western red bat presence are detected during these surveys, no additional mitigation is required.
- b. Should Townsend's big-eared bat or western red bat individuals or their active roosts be detected beneath the bridge or riparian areas during the pre-construction survey, the staging area should be situated at least 100 feet from the roost. Construction activities should be carried out in a short timeframe within 100 feet of the roost. A qualified biologist should be present while construction activities are occurring within 100 feet of the bridge.

All measures will be reflected in a final Mitigation Monitoring and Reporting Program.

REPORT PREPARERS

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Attachments:

Attachment 1: 2008 Adopted Initial Study/Mitigated Negative Declaration
Attachment 2: 60% Plans and Specifications
Attachment 3: Biological Resource Assessment (Rincon Consultants, October 2019)