



New Fort Ord Courthouse

Final Environmental Impact Report

STATE CLEARINGHOUSE NUMBER:
2022070304

Prepared for:
Judicial Council of California

AUGUST 2023

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Prepared for:

Judicial Council of California
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Appendix A Mitigation Monitoring and Reporting Program

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Acronyms and Abbreviations

AMBAG	Association of Monterey Bay Area Governments
BSA	Biological Survey Area
BSCC	Board of State and Community Corrections
CalGreen	California Green Building Standards Code
CBB	Crotch bumble bee
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
City	City of Seaside
CNDDDB	California Natural Diversity Database
Court	Superior Court of Monterey
CPD	Campus Planning & Development
CSUMB	California State University Monterey Bay
DEIR	Draft Environmental Impact Report
Dunes	City of Marina's University Villages Specific Plan
EIR	environmental impact report
EVCS	Electric Vehicle Charging Station
FEIR	Final Environmental Impact Report
FORTAG	Fort Ord Regional Trail and Greenway
GHG	greenhouse gas
Judicial Council	Judicial Council of California
LED	light emitting diode
LEED	Leadership in Energy and Environmental Design
m	meters
MMRP	Mitigation Monitoring and Reporting Program
MST	Monterey-Salinas Transit
MTP	Metropolitan Transportation Plan
NOP	Notice of Preparation
PG&E	Pacific Gas & Electric Company
Project or proposed Project	New Fort Ord Courthouse Project
SCS	Sustainable Communities Strategy
TAMC	Transportation Agency for Monterey County
TAZ	Traffic Analysis Zone
UPD	University Police Department
USFWS	U.S. Fish and Wildlife Service
VMT	vehicular travel demand

1. Introduction

The Judicial Council of California (Judicial Council) prepared an environmental impact report (EIR) to evaluate the potential environmental effects of the proposed New Fort Ord Courthouse Project (Project or proposed Project) in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.) and the CEQA Guidelines (California Code of Regulations sections 15000 et seq.).

1.1 Environmental Review Process

A Notice of Preparation (NOP) for the Draft EIR (DEIR) was circulated to inform agencies and the general public that an EIR was being prepared and invite comments on the scope and content of the document. The Judicial Council considered comments submitted in response to the NOP during preparation of the DEIR.

The Judicial Council prepared a DEIR (State Clearinghouse Number 2022070304) for the proposed Project and published required notices to provide responsible agencies and other interested parties with notice that the DEIR was available for review, and to solicit comments and concerns regarding the environmental issues associated with the proposed Project. The public review period ran from April 6, 2023 to May 22, 2023.

This Final EIR (FEIR) includes copies of comments submitted, responses to the comments, and changes to the text of the DEIR. In this FEIR, the Judicial Council separately provided responses to all comments received during the DEIR public review period, including the California Department of Fish and Wildlife (CDFW); California State University Monterey Bay (CSUMB); City of Marina; Monterey-Salinas Transit (MST). The FEIR also includes responses to comments submitted following the end of the public review period by the Transportation Agency for Monterey County (TAMC).

1.2 Requirements for Responding to Comments

In accordance with Section 15088 of the CEQA Guidelines, the Judicial Council, as the lead agency, has reviewed the comments received on the DEIR for the proposed Project and has prepared written responses to the comments received.

1.3 Requirements for Certification and Future Steps in Project Approval

The FEIR allows the public and the Judicial Council decision-makers an opportunity to review revisions to the DEIR and the Responses to Comments. The FEIR serves as the environmental document that informs decision-makers of the proposed Project and the alternatives to the Project discussed in the DEIR. As required by Section 15090 of the CEQA Guidelines, a lead agency, in certifying a FEIR, must make the following three determinations:

1. The FEIR has been completed in compliance with CEQA.
2. The FEIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the FEIR prior to approving the project.
3. The FEIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of

those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

1.4 Organization and Format of the FEIR

The Judicial Council prepared this FEIR, which includes:

- ▶ A list of agencies and organizations that provided comments on the DEIR, detailed in Chapter 2, “Comments and Responses to Comments on the Draft EIR;”
- ▶ Comments and responses to comments on the DEIR, also detailed in Chapter 2;
- ▶ Minor revisions to the DEIR, detailed in Chapter 3, “Errata;” and
- ▶ References cited in this FEIR.

Chapter 2, “Comments and Responses to Comments,” of this FEIR includes the comments received on the DEIR and responses to each of these comments (as required by the CEQA Guidelines section 15132). The range of responses include providing clarification on the DEIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by decision-makers when the comment does not relate to the adequacy of the EIR for addressing potential adverse physical environmental effects of the Project.

In some instances, responses to comments may warrant modification of the text of the DEIR. In those cases, the text of the DEIR is revised and the changes compiled in Chapter 3, “Errata” of this FEIR. The text deletions are shown in ~~strikeout~~ and additions are shown in underline. The revisions summarized in Chapter 3 of this FEIR do not change the conclusions presented in the DEIR.

This document and the DEIR together constitute the FEIR for consideration of certification by the Judicial Council.

2. Comments and Responses to Comments on the Draft EIR

This section of the Final EIR (FEIR) contains comment letters received during the public review period for the Draft EIR (DEIR). In conformance with California Environmental Quality Act (CEQA) Guidelines section 15088(a), the Judicial Council of California (Judicial Council) has prepared written responses to comments on environmental issues received from reviewers of the DEIR.

2.1 Comments on the Draft EIR

Table 2-1 identifies a Letter Identification (ID) for each comment letter received, the author of the comment letter, and the date of the comment letter. Each comment letter is included in its entirety for decision-maker consideration before each response.

Table 2-1. Comments Received on the Draft EIR

Letter ID	Commenter	Date
CDFW	California Department of Fish and Wildlife (CDFW)	5-22-23
CSUMB	California State University Monterey Bay (CSUMB)	5-22-23
CM	City of Marina	5-22-23
TAMC	Transportation Agency for Monterey County (TAM-C)	5-23-23
MST	Monterey Salinas Transit (MST)	5-17-23

Comment Letter CDFW –California Department of Fish and Wildlife, 5/22/23

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter CDFW



May 22, 2023

Kim Bobic, Senior Project Manager
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102
Kim.Bobic-T@jud.ca.gov

Subject: New Fort Ord Courthouse (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2022070304

Dear Kim Bobic:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (DEIR) from the Judicial Council of California for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Judicial Council of California

Objective: The Project proposes to construct a new courthouse on the former Fort Ord Military Base property. The proposed 3-story, approximately 83,000-gross-square-foot courthouse would include seven multi-purpose courtrooms, chambers, central holding, jury assembly, self-help, and administrative support areas. The courthouse would be constructed near the center of a 5-acre parcel, flanked by parking to the east and the west. The proposed Project includes approximately 280 surface parking spaces for staff and the public, including jury parking and a secured parking area for judicial officers. Solar power generation will be planned at 150 of the parking spaces together with the corresponding battery energy storage system. Per Project information, construction will be divided into two phases. The first phase is anticipated in May 2025 and the second in June 2026 with completion by July 2028.

Location: The Project site is located in the City of Seaside, southwest of the intersection of Divarty Street and 2nd Avenue.

Timeframe: Unspecified

Kim Bobic, Senior Project Manager
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 May 22, 2023
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CDFW continues to recommend, as is cited in our NOP response letter, that full CDFW protocol, floristic, and repeated plant surveys be conducted in order to adequately inform the CEQA analysis contained in the DEIR.

↑
 CDFW-3
 (Cont.d)

In addition to our request that our recommendations contained in the attached comments on the NOP for this project be implemented, CDFW has the following comments and recommendations on specific mitigation measures to be included in the FEIR.

Burrowing Owl (*Athene cunicularia*)

CDFW recommends that additional burrowing owl (BUOW) mitigation measures be included in the FEIR to minimize potentially significant impacts to this species. BUOW could potentially be using the site between the time surveys were conducted and the time the Project will be constructed. Potentially significant direct impacts from construction activities may result in burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

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 CDFW-4

CDFW recommends no-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

No-disturbance buffers differ regarding time of year and level of disturbance, please refer to the table below.

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 CDFW-5

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Crotch Bumble Bee (*Bombus crotchii*)

The Crotch bumble bee (CBB) has the potential to occur within the Project site. The CBB range includes the Pacific coast (Xerces Society, 2018) and was once common throughout most of central and southern California. However, it now appears to be absent from most of their range. (Hatfield et al. 2014). Analyses by the Xerces Society

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 CDFW-6
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Kim Bobic, Senior Project Manager
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 May 22, 2023
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et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

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 CDFW-6
 (Cont.d)

Suitable CBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. Per Google aerial photography and Google Streetview, grassland habitat along with some downed wood and some smaller brush/vegetation is present within and adjacent to Project limits. CBB primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with project activities have the potential to significantly impact local CBB populations.

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 CDFW-7

If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

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 CDFW-8

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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 CDFW-9

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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 CDFW-10

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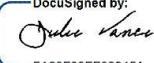
Kim Bobic, Senior Project Manager
Judicial Council of California
May 22, 2023
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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the Judicial Council of California in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist at (805) 503-5738 or Evelyn.Barajas-Perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

F483F00FE08945A...
Julie A. Vance
Regional Manager

Attachments

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Evelyn Barajas-Perez
California Department of Fish and Wildlife

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Kim Bobic, Senior Project Manager
Judicial Council of California
May 22, 2023
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REFERENCES

- California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. March 7, 2012
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- Hatfield, R., Jepsen, S., Thorp, R., Richardson, L. & Colla, S. 2015. *Bombus crotchii*. The IUCN Red List of Threatened Species.
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S .R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp.
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: New Fort Ord Courthouse

SCH No.: 2022070304

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: BUOW Surveys	
Mitigation Measure 3: BUOW Passive Relocation and Mitigation	
Mitigation Measure 4: CBB Surveys	
Mitigation Measure 7: Special-Status Species Habitat Assessment	
Mitigation Measure 9: Species-Specific Species Surveys	
Mitigation Measure 10: Special-Status Species Take Authorization	
Mitigation Measure 6: CBB Take Authorization	
<i>During Construction</i>	
Mitigation Measure 2: BUOW Avoidance	
Mitigation Measure 5: CBB Take Avoidance	
Mitigation Measure 8: Special-Status Species Take Avoidance	

CDFW-11



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State of California – Natural Resources Agency
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August 18, 2022

Kim Bobic, Senior Project Manager
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102
Kim.Bobic-T@jud.ca.gov

**Subject: New Fort Ord Courthouse (Project)
Notice of Preparation (NOP) of an Environmental Impact Report (EIR)
State Clearinghouse No.: 2022070304**

Dear Kim Bobic:

The California Department of Fish and Wildlife (CDFW) received a NOP from the Judicial Council of California for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of our own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in the trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically



CDFW-11
(Cont.d)

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Kim Bobic, Senior Project Manager
 Judicial Council of California
 August 18, 2022
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sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW-11
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PROJECT DESCRIPTION SUMMARY

Proponent: Judicial Council of California

Objective: The Project proposes to construct a new courthouse on a former Fort Ord Military Base property. The proposed 3-story, approximately 83,000-gross-square-foot courthouse would include seven multi-purpose courtrooms, chambers, central holding, jury assembly, self-help, and administrative support areas. The courthouse would be constructed near the center of a 5-acre parcel, flanked by parking to the east and the west. The proposed Project includes approximately 280 surface parking spaces for staff and the public, including jury parking and a secured parking area for judicial officers. Solar power generation will be planned at 150 of the parking spaces together with the corresponding battery energy storage system.

Location: The Project site is located on the south side of Divarty Street, between 1st and 2nd Avenues.

Timeframe: N/A.

Kim Bobic, Senior Project Manager
 Judicial Council of California
 August 18, 2022
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COMMENTS AND RECOMMENDATIONS

Monterey gilia and Seaside bird's-beak: Special-status species have been documented in the Project area vicinity (CDFW 2022). Records from the California Natural Diversity Database (CNDDB) demonstrate that special-status species may include, but not be limited to, the State threatened, federally endangered, and California Rare Plant Ranked (CRPR) 1B.2 Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), and the State endangered and CRPR 1B.1 seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*). CDFW advises that protocol-level surveys, the parameters of which were designed to optimize detectability, be conducted as part of the biological studies for the EIR to reasonably determine if Project activities will impact State-listed species. Surveys need to be floristic and utilize a reference site to maximize detection potential and need to be conducted over multiple seasons to increase the reliability of the results. In the absence of surveys, the applicant may assume presence within the Project site and immediately focus on the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b). Absent obtaining a 2081 ITP, full avoidance measures are necessary to avoid all take as a result of Project ground-disturbing activities. CDFW recommend the Project proponent contact us as soon as possible for early consultation relative to acquisition of an ITP to help streamline the permit application and acquisition process.

Cumulative Impacts: CDFW recommend that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Nesting Birds: CDFW encourages implementation of Project construction activities during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (i.e., February through mid-September), CDFW recommends pre-construction surveys for nesting birds and an appropriate no-disturbance buffer be implemented around active nests. The Project proponent is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.



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August 18, 2022
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Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, Monterey gilia. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

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CDFW is available to meet with you to discuss potential impacts and possible mitigation measures for biological resources. If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ec: United States Fish and Wildlife Service
Patricia Cole; patricia_cole@fws.gov

California Department of Fish and Wildlife
Jeff Cann; Jeff.Cann@wildlife.ca.gov

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Kim Bobic, Senior Project Manager
Judicial Council of California
August 18, 2022
Page 5

REFERENCES

CDFW. 2022. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>.

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CDFW-11
(Cont.d)

2.1.1 Responses to Comment Letter CDFW

CDFW-1

Response: In response to comment on flowering annual plants that could be present in the Project area, including seaside's birds beak (*Cordylanthus rigidus ssp. Littoralis*), Monterey gilia (*Gilia tenuiflora ssp. Arenaria*), and Menzies' wallflower (*Erysium ammophilum*), as called for by Mitigation Measure 4.3-1b: Avoid Impacts to Special-status Plant Species in the Draft EIR (page 4.3-19), qualified botanists retained by the Judicial Council are currently conducting floristic surveys at the Project site in accordance with current CDFW protocols for such surveys (CDFW 2018). To date, surveys have been conducted on April 21, June 2, and July 20, 2023. Surveys have been timed to coincide with the blooming season of the target special-status plant species with potential to occur at the Project site. As specifically required by Mitigation Measure 4.3-1b, if special-status plant are documented during the floristic surveys, these occurrences will be properly documented and these data will be used to inform development of a Special-Status Plant Mitigation Plan. The Special-Status Plant Mitigation Plan will include measures to avoid, minimize, or mitigate for direct, indirect, and cumulative impacts. Development of the Mitigation Plan will be in coordination with the appropriate agencies, based on the listing status of the special-status plant species documented. Implementation of Mitigation Measure 4.3-1b would reduce potential Project impacts to special-status plant species to less than significant, as concluded in the Draft EIR.

In response to the comment on the Crotch bumble bee (*Bombus crotchii*), see response to comment CDFW-6.

CDFW-2

Response: Please see response to comment CDFW-1.

CDFW-3

Response: Please see response to comment CDFW-1.

CDFW-4

Response: As noted in Table 4.3-3: Special-Status Wildlife Species with Moderate to High Potential to Occur in Biological Study Area (BSA), only marginally suitable habitat for burrowing owl occurs in the BSA. This species is considered unlikely to nest within the BSA due to the absence of ground squirrel burrows that could provide nesting habitat, and because of the predominance of unsuitable foraging habitat (Monterey Pine – Monterey Cypress stands, ice plant mats). Burrowing owl populations have declined in Monterey County over the past few decades and this species is now a rare resident in open grasslands with only a few small populations occurring in the County near Salinas and King City (Roberson 2002). A California Natural Diversity Database (CNDDDB) search (CDFW 2023) produced only four records of occurrences of burrowing owls within a five-mile radius, three of which were winter records. The fourth record was from July 1965 at Fort Ord and could potentially have been a nesting record, given the date of the observation, but no other details were provided.

While the potential for wintering or breeding burrowing owl occurrence at the Project site is very low, Mitigation Measure 4.3-1d: Avoid Impacts on Burrowing Owls, requires that pre-construction surveys be conducted for burrowing owls within suitable habitat, and requires that a 250-foot non-disturbance buffer for breeding or resident owls detected during the survey. As requested by CDFW, the reference to the 250-foot non-disturbance buffer has been deleted and replaced with the distances described in Table 4.3-4 below (CDFG 2012).

If burrowing owls are detected during pre-construction surveys the non-disturbance buffer distances described in Table 4.3-4 shall be implemented. The buffer distances may be adjusted in consultation with and approval by CDFW. A 250-foot buffer, within which no new activity is permissible, shall be maintained between ground-disturbing activities and nesting burrowing owls. The protected

area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation and approval of eviction plans from the CDFW authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).

Table 4.3-4 Recommended Buffer Distances for Burrowing Owls

<u>Location</u>	<u>Time of Year</u>	<u>Low Level of Disturbance</u>	<u>Medium Level of Disturbance</u>	<u>High Level of Disturbance</u>
<u>Nesting sites</u>	<u>April 1–Aug 15</u>	<u>200 m</u>	<u>500 m</u>	<u>500 m</u>
<u>Nesting sites</u>	<u>Aug 16–Oct 15</u>	<u>200 m</u>	<u>200 m</u>	<u>500 m</u>
<u>Nesting sites</u>	<u>Oct 16–Mar 31</u>	<u>50 m</u>	<u>100 m</u>	<u>500 m</u>

Notes:

m = meters

CDFW-5

Response: Please see response to comment CDFW-4

CDFW-6

Response: The potential for Crotch bumble bee (CBB) presence and CBB habitat within the proposed Project area was evaluated in February 2022 for the 49-acre Biological Survey Area (BSA), as included in Appendix E of the DEIR, “Biological Resources Survey Report.” At that time, biologists determined that the 49-acre BSA is outside of the current species range and although the historical distribution of CBB is widely documented as the Pacific Coast, the current range discussed in Xerces 2018, Page 9-10 is not in the BSA.

As discussed in Section 4.3, “Biological Resources,” of the DEIR on page 4.3-1, the biological resource impact analysis included in the DEIR builds on the information collected during the reconnaissance-level survey for the larger 49-acre BSA, with a focus on the proposed 5-acre Project site, which would be either temporarily or permanently impacted by Project construction activities including staging, access, and construction of new facilities.

CDFW-7

Response: The Judicial Council acknowledges the wide range of habitat utilized by the CBB; however, grassland habitats were not identified on the proposed 5-acre Project site. The proposed 5-acre Project site is located within a parcel of land mostly confined by roads, on stabilized coastal dunes, parts of which have been impacted by previous developments (e.g., pavement, introduction of gravel fill, underground culverts, gas pipelines, and foundations and structures). Habitat in this parcel is dominated by ice plant mats (46 percent) and Monterey pine – Monterey cypress stands (42 percent). Poison oak scrub appears on 0.01 acre of the Project site (>1 percent) but is not a known CBB food source. Deerweed scrub and silver dune lupine mock heather scrub is found in less than 0.65 acre (9 percent) of the Project site and plants from the family of Fabaceae are a known food source of the CBB.

CDFW-8

Response: As a result of poor quality habitat (see response to Comment CDFW-7), scarce food resources (see response to Comment CDFW-7), and the current species range (see Response to Comment CDFW-6), CBB is not anticipated to be present during nesting or overwintering. However, out of an abundance of caution, the potential to occur was designated as “low,” because Judicial Council recognizes that the species historic range is along the Pacific Coast (Xerces 2018). As discussed in Section 4.3, “Biological Resources,” of the DEIR (page 4.3-1), the biological resource impact analysis included in the DEIR builds on the information collected during the reconnaissance-level survey and included in

Appendix E of the DEIR. Species further evaluated in Section 4.3, "Biological Resources," of the DEIR are those species determined to have a moderate or high potential for presence on the proposed Project site. Since CBB is conservatively designated as low potential of nesting and overwintering, the loss of habitat for CBB and/or direct impacts would not be considered a significant impact. Therefore, impacts to the CBB would be less than significant and no mitigation is required.

CDFW-9

Response: As called for by Mitigation Measure 4.3-1b: Avoid Impacts to Special-status Plant Species in the Draft EIR (page 4.3-19), the Judicial Council will direct its contractor(s) to submit a CNDDDB field survey form if any special-status species and/or natural communities occurrences are detected during their surveys.

CDFW-10

Response: The Judicial Council intends to pay all required filing fees upon filing of the Notice of Determination.

CDFW-11

Response: CDFW requests that a Mitigation Monitoring and Reporting Program (MMRP) be developed as described in Attachment 1 of their comment letter. An MMRP has been provided as Appendix A of the FEIR.

The comments in Attachment 2, CDFW's NOP comment letter dated August 18, 2022, have also been addressed as follows:

- Monterey Gilia and Seaside Birds' Beak: Please see response to CDFW-1.
- Cumulative Impacts: Please see Chapter 5 for a discussion of potential cumulative impacts on plants and other biological resources.
- Nesting Birds: Please see Mitigation Measure 4.3-1c: *Avoid Impacts on Special-Status and Common Nesting Migratory Birds* on EIR page 4.3-20.
- Federally Listed Species: The EIR addresses impacts and mitigation for federally listed species, including Monterey gilia. All potential impacts to special-status plants will be addressed as described in response to CDFW-1.

2.2 Comment Letter CSUMB – California State University Monterey Bay, 5/22/23



Office of the Vice President
 Administration and Finance
 100 Campus Center, Building 1
 Seaside, CA 93955-8001
 831-582-3397

May 22, 2023

Ms. Kim Bobic, Senior Project Manager
 Judicial Council of California
 Administrative Division
 Facilities Services - Capital Program
 455 Golden Gate Avenue
 San Francisco, CA 94102

RE: Draft Environmental Impact Report for the New Fort Ord Courthouse Project

Dear Ms. Bobic:

The Board of Trustees of the California State University (CSU), which is the State of California acting in its higher education capacity, on behalf of its CSU Monterey Bay (CSUMB), one of twenty-three universities in the CSU system, has reviewed the [Draft Environmental Impact Report](#)¹ for the New Fort Ord Courthouse dated April 6, 2023, and provides comments set forth in this letter. The Judicial Council of California (Judicial Council) intends to build a new Courthouse and parking lot on a 5-acre site directly adjacent to and west of the CSUMB campus, in order to replace and consolidate the existing Monterey County family law and civil operations into one location. CSUMB leadership and staff have identified the following topics in this letter to highlight opportunities for further coordination between the Judicial Council, CSUMB and possibly the City of Seaside, as well.

Public Services and Emergency Response & Security

Section 3.7 Public Services determines that this new facility would not require additional police department staffing because there is no population increase as a result of new housing. However, the project does bring to the site new workplace and court activity that does not exist today. The very nature of the courthouse business requires special security considerations. The University Police Department (UPD) at CSUMB is headquartered within a half mile of this site and therefore UPD officers would be the most regular first responders coming from outside the facility in the case of an emergency requesting additional police support. For this reason, the **University requests that the Judicial Council security staff and Sheriff's Office coordinate with**

CSUMB-1

¹ The Draft Environmental Impact Report is located on the California Courts website:
<https://www.courts.ca.gov/facilities-monterey.htm>



CSUMB UPD on security protocols and mutual aid practices, and enter into a mutual aid agreement with the University.

↑ CSUMB-1
(Cont.d)

Additionally, as referenced in Section 3.4 Land Use and Planning and Section 4.1.2 California Trial Court Facilities Standards, site lighting and landscaping are important security components. As the closest police department most regularly patrolling along this segment of Second Avenue and Divarty Street, UPD would be a key partner to include in design details for exterior security lighting as well as landscape along the building, parking lot, Divarty Street streetscape and any potential adjacent FORTAG alignment.

CSUMB-2

Second Avenue & Divarty Street Access and Transportation Impacts

The DEIR acknowledges in section 2.1.3 Project Site Zoning and Surrounding Land Uses that **“The land immediately east of the Project site, and west of Second Avenue, is owned by California State University Monterey Bay and establishes control and access from Second Avenue directly into the larger Specific Plan property.”** Being that the primary vehicle access routes to the Courthouse will travel through CSU property along Second Avenue and turn west onto Divarty Street, CSUMB is particularly interested in the new transportation impacts generated by the new Courthouse.

CSUMB-3

The transportation analysis for this project concludes that there is no significant impact calling for new roadway facilities to meet the needs of the new Courthouse. The analysis in Sections 4.9 and 5.4.12 state that this project would not create any new vehicular travel, and references OPR guidance on how the project merely shifts existing employment and business related travel from its existing Courthouse site to the new Courthouse site. CSUMB would like to better understand how this project can utilize this guidance for a greenfield project over 5 miles from its original site, and being the first use of this site, including introducing 280 new parking stalls to this site, but maintain that no new trips are created by this project. This impact is particularly relevant to the added volume of vehicles that will utilize the existing roads and function of Second Avenue between Inter-Garrison Road and Lightfighter Drive.

CSUMB-4

Second Avenue is an active corridor for University events and Athletics, including sporting events and academic events such as commencement exercises. The Monterey Bay Football Club (MBFC) also **operates out of CSUMB’s stadium, directly across** the street from the project site. It would be preferred to coordinate both construction activities as well as long term functions along Second Avenue between the Judicial Council, CSUMB, MBFC and City of Seaside. This coordination would help alleviate traffic issues and impacts to the courthouse and campus community.

CSUMB-5

CSUMB would like to coordinate with the Judicial Council regarding wayfinding and signage for the project site, particularly if there will be destination signage on Highway 1. Additionally, any signage needed along Second Avenue south of Inter-Garrison Road & north of Lightfighter

CSUMB-6
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Drive will need to be coordinated with CSUMB, particularly if the Judicial Council desires signage placement on land owned by the CSU.

↑ CSUMB-6
(Cont.d)

CSUMB appreciates inclusion of the Main Gate Specific Plan implementation measures, and opportunities for inter-agency coordination, particularly as referenced in section 4.9 to coordinate with MST and CSUMB for modified or expanded transit routes, integration with the CSUMB Master Plan Mobility Chapter, and TAMC in regards to the Fort Ord Regional Trail and Greenway (FORTAG).

CSUMB-7

Second Avenue frontage

Exhibit 2-2 **Conceptual Site Plan** portrays how the project site abuts the University’s western property edge behind the western sidewalk of Second Avenue. CSUMB would like to continue discussions with the Judicial Council and the City of Seaside around how this Second Avenue frontage is incorporated into the design and function of the entire block development west of Second Avenue, including the Courthouse site. Currently, there are sidewalks, storm drain and street lighting facilities that the CSU owns and/or maintains. Development and maintenance of streetscape landscaping and other improvements will need to be coordinated between CSUMB, City of Seaside and any other participating entity from the adjacent site, such as the Judicial Council.

CSUMB-8

The Conceptual Site Plan also identifies how a retaining wall would be necessary along the **western, southern and eastern perimeters of the project’s parking area. Any construction site overflow or tree removal** needed for the purpose of installing this retaining wall or other site elements that extends into CSU property will require coordination with the CSUMB Campus Planning & Development (CPD) office and issuance of a temporary permit. The University also has a tree replacement program that involves funding or planting two native trees on campus **property, according to CPD input, for every one tree over 4” inches diameter at breast height removed.**

CSUMB-9

Utilities

Section 2.3 Proposed Project Characteristics, identifies how electrical access will come from a PG&E transmission line running along the north of the site. According to the DEIR, the project intends to underground this line. However, during the 5/2/23 public meeting during the DEIR comment period, project staff noted that the project no longer intends to underground this line. It would be helpful to know if these lines will be addressed, because this electrical transmission line continues onto CSUMB property to the east.

CSUMB-10

Regarding **the project’s use of the potable water main** on Second Avenue, while this connection is the purview of Marina Coast Water District, a temporary construction permit from CSUMB and coordination with CSUMB Campus Planning & Development office will be required for any impact to campus property during the construction activity to make this connection. This

CSUMB-11
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coordination will help reduce traffic disruptions along Second Avenue, exchange any helpful infrastructure information, and ensure the street surface is returned to its prior condition, along with ensuring any potential environmental impacts are addressed.

↑ CSUMB-11 (Cont.d)

FORTAG Trail

The project identifies how the City of Seaside has entered into agreement with TAMC to facilitate the routing of the Fort Ord Regional Trail and Greenway (FORTAG) through or along the Main Gate site. FORTAG has been included in the CSUMB Master Plan², with the intention that the trail will eventually provide a convenient bicycle and pedestrian connection between CSUMB east of Second Avenue with the City of Seaside development site west of Second Avenue, and points further beyond both areas. The proposed project does not include the western connection to the future eastern portion of the trail on CSUMB property, however the new Courthouse site will still inform the future alignment of the trail east of Second Avenue, even if only by where it may not route. That said, regardless of whether the trail routes along Divarty Street or south of the Courthouse site, collaboration with CSUMB to develop a convenient alignment and crossing of Second Avenue will require continued coordination between CSUMB, TAMC, the City of Seaside and other stakeholders.

CSUMB-12

Academic Program Integration

It is the hope of the University community that the academic programs offered at CSUMB may be integrated into internships and other learning and service opportunities at the new Courthouse. Academic Programs that may be applicable: Law, Public Policy, and Society, Global Studies, Political Science, Social & Behavioral Sciences, and Business Administration.

CSUMB-13

CSUMB staff is available to coordinate on the matters outlined in this letter in order to support the ultimate success of the new Courthouse project. Please contact our Director of Governmental and External Relations Nicole Hollingsworth (nhollingsworth@csumb.edu) to schedule follow up meetings with University staff. Thank you for the opportunity to comment on this Draft Environmental Impact Report.

Sincerely,


Glen Nelson (May 22, 2023 16:02 PDT)

05/22/2023

Glen R. Nelson, Ph.D.
Vice President of Administration & Finance and CFO
CSU Monterey Bay

² CSUMB Master Plan website: <https://csumb.edu/facilities/planning/2022-master-plan-guidelines/>

2.2.1 Responses to Comment Letter CSUMB

CSUMB-1

Response: As discussed in the DEIR in Section 3.7, “Public Services,” the new courthouse would be staffed with Judicial Council security personnel and on-site sheriff deputies. In the rare event additional police protection services are required, the California Highway Patrol (CHP) would provide additional response support, and therefore, it is not anticipated that CSUMB University Police Department Services would be required.

The Superior Court of Monterey (Court) agrees to work with and coordinate with CSUMB University Police Department Services as the Court does with other law enforcement agencies whose jurisdiction either includes or is adjacent to a court facility (e.g., Marina Police Department for the Marina Courthouse or Salinas Police Department for the Salinas Courthouse) regarding security protocols and first response in emergencies. This new courthouse will be within the City of Seaside (City) limits and thus within Seaside Police Department’s jurisdiction.

In general, the Monterey County Sheriff’s Office has deputies and bailiffs on-site during courthouse hours of operation and will be the first responders to any security issues or needs inside the courthouse building. Outside the courthouse building on the courthouse grounds and parking area, etc., consistent with standard courthouse security protocols, Seaside Police Department would be the immediate first responder. That said, the Court can and will coordinate with CSUMB University Police Department and Seaside Police Department to explore whether CSUMB University Police Department can be a backup first responder to Seaside Police Department.

Meetings would be necessary between the Court, Monterey County Sheriff’s Office, Seaside Police Department, CSUMB University Police Department, and possibly even Marina Police Department about coordination of efforts and mutual aid in responding to emergencies and/or needs for additional immediate assistance and support. The law enforcement agencies, as a group, would set up a system for coordination of mutual aid, especially for emergencies outside of the courthouse. A Security Plan for this courthouse building will be created as the Project construction concludes and before the courthouse is opened. The Court’s primary focus is to collaborate with local law enforcement agencies regarding security for court buildings. Outside of that, the new courthouse should not impact CSUMB University Police Department’s existing security protocols.

CSUMB-2

Response: The DEIR’s Section 4.1, “Aesthetics,” includes a detailed description of Facilities Standards that would guide the design and implementation of proposed Project site lighting and landscaping. As discussed in this section on page 4.1-18, Judicial Council’s Facilities Standards Section 16.C Lighting Strategies requires development of a comprehensive nighttime security lighting scheme, to be developed with the Judicial Council’s Emergency Planning and Security Coordination unit and coordinated with the architectural design team, to satisfy both security needs and the architectural design intent establishing the nighttime civic presence of the facility. The Judicial Council’s Emergency Planning and Security Coordination unit is responsible for development of a site-specific Threat Assessment and Report for the Project and will perform detailed design reviews throughout the design and construction processes.

CSUMB-3

Response: The DEIR’s Section 4.9, “Transportation,” and Appendix J, *Traffic Study Technical Memorandum* include detailed analyses of existing transportation conditions in the study area and potential transportation impacts associated with construction and operation of the proposed Project. As a neighboring facility, the Judicial Council acknowledges CSUMB’s interests into the potential for regional and local impacts to transportation as a result of the proposed Project. Please see also the Response to Comment CSUMB-4, below.

CSUMB-4**Response:**

CSUMB observes that the transportation analysis for the Project concludes that there is no significant impact for the Project. It is true that the DEIR concluded, based on evidence presented therein, that there would be less-than-significant effects associated with transportation for Impact 4.9-1 (consistency with programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities); Impact 4.9-3 (hazards due to a geometric design features); and Impact 4.9-4 (inadequate emergency access). However, for Impact 4.9-2, which is focused on vehicular travel demand (VMT), the DEIR conservatively concludes that there is a significant and unavoidable impact. This conclusion is conservative (and could overstate the actual impacts of the Project) since, as noted by the CSUMB, the Project does not propose new activities, operations, services, or employment, but would involve shifting some activities and operations. As detailed on pages 4.9-12 through 4.9-15 and pages 5-13 through 5-17 of the DEIR, this shift in activities and operations would occur from locations that are currently more VMT efficient compared to the proposed Project area today.

CSUMB is seeking to understand the method of analysis, and summarizes the context of the analysis by characterizing the proposed Project as “a greenfield project over 5 miles from its original site, and being the first use of this site, including introducing 280 new parking stalls to this site, but maintain that no new trips are created by this Project.” The proposed location of the Project is factored into the VMT analysis, and the analysis presented in the DEIR accounts for the fact that the proposed Project site is primarily surrounded by undeveloped land. As explained in Section 4.9 of the DEIR, the location of the Project site, as represented by the traffic analysis zone used in regional travel demand forecasting, is relatively VMT inefficient today, with a daily VMT per service population of 54. As summarized on page 4.9-13 of the DEIR, the proposed Project would shift activities and operations from locations that are relatively more VMT efficient compared to the proposed Project site, which is relatively less VMT efficient:

“The existing VMT for the area surrounding the Monterey Courthouse (Traffic Analysis Zone 604) is approximately 14 VMT per service population. The existing VMT for the area surrounding the Salinas Courthouse (Traffic Analysis Zone 1183) is approximately 43 VMT per service population and the VMT for the area surrounding the Marina Courthouse (TAZ 832) is approximately 43 VMT per service population. The shift in activities from the Gabilan Annex to the Salinas Courthouse would also involve moving from a relatively more VMT-efficient location at the Gabilan Annex (TAZ 1180, 21 daily VMT/service population) to a relatively less VMT-efficient location at the Salinas Courthouse (TAZ 1183, 43 daily VMT per service population)” (DEIR, page 4.9-13).

The features of the proposed Project, including the proposed location and surrounding development pattern, are accounted for in the VMT analysis in the DEIR, and there is no need for any revision.

CSUMB also refers to traffic volumes on 2nd Avenue between Inter-Garrison Road and Lightfighter Drive. Appendix J to the DEIR includes documentation and detailed analysis of existing and future traffic volumes, including on 2nd Avenue, as well as pedestrian, bicycle, and transit access, and transportation safety. As noted on page 19 of Appendix J, the existing level of service at the intersection of 2nd Avenue and Divarty Street adjacent to the proposed Project site is C in the morning peak hour and A in the afternoon peak hour. Including traffic volumes attributable to the proposed Project, the level of service at the intersection of 2nd Avenue and Divarty Street would change from C to D in the morning peak hour, with an increase in average delay per vehicle of 10 seconds. With Project traffic, the level of service at the intersection of 2nd Avenue and Divarty Street would be A, as it is under existing conditions for the opening year, but would degrade to level of service B in forecast 2045 conditions with an average increase in delay per vehicle of approximately 1 second. In terms of environmental impacts associated with transportation, the additional

vehicular traffic volume associated with the proposed Project was assigned to the local transportation network, and the transportation noise analysis detailed in Section 4.8 of the DEIR includes these impacts. Similarly, though the proposed Project does not include new activities or operations, and only involves a shift in location, the criteria air pollutant analysis presented on pages 4.2-16 through 4.2-20 treats the trips associated with the proposed Project and associated operational air pollutant emissions as net new emissions. In summary, there is no need for any change to the DEIR or underlying analysis required to address traffic associated with the proposed Project.

CSUMB-5

Response: CSUMB notes that 2nd Avenue is an actively used corridor for University events, including athletic events and academic events that could attract vehicular trips to this area. Further, CSUMB suggests coordination during construction of the proposed Project, as well as long-term coordination for activities involving 2nd Avenue. The Judicial Council, through the construction manager, will coordinate with CSUMB regarding any temporary construction impacts. Following occupancy of the courthouse, the Judicial Council and the Superior Court of Monterey will coordinate and cooperate with CSUMB and the City of Seaside in regard to functions along 2nd Avenue and related events and activities, as is practicable. It is requested that CSUMB advise of major events that are planned in order that construction and/or courthouse activities can be adjusted accordingly.

CSUMB-6

Response: The Judicial Council does not typically install courthouse wayfinding or destination signage for its courthouses and does not anticipate signage along 2nd Avenue. Should either CSUMB or the City of Seaside pursue wayfinding signage on Highway 1 or on City streets for their purposes, the Superior Court of Monterey would coordinate and work with them, as appropriate.

CSUMB-7

Response: This comment is noted. The Judicial Council acknowledges CSUMB's support for the inclusion of measures identified in the Main Gate Specific Plan and opportunities related to interagency coordination, particularly the interagency coordination discussed in DEIR Section 4.9, "Transportation," between MST and CSUMB for modified or expanded transit routes, integration with the CSUMB Master Plan Mobility Chapter, and TAMC in regard to the Fort Ord Regional Trail and Greenway (FORTAG).

CSUMB-8

Response: The Judicial Council is committed to keeping CSUMB informed as to Project design details, including those related to 2nd Avenue frontage. The Judicial Council acknowledges the importance of contiguous streetscape landscaping between adjacent properties and the necessity of coordination across various entities for successful Project implementation.

CSUMB-9

Response: While it is not anticipated, if Project implementation (including the construction of the retaining wall) requires temporary entry onto, or the removal of trees from, CSUMB property, the Judicial Council will obtain a temporary permit from the CSUMB Campus Planning & Development office and will comply with CSUMB's tree replacement program.

CSUMB-10

Response: As discussed in the DEIR in Chapter 2, "Project Description," electrical service would be provided by Pacific Gas & Electric Company (PG&E), via existing overhead electrical lines located along the northern property boundary that would be relocated underground. During the public meeting for the DEIR, City of Seaside staff suggested that the proposed Project would no longer underground the PG&E transmission line. It continues to be the intent of the Judicial Council to underground the existing overhead PG&E transmission lines along the north frontage of the Project site. No changes have been made to the DEIR in response to this comment nor the suggestion made by City of Seaside staff.

CSUMB-11

Response: Should it be determined that Project implementation (including connection to the existing potable water main located on 2nd Avenue) requires a temporary construction permit on CSUMB property, the Judicial Council acknowledges the need for coordination and acquisition of a temporary construction permit from CSUMB Campus Planning & Development office.

CSUMB-12

Response: The Judicial Council acknowledges that future development of the FORTAG may require continued interagency coordination between the CSUMB, TAMC, the City of Seaside, and/or other stakeholders. As discussed in the Executive Summary of the DEIR, the California Trial Court Facilities Standards for design generally align with the FORTAG's purpose and objectives to provide a safe, accessible, and separated alternative for regional transportation. The proposed Project, however, does not propose development of the FORTAG, nor does the Judicial Council have regulatory authority for the jurisdictional approval of the alignment design, construction, or implementation of the FORTAG. The Judicial Council's proposed Project would be guided by California Trial Court Facilities Standards as design and construction details are known, including connections to future bicycle and pedestrian facilities.

CSUMB-13

Response: The Judicial Council acknowledges CSUMB's support for the new Courthouse location and the potential opportunities the Project may provide for integration of academic programs at the proposed new Courthouse.

2.3 Comment Letter CM – City of Marina, 5/22/23

Letter CM

City of Marina



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278
www.cityofmarina.org

May 22, 2023

Judicial Council of California, Facility Services
Attn : Kim Bobic
455 Golden Gate Avenue
San Francisco, CA 94102

Sent via email to: Kim.Bobic-T@jud.ca.gov

Subject: New Fort Ord Courthouse

Dear Ms. Bobic:

Following are comments on the draft EIR for the proposed Courthouse at the SWC of 2nd Ave and Divarty, across from the southern edge of The Dunes:

1. Drainage and Hydrology - Mitigation Measure 4.7-4 (MM 4.7-4) anticipates the preparation of a Hydrologic Study to incorporate on-site drainage features and a stormwater control plan. As drainage from this site has the potential to impact City of Marina stormwater and transportation facilities, the City of Marina requests the opportunity to review the draft Study and provide input to further reduce or eliminate potential impacts to City of Marina infrastructure.
2. Aesthetics (Architecture, Lighting and Landscaping)
 - a. While the proposed architectural styles for the structure appear to not be inconsistent with City of Marina planned uses across Divarty Road, the City has concerns about potential security fencing appearing too institutional. The City respects the need for security fencing for the proposed use, but requests that the fencing minimize the institutional appearance to the greatest extent possible without compromising on security.
 - b. The City understands the need for security lighting at the proposed facility and requests that elements incorporate all feasible methods and materials to reduce light pollution and light spill onto adjacent properties.
 - c. MM 4.1-1 anticipates the preparation of a Tree Resource Forest Management Plan to address potential impacts to existing trees onsite. The City of Marina requests the opportunity to review proposed landscaping plans to ensure that the site is appropriately screened and softened in appearance with the use of materials consistent with the area and surrounding uses.
3. In the project description it is stated that a criminal case load is not planned for this location, yet the project specifications include holding facilities. If there are no criminal cases being

CM-1

CM-2

CM-3

conducted at this location, what are the holding facilities for? And is there the potential for people to be held overnight or over weekends? If so, how staffing is addressed should be reviewed.

↑
CM-3
(Cont.d)

4. Given that the project is located on and will take primary access from Divarty Road within the City of Marina, we request the opportunity to review and comment on the full Traffic Impact Analysis that addressed anticipated traffic flow and identified improvements to City of Marina infrastructure, including Divarty Road and 2nd Avenue.

↑
CM-4

5. Given the multiple jurisdictions involved in the reuse of Fort Ord, local, regional, State, and Federal, significant effort has gone into the planning of the reuse efforts, including on the larger scale the Base Reuse Plan and the Regional Urban Design Guidelines, plus voter initiatives like the Fort Ord Rec Trail and Greenway plans that provides for comprehensive bicycle and pedestrian transportation infrastructure across the former Fort Ord community and connecting with other regional destinations such as the Monterey Bay National Marine Sanctuary and the Fort Ord Dunes State Park. The Judicial Council should take these and other local plans into account when designing the project site and its amenities.

↑
CM-5

Please contact me at 831-884-1289 or by email at gpersicone@cityofmarina.org if you have any questions.

Respectfully,

Guido Persicone

Guido Persicone, AICP
Community Development Director
City of Marina

Attached: Proposal Review Comments Memo, City of Marina Engineering Division

City of Marina



City of Marina
 211 HILLCREST AVENUE
 MARINA, CA 93933
 831- 884-1212; FAX 831- 384-0425
 www.ci.marina.ca.us

Engineering Division 209 Cypress Ave. Marina, CA 93933 Phone: (831) 884-1212 Fax: (831) 384-0425	The Submittal / Plans are:	COPY:
	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Applicant(s)
	<input type="checkbox"/> APPROVED WITH CONDITIONS	<input checked="" type="checkbox"/> Planning Department
	<input type="checkbox"/> NOT APPROVED – SEE COMMENTS	<input checked="" type="checkbox"/> P.W. / Engineering
	<input checked="" type="checkbox"/> OTHER: Proposal Review	

PROPERTY ADDRESS: APN 031-151-013
 PROJECT DESCRIPTION: Fort Ord Courthouse @ Divarty St.
 DATE: September 29, 2022
 BY: Edrie Delos Santos, P.E.

Proposal Review Comments:

1. Any improvements or staging within the City Right-of-Way will require an Encroachment Permit and a Public Improvement Agreement with the City. | CM-6
2. Per City Ordinance, no stormwater runoff may enter into the City Right of Way. All grading on-site shall show retaining runoff on the property. | CM-7
3. Improvements within the project site shall conform to the City of Seaside's Municipal Code, Design Standards and Stormwater retention requirements. | CM-8
4. The proposed site plan shows a traffic circle at the intersection of Divarty St. Is this a mitigation measure triggered by the Project CEQA study? Please provide an Intersection Control Evaluation (ICE) study showing the design of the circle can handle the proposed traffic volumes. | CM-9



2.3.1 Responses to Comment Letter CM

CM-1

Response: The Judicial Council acknowledges the City of Marina's request to provide feedback related to the Project's Hydrologic Study (as described in Mitigation Measure 4.7-4). In particular, the City of Marina requests an opportunity to provide input on the Hydrologic Study for the purpose of further reducing or eliminating potential impacts to City of Marina infrastructure. The Judicial Council will work with the City of Marina to facilitate review by City staff and the submittal of feedback for Judicial Council consideration.

CM-2

Response: In response to part (a) related to the City of Marina's request to minimize the institutional appearance of security fencing to the greatest extent possible without compromising on security, this comment is noted. As described in Section 4.1, "Aesthetics," of the DEIR, the new courthouse would be designed in accordance with the California Trial Court Facilities Standards (Judicial Council 2020), which contain specific requirements related to exterior site design, including security fencing. Judicial Council building design is required to consider the visual effects that new structures will have on the neighborhood.

The following is in response to part (b) related to the City of Marina's request to incorporate all feasible methods and materials to reduce light pollution and light spill onto adjacent properties: As described on page 4.1-18 of the DEIR in Section 4.1, "Aesthetics," the California Trial Court Facilities Standards 2020 (Judicial Council 2020) ("Facilities Standards") Chapter 16, Table 16.2, contains recommended exterior lighting standards, including horizontal and vertical levels of illumination for all types of exterior courthouse spaces (i.e., parking garages, open parking lots, stairways, building entries, and pedestrian pathways). Facilities Standards Chapter 16, Table 16.4 provides exterior light emitting diode (LED) lighting system standards, including maximum lumens and colors. Facilities Standards Section 16.B.6, Lighting Criteria, requires that luminaires be selected and located to minimize direct or reflected glare. When multiple luminaires are specified, the luminaires must meet equivalent performance standards. The DEIR also provides a detailed list of the requirements of Facilities Standards Section 16.C, Lighting Strategies.

In response to part (c) related to the City of Marina's interest in ensuring that the proposed Project site use of landscape materials is consistent with the area and surrounding uses; the Judicial Council's proposed Project design, including landscaping and visual appearance, would be guided by Facilities Standards, which require "[r]esponsiveness to local context, geography, climate, and setting." The Judicial Council will work with the City of Marina to facilitate communication between Judicial Council and City staff so that City staff may provide the City of Marina's recommended landscape guidelines and a plant palette.

CM-3

Response: It is not uncommon for an incarcerated individual (adult or juvenile) to be a party or witness to a civil or family law case that would require them to attend a court proceeding. It is also not uncommon that an individual with an arrest warrant appears in court and is remanded by the judge into custody immediately at that time. In these and similar instances, the Board of State and Community Corrections (BSCC) requires temporary holding facilities to meet minimum standards for adult and juvenile detention within a courthouse until which time they can be transported out to a local jail or juvenile hall, so compliant temporary holding spaces and processing areas must be included within the courthouse. There is no potential for in-custody and/or incarcerated individuals to be held overnight or over a weekend within the courthouse. Courthouse holding facilities are temporary and do not meet BSCC requirements for overnight holding.

CM-4

Response: Appendix J, *Traffic Study Technical Memorandum*, was published with the DEIR and includes a detailed analysis of existing transportation conditions in the study area and

potential transportation impacts associated with construction and operation of the proposed Project.

CM-5

Response: The Judicial Council acknowledges the multi-disciplinary and interagency effort that was involved in past development plans for the reuse of Fort Ord. As discussed in Section 3.4, “Land Use and Planning,” of the DEIR, the Judicial Council has adopted Facilities Standards that include environmental considerations and will be incorporated into future architectural and design details, and construction documents, as applicable, and incorporated into other details required for implementing the proposed Project. The Fort Ord Reuse Authority (FORA) was dissolved by operation of law on June 30, 2020, pursuant to the repeal of former Government Code section 67700, subdivision (a) (Monterey County 2020). Accordingly, Fort Ord Reuse Plan and companion documents, such as the Regional Urban Design Guidelines, no longer apply to the Project. Nevertheless, the Regional Urban Design Guidelines are similar to certain components of the California Trial Court Facilities Standards. While the City of Seaside’s Specific Plan and other local policies and plans do not apply to the proposed Project, as discussed in the DEIR, no significant adverse environmental effects would be attributable to the Project that are the result of any inconsistency with local plans and policies. Additionally, as discussed in the Executive Summary of the DEIR, the California Trial Court Facilities Standards for design generally align with the FORTAG’s purpose and design objectives.

CM-6

Response: As identified in Chapter 1, “Introduction,” of the DEIR, the Judicial Council understands that the City of Marina may act as a responsible agency. The Judicial Council acknowledges that should the Project require work within the City of Marina’s City right-of-way, an encroachment permit and a public improvement agreement with the City of Marina would be required.

CM-7

Response: As discussed in Section 4.7, Hydrology and Water Quality, the Judicial Council understands the City does not provide stormwater drainage services to the former Fort Ord Army Base area. As discussed in Chapter 2, “Project Description,” of the DEIR, stormwater runoff would be detained through the use of bioretention basins that would collect the stormwater until it percolates into soils on-site (see Exhibit 2-2 in the DEIR). During construction, the proposed Project would implement a Stormwater Pollution Prevention Plan and implement Best Management Practices to control construction-related storm water runoff on the property.

CM-8

Response: Because the Judicial Council is the lead agency for the proposed Project, and is acting for the State of California, local government land use planning and zoning regulations do not apply to the proposed Project. However, in response to comments related to proposed Project design, as discussed in Section 2.5 of the DEIR, the Judicial Council will consider local design standards, including the City of Seaside’s municipal code, as appropriate, to ensure the proposed Project would be consistent with the site’s character and surroundings. In response to comments related to adherence with the City’s stormwater retention requirements, see response to comment CM-7.

CM-9

Response: The Proposal Review Comments memorandum attached to the City of Marina’s letter includes an older version of the conceptual site plan depicting a traffic circle at the intersection of Divarty Street. This is not a component of the proposed Project as presently evaluated in the DEIR. The conceptual site plan included as Exhibit 2-2 of the DEIR does not include a traffic circle at the intersection of Divarty Street. No further evaluation of traffic volumes related to this traffic circle is required.

2.4 Comment Letter TAMC– Transportation Agency for Monterey County, 5/23/23



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

55-B PLAZA CIRCLE, SALINAS, CA, 93901

(831) 775-0903

TAMCMONTEREY.ORG

Letter TAMC

May 23, 2023

Judicial Council of California; Facilities Services

Attn: Kim Bobic, Senior Project Manager

455 Golden Gate Avenue

San Francisco, CA 94102-3688

Via email: Kim.Bobic-T@jud.ca.gov

SUBJECT: Comments on the Draft Environmental Impact Report for the New Fort Ord Courthouse

Dear Ms. Bobic:

The Transportation Agency for Monterey County (TAMC) is the Regional Transportation Planning and Congestion Management Agency for Monterey County. Agency staff reviewed the Draft Environmental Impact Report for the New Fort Ord Courthouse Project. The proposed project is to develop a new, approximately 83,000-square-foot, three-story courthouse with associated surface parking and landscaping on an approximately 5-acre parcel of land situated at the northern end of the city of Seaside, southwest of the intersection of Divarty Street and 2nd Avenue. Transportation Agency staff have reviewed the draft Environmental Impact Report and offer the following comments for your consideration:

1. In March 2020, our Agency certified a [Final Environmental Impact Report](#) for the Fort Ord Regional Trail and Greenway project, which includes a segment that runs through the proposed project site. The “CSUMB Loop South Segment” would extend, in part, from the existing Coastal Trail beneath State Route 1 via an existing undercrossing at 1st Street/Divarty Street and remain on the south side of Divarty Street as it extends east to cross 1st Avenue to the intersection of 2nd Avenue and the Athletic Complex. Our Agency appreciates that the draft Environmental Impact Report for the proposed development discusses this segment of the trail, and that the Judicial Council’s Facilities Standards include specific requirements related to site access circulation and site design related to pedestrian access. Since the proposed development will be sited on a portion of the proposed trail alignment and the site plans contained in the draft environmental document do not appear to incorporate or provide connection to the trail, our Agency requests further discussion with the Judicial Council as to how the trail can be alternatively aligned in such a way that provides benefits to both projects.
2. The Transportation Agency supports the Judicial Council Facilities Standards objectives to incorporate best practices for the proposed project by developing links to public transit, and the creation of strategies for pedestrian-friendly, mixed-use communities. Please

TAMC-1

TAMC-2

Kim Bobic, Judicial Council of California
May 23, 2023
Page 2 of 2

provide additional details of how the proposed project will implement these Facilities Standards. The agency suggests for the following:

- 2.1. Include a map that shows circulation within the site for bicyclists and pedestrians and how these users will access the courthouse from neighboring existing/planned infrastructure facilities.
 - 2.2. Include a map that shows the placement of ADA features.
 - 2.3. Identify placement of bike racks, lockers, or other bike storage facilities.
 - 2.4. Implement infrastructure design that improves safety for all users who will be using and navigating the proposed surface parking lot.
3. In addition to the comment above, the agency strongly encourages coordination with Monterey-Salinas Transit (MST) to address access to the courthouse for transit users. MST recently implemented 'Better Bus Network' and the planned SURF! Busway project will have a positive impact by providing transit users greater access to the courthouse. Monterey-Salinas Transit's *Designing for Transit Guideline Manual* ([linked here](#)) should be used as a resource for accommodating existing and future transit access to the project site.
 4. With Governor Newsom's Executive Order to phase out gasoline-powered cars and shift investments that focus on carbon reduction and climate resiliency, the agency recommends the installation of electric vehicle charging stations. As new construction provides an opportunity to install this needed infrastructure, the proposed project would also be in alignment with state policy in phasing out of fossil fuels.

TAMC-2
(Cont.d)

TAMC-3

TAMC-4

Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact Aaron Hernandez of my staff at aaron@tamcmonterey.org or 831-775-4412.

Sincerely,



Todd A. Muck, Executive Director

2.4.1 Responses to Comment Letter TAMC

TAMC-1

Response: The Judicial Council acknowledges that there has been conceptual planning and environmental review for a future FORTAG in the vicinity of the Project site. As noted on pages 3.4-3 of the DEIR, Figure 2-3 of the FEIR for the FORTAG Project shows this facility in the vicinity of the proposed Project site (Transportation Agency for Monterey County 2020). This map is intended to show this facility at a regional scale, and the alignment appears to be either in the southern portion of the Project site or south of the Project site, and then continuing to the east through the CSUMB campus roughly 600 feet south of the Divarty Street alignment near an existing access point into the campus. The FORTAG project has not secured property or easements on the proposed Project site. Although the FORTAG project is not designed in detail, the proposed Project does not foreclose on the possibility of the trail being located somewhere in the vicinity of the proposed Project site. The Judicial Council has been engaged with the relevant agencies and organizations regarding this future facility, and we understand that there may need to be continued coordination between the Judicial Council, CSUMB, TAMC, the City of Seaside, and/or other stakeholders. As discussed in the Executive Summary of the DEIR, the California Trial Court Facilities Standards for design align with the FORTAG's purpose and objectives to provide a safe, accessible, and separated alternative for regional transportation. The proposed Project, however, does not propose development of the FORTAG, nor does the Judicial Council have regulatory authority for the jurisdictional approval of the alignment design, construction, or implementation of the FORTAG. The Judicial Council's proposed Project would be guided by the California Trial Court Facilities Standards as design and construction details are known, including connections to future bicycle and pedestrian facilities.

TAMC-2

Response: Site-specific design details related to how the California Trial Court Facilities Standards would be incorporated into the proposed Project are presently unavailable as these details would be developed after decision-makers have decided on whether or not to approve the Project. Below each item requested by TAMC has been responded to accordingly.

In response to item 2.1, site-specific circulation design for bicyclists and pedestrians and connection with neighboring existing/planned infrastructure facilities would occur after Project approval. Because the Project has not yet been approved, a map cannot be provided.

In response to item 2.2, site-specific design details, including the placement of ADA features, would occur after Project approval. Because the Project has not yet been approved, a map cannot be provided.

In response to item 2.3, the development of site-specific design details, including the placement of bike racks, lockers, or other bike storage facilities, would occur after Project approval. Because the Project has not yet been approved, these details cannot be identified at this time.

In response to item 2.4, as discussed in Section 4.9, Transportation, the proposed courthouse entry will be designed with a door accessible from the Divarty Street sidewalk, as well as on-site parking areas for ease of access by all, consistent with Universal Design principals and as required by the Judicial Council's California Trial Court Facilities Standards. Site-specific design details related to safety and navigation of the proposed surface parking lot would be developed after Project approval. Because the Project has not yet been approved, these details cannot be identified at this time.

TAMC-3

Response: The Judicial Council acknowledges TAMC's suggestion to coordinate with Monterey-Salinas Transit (MST). Please see the Responses to Comments that were provided by

MST in Section 2.6 of this FEIR. The Judicial Council will coordinate with MST and the City of Marina to evaluate the possibility of a bus stop at the courthouse frontage on Divarty in consideration of MST's Designing for Transit (MST 2020). In addition, the SURF! Busway and Bus Rapid Transit Project transit station would be walkable to the Project site, located roughly 0.32-mile northwest of the proposed Project site and planned to be connected via Divarty Street and 1st Avenue with sidewalks and bike lanes planned as a part of buildout of the City of Marina's University Villages Specific Plan.

TAMC-4

Response: While the proposed Project design has not commenced, as noted in Section 4.5, "Greenhouse Gas," of the DEIR, consistent with the California Trial Court Facilities Standards (Section 1.D), the proposed Project would be designed in conformance with the Non-residential Mandatory Measures of the current version of the 2022 California Green Building Standards Code (CALGreen) (California Code of Regulations Title 24, Part 11)¹. Because CalGreen includes requirements related to the incorporation of electric vehicle-charging stations, electric vehicle charging stations would be required as part of the Project (California Building Standards Commission 2022).

¹ California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect on January 1, 2011. The Code is updated on a regular basis, with the most recent update consisting of CALGreen that became effective January 1, 2023.

2.5 Comment Letter MST – Monterey Salinas Transit, 5/17/23

Letter MST



May 17, 2023

Kim Bobic, Senior Project Manager
Judicial Council of California; Facilities Service
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: New Fort Ord Courthouse Draft Environmental Impact Report

Dear Ms. Bobic:

Monterey-Salinas Transit District (MST) provides public transportation throughout the County of Monterey. Located about a half mile from the project site and with bus service available every 15 minutes, a major passenger station, 5th Street Station, is planned at 5th Street and 1st Avenue as part of MST’s SURF! Busway and Bus Rapid Transit. MST has reviewed the Draft Environmental Impact Report (DEIR) for the new Fort Ord Courthouse and would like to make the following comments pursuant to the below-referenced page numbers.

- 1. Page 183: The GHG analysis acknowledges that active transportation can reduce GHG emissions; therefore, active transportation needs to be addressed in the mitigation measures if a significant impact has been identified. MST-1
- 2. Page 184: Mitigation Measure 4.5-1a notes the minimum travel demand reducing measures the Judicial Council shall include. Public transit is directly related to travel demand management programs and, as such, MST encourages the courthouse operator to enroll in MST’s Group Discount Program. MST commends the project sponsors for including end-of-trip facilities in the project as cyclists may use the bus for segments of their travel. MST-2
- 3. Page 185: MST appreciates the acknowledgement of major transit infrastructure. To support active transportation and bus use to the site by means of a robust Transportation Demand Management Program, it is important for the project sponsor to enroll in MST’s Group Discount Program. MST-3
- 4. Page 246: Please note MST implemented a new transit network in December 2022 and permanently discontinued route 12, thus, this statement should be edited as follows: Monterey-Salinas Transit (MST) provides transit service to the greater Monterey and Salinas areas, King City, Big Sur, and Watsonville, and Gilroy. Route 12, The Dunes – National Parks Service Naval Postgraduate School (NPS) provided express service four times a day during the week along 2nd MST-4

Advocating and delivering quality public transportation as a leader within our community and industry.

Transit District Members Monterey County • Carmel-by-the-Sea • Del Rey Oaks • Gonzales • Greenfield • King City • Marina • Monterey Pacific Grove • Salinas • Sand City • Seaside • Soledad **Administrative Offices** 19 Upper Ragsdale Drive, Suite 200 Monterey, CA 93940

PH 1-888-MST-BUS1 (1-888-678-2871) • FAX (831) 899-3954 • WEB mst.org

Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Route 12 was ~~suspended for the pandemic~~ **discontinued as a result of the Better Bus Network**. Routes **17 and 18** ~~line~~ provides service between the ~~Monterey Transit Plaza~~ **Sand City Station** and Marina Transit Exchange via General Jim Moore Boulevard and ~~Inter-Garrison~~ **Monterey Road**, with ~~60~~ **a combined 30-minute** headways during commute hours. Routes **17 and 18** operates from ~~6:00 am to 10:36 pm~~ **6:15am to 9:45pm** on weekdays and ~~7:35 am to 7:57 pm~~ **Route 18 operates from 6:55am to 7:33pm** on weekends. ~~Route 67 is shown on transit signage in the vicinity of the proposed Project but was eliminated at the request of the Presidio of Monterey.~~ All MST buses are equipped with racks that can accommodate at least two bicycles. An additional two bicycles can fit in the wheelchair securement area, at the coach operator's discretion. Bike rack space is on a first come, first served basis (MST 2022a).

MST-4
(Cont.d)

5. Page 252: Please note MST implemented a new transit network in December 2022 and permanently discontinued route 12, thus, this statement should be edited as follows: As described above, MST provides transit service to the greater Monterey and Salinas areas, King City, ~~Big Sur, and Watsonville and Gilroy.~~ While ~~presently~~ **previously** suspended as a result of the pandemic **and discontinued as a result of the Better Bus Network**, Route 12, The Dunes – NPS, has historically provided express service four times a day during the week along 2nd Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Routes **17 and 18** ~~line~~ provides service between the ~~Monterey Transit Plaza~~ **Sand City Station** and Marina Transit Exchange via General Jim Moore Boulevard and ~~Inter-Garrison~~ **Monterey Road**, with ~~60~~ **a combined 30-minute** headways during commute hours. Routes **17 and 18** operates from ~~6:00 am to 10:36 pm~~ **6:15am to 9:45pm** on weekdays and ~~7:35 am to 7:57 pm~~ **Route 18 operates from 6:55am to 7:33pm** on weekends.

MST-5

6. Page 253: To maximize the benefit of the SURF! facility, MST stresses the need to install a feeder bus shuttle stop along the project frontage on Divarty Street to increase active transportation to and from the project.

MST-6

7. Page 254: MST acknowledges the Facility Standards will be incorporated into future architectural and design details and makes the following suggestions for a refined project design:

- a. Incorporate a bus stop on the south side of Divarty Street between the two proposed driveways for future local bus service to the courthouse. Bus stop specifications should comply with MST Designing for Transit (2020).
- b. Place the building closer to Divarty Street, with a door accessible from the Divarty Street sidewalk, locate parking south and behind the building, for easy access by those walking and bike riding to the site.
- c. A pedestrian connection to the far-side bus stop located on 2nd Avenue at Divarty Street is recommended to provide closer access to the courthouse for those using transit. Bus stop specifications should comply with MST Designing for Transit (2020).

MST-7

8. Page 257: Additional mitigation must include a robust Transportation Demand Management Program that encourages carpooling, transit, and active transportation to the site. Frontage

MST-8

improvements for transit and enrollment in MST's Group Discount Program should be conditions of project implementation to help offset project related greenhouse gas emissions.

↑MST-8
↓(Cont.d)

If you have any questions about the above comments, please do not hesitate to contact me at movermeyer@mst.org or (831)264-5877.

Sincerely,



Michelle Overmeyer
Director of Planning & Innovation

2.5.1 Responses to Comment Letter MST

MST-1

Response: It is true that strategies to promote active transportation – including pedestrian, bicycle, and transit – has been shown to reduce greenhouse gas (GHG) emissions associated with proposed projects, particularly since, as noted on page 4.5-4 of the DEIR, the transportation sector is the top source of GHG emissions in California.

Regarding MST's suggestion that active transportation needs to be addressed in mitigation measures where there is a significant impact, the Judicial Council has considered active transportation. There are two relevant significant impacts – Impact 4.9-2, which is related to VMT impacts of the proposed Project; and Impact 4.5-1, which evaluates GHG emissions associated with the proposed Project, including those associated with transportation. As noted on page 8 of Appendix J to the DEIR, Divarty Street and 1st Avenue are designated Neighborhood Streets with bike lanes. The City of Marina's University Villages Specific Plan (Dunes Specific Plan) establishes a hierarchy and network of pedestrian, bicycle, and vehicular facilities that will be improved as the Dunes Specific Plan area develops. Under this plan, Divarty Street and 1st Avenue will be improved to include two nine-foot-wide travel lanes; on-street parking on both sides; a five-foot sidewalk and five-foot parkway strip on both sides; and direct vehicular access. In addition, as described on page 4.5-20 of the DEIR, the SURF! Busway and Bus Rapid Transit Project includes a dedicated busway and new transit station at the corner of 1st Avenue and 5th Street, roughly 0.32-mile northwest of the proposed Project site that, once completed in 2027, would provide bus service every 15 minutes (Monterey-Salinas Transit 2022). The proposed Project site would be connected to this transit station via the City of Marina's planned bike lanes and sidewalks along Divarty Street and 1st Street. As discussed on pages 4.9-12 through 4.9-15, as the vicinity of the Project site becomes developed and planned active transportation facilities are constructed, the transportation efficiency of the area is anticipated by the Association of Monterey Bay Area Governments (AMBAG) to improve, with additional bicycle, pedestrian, and transit trips, as reflected in the Regional Travel Demand Model and reported in AMBAG's Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS). Finally, Mitigation Measure 4.5-1b requires the Project to include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the Project design and operational maintenance. Mitigation Measure 4.5-1b also requires the Project to offer and promote telecommuting and alternative work schedules, which is a measure already being implemented by the Monterey Court.

MST-2

Response: MST has suggested another strategy to promote public transit use and travel demand management – the MST's Group Discount Program. Mitigation Measure 4.5-1b is focused on reducing mobile-source greenhouse GHG emissions through travel demand reduction, and explicitly uses the phrase “at a minimum” to acknowledge the reality that the proposed Project will not be operational until 2028, and additional travel demand reducing measures may become feasible. The Judicial Council will evaluate the Group Discount Program and the provision of transportation and rideshare information to employees at the appropriate time when the Project is complete and occupied.

In addition, the Judicial Council reviewed a list of potential travel demand management strategies as a part of the environmental review, including free transit passes for employees and/or visitors; price workplace parking; transportation information; cash payments to employees who choose not to drive (also known as a “parking cash-out”), ride matching; trip reduction marketing; and employer-sponsored vanpool/shuttle. Feasible strategies were incorporated as a part of Mitigation Measure 4.5-1b. Mitigation Measure 4.5-1b requires the Project to include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the Project design and operational maintenance. Mitigation Measure 4.5-1b also requires the Project to offer and promote telecommuting and alternative work schedules, which is a measure already being implemented by the Superior

Court of Monterey (Court). With respect to additional mitigation, the effectiveness of mitigation measures that could be implemented as a part is limited by the fact that employee trips represent a minority of the trips and VMT associated with the proposed Project.

Effective, January 1, 2023, Assembly Bill 1981 requires access to existing public transit services be provided at no cost to a juror if required by the prospective juror. With respect to pricing workplace parking, the Judicial Council determined that this would be infeasible because it is difficult to attract employees to the Monterey peninsula because many live in Salinas or south county where parking is not priced. With respect to cash payments to employees who choose not to drive, the Judicial Council determined that this would be infeasible because it is not possible for a government-based workforce. Finally, with respect to trip reduction marketing, the Judicial Council determined that this would be infeasible because the Project is not staffed for a transportation coordinator and because it is unlikely that this position would be allowed or funded as a State/Judicial Council position. The Court, however, intends and is committed to provide information to employees on transportation options and information and opportunities for employee ridesharing. With respect to an employee-sponsored vanpool/shuttle, this is available through a County vanpool program that is available to the Court. The current vanpool routes are south county to Salinas; Monterey Courthouse to Salinas Courthouse; and Salinas to Santa Cruz.

MST-3

Response: Please see the response to comment MST-2.

MST-4

Response: As recommended by MST, the Judicial Council has incorporated proposed revisions to page 246 of the DEIR. Refer to Chapter 3, "Errata," for a compilation of all revisions to the text of the DEIR. The revisions summarized in Chapter 3 of this FEIR do not change the conclusions presented in the DEIR.

MST-5

Response: As recommended by MST, the Judicial Council has incorporated proposed revisions to page 252 of the DEIR. Refer to Chapter 3, "Errata," for a compilation of all revisions to the text of the DEIR. The revisions summarized in Chapter 3 of this FEIR do not change the conclusions presented in the DEIR.

MST-6

Response: The Judicial Council and the Court are supportive of a bus stop along the courthouse frontage on Divarty Street to increase access to public transportation for courthouse users and staff; however, such a bus stop would be in the City of Marina's right-of-way, over which the Judicial Council has no authority. The City of Marina is the authority-having-jurisdiction over the Divarty Street right-of-way and should authorize the suggested bus stop. The Judicial Council will coordinate with MST and the City of Marina to evaluate the possibility of a bus stop at the courthouse frontage on Divarty in consideration of MST's Designing for Transit (2020).

In addition, the proposed SURF! Busway and Bus Rapid Transit Project transit station would be walkable to the Project site, located roughly 0.32-mile northwest of the proposed Project site and planned to be connected via Divarty Street and 1st Avenue with sidewalks and bike lanes planned as a part of buildout of the City of Marina's University Villages Specific Plan.

MST-7

Response: Please see the Response to Comment MST-6, above. In addition, the courthouse entry will be designed with a door accessible from the Divarty Street sidewalk, as well as on-site parking areas for ease of access by all, consistent with Universal Design principals and as required by the Facilities Standards. The courthouse building will be connected to the

Divarty Street sidewalk and thus to the existing pedestrian sidewalks and bus stop located on 2nd Avenue. CSUMB owns the strip of land east of the Project site and 2nd Avenue, precluding a more direct connection.

MST-8

Response: Please see the Responses to Comments MST-1, MST-2, MST-6, and MST-7.

3. Errata

Chapter 3 identifies revisions to the Draft EIR (DEIR). The changes are presented in the order in which they appear and identified by page number. Text deletions are shown in ~~strikeout~~ and additions are underlined. These edits provide clarifications or additional supportive information and do not change the analysis or conclusions of the DEIR.

3.1 Executive Summary

The following changes are hereby made to the following two entries in Table ES-1 in the Executive Summary: see (1) “Mitigation Measures” column for Impact 4.3-1, and (2) ‘Significance after Mitigation’ column for Impact 4.5-1. Note that the revision for item (2) is an editorial correction so that Table ES-1 accurately reflects the analysis and conclusions presented in Section 4.5 of the DEIR.

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>Impact 4.3-1. Adverse Effects on Special-Status Species.</p>	<p>PS</p>	<p>Mitigation Measure 4.3-1d: Avoid Impacts on Burrowing Owls Avoid Impacts on Special-Status and Common Nesting Migratory Birds</p> <p>The Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to burrowing owls.</p> <ul style="list-style-type: none"> • Within suitable habitat for burrowing owl, a qualified biologist shall conduct pre-construction surveys for burrowing owls in conformance with CDFW protocols, and no more than 30 days prior to the initiation of any ground-disturbing activities (including vegetation removal). If no burrowing owls are located during these surveys, no further mitigation is required. However, if breeding or resident owls are located on or immediately adjacent to the area potentially affected by the activity, the following mitigation measures shall be implemented. • <u>If burrowing owls are detected during pre-construction surveys the non-disturbance buffer distances described in Table 4.3-4 (Recommended Buffer Distances for Burrowing Owls) shall be implemented. The buffer distances may be adjusted in consultation with and approval by CDFW. A 250-foot buffer, within which no new activity is permissible, shall be maintained between ground-disturbing activities and nesting burrowing owls.</u> The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation and approval of eviction plans from the CDFW authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31). 	<p>LTS</p>

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>Impact 4.5-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</p>	<p>CC</p>	<p>Mitigation Measure 4.5-1a: Prohibit the inclusion of natural gas infrastructure. The Judicial Council shall not include natural gas infrastructure to or within the Project site and Project operations shall not use natural gas.</p> <p>Mitigation Measure 4.5-1b: Reduce Mobile-Source Greenhouse Gas (GHG) Emissions Through Travel Demand Reduction Measures The Judicial Council shall include, at a minimum, the following travel demand reducing measures:</p> <ul style="list-style-type: none"> • Offer and promote telecommuting and alternative work schedules. • Include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the project design and operational maintenance. <p>Mitigation Measure 4.5-1c: Generate On-site Solar Energy The Judicial Council shall incorporate solar power generating infrastructure over at least 150 of the parking spaces, along with a corresponding battery energy storage system.</p>	<p>less than-CC <u>CC and unavoidable with the implementation of mitigation</u></p>

3.2 Environmental Setting, Impacts, and Mitigation Measures

DEIR page 4.3-21 in Chapter 4.3, “Biological Resources,”

- ~~If burrowing owls are detected during pre-construction surveys the non-disturbance buffer distances described in Table 4.3-4 shall be implemented. The buffer distances may be adjusted in consultation with and approval by CDFW. A 250-foot buffer, within which no new activity is permissible, shall be maintained between ground disturbing activities and nesting burrowing owls.~~ The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation and approval of eviction plans from the CDFW authorizing the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).

Table 4.3-4 Recommended Buffer Distances for Burrowing Owls

<u>Location</u>	<u>Time of Year</u>	<u>Low Level of Disturbance</u>	<u>Medium Level of Disturbance</u>	<u>High Level of Disturbance</u>
<u>Nesting sites</u>	<u>April 1–Aug 15</u>	<u>200 m</u>	<u>500 m</u>	<u>500 m</u>
<u>Nesting sites</u>	<u>Aug 16–Oct 15</u>	<u>200 m</u>	<u>200 m</u>	<u>500 m</u>
<u>Nesting sites</u>	<u>Oct 16–Mar 31</u>	<u>50 m</u>	<u>100 m</u>	<u>500 m</u>

Notes:

M = meters

DEIR page 4.9-4 in Chapter 4.9, “Transportation,”

Monterey-Salinas Transit (MST) provides transit service to the greater Monterey and Salinas areas, King City, ~~Big Sur, and~~ Watsonville, ~~and Gilroy.~~ Route 12, The Dunes – ~~National Parks Service~~ Naval Postgraduate School (NPS) provided express service four times a day during the week along 2nd Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Route 12 was ~~suspended for the pandemic~~ discontinued as a result of the Better Bus Network. Routes ~~47 and~~ 18 line provides service between the ~~Monterey Transit Plaza~~ Sand City Station and Marina Transit Exchange via General Jim Moore Boulevard and ~~Inter-Garrison~~ Monterey Road, with ~~60 a combined~~ 30-minute headways during commute hours. Routes ~~17 and~~ 18 operates from ~~6:00 am to 10:36 pm~~ 6:15 am to 9:45 pm on weekdays and ~~7:35 am to 7:57 pm~~ Route 18 operates from 6:55 am to 7:33 pm on weekends. ~~Route 67 is shown on transit signage in the vicinity of the proposed Project but was eliminated at the request of the Presidio of Monterey.~~ All MST buses are equipped with racks that can accommodate at least two bicycles. An additional two bicycles can fit in the wheelchair securement area, at the coach operator’s discretion. Bike rack space is on a first come, first served basis (MST 2022a).

DEIR page 4.9-10 in Chapter 4.9, “Transportation,”

As described above, MST provides transit service to the greater Monterey and Salinas areas, King City, ~~Big Sur, and~~ Watsonville ~~and Gilroy.~~ While ~~presently~~ previously suspended as a result of the pandemic and discontinued as a result of the Better Bus Network. Route 12, The Dunes – NPS, has historically provided express service four times a day during the week along 2nd Avenue going south for The Dunes Route in the vicinity of the proposed Project site and five times per day for the NPS Route. This same route is shown as offering select trips along 2nd Avenue, east of the proposed Project site. Routes ~~17 and~~ 18 line provides service between the ~~Monterey Transit Plaza~~ Sand City Station and Marina Transit Exchange via General Jim Moore Boulevard and ~~Inter-Garrison~~ Monterey Road, with ~~60 a combined~~ 30-minute headways during commute hours. Routes ~~17 and~~ 18 operates from ~~6:00 am to 10:36 pm~~ 6:15 a m to 9:45 pm on weekdays and ~~7:35 am to 7:57 pm~~ Route 18 operates from 6:55 am to 7:33 pm on weekends.

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Appendix A Mitigation Monitoring and Reporting Program

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New Fort Ord Courthouse

Mitigation Monitoring and Reporting Program

STATE CLEARINGHOUSE NUMBER:
2022070304

Prepared for:
Judicial Council of California

AUGUST 2023

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Table

Mitigation Monitoring and Reporting Program for the New Fort Ord Courthouse Project.....MMRP-2

Acronyms and Abbreviations

CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
Judicial Council	Judicial Council of California
MMRP	Mitigation Monitoring and Reporting Program
Project or proposed Project	New Fort Ord Courthouse Project

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Mitigation Monitoring and Reporting Program

California Environmental Quality Act Requirement

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the New Fort Ord Courthouse Project (Project or proposed Project), as set forth in the Environmental Impact Report (EIR).

The Judicial Council of California (Judicial Council) is the lead agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with the Judicial Council, 455 Golden Gate Avenue, San Francisco, CA 94102.

Purpose of Mitigation Monitoring and Reporting Program

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by the Judicial Council staff, construction contractors, and others responsible for Project implementation.

This document identifies the individual mitigation measures, the party responsible for monitoring implementation of the measure, the timing of implementation, and space to confirm implementation of the mitigation measures.

Roles and Responsibilities

The Judicial Council will oversee monitoring and documenting the implementation of mitigation measures. The Judicial Council or its construction contractor is responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures also may require coordination with one or more other public agencies in implementing mitigation measures specified herein.

Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request.

This MMRP will be kept on file at:

Judicial Council of California
455 Golden Gate Ave
San Francisco, CA 94102

Mitigation Monitoring and Reporting Program for the New Fort Ord Courthouse Project

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>AESTHETICS</p> <p>Impact 4.1-1: Changes in Visual Character of the Project Site. All of the surrounding area between the Project site and State Route (SR)-1, to the north and south, is planned for development with business park, retail, commercial, and residential land uses. Development at the Project site is consistent with land uses envisioned in the adopted Specific Plan. Nevertheless, because the change in visual character at the Project site as viewed from existing surrounding land uses would be substantial, this impact is considered potentially significant.</p>	<p>Mitigation Measure 4.1-1: Implement Tree Resource Assessment Forest Management Plan Recommendations. The Judicial Council shall implement the recommendations in the Tree Resource Assessment Forest Management Plan (Ono Consulting 2023) related to tree removal and re-planting, best management practices, tree protection standards, and tree pruning guidelines.</p>	<p>Implementation: Judicial Council and its contractor(s). Timing: Prior to, during, and post construction activities, as appropriate for the specific recommendations included in the Tree Resource Assessment Forest Management Plan</p>	<p>The Judicial Council and its contractor(s) shall incorporate recommendations identified by Ono Consulting into Project plans.</p>	<p>Plan Submittal</p> <p>Initials: _____ Date: _____</p>	<p>Incomplete</p>
<p>Impact 4.1-1: Changes in Visual Character of the Project Site. (Continued)</p>	<p>Mitigation Measure 4.1-2: Pay Fees for New City Park Adjacent to West Side of Project Site. The Judicial Council shall make a one-time fee payment to the City of Seaside for City development of a park area immediately adjacent to, and west of the Project site. This park area would include retention of the existing mature trees on the west side of the Project site, which would screen the new building from the SR-1 and 1st Avenue viewsheds. The park would be developed and maintained by the City.</p>	<p>Implementation: Judicial Council Timing: Prior to Project completion</p>	<p>The Judicial Council shall make a one-time fee payment to the City of Seaside.</p>	<p>Fee Payment</p> <p>Initials: _____ Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>Impact 4.1-2. Damage Scenic Resources within a Designated Scenic Highway.</p> <p>The new courthouse would become visible in the landscape in views to the east from SR-1 and would change the visual character of these views. SR-1 is listed as a scenic highway that is “eligible” for designation because of the surrounding open space views, and the proposed Project would change the existing view of open space to views of urban development. Therefore, this impact is considered potentially significant.</p>	<p>Mitigation Measure 4.1-3: Implement Mitigation Measure 4.1-1 (Prepare and Implement a Tree Removal and Replacement Plan).</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to, during, and post construction activities, as appropriate for the specific recommendations included in the Tree Resource Assessment Forest Management Plan</p>	<p>The Judicial Council and its contractor(s) shall incorporate recommendations identified by Ono Consulting into Project plans.</p>	<p>See Mitigation Measure 4.1-1</p>	<p>Incomplete</p>
<p>Impact 4.1-2. Damage Scenic Resources within a Designated Scenic Highway. (Continued)</p>	<p>Mitigation Measure 4.1-4: Implement Mitigation Measure 4.1-2 (Pay Fees for New City Park Adjacent to West Side of Project Site.)</p>	<p>Implementation: Judicial Council Timing: Prior to Project completion</p>	<p>The Judicial Council shall make a one-time fee payment to the City of Seaside.</p>	<p>See Mitigation Measure 4.1-2</p>	<p>Incomplete</p>
<p>BIOLOGICAL RESOURCES</p> <p>Impact 4.3-1: Adverse Effects on Special-status species. <i>Special-Status Plants (Yadon’s piperia and Monterey spineflower)</i> Proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities could result in the loss of listed or rare plant species, such as Yadon’s piperia and Monterey spineflower, and their habitat. Proposed Project activities have the potential to incur direct impacts</p>	<p>Mitigation Measure 4.3-1a: Conduct Worker Environmental Awareness Program and Environmental Monitoring. Prior to the initiation of any Project construction activities (e.g., prior to staging and ground-disturbing activities, such as vegetation and tree removal and grading), the Judicial Council and their contractor/s shall retain a qualified biologist to conduct a Worker Environmental Awareness Program (WEAP)</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to commencing staging and ground-disturbing activities; the biological survey sweep shall be conducted prior to the start of construction activities</p>	<p>The Judicial Council and its contractor(s) shall retain a qualified biologist to conduct the WEAP training and to conduct the biological survey sweep.</p>	<p>Training Initials: _____ Date(s): _____ Surveys Initials: _____ Date(s): _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>to listed or rare plant species by uprooting individual plants, root damage from soil compaction and disturbance, and disturbing seed banks. Indirect impacts to special-status plants may result from construction-related runoff, sedimentation and erosion, introduction of invasive weeds that compete with special-status species, and fugitive dust that could reduce growth and vigor. These impacts could be potentially significant.</p>	<p>training for the personnel carrying out the activities. A qualified biologist shall meet with the personnel at the site at the onset of the activities to educate the personnel on the following: 1) a review of the Project boundaries including staging areas and access routes; 2) the special-status-species that may be present, their habitat, and proper identification; 3) the specific best management practices, avoidance and minimization measures, and mitigation measures that will be incorporated into the construction effort; 4) the general provisions and protections afforded by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW); and 5) the proper procedures if a special-status species is encountered within the Project site.</p> <p>Staff working onsite for the initial staging and ground-disturbing activities (e.g., vegetation and tree removal and grading) shall attend the WEAP training prior to commencing onsite work. Staff that attend the training shall fill out a sign-in sheet indicating that they completed the training.</p> <p>A qualified biologist shall conduct a biological survey sweep prior to the start of construction activities and be on-site during initial</p>				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>ground-disturbing and vegetation removal activities to protect any special-status species encountered. The qualified biologist shall identify and explain the protection methods during the WEAP. These methods could include, but are not limited to, stopping work in the area where a special-status wildlife species is encountered until it has moved on its own outside of the site or moving individuals outside of the site to adjacent appropriate habitat (see discussion below regarding special-status wildlife). Handling individuals may require additional coordination with CDFW and/or USFWS and the acquisitions of appropriate permits from CDFW and/or USFWS. Biologists shall be familiar with all special-status species that have the potential to occur within the biological study area (BSA) and be given stop work authority to halt any construction activity that may cause unnecessary impact to plants or animals.</p>				
<p>Impact 4.3-1: Adverse Effects on Special-status species. (Continued)</p>	<p>Mitigation Measure 4.3-1b: Avoid Impacts to Special-Status Plant Species. The Judicial Council and its contractor(s) shall implement the following measures prior to construction to avoid adverse</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to surveying, at least one member of the survey team shall visit a nearby</p>	<p>The Judicial Council and shall retain a qualified biologist to conduct focused special-status plant surveys.</p>	<p>Surveys Initials: D.S. and R.R. Date(s): 4/21/23, 4/28/23 (caging of</p>	<p>In-Progress</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>effects on special-status plant species.</p> <ul style="list-style-type: none"> The Judicial Council shall retain a qualified biologist to conduct a focused special-status plant survey, following protocols described by CDFW in their Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018) and the California Native Plant Society (CNPS) Botanical Survey Guidelines (CNPS 2001) of the proposed Project site. Prior to surveying, at least one member of the survey team shall visit a nearby reference site (i.e., a known occurrence of listed or special-status plant species with potential to occur on the site) to familiarize themselves with the target species and to ensure that target species are identifiable and thus the survey would be timed correctly. The focused special-status plant survey shall cover the entire Project site, unless a portion has been identified as clearly unsuitable or will not be disturbed during project implementation. Surveys shall be conducted during the flowering period for listed or special-status plant species. The qualified biologist(s) shall 	<p>reference site (i.e., a known occurrence of listed or special-status plant species with potential to occur on the site) to familiarize themselves with the target species and to ensure that target species are identifiable and thus the survey would be timed correctly. Surveys shall be conducted prior to construction and during the flowering period for listed or special-status plant species. If any listed or special-status plants are identified, a Special-status Plant Mitigation Plan shall be developed prior to construction in coordination with CDFW and/or USFWS, based on the listing status of the species. Once the Special-status Plant Mitigation Plan is finalized, timing for implementation of avoidance measures, documentation, and</p>	<p>The qualified biologist shall prepare a report documenting the methods and results of the surveys and submit to the Judicial Council. The qualified biologist shall monitor and report to CDFW and/or USFWS, as required, as to the success of the avoidance measures, as outlined in the Special-status Plant Mitigation Plan. If any listed or special-status plants are identified, the qualified biologist shall report occurrence data collected on CNDDDB forms.</p>	<p>Piperia plants), 6/2/23, and 7/20/23. Report Submittal Initials: _____ Date: _____ Plan Submittal, if required Initials: _____ Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>walk parallel transects spaced 15 to 30 feet apart. If any occurrences of special-status plant species are found, their locations shall be clearly marked in the field with brightly colored pin flags and their location and extent shall be recorded using Global Positioning System. Occurrence data shall be collected on California Natural Diversity Database (CNDDDB) forms and the biologists shall take representative photographs of the population and general habitat.</p> <ul style="list-style-type: none"> If any listed or special-status plants are identified within the Project site and may be adversely affected by construction activities, a Special-status Plant Mitigation Plan shall be developed in coordination with CDFW and/or USFWS, based on the listing status of the species. The Special-status Plant Mitigation Plan shall include avoidance measures that accurately quantifies impacts to special-status plants, and outlines methods, such as plant salvage, translocation to suitable habitat, or seed collection and planting. The Special-status Plant Mitigation Plan shall also include details on required monitoring and 	<p>reporting shall comply with the provisions included in the Special-status Plant Mitigation Plan.</p>			

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>reporting to document the success of the species. The report shall be reviewed by the appropriate agencies, and comments received from these agencies shall be incorporated into the Special-status Plant Mitigation Plan. Once finalized, the Special-status Plant Mitigation Plan shall be implemented by the Project.</p>				
<p>Impact 4.3-1: Adverse Effects on Special-status species. (Continued) <i>Nesting Raptors and Nesting Birds (Ferruginous hawk, white-tailed kite, peregrine falcon, burrowing owl, short eared owl, and tricolored blackbird)</i> Proposed Project activities, including tree removal, grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable nesting habitat for special-status bird species (i.e., white-tailed kite and short eared owl) and common bird species protected under California Fish and Game Code and the Migratory Bird Treaty Act (MBTA). Direct impacts could occur through removal of vegetation, trees, or ground disturbance, and through noise and other disturbances during construction activities. Construction activities could potentially result in</p>	<p>Mitigation Measure 4.3-1c: Avoid Impacts on Special-Status and Common Nesting Migratory Birds. The Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to special-status nesting birds and common nesting birds.</p> <ul style="list-style-type: none"> To the extent feasible, construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) anticipated to have potential effects on special-status nesting birds and/or common nesting birds shall be scheduled to occur outside of the nesting season. The nesting season for Ferruginous hawk is mid-April to mid-May and the nesting season for common nesting 	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to and during construction activities. Complete preconstruction surveys no more than 7 days prior of the start of construction activities. Preconstruction surveys shall be repeated if construction activities lapse for more than 7 days. During construction activities, the nesting season for Ferruginous hawk is mid-April to mid-May and the nesting season for common</p>	<p>The Judicial Council and its contractor(s) shall schedule work outside of nesting birds' season. When construction activities must occur during the nesting season, the Judicial Council and their contractors shall retain a qualified biologist to conduct pre-construction nesting bird surveys. If nesting birds are detected, the qualified biologist shall establish and maintain</p>	<p>Surveys Initials: _____ Date(s): _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>nest abandonment by the adults and mortality of chicks and eggs. The proposed Project could also result in the loss of foraging habitat for special-status bird species (i.e., Ferruginous hawk, white-tailed kite, peregrine falcon, burrowing owl, short eared owl, and tricolored blackbird). For these reasons, impacts to nesting birds would be considered potentially significant.</p>	<p>birds (e.g., raptors, passerines) is February 1 to September 15. If construction activities are completed outside of these nesting seasons, no additional measures are required to avoid adverse effects on nesting birds.</p> <ul style="list-style-type: none"> When construction activities (e.g., tree removal, clearing of vegetation, excavation, and site development activities) must occur during the nesting season, pre-construction nesting bird surveys shall be performed by a qualified biologist within those areas where construction is anticipated to have potential effects on special-status and/or common nesting birds. Additionally, surveys shall be extended to include a 500-foot buffer (or larger, as determined by CDFW established survey protocol) surrounding these areas. Pre-construction nesting bird surveys shall include surveys for short-eared owls and white-tailed kites and other nesting birds (e.g., raptor and passerine nest surveys). The qualified biologist shall complete preconstruction surveys no more than 7 days prior of the start of construction activities. 	<p>nesting birds (e.g., raptors, passerines) is February 1 to September 15. If construction activities are completed outside of these nesting seasons, no additional measures are required to avoid adverse effects on nesting birds.</p>	<p>suitable avoidance buffers. If construction activities that have potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by the qualified biologist.</p>		

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>Preconstruction surveys shall be repeated if construction activities lapse for more than 7 days. If no nesting birds are detected during preconstruction surveys, no additional measures are required.</p> <ul style="list-style-type: none"> • If nesting birds are detected, a qualified biologist shall establish suitable avoidance buffers from the active nest within and/or adjacent to construction areas. The buffer distance shall typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Avoidance buffers shall be marked on plans and specifications and in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. • Construction activities shall not occur within the avoidance buffer unless the qualified biologist determines that such construction activities would 				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>not adversely affect nesting activities. If it is determined that construction activities that have potential to adversely affect nesting birds must occur within the avoidance buffer, activities shall be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist shall be empowered to stop construction activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on nesting birds (e.g., nest abandonment). Avoidance buffers shall be maintained until there is no longer a threat of disturbance to the nesting bird (e.g., young have fledged, individuals have moved out of the area), as determined by a qualified biologist.</p>				
<p>Impact 4.3-1: Adverse Effects on Special-status species. (Continued) <i>Burrowing Owls</i> Proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable foraging and overwintering habitat for burrowing owls. Direct</p>	<p>Mitigation Measure 4.3-1d: Avoid Impacts on Burrowing Owls. The Judicial Council and its contractor(s) shall implement the following measures prior to and during construction activities to avoid adverse effects to burrowing owls.</p> <ul style="list-style-type: none"> • Within suitable habitat for burrowing owl, a qualified 	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to and during construction activities, no more than 30 days prior to the initiation of any ground-disturbing activities.</p>	<p>The Judicial Council and its contractor(s) shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in conformance</p>	<p>Surveys Initials: _____ Date(s): _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>impacts could occur through removal of vegetation, or ground disturbance and destruction of burrows, and through noise and other disturbances during construction activities. The proposed Project could also result in the loss of foraging habitat for burrowing owl. For these reasons, impacts to burrowing owl would be considered potentially significant.</p>	<p>biologist shall conduct pre-construction surveys for burrowing owls in conformance with CDFW protocols, and no more than 30 days prior to the initiation of any ground-disturbing activities (including vegetation removal). If no burrowing owls are located during these surveys, no further mitigation is required. However, if breeding or resident owls are located on or immediately adjacent to the area potentially affected by the activity, the following mitigation measures shall be implemented.</p> <ul style="list-style-type: none"> • If burrowing owls are detected during pre-construction surveys the non-disturbance buffer distances described in Table 4.3-4 shall be implemented. The buffer distances may be adjusted in consultation with and approval by CDFW. The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation and approval of eviction plans from the CDFW authorizing 	<p>The protected area shall remain in effect until August 31 or, at the discretion of CDFW and based upon monitoring evidence, until the young owls are foraging independently. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).</p>	<p>with CDFW protocols.</p>		

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>the eviction. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31).</p>				
<p>Impact 4.3-1: Adverse Effects on Special-status species. (Continued) <i>Hoary Bat</i> Proposed Project activities could result in the loss of habitat for Hoary bats due to the removal of mature Monterey cypress and other trees that could provide wintering roosting habitat. Loss of habitat would not be considered significant as this species is found throughout the State and is considered at a fairly low risk of extirpation in the State due to an extensive range and/or many populations or occurrences. Proposed Project activities could result in the direct mortality of a large population of Hoary bats, which would be potentially significant.</p>	<p>Mitigation Measure 4.3-1e: Avoid Impacts to Special-Status Bat Species. The Judicial Council and its contractor(s) shall schedule the removal of mature trees that are determined to be suitable roosting habitat for special-status bat species (e.g., Monterey cypress and other trees) to occur prior to ground-disturbing activities and during the non-wintering hibernation period for special-status bats (March 1 – October 31).</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to ground-disturbing activities and during the non-wintering hibernation period for special-status bats (March 1 – October 31)</p>	<p>The Judicial Council and its contractor(s) shall schedule the removal of mature trees.</p>	<p>Tree Removal Initials: _____ Date(s): _____</p>	<p>Incomplete</p>
<p>Impact 4.3-1: Adverse Effects on Special-status species. (Continued) <i>Smith's Blue Butterfly</i> If present, proposed Project activities, including grading, vegetation clearing and grubbing, excavation, and other site development activities, could result in loss of suitable habitat for Smith's blue butterfly, which is</p>	<p>Mitigation Measure 4.3-1f: Avoid Impacts to Smith's Blue Butterfly. The Judicial Council and its contractor(s) shall implement the following measures prior to construction activities to avoid adverse effects on Smith's blue butterfly.</p> <ul style="list-style-type: none"> • Pre-construction surveys shall be required at the Project site 	<p>Implementation: Judicial Council and its contractor(s) Timing: Prior to construction activities, no more than 30 days prior to Project commencement</p>	<p>The Judicial Council and its contractor(s) shall retain a Designated Biologist to conduct pre-construction surveys. If buckwheat plants are</p>	<p>Surveys Initials: _____ Date(s): _____ Report Submittal, if required Initials: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>dependent on a host buckwheat plants. Direct impacts could occur through removal of buckwheat plants and direct mortality to the various life stages of the butterfly if they were on the host plant. This impact would be potentially significant.</p>	<p>prior to any equipment/ material staging and/or ground disturbance. The Designated Biologist shall survey the entire Project site, recording the location and extent of any buckwheat plants. The pre-construction surveys shall be conducted no more than 30 days prior to Project commencement.</p> <ul style="list-style-type: none"> • If no buckwheat plants are observed at the Project site, no further mitigation is required. • If any buckwheat plants are observed, a presence/absence survey for Smith's blue butterfly shall be conducted. If any Smith's blue butterfly life stages are observed, salvage of these plants shall be required and shall be implemented in close coordination with USFWS. If no live stages are observed during the focused survey, the results shall be documented in a short memorandum to be submitted to the USFWS, buckwheat plants shall be removed, and no further mitigation is required. 		<p>observed, the Designated biologist would be responsible for additional presence/absence survey and documentation of the results in a memorandum. The Judicial Council is responsible for submittal of results memorandum to USFWS.</p>	<p>Date: _____</p>	
<p>CULTURAL RESOURCES Impact 4.4-2. Adverse Change in the Significance of an Archaeological Resource.</p>	<p>Mitigation Measure 4.4-2: Inadvertent Discovery Protocols.</p>	<p>Implementation: Judicial Council and its contractor(s)</p>	<p>The Judicial Council and its contractor(s) shall retain a</p>	<p>Trainings Initials: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>No known archaeological resources have been documented in the project site through background research or through field surveys. Construction of the project could, however, potentially uncover buried archaeological resources during ground-disturbing activities. This represents a potentially significant impact.</p>	<p>A. Prior to the start of ground disturbing activities, the Judicial Council shall retain a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards for archaeology to implement archaeological awareness training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried cultural resources, the appearance and types of resources likely to be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work, and shall be documented in training records.</p> <p>B. In the event that precontact or historic-age resources (or suspected resources) are encountered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council's Project</p>	<p>Timing: Prior to the start of ground disturbing activities. The archaeological awareness training for all construction personnel involved with ground disturbing or excavation activities shall be provided once to each worker before they begin work and shall be documented in training records. The archaeologist shall evaluate the find(s) within 48 hours to determine if it meets the definition of a historical or unique archaeological resource.</p>	<p>qualified archaeologist to implement and document archaeological awareness training. In the event that precontact or historic-age resources are encountered, Judicial Council's Project Manager would be responsible for ensuring work is stopped and a qualified archaeologist is retained to examine the find. Judicial Council and its contractor(s) shall submit a report of findings documenting any data recovery to NWIC. Judicial Council and its contractor(s) shall retain an archaeological monitor to monitor all ground-disturbing activities within</p>	<p>Date(s): _____</p> <p>Report Submittal, if required</p> <p>Initials: _____</p> <p>Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>Manager shall be notified, and a qualified archaeologist shall be retained by the Judicial Council to examine the find. Project personnel shall not collect or move any historic material. The archaeologist shall evaluate the find(s) within 48 hours to determine if it meets the definition of a historical or unique archaeological resource and follow the procedures outlined below:</p> <ul style="list-style-type: none"> i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation. ii. If the find(s) does meet the definition of a historical resource or unique archaeological resource, then it shall be avoided by Project activities and preserved in place. If avoidance is not feasible, as determined by the Judicial Council, the qualified archaeologist shall make appropriate recommendations regarding the treatment and disposition of such find(s), and significant 		<p>50 feet of an archaeological resource find and prepare a treatment plan, as needed.</p> <p>Judicial Council and its contractor(s) shall ensure all fill soils imported and used for this Project must be clean, engineered fill.</p>		

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist prior to resuming construction activities within the 50-foot radius.</p> <p>iii. If the find(s) does meet the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with Mitigation Measures 4.10-1B and 4.10-1C.</p> <p>C. Recommendations for treatment and disposition of find(s) could include, but are not limited to, archaeological monitoring, collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Northwest Information Center (NWIC).</p> <p>iv. In the event that archaeological resource(s) are discovered during Project implementation, an archaeological monitor shall be retained to monitor all ground-disturbing activities in the vicinity</p>				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>(e.g., within 50 feet) of the find.</p> <p>Archaeological monitors have the authority, upon the finding of a potential resource, to request that work be slowed, diverted, or stopped if archaeological resources are identified within the direct impact area.</p> <p>If the resource is determined by an archaeologist to be a historical or unique archaeological resource, the archaeologist shall prepare a treatment plan, that includes measures to avoid or reduce impacts to the resource. The treatment plan measures may include, but not be limited to, avoidance and preservation in place (the preferred method if feasible), capping, incorporation of the site within a park or other open space, or data recovery. If the resource is also a tribal cultural resource, then Tribal Representatives from the KaKoon and/or Rumŕsen shall make appropriate recommendations regarding the treatment and disposition of such</p>				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>find(s) in accordance with Mitigation Measure 4.10-1B.ii and these recommendations shall be incorporated into the treatment plan.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.</p> <p>D. All fill soils imported and used for this Project must be clean, engineered fill.</p>				
<p>Impact 4.4-3. Disturb Any Human Remains.</p> <p>There has been no indication or evidence that the area has been used for human burials in the recent or distant past. Therefore, human remains are unlikely to be encountered. Project implementation would involve tree and vegetation removal, grading, trenching, undergrounding of utilities, and potentially other earthmoving activities. Human remains are unlikely to be encountered; however, in the unlikely event that human remains are discovered during ground-disturbing activities, they could be inadvertently damaged. This impact would be potentially significant.</p>	<p>Mitigation Measure 4.4-3: Stop Work If Human Remains Are Uncovered.</p> <p>If human remains are found during Project implementation, the State of California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American they shall be treated in accordance with Mitigation Measure 4.10-2.</p>	<p>Implementation: Judicial Council and its contractor(s)</p> <p>Timing: Human remains are found during Project implementation.</p>	<p>The Judicial Council and its contractor(s) shall ensure final construction drawings and/or specifications, have included cultural resource mitigation.</p> <p>The Monterey County Coroner will detail the findings in a coroner's report.</p>	<p>Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>GREENHOUSE GAS</p> <p>Impact 4.5-1. Generate Greenhouse Gas Emissions. The proposed Project’s Greenhouse Gas (GHG) efficiency would exceed the tailored GHG efficiency significance threshold created for this Project, the proposed Project could result in the generation of GHG emissions at a level that would not represent the Project’s fair share of emissions reductions as in alignment with the State 2030 GHG reduction target and 2050 GHG reduction goal. The Project’s proposed use of natural gas and anticipated Vehicle Miles Travelled (VMT) generation area is considered inconsistent with key actions for new development under the Final 2022 Scoping Plan. Therefore, implementation of the proposed Project could result in the generation of GHG emissions at a level that may have a significant impact on the environment and conflict with State GHG emission targets adopted for the purpose of reducing the emissions of GHGs. This impact is potentially cumulatively considerable.</p>	<p>Mitigation Measure 4.5-1a: Prohibit the inclusion of natural gas infrastructure. The Judicial Council shall not include natural gas infrastructure to or within the Project site and Project operations shall not use natural gas.</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Duration of entire Project.</p>	<p>The Judicial Council and its contractor(s) shall ensure all appropriate bid, contract, and engineering and site plan documents do not include use of natural gas.</p>	<p>Plan Submittal Initials: _____ Date: _____</p>	<p>Incomplete</p>
<p>Impact 4.5-1. Generate Greenhouse Gas Emissions. (Continued)</p>	<p>Mitigation Measure 4.5-1b: Reduce Mobile-Source Greenhouse Gas (GHG) Emissions Through Travel Demand Reduction Measures.</p>	<p>Implementation: Judicial Council and its contractor(s). Timing: Duration of entire Project.</p>	<p>The Judicial Council and its contractor(s) shall ensure minimum travel demand reducing measures have</p>	<p>Travel Demand Reducing Measures Implemented Initials: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>The Judicial Council shall include, at a minimum, the following travel demand reducing measures:</p> <ul style="list-style-type: none"> • Offer and promote telecommuting and alternative work schedules. <p>Include end-of-trip facilities (i.e., showers, lockers, and similar features, for cyclists) in the project design and operational maintenance.</p>		<p>been incorporated into all appropriate bid, contract, and engineering and site plan documents.</p>	<p>Date: _____</p>	
<p>Impact 4.5-1. Generate Greenhouse Gas Emissions. (Continued)</p>	<p>Mitigation Measure 4.5-1c: Generate On-site Solar Energy. The Judicial Council shall incorporate solar power generating infrastructure over at least 150 of the parking spaces, along with a corresponding battery energy storage system.</p>	<p>Implementation: Judicial Council and its contractor(s). Timing: Duration of entire Project.</p>	<p>The Judicial Council and its contractor(s) shall ensure all appropriate bid, contract, and engineering and site plan documents have included on-site solar energy infrastructure into their plans.</p>	<p>On-Site Solar Energy Installed Initials: _____ Date: _____</p>	<p>Incomplete</p>
<p>HAZARDS AND HAZARDOUS MATERIALS Impact 4.6-2. Hazard to the Public or the Environment. The limited soil environmental assessment indicated that all soil samples were below their respective Tier 1 Environmental Screening Levels (ESL) and California Department of Toxic Substances Control (DTSC) screening levels, thus, allowing for the disposal of soils at an off-site</p>	<p>Mitigation Measure 4.6-2: Prepare and Implement a Health and Safety Plan. To protect the health of construction workers and the environment, the Judicial Council shall prepare and implement a site-specific Health and Safety Plan (HASP) as described below:</p> <ul style="list-style-type: none"> • The HASP shall be prepared in accordance with Title 8 of 	<p>Implementation: Judicial Council and its contractor(s). Timing: Duration of entire Project.</p>	<p>The Judicial Council and its contractors shall prepare a HASP and make it available to construction workers for review during their orientation training and/or</p>	<p>Plan Submittal Initials: _____ Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>disposal or recycling facility as non-hazardous and/or reused on site (Kleinfelder 2022). The environmental assessment noted, however, that if potentially impacted soil is discovered during the course of excavation or grading, additional soil sampling should be performed (Kleinfelder 2022). In the unlikely event that impacted soil is discovered during the course of excavation or grading and activities inadvertently disperse contaminated material into the environment, exposure to construction workers would be considered a potentially significant impact.</p>	<p>the California Code of Regulations (CCR) State and federal Occupational Safety and Health Association regulations (29 Code of Federal Regulations 1910.120) and approved by a certified industrial hygienist. Copies of the HASP shall be made available to construction workers for review during their orientation training and/or during regular health and safety meetings. The HASP shall identify potential hazards (including stained or odiferous soils at any location where earthmoving activities would occur within the proposed development area), chemicals of concern (i.e., volatile organic compounds , heavy metals, and gases), personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures.</p> <ul style="list-style-type: none"> The HASP shall state that if stained or odiferous soil is discovered during project-related construction activities, the Judicial Council shall retain a licensed environmental professional to conduct a Phase II Environmental Site Assessment that includes 		<p>during regular health and safety meetings.</p>		

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>appropriate soil and/or groundwater analysis. Recommendations contained in the Phase II Environmental Site Assessment to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas.</p> <p>The HASP shall also require notification of the appropriate federal, State, and local agencies if evidence of previously undiscovered soil contamination (e.g., stained soil, odorous groundwater, or groundwater with a surface sheen). Any contaminated areas shall be remediated in accordance with recommendations made by the Regional Water Quality Control Board (RWQCB), Department of Toxic Substance Control, the Monterey County Environmental Health Bureau Hazardous Materials Management Services (i.e., designated Certified Unified Program Agency for the county), and/or other appropriate federal or State regulatory agencies.</p>				
<p>HYDROLOGY AND WATER QUALITY</p> <p>Impact 4.7-4. Alter Drainage Patterns or Add Impervious Surfaces. Preliminary calculations by BFS Landscape Architects (2022)</p>	<p>Mitigation Measure 4.7-4: Perform a Hydrologic Study, Incorporate On-Site Drainage Features as Necessary, and</p>	<p>Implementation: Judicial Council and its contractor(s). Timing: Duration of entire Project, and</p>	<p>The Judicial Council and its contractor(s) would retain a registered</p>	<p>Study Submittal Initials: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>indicate that a minimum of approximately 12,000 square feet (0.27 acres) of retention/biofiltration area would be necessary at the project site. However, hydrologic studies determining the sizing, number, and exact locations of the biofiltration basins necessary to control the overall volume and peak discharge rates from the impervious surfaces, and the exact details necessary to provide appropriate water quality treatment through biofiltration, have not yet been determined. Therefore, this impact is considered potentially significant.</p>	<p>prepare a Stormwater Control Plan. Prior to initiating site preparation activities, the Judicial Council shall:</p> <ul style="list-style-type: none"> Engage the services of a registered engineer to prepare a Hydrologic Study. The study shall include hydrologic modeling related to the need for on-site stormwater retention of projected stormwater runoff and biofiltration for stormwater treatment generated by the proposed Project. Modeling shall be performed in accordance with common civil engineering industry standard and shall comply with the standards contained in the contained <i>Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast</i> (Central Coast RWQCB 2013) and/or the <i>Stormwater Technical Guide for Low Impact Development</i> (City of Seaside 2020). Both of these documents contain specific requirements that address the following: <ul style="list-style-type: none"> Hydraulic sizing criteria for low impact development (LID) treatment systems, which includes modeling to determine the volume of runoff that would be 	<p>prior to initiating on-site grading.</p>	<p>engineer to prepare a Hydrologic Study and Stormwater Control Plan. The Judicial Council and its contractors would submit the Stormwater Control Plan to the Central Coast RWQCB Judicial Council and its contractor(s) shall ensure all appropriate bid, contract, and engineering and site plan documents have included on-site drainage features as necessary into their plans.</p>	<p>Date: _____ Plan Submittal Initials: _____ Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>generated by the project's impervious surfaces resulting from the design storm event;</p> <ul style="list-style-type: none"> - Biofiltration treatment system standards, including modeling to determine the maximum surface loading rate appropriate to prevent erosion, scour and channeling, and the minimum surface reservoir volume; - Minimum planting medium depth necessary to sustain the biofiltration plantings and which maximizes runoff retention and pollutant removal; and - Proper plant selection as suited to the Central Coast climate.¹ - Based on modeling results, the study shall identify the sizing, type, number, and on-site location of biofiltration basins that would provide for adequate detention of stormwater, water quality treatment, and compliance with operational National Pollutant Discharge Elimination System requirements (stormwater quality best 				

¹Technical guidance for designing bioretention facilities is available from the Central Coast LID Initiative. The guidance includes design specifications and plant lists appropriate for the Central Coast climate. (<https://www.centralcoastlidi.org/projects.php>)

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>management practices and LID features in compliance with the regional Small municipal separate storm water systems Permit).</p> <ul style="list-style-type: none"> The hydrologic study shall also demonstrate that the proposed on-site biofiltration basins would appropriately retain stormwater runoff from new Project-related impervious surfaces to prevent on-site and off-site flooding. <p>Prior to the start of project operation, the Judicial Council of California shall: Engage the services of a registered engineer to prepare an operational Stormwater Control Plan that includes the components required in <i>Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast</i> and/or the City of Seaside (as required). The Stormwater Control Plan shall be submitted to the Central Coast RWQCB for approval prior to operation of the new courthouse.</p>				
<p>NOISE AND VIBRATION Impact 4.8-1. Short-Term Noise Levels from Construction Activities. Existing traffic noise levels along the adjacent roadways range from 250 vehicles per day to</p>	<p>Mitigation Measure 4.8-1: Implement Construction-Related Noise Reduction Strategies.</p>	<p>Implementation: Judicial Council and its contractor(s).</p>	<p>The Judicial Council and its contractor(s) shall ensure all appropriate bid,</p>	<p>Construction-Related Noise Reduction Strategies Implemented</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>approximately 12,000 vehicles per day (AECOM 2022). Construction-related traffic would not double existing traffic volumes and would not increase the traffic noise by 3 dB. Construction-related traffic impacts would be less than significant.</p>	<p>The Judicial Council shall require the selected contractor to implement the following noise-reduction and noise-control measures during construction activities:</p> <ul style="list-style-type: none"> • Construction equipment shall be properly maintained per manufacturers' specifications and fitted with feasible noise suppression devices (e.g., mufflers, silencers, wraps). • All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded. • Construction equipment shall be shut down when not in use and shall not idle for extended periods of time near noise-sensitive receptors. • Fixed/stationary equipment (e.g., generators, compressors, cement mixers) shall be located as far as practicable from noise-sensitive receptors. • Restrict the use of bells, whistles, alarms, and horns for safety-warning purposes. • Construction worker trips and truck trips shall be distributed along the area roadways to minimize impacts along each entry to the proposed Project site. 	<p>Timing: During construction activities.</p>	<p>contract, and engineering and site plan documents have included construction-related noise reduction strategies into their plans.</p>	<p>Initials: _____ Date: _____</p>	

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>TRANSPORTATION</p> <p>Impact 4.9-2. Consistency with CEQA Guidelines Section 15064.3(b).</p> <p>The proposed Project is consistent with the intent of Senate Bill (SB) 743 to promote infill development and public health through active transportation and there is no impact related to GHG emissions beyond that which is reported in the Environmental Impact Report (EIR). The proposed Project would not create new activities, operations, services, or employment, but would involve shifting some activities and operations from locations that are more VMT efficient compared to the proposed Project area today, but are anticipated to become less VMT efficient compared to the Project area by 2045. Virtual service opportunities are anticipated to further reduce VMT, but there is not sufficient data at this time to support a quantified estimate of VMT reduction benefits of electronic filing, remote access to legal information, and other online and virtual programs. Therefore, the impact is conservatively assumed to be potentially significant.</p>	<p>Mitigation Measure 4.9-2: Implement Mitigation Measure 4.5-1b.</p>	<p>Implementation: Judicial Council and its contractor(s) Timing: Duration of entire Project.</p>	<p>See Mitigation Measure 4.5-1b.</p>	<p>See Mitigation Measure 4.5-1b.</p>	<p>See Mitigation Measure 4.5-1b.</p>
<p>Impact 4.9-3. Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses. Some trees and other vegetation are within the</p>	<p>Mitigation Measure 4.9-3: Remove and Manage Vegetation along Divarty Street.</p>	<p>Implementation: Judicial Council and its contractor(s)</p>	<p>The Judicial Council and its contractor(s) shall ensure all appropriate bid,</p>	<p>Tree and Vegetation Removal</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>minimum stopping sight distances of driveways and in need of trimming or removal. The impact is potentially significant.</p>	<p>Prior to occupancy, the Judicial Council and its contractor(s) shall remove trees and other vegetation on the Project site that would be in the line of sight between vehicles using proposed Project driveways and vehicles using Divarty Road. Following occupancy, sight distance of 155 feet to the west and 190 feet to the east shall be maintained.</p>	<p>Timing: Duration of entire Project, and prior to Occupancy.</p>	<p>contract, and engineering and site plan documents incorporate designs for vegetation management that achieve a line of sight between vehicles using proposed Project driveways and vehicles using Divarty Road. The Judicial Council and its contractor(s) shall verify trees and vegetation have been removed prior to occupancy.</p>	<p>Initials: _____ Date: _____</p>	
<p>TRIBAL CULTURAL RESOURCES Impact 4.10-1. Adverse Change in the Significance of a Tribal Cultural Resource. No tribal cultural resources, historical resources, or unique archaeological resources are known to exist within the proposed Project site or a 0.25-mile radius from the site and Tribal/archaeological monitoring of geotechnical boring did not identify any buried cultural soils or pre-European contact artifacts, which would indicate there is a heightened sensitivity for tribal</p>	<p>Mitigation Measure 4.10-1: Inadvertent/ Unanticipated Tribal Cultural Resource Discoveries Protocols. The Judicial Council shall require the following steps to be taken, including as a part of all contracts related to construction of the Project, as applicable: A. Prior to the start of ground disturbing activities, the Judicial Council shall retain a representative from the KaKoon, and/or the Rumšen,</p>	<p>Implementation: Judicial Council and its contractor(s). Timing: Prior to the start of ground disturbing activities. If tribal cultural resources or potential tribal cultural resources are discovered during Project implementation, a KaKoon and/or</p>	<p>The Judicial Council and its contractor(s) shall ensure Tribal Cultural Resource Discoveries Protocols have been incorporated into all contracts related to construction of the Project,</p>	<p>Training Initials: _____ Date: _____ Monitoring Agreement Initials: _____ Date: _____</p>	<p>Incomplete</p>

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>cultural resources. It is, however, possible that previously unrecorded tribal cultural resources could be inadvertently exposed during Project ground-disturbing activities. Unless properly evaluated and managed, this could result in a significant impact to undiscovered tribal cultural resources. This impact is considered potentially significant.</p>	<p>if available to implement Tribal Cultural Resources Sensitivity Training for all construction personnel involved with ground disturbing or excavation activities. The training shall include information regarding the possibility of encountering buried tribal cultural resources, the appearance and types of tribal cultural resources that could potentially be seen during construction, notification procedures, and proper protocols to be followed should suspected or confirmed tribal cultural resources be encountered. This training shall be provided once to each worker involved in ground-disturbing activities before they begin work and shall be documented in training records.</p> <p>B. If tribal cultural resources or potential tribal cultural resources are discovered during Project implementation, all activity within a 50-foot radius of the find shall be stopped, the Judicial Council's Project Manager shall be notified, and Tribal Representatives from both the KaKoon and Rumšen shall be immediately notified. The Tribal Representative(s) shall</p>	<p>Rumšen Tribal Representative shall be immediately notified and retained to evaluate the find(s) within 48 hours to determine if it meets the definition of a tribal cultural resource (Public Resources code [PRC] section 21074).</p>	<p>including the retention of a representative from the KaKoon, and/or the Rumšen, if available, to implement Tribal Cultural Resources Sensitivity Training and the evaluation of tribal cultural resources or potential tribal cultural resources discovered during Project implementation. If participating in Project implementation, the Judicial Council shall enter into the tribal monitoring agreement with the KaKoon.</p>		

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>evaluate the find(s) within 48 hours to determine if it meets the definition of a tribal cultural resource (Public Resources code [PRC] section 21074) and follow the procedures outlined below:</p> <ul style="list-style-type: none"> i. If the find(s) does not meet the definition of a tribal cultural resource, a historical resource, or a unique archaeological resource, no further study or protection is necessary prior to resuming Project implementation. ii. If the find(s) does meet the definition of a tribal cultural resource, then it shall be avoided by Project activities and preserved in place. The contractor shall implement any measures deemed by the Judicial Council to be necessary and feasible to preserve in place, avoid, or minimize impacts to the tribal cultural resource. If avoidance is not feasible, as determined by the Judicial Council, Tribal Representatives from the KaKoon, and Rumšen if available shall make recommendations regarding the culturally appropriate treatment and disposition of such find(s) and significant impacts to 				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>such tribal cultural resources shall be mitigated in accordance with the recommendations of the KaKoon, and Rumšen if they are available, prior to resuming construction activities within the 50-foot radius.</p> <p>iii. If the find meets the definition of both a tribal cultural resource and a historical or unique archaeological resource, then it shall be treated in accordance with the measures described in Section C. below.</p> <p>C. Culturally appropriate treatment may include, but is not limited to, minimal processing of materials for reburial, minimizing handling of tribal cultural resources objects, leaving objects in place within the landscape, or returning tribal cultural resources objects to a location within the Project area where they would not be subject to future disturbance. No cultural soil may be removed from the Project site. Permanent curation, testing, or data collection of tribal cultural resources will not take place unless requested in writing by either the KaKoon or Rumšen.</p>				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
	<p>D. All fill soils imported and used for this Project must be clean, engineered fill.</p> <p>The Judicial Council shall enter into a tribal monitoring agreement with the KaKoon prior to the start of ground disturbing activities. The tribal monitoring agreement shall form the terms and compensation for the tribal monitoring with the KaKoon and be utilized in combination with the tribal cultural resources treatment. Tribal Monitors have the authority to identify sites or objects of cultural significance and to request, upon the finding of a potential tribal cultural resource, that work be slowed, diverted, or stopped if such sites or objects are identified within the direct impact area. Only the consulting tribe(s) can recommend culturally appropriate treatment of such sites or objects, via their Tribal Monitor. Work within 50 feet of the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the tribal monitoring agreement have been implemented.</p>				

Impact	Mitigation Measure	Implementation Responsibility/ Timing	Monitoring Responsibility	Verified Implementation	Completion Status
<p>Impact 4.10-2. Disturb Any Human Remains. There has been no indication or evidence that the area has been used for human burials in the recent or distant past. Therefore, human remains are unlikely to be encountered. Project implementation would involve tree and vegetation removal, grading, trenching, undergrounding of utilities, and potentially other earthmoving activities. Human remains are unlikely to be encountered; however, in the unlikely event that human remains are discovered during ground-disturbing activities, they could be inadvertently damaged. This impact would be potentially significant.</p>	<p>Mitigation Measure 4.10-2: Stop Work If Human Remains Are Uncovered.</p> <p>If human remains are found during Project implementation, the State of California Health and Safety Code section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) section 5097.98. In the event of an unanticipated discovery of human remains, the Monterey County Coroner must be notified immediately. If the human remains are determined to be Native American, the coroner is required to notify the Native American Heritage Commission, which would determine and notify a most likely descendant (MLD) within 24 hours. The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of Native American human remains and items associated with Native American burials.</p>	<p>Implementation: Judicial Council and its contractor(s).</p> <p>Timing: Human remains are found and determined to be Native American. The coroner is required to notify the Native American Heritage Commission, which would determine and notify a most likely descendant (MLD) within 24 hours. The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of Native American human remains and items associated with Native American burials.</p>	<p>The Judicial Council and its contractor(s) shall ensure final construction drawings and/or specifications have included Tribal Cultural Resource mitigation.</p> <p>The Monterey County Coroner will detail the findings in a coroner's report.</p>	<p>Plan Submittal</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>Incomplete</p>

Notes for Mitigation Monitoring and Reporting Program for the New Fort Ord Courthouse Project Table

Source: AECOM 2022, BFS Landscape Architects 2022, CDFW 2018, Central Coast RWQCB 2013, City of Seaside 2020, CNPS 2001, Kleinfelder 2022, Ono Consulting 2023

Notes:

CCR = California Code of Regulations

CDFW = California Department of Fish and Wildlife

CNDDDB = California Natural Diversity Database

CNPS = California Native Plant Society

dB = decibels

DTSC = California Department of Toxic Substances Control

EIR = Environmental Impact Report

ESL = Environmental Screening Levels

GHG = Greenhouse Gas

HASP = Health and Safety Plan

Judicial Council = Judicial Council of California

LID = low impact development

m = meters

MBTA = Migratory Bird Treaty Act

MLD = most likely descendant

NWIC = Northwest Information Center

PRC = Public Resources Code

Project = New Fort Ord Courthouse Project

RWQCB = Regional Water Quality Control Board

SB = Senate Bill

SR = State Route

USFWS = U.S. Fish and Wildlife Service

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