

Dampierre Park Flood Repair Project California Environmental Quality Act Exemption Analysis

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Prepared for

Monterey Peninsula Regional Park District
4860 Carmel Valley Rd
Carmel, CA 93923

Prepared by



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1.0 INTRODUCTION

The Monterey Peninsula Regional Park District (MPRPD) is proposing the Dampierre Park Flood Repair Project (project or proposed project), located in the Carmel Valley within unincorporated Monterey County, California (**Figures 1 & 2**). Dampierre Park (Park) contains two baseball fields, various trails traversing the landscape, and provides access to the Carmel River. The goal of the proposed project is to repair damage to the existing parking areas located at Dampierre Park which were damaged by flooding of the adjacent Carmel River.

MPRPD has retained Denise Duffy & Associates, Inc. (DD&A) to review the proposed activities and provide a recommendation on the level of compliance required under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Section 1500 et seq. [hereinafter the “CEQA Guidelines”]). Under CEQA, compliance levels range from project exemptions to thorough Environmental Impact Reports (EIRs). Based on the limited extent and type of activities proposed and compliance with applicable existing regulatory requirements, the project may qualify for an exemption under CEQA. This memorandum provides an analysis of the proposed activities and a recommendation on the level of CEQA compliance required to implement the proposed activities.

Additionally, a Biological Resources Report (DD&A, 2025) was prepared for the project and determined that no special-status plant or wildlife species have a moderate or high potential to occur within the project site; however, the report provides recommendations to ensure compliance with applicable environmental regulations including the federal Migratory Bird Treaty Act, California Migratory Bird Treaty Act, California Code of Regulations, and California Department of Fish and Game Code.

1.1 Project Description

During winter storms of the 2022-2023 season, heavy rains caused the Carmel River to overtop its banks. Flood waters carrying vegetative debris and heavy silt loads flowed over Dampierre Park and deposited debris. Approximately 775 cubic yards (CY) of the parking areas were stripped of their gravel surface, and wooden parking wheel stops were swept away. Additionally, one trail kiosk was damaged by high winds and fallen trees.

The goal of the project is to restore the Park and its facilities to its pre-flood function within the existing footprint. The proposed work consists of the following activities: installation of 350 CY of Class II ¾” minus aggregate base rock within existing parking areas and removal and replacement of 12 wooden bollards as parking wheel stops. The project site consists of four parking areas and an access road surrounding the existing ball fields. The parking areas measure approximately 350-foot by 815-foot for a total of approximately 2.15 acres. Construction is anticipated to take approximately three days to complete.

The entirety of the project site is located within the Federal Emergency Management Agency’s (FEMA’s) Special Flood Hazard Area - Zone AE and/or FEMA’s Regulatory Floodway. All proposed work will occur within previously disturbed areas of the park. No direct impacts to adjacent sensitive habitats will occur as a result of the project.



Project Location

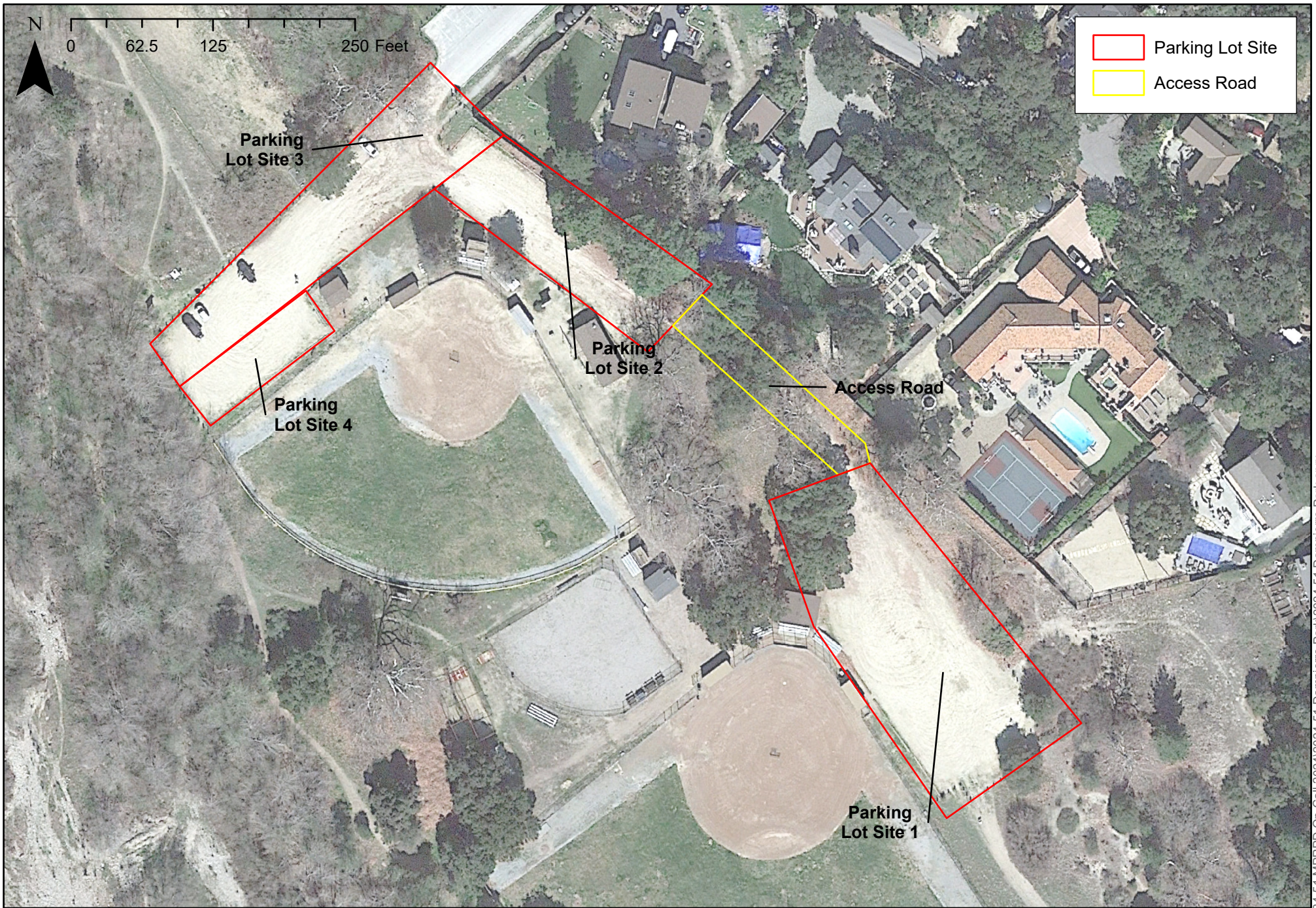
Date
8/6/2025

Scale
1:20,000



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
1



Project Site

Date
8/6/2025

Scale
1:1,325



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Figure
2

2.0 CEQA EXEMPTION ANALYSIS

Based on the analysis below, the proposed project qualifies for the following exemptions under CEQA:

- The project would qualify for a Class 1 Existing Facilities Categorical Exemption under CEQA Guidelines Section 15301(c).
- The project would qualify for a Class 2 Replacement or Reconstruction Categorical Exemption under CEQA Guidelines Section 15302.
- The project would qualify for a Class 4 Minor Alterations to Land Categorical Exemption under CEQA Guidelines Section 15304(a).
- Finally, under CEQA Guidelines Section 15061(b)(3), activities are exempt from, and otherwise not subject to, CEQA under the “common sense” exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As discussed and demonstrated below, because it can be seen with such certainty that there is no possibility that the proposed project may have a significant impact on the environment, the proposed project also qualifies under the “common sense” exemption.

2.1 Categorical Exemptions

Article 19 (Categorical Exemptions) of the CEQA Guidelines lists classes of projects that are exempt from the requirements of CEQA. This section provides an analysis of why this project qualifies for the Class 1 Existing Facilities and Class 4 Minor Alterations to Land categorical exemptions in CEQA Guidelines Sections 15301 and 15304. This section also discusses and demonstrates why none of the exceptions to the Categorical Exemptions found in CEQA Guidelines Section 15300.2 apply to this proposed project.

2.1.1 Section 15301(h) Class 1 Existing Facilities

Section 15301(h) Class 1 Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or other minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Section 15301(c) consists of repair and maintenance to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities¹.

The proposed project meets the conditions described in Section 15301(c). The proposed project would be categorically exempt from environmental review under CEQA because it involves the repair of existing parking facilities with no expansion of existing or former use. The replacement of gravel and wood bollards in existing parking areas constitutes a repair or maintenance activity of existing facilities for an existing public facility (e.g., public park) involving no expansion of use.

¹ CCR Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions, Section 15301 Existing Facilities. Accessible at: <https://www.law.cornell.edu/regulations/california/14-CCR-15301>

2.1.2 Section 15302 Class 2 Replacement or Reconstruction

Section 15302 Class 2 Replacement or Reconstruction consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced².

The proposed project meets the conditions described in Section 15302. The proposed project would be categorically exempt from environmental review under CEQA because it involves the replacement of existing parking facilities within the same site and would have the same purpose and capacity as the existing facilities. As outlined above, all proposed work will occur within previously disturbed areas of the park (i.e., within the footprint of existing parking facilities).

2.1.3 Section 15304(a) Class 4 Minor Alterations to Land

Section 15304(a) Class 4 Minor Alterations to Land consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes³. Section 15304(a) consists of grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard or within an official Seismic Hazard Zone, as delineated by the State Geologist.

The proposed project meets the conditions described in Section 15304(a). The proposed project would be categorically exempt from environmental review under CEQA because it involves the minor alteration of land with a slope of less than 10 percent in order to repair existing facilities. The project does not propose the removal of healthy, mature, scenic trees. No work is proposed within a waterway, wetland, officially designated scenic area, or officially mapped area of severe geologic hazard or within an official Seismic Hazard Zone.

² CCR Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions, Section 15302 Replacement or Reconstruction. Accessible at: <https://www.law.cornell.edu/regulations/california/14-CCR-15302>

³ CCR Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions, Section 15304 Minor Alterations to Land. Accessible at: <https://www.law.cornell.edu/regulations/california/14-CCR-15304>

Exceptions to Categorical Exemption Analysis

CEQA Guidelines Section 15300.2 identifies exceptions that if present override a lead agency's ability to use a categorical exemption. These exceptions are listed below, including documentation as to why each exception does not apply to the proposed project.

Location

Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply to the proposed project. The proposed project will occur only within the footprint of previously disturbed and developed parking areas and will not result in direct impacts to adjacent undeveloped habitats. The project will not impact environmental resources of hazardous or critical concern as designated, mapped, or adopted by law; therefore, no impacts would occur.

Cumulative Impact

All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

This exception does not apply to the proposed project. The proposed project involves repairing existing facilities with no expansion of use. Operational impacts will not increase compared to existing use of the project site. No other activities of the same type in the same location are proposed that would result in a cumulative impact to environmental resources. Therefore, no cumulative impacts would occur.

Significant Effect

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

This exception does not apply to the proposed project. There are no unusual circumstances related to the project that would create a reasonable possibility of significant effects on the environment. The proposed repair and maintenance activities are not unusual in size or location. The proposed project will occur only within the footprint of previously disturbed and developed parking areas and will not result in direct impacts to adjacent undeveloped habitats.

Scenic Highways

A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway. This does not apply to improvements which are required as mitigation by and adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. According to the California Scenic Highway Mapping System, the closest eligible State Scenic highway is State Route 68, located over six miles north of the project site. The project site is not visible from this section of State Route 68, and, therefore, no impacts would occur.

Hazardous Waste Sites

A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.

This exception does not apply to the proposed project. The proposed project site is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Historical Resources

A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

This exception does not apply to the proposed project. The proposed repair and maintenance activities would not impact any structures and there are no known historical resources within the project site. Therefore, no impact to historical resources would occur.

2.2 Common Sense Exemption

Under CEQA Guidelines Section 15061(b)(3), activities are exempt from, and otherwise not subject to, CEQA under the “common sense” exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed repair and maintenance activities will occur only within the footprint of previously disturbed and developed parking areas and will not result in direct impacts to adjacent undeveloped habitats.

As outlined in the Biological Resources Report (DD&A, 2025), the project is not anticipated to result in impacts to sensitive habitats or special-status species with implementation of the Best Management Practices and recommendations provided in Section 4 of the Report. Construction is anticipated to take approximately three days to complete. As a result, the proposed project would not result in any significant

effects on the environment. Therefore, in addition to the categorical exemptions identified above, the proposed project also qualifies under the “common sense” exemption.

3.0 CONCLUSION

As described and demonstrated above, the proposed project falls under several CEQA exemptions, including the Class 1 Existing Facilities, Class 2 Replacement or Reconstruction, and Class 4 Minor Alterations to Land categorical exemptions and the common sense exemption. DD&A recommends that MPRPD file a Notice of Exemption (NOE) citing the categorical and common sense exemptions identified herein and submit this exemption analysis along with the NOE as evidence to the record.