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Fionna Jensen, Assistant Planner
Monterey County RMA Housing and Community Development (HCD)
1441 Schilling Place, South 2nd Floor
Salinas CA, 93901

September 6, 2021

RE: Easement reduction or elimination on property at 1412 Lisbon Lane, Pebble Beach (Nase Scenic Conservation Easement and Mitigation– PLN150669)

Ms. Jensen:

Based on our onsite discussion of the factors involved in the ultimate decision to impose a conservation easement over the property at 1412 Lisbon Lane, I am writing today to clarify the reason why I believe the conservation easement requirement should be *significantly* reduced in size or dropped altogether.

All the biological resource conditions and requirements boil down to the fact that if the *Piperia yadonii* population had not been found in the middle of the area that was proposed for development on the lot at 1412 Lisbon Lane (and in the Pebble Beach Company right-of-way frontage of the lot), the discussion of impacts would have focused entirely on the Pine trees on the property. The County has consistently approved development in Monterey Pine Forest with requirements to replace on a one for one basis, all trees removed for the development and little else.

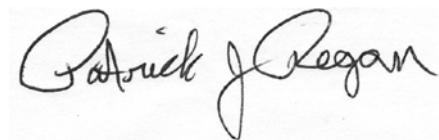
In this case, the site was determined to contain ESHA due to the existence of the *Piperia* plants. The *Piperia* population was what made any part of this property Environmentally Sensitive habitat. The presence of the plants would either require A. complete avoidance with a significant additional buffer barrier around them, or B. transplant to a single area on the project site and protection with an easement and development restrictions, or C. removal from the site altogether and extended monitoring and maintenance activities to ensure their survival. After much discussion and consultation with The US Fish and Wildlife Service, the California Department of Fish and Wildlife, The Del Monte Forest Conservancy, the Del Monte Forest Land Use Advisory Committee, Local Biologists that have done *Piperia* research on The Monterey Peninsula and negotiation with the Pebble Beach company, the decision was based on what would give the best chance for this population to survive and reproduce and potentially spread. Given the development surrounding the lot at 1412 Lisbon Lane, which included homes on the East, South and west side, and Lisbon Lane on the North side, it became clear that this was an island isolated from any natural interface of suitable habitat for the species, even if the plants remained in situ and the lot undeveloped. It was essentially a dead end for the continuation of this population. The best option would be to transplant this sensitive species to an area outside of the property and right-of-way offsite altogether. An agreement was reached with the Pebble Beach company to move this entire population, including those plants on the Pebble Beach Company owned right-of-way to land within the Del Monte Forest that had already been set aside for *Piperia yadonii* conservation as a condition of approval for the development of homes and golf courses in the Forest

Up to this point, no attempt to move such a large quantity of **Piperia** plants from one location to another had been undertaken. The Pebble Beach company had done several smaller scale trials with digging up tubers and moving them to new locations or keeping them in nursery containers temporarily. A small tree-spade trial which scooped up the tubers and the surrounding soil intact, had also been tried and proven

to be successful with a high level of survival of the tubers. Our project would move nearly ten times the amount of any previous attempt. This effort has thus far proven successful for nearly 4 years since the action was taken, to take the entire population – roots, soil, companion plants and all intact from one place to another and reestablish in a location where the population has a legitimate chance to expand and be sustained indefinitely. The population has adapted to the new site and achieved new vegetative growth similar in quantity to those noted and flagged on the Lisbon Lane site in 2015, 2016 and 2017.

The removal of the *entire* population of Yadon's *Piperia* from the lot at 1412 Lisbon Lane has been confirmed by 3 full years of monitoring that property on the same days that I have monitored the receiver site and other existing natural populations on Pebble Beach property near Poppy Hills Golf course. No *Piperia* foliage or flowers have been found on the lot at 1412 Lisbon Lane since the day the plants were removed in November of 2017. Since then, the Monterey Pine trees that were removed for the house and driveway construction have been replaced on site at a one for one ratio as they would have been if the only impact originally anticipated were the removal of the trees, and the east end of the lot has been planted with a full spectrum of Monterey Pine woodland understory plants, and nonnative weeds and landscape plants have been managed and eradicated. The ESHA classification that came with the *Piperia* plants has been effectively transferred off the site. Approximately 2850 square feet of *Piperia* habitat was impacted by the development on the lot. Those plants and the plants on the PBC right-of way (Moved at the request of PBC) were moved to a similar sized area receiver site. There is no environmentally sensitive Habitat area remaining on the property, because there is no longer any *Piperia yadonii* on the lot. The net result of all the mitigative efforts is to guarantee the best chance for that *Piperia* population to thrive and increase in an area that will remain undeveloped, no net loss of Monterey Pine trees on the site and the carefully placed location of the house to protect the maximum number of Monterey Pine and Coast Live Oak trees on the Lot. The purpose of biological mitigation measures has been achieved. There is *no additional gain* that can be made for sensitive habitat or individual special status species from maintaining the requirements for a nearly 22,000 square foot (or frankly *any size*) perpetual easement in between the house and the neighboring yards and exotic landscapes.

Pat Regan

A handwritten signature in black ink that reads "Patrick J. Regan". The signature is written in a cursive style with a large, prominent initial "P".

Fionna Jensen, Assistant Planner
Monterey County RMA Housing and Community Development (HCD)
1441 Schilling Place, South 2nd Floor
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January 22, 2022

RE: *Piperia yadonii* mitigation measures: Translocation of Soil from property at 1412 Lisbon Lane, Pebble Beach and back to same site from Receiver Site (PLN150669)

Ms. Jensen:

I understand that a follow up question has been brought up regarding the soil that was used to replace the soil removed by the tree spade when the population of *Piperia yadonii* from 1412 Lisbon Lane to the *Piperia* receiver site off Spruance Road on Pebble Beach company property. Simply stated you would like to know how I could be certain that no *Piperia yadonii* tubers (or any Rare, Threatened or Endangered species) were relocated from the Spruance Road receiver site back to the property on Lisbon Lane.

My first survey of the Lisbon Lane property was in late 2015 and by early 2016, we had already determined that the population of *Piperia yadonii* (Approximately 60% on PBC right of way and 40% on the Nase property) would require significant measures to protect, either by avoidance measures that would drastically affect the design of the house on site or by transplanting to a location offsite. After much discussion with County staff, Fish and Wildlife Service Biologists , Del Monte Forest Conservancy board members and other Biological Consultants, we decided best option would be to transplant this sensitive species to an area outside of the property and right-of-way offsite altogether. An agreement was reached with the Pebble Beach company to move this entire population, including those plants on the Pebble Beach Company owned right-of-way to land within the Del Monte Forest that had already been set aside for *Piperia yadonii* conservation as a condition of approval for the development of homes and golf courses in the Forest

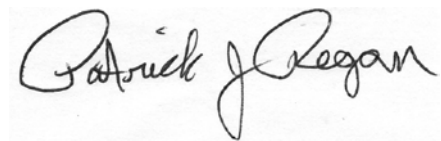
Prior to finalizing that plan, I spent time on the PBC properties searching for a good location to move the *piperia* tubers to. I searched with several criteria in mind. 1.The site had to be accessible by a large truck or tractor that would have the tree spade attached to it. 2. The site had to be close to another in-situ population of *Piperia yadonii* that could be monitored for comparison to the translocated population for sprouting and flowering timing and quantity.3. The site could not have any *Piperia* or any other Rare, Threatened or Endangered plant species that would be impacted by the transplant project. 4. the site had to be under the canopy of Monterey Pine trees along an edge where light exposure was similar to the light exposure on the Lisbon Lane property. 5. The site would be weed free. In March of 2016, a site was found that fit most of the stated criteria. The timing was ideal to compare the conditions at both the Lisbon Lane site and the chosen receiver site on Spruance road. There were *Piperia* plants fully leafed out across the road from the receiver site and throughout the frontage and northern edge of the Nase property. No *Piperia* plants or other Special status species were found in the chosen receiver site. It was assumed that based on the geology of the peninsula and the contiguous Pine Forest (or remnants thereof) between the Lisbon Lane site and the eventual chosen site along Spruance Road, next to the poppy Hills golf course that soils would be similar at both sites

The only criteria I could not meet with the eventual chosen site was the weed free requirement. The site was partially occupied by several large Acacia shrubs and a significant amount of Briza maxima – a grass species from Northern Africa and Southern Europe that has become very invasive throughout the Monterey peninsula. The site was “cleaned up” twice prior to the November 2017. One effort was to cut and remove all the Acacia (including root systems) and weed cover and a second cleanup occurred in October of 2017 to remove remaining weeds and prepare the location for the translocation of the soil “plugs”.

In November 2017 the Transplant process began with a large tree spade removing an approximate 8 x 8’ scoop of soil at the Spruance Road receiver site and carrying it over to 1412 Lisbon Lane where it as placed on the ground near the last patch of plants that would be translocated. The first “plug” filled with Piperia tubers was then dug and removed by the tree spade and taken back to the receiver site and placed in the hole that was made by the first scoop. This process then continued throughout the day, six more times, with the soil mass removed from each site, used to refill the hole remaining at the opposite site. After the last “plug” of tubers was removed from the Lisbon Lane site, the soil that had been removed from the first hole at Spruance Road was used to back fill that last remaining hole.

As I have mentioned previously, every time I have visited the Spruance Road site to monitor the Piperia population since the translocation was completed in 2017, I have also gone to the Lisbon Lane lot to look at the area where the Piperia had previously occurred. In 5 years of monitoring both sites, I have not yet found any Piperia foliage or flowers on the Lisbon Lane lot. As with any presence or absence declaration, the best way to confirm absence is to have reference locations where the plant is known to occur, for comparison to the site where presence is questionable. Multiple monitoring surveys in late 2017, and 2018, 2019, 2020, 2021 and now 2022 have confirmed presence at both the receiver site and the in-situ population across Spruance Road from it, and no sign of any Piperia growth of any kind at the Lisbon Lane property. I am confident that this confirms that we did not inadvertently transplant ant Piperia yadonii tubers from the receiver site back to the 1412 Lisbon Lane site.

Pat Regan

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