

Attachment B

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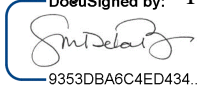


MEMORANDUM

COUNTY ADMINISTRATIVE OFFICE
COUNTY OF MONTEREY

DATE: March 17, 2023

TO: Craig Spencer, Acting Director, Housing and Community Development

FROM: Sonia De La Rosa, County Administrative Officer 
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Re: Suspension of Grading and Other Permit Requirements

As you may know, on March 9, 2023, I proclaimed the existence of a local emergency due to the recent atmospheric river event. The Board of Supervisors ratified that proclamation on March 14, 2023. Pursuant to Section 2.68.060 (A) (6) (a), during a proclaimed local emergency I am authorized to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest possible practicable time by the Board of Supervisors.”

I am informed that many farms have flooded along the Salinas River due to the high flows and breaches in berms created by the farmers to protect their property in the event of high flows. These farmers desire to repair and restore these berms and remove non-native *Arundo* that may be located within the breach. I understand that normally, such activity must obtain a grading or other permit from the County of Monterey. In light of the time necessary to review an application and issue a permit, and in light of the urgency to take the restorative action due to the potential for additional damaging storms this winter and to protect the integrity of agricultural operations, pursuant to the Code section set forth above, I am issuing a Temporary Emergency Regulation waiving the requirement for the issuance of a grading or other permit required from the County of Monterey pursuant to Title 18 of the Monterey County Code in order to perform restorative berm activity. This waiver will be applicable only during the existence of the local emergency proclamation ratified by the Board on March 14, 2023. This waiver is subject to the following conditions: 1) the farmer must notify HCD that the work will be performed; and 2) file an after-action report with HCD documenting where the work was done, certifying that the berm was only restored to its previous condition and location, and not moved, enlarged or otherwise improved, and providing photographic documentation of the before and after condition of the berm. If HCD discovers that previous work was performed that would have required a permit, and one was not obtained, the farmer must obtain an after the fact permit. Any fees are waived for HCD receiving and reviewing the after-action report; however, if an after the fact permit is required appropriate fees must be paid.

The restorative activity may only be performed from the landward side of the berm, and no activity is authorized to occur within the Salinas River Channel. I stress that this regulation applies only to permits required by the County of Monterey, and applies to restorative activity only – not activity that will enlarge or expand the berms. This regulation also does not relieve the farmer from any other permit requirement of other governmental agencies, such as the Regional Water Quality Control Board, Army Corps of Engineers, NOAA Fisheries or other state or federal resources agency, and does not permit the farmer to conduct other operations prohibited by our County Code, or that otherwise create hazardous conditions. I am informed by County Counsel that this action is exempt from the California Environmental Quality Act pursuant to California Code of Regulations sections 15269 (emergency projects), 15302 (restoration or

reconstruction), and 15304 (minor alterations to land), and I will be taking it to the Board of Supervisors for confirmation as soon as reasonably practicable.

The regulation is enclosed with this memorandum.

Please let me know if you have any questions.

Enclosure

cc: Leslie J. Girard, County Counsel

Kelly Donlon, Assistant County Counsel