

Attachment A

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TEMPORARY EMERGENCY REGULATION FOR BERM RESTORATION

This temporary emergency regulation will be in place during the local emergency proclaimed March 9, 2023, and ratified by the Monterey County Board of Supervisors on March 14, 2023. The regulation is adopted pursuant to Monterey County Code section 2.68.060(A)(6)(a), and is issued to protect the integrity of agricultural operations in Monterey County in light of current and potential future weather conditions.

1. Any requirement for issuance of a grading permit or other permit required by the provisions of Monterey County Code Title 18 is waived for the purpose of repairing and restoring berms on farmland that were damaged or destroyed as a result of flooding that occurred during the atmospheric river event of March 9 through 14, 2023. This waiver is subject to the following:
 - a. The Monterey County Housing and Community Development Department (“HCD”) must be notified in writing at <https://www.co.monterey.ca.us/how-do-i/contact-us> in advance of when and where the berm will be repaired or restored.
 - b. An after-action report documenting where the work was done, certifying that the berm was only restored or repaired to its previous dimensions and location, and not moved or enlarged, and providing photographic documentation of the before and after condition of the berm must be filed with HCD within 7 calendar days following completion of the work at <https://www.co.monterey.ca.us/how-do-i/contact-us>.
 - c. Fees for receipt and review of the after-action report are waived.
 - d. If review of the after-action report reveals that the berm was originally constructed without any applicable permit, an after-the-fact permit must be obtained. Normal fees shall be due for issuance of any such permit.
 - e. The work must only be done on the landward side of the berm, and entry into a river channel is not allowed.
2. This temporary emergency regulation only applies to permits issued by the County of Monterey and to restorative work on the berms, and does not waive any requirement to obtain necessary permits from the Regional Water Quality Control Board, Army Corps of Engineer, NOAA Fisheries, or other state or federal agency.
3. This temporary emergency regulation does not permit work or activity that is otherwise prohibited by the Monterey County Code, state or federal law, or that creates hazardous conditions.
4. This temporary emergency regulation is exempt from the California Environmental Quality Act (“CEQA”) pursuant to California Code of Regulations sections 15269 (emergency projects), 15302 (restoration or reconstruction), and 15304 (minor alterations of land).

5. This temporary emergency regulation shall expire and be of no further force or effect unless ratified by the Board of Supervisors as soon as reasonably practicable after its issuance, and shall otherwise expire upon termination of the local emergency proclaimed March 9, 2023.