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**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:
State of California (PLN100351)

RESOLUTION NO. 15-039

Resolution by the Monterey County Planning
Commission:

- 1) Considering a Certified Mitigated Negative Declaration; and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter); and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN100351, State of California, 1700 Elkhorn Road, Royal Oaks, North County Land Use Plan (APN: 131-051-001-000, 131-051-023-000, & 131-051-067-000)]

The State of California application (PLN100351) came on for public hearing before the Monterey County Planning Commission on July 8, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter).
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN100351.

2. **FINDING:** **CONSISTENCY/SUITABILITY** – The Project, as conditioned, is found consistent with the applicable plans and policies of the area, and is physically suitable for the proposed development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - North County Land Use Plan;
 - Monterey County Coastal Implementation Plan - Part 2;
 - Monterey County Zoning Ordinance (Title 20);No communications were received during the course of review of the

project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is unsuitable for the proposed development.
- c) The project is accessed at 1700 Elkhorn Road, Royal Oaks (Assessor's Parcel Numbers 131-051-001-000, 131-051-023-000 and 131-051-067-000), North County Land Use Plan. The parcels, approximately 889 acres, are zoned "RC (CZ)" [Resource Conservation (Coastal Zone)], which allows the restoration and management programs for fish, wildlife, or other physical resources (Section 20.36.040.B, Zoning Ordinance). The outcome of the subject project will restore four of the 13 remaining eucalyptus groves, approximately 13.6 acres, back to oak woodland which historically dominated the area and provides better habitat to bird and amphibian species found on the properties. Therefore, the project is an allowed development for this site.
- d) Pursuant to the Forest Resources Chapter of the North County Coastal Implementation Plan, 75 of the 1,225 eucalyptus trees to be removed are considered landmark (over 36 inches in diameter), and therefore, requires a Coastal Development Permit (Section 20.144.050.A.1.a, Coastal Implementation Plan). The rest of the eucalyptus trees to be removed are exempt because they are a non-native species and are less than 36 inches in diameter. Consistent with Section 20.144.050.C.1 of the North County Coastal Implementation Plan, the landmark eucalyptus trees to be removed are not historically significant and the removal of the trees will not impact rare, endangered or threatened species. The eucalyptus trees are an invasive species that were planted in the early 1900s for timber and use as a wind break which contributed to the loss of coast live oak woodlands that naturally occurred on the properties. The timing of tree removal will occur outside of the nesting and roosting season for birds, amphibians and reptiles, and monitoring by a qualified biologist will be provided before and during tree removal activities. See Finding 7 for more information regarding environmentally sensitive habitat areas.
- e) The project planner conducted a site inspection on February 7, 2012 and verified that the project on the subject parcels conform to the plans, listed above.
- f) The following reports have been prepared:
 - "Elkhorn Slough Estuarine Sanctuary: Cultural Resource Management" (LIB110488) prepared by John Michael King, dated 1982;
 - "Preserving Upland Habitat and Restoring Ground Water at Elkhorn Slough National Estuarine Research Reserve – Assessment of Biological Impacts" (LIB110487) prepared by Antonia D'Amore, PhD, Royal Oaks, CA, dated April 2011.

The reports indicate that the project conforms to applicable plans, regulations and policies listed above; and therefore, would not make the site unsuitable for the habitat restoration plan.

- g) The project was reviewed by the North County Coastal Land Use Advisory Committee (LUAC) consistent with the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors. The application warranted referral to the LUAC because the project requires a public hearing. On February 7, 2012, the project was reviewed and unanimously approved (4-0 vote) by the LUAC.
 - h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN100351.
3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, North County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) See preceding and following Findings and Evidence.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Based on review of Monterey County RMA - Planning and Building Services Department records, and site inspection conducted, staff is not aware of any violations existing on subject property.
 - b) See preceding and following Findings and Evidence.
5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Planning Commission, as the decision-making body of a Responsible Agency, hereby confirms that it reviewed and considered the information contained in the Lead Agency's (California Department of Fish and Wildlife) Initial Study and Mitigation Monitoring and Reporting Plan prior to acting upon or approving the project.
- EVIDENCE:**
- a) The Lead Agency, California Department of Fish and Wildlife (CDFW) prepared and circulated the draft Initial Study to responsible agencies, trustee agencies, and interested parties, including the State Clearinghouse (SCH No. 2014121035). The public review and comment period for this document was from December 16, 2014 to January 23, 2015.
 - b) The County, a Responsible Agency, reviewed the draft Initial Study during the review period and did not submit any substantive comments

regarding the adequacy of the environmental document.

- c) The environmental document analyzed biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, and noise. Findings conclude that with the proposed mitigation measures (see Condition No. 5 for mitigation measures), all potential impacts will be reduced to a level of less than significant.
- d) The Lead Agency filed a Notice of Determination on March 25, 2015.
- e) CDFW adopted a Mitigation Monitoring and Reporting Plan to ensure compliance during project implementation. CDFW, as Lead Agency, will be responsible to implement this plan. As a Responsible Agency for permitting, the County has conditioned the project requiring CDFW to provide evidence that these measures are implemented and have the intended effect (Condition No. 5 of the Condition Compliance and Mitigation Monitoring Reporting Plan).
- f) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN100351) and are hereby incorporated herein by reference.
- g) The Planning Commission considered the Initial Study, Mitigated Negative Declaration, and the Mitigation and Monitoring Reporting Plan at a duly noticed public hearing held on July 8, 2015. The County is serving as a Responsible Agency for this project.
- h) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) Policy 6.3.2 (20) of the Public Access Chapter in the North County Land Use Plan identifies the parcels as an existing secondary public access, which allows limit public access use due to natural resource or constraints on-site. The existing secondary access allows low intensity passive recreational trails to the Elkhorn Slough through the Elkhorn Slough Estuarine Sanctuary for nature observation, research and education purposes. Access is managed by the Elkhorn Slough National Estuarine Research Reserve.
 - b) Pursuant to Chapter 20.144.150.A of the North County Coastal Implementation Plan, an Access Management Plan is not required because that project does not require or propose new or additional access points or trails, and will not conflict will existing secondary public access.
 - c) See preceding and following Findings and Evidence.

7. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally

Elkhorn Slough National Estuarine Research Reserve - PLN100351

- sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) Section 20.36.030, Resource Conservation Chapter of the Zoning Ordinance, requires a Coastal Development Permit for development within 100 feet of mapped or field identified environmentally sensitive habitats (EHSA). In accordance with the regulation, a Coastal Development Permit is required because the proposed restoration project is located within 100 feet of EHSA, the Elkhorn Slough.
 - b) Section 20.144.040.A.1.c of the North County Coastal Implementation Plan requires a Biological Survey for any development that is or may potentially be located within 100 feet of an environmentally sensitive habitat, and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through staff's project review. A biological survey was submitted (as stated in Finding 1, Evidence f of this resolution), and additional survey information was provided in the Mitigated Negative Declaration (MND) prepared by the California Department of Fish and Wildlife (see Finding 5 of this resolution regarding the MND)
 - c) Section 20.144.040.B.2 of the North County Coastal Implementation Plan states, "development on parcels containing or within 100 feet of environmentally sensitive habitats...shall not be permitted to adversely impact the habitat's long-term maintenance, as determined through a biological survey." (See Finding 7, Evidence d and e of this resolution for consistency with this policy).
 - d) Pursuant to the biological survey and MND prepared for the project, The biological survey identified the following special status species or habitats may be affected by the tree removal activities:
 - Monarch butterfly (No Federal or State listing)
 - Santa Cruz long-toed salamander (Federally listed as endangered, State listed as Endangered, fully protected by the State)
 - California red-legged frog (Federally listed as threatened, California species of concern)
 - Western pond turtle (California species of concern)
 - White-tailed kite (nesting) (Fully protected by the State)
 - Double-crested cormorant (rookery site) (CDFW Watch List)
 - Salinas harvest mouse (no Federal or State listing)
 - Southern sea otter (Federally listed as threatened, protected under the Marine Mammal Protection Act, fully protected by the State)
 - e) Recommended mitigation measures by the CDFW, to be implemented by ESNERR, will minimize potential impacts to ESHA during tree removal activities. The mitigation measures are summarized, as follows (full mitigation language is found in Condition No. 4 of the Condition Compliance and Mitigation Monitoring Reporting Plan):
 - Bio-1: ESNERR staff will flag the single Pajaro Manzanita found in the Cattail Swale grove prior to tree removal and inform tree removal personnel of its location.
 - Bio-2: All stumps shall be left in the ground to hold soil in place.
 - Bio-3: Any existing vegetation, other than invasive vegetation species, shall not be removed. Monitoring by ESNERR staff will be required to ensure compliance.

- Bio-4: Any exposed soil shall be broadcast with a mixture of native and annual barley seed to prevent any potential erosion.
 - Bio-5: At least 15 days prior to the onset of activities, ESNERR shall submit name and credentials of all biologists who will help conduct activities specified in the mitigation measures to the US Fish and Wildlife Service (USFWS). No work can occur until written approval is received from USFWS.
 - Bio-6: Prior to any tree removal activities, all USFWS approved biological monitors shall conduct a worker education training program for all personnel involved with the tree removal activities.
 - Bio-7: A USFWS approved biologist shall survey all trees before tree removal activities and conduct monitoring during tree removal activities. If a special status species is identified during the tree removal process, the monitor shall relocate the species to the nearest known habitat.
 - Bio-8: All existing logs within the eucalyptus removal sites on the ground prior to tree removal activities shall not be removed due to possibility of harboring a special status species.
 - Bio-9: Tree removal activities shall be completed between August 1 and November 1. If activities occur after the specific date, USFWS shall be contacted to obtain authorization.
 - Bio-10: 2.7 acres of eucalyptus shall remain uncut at the South Marsh site to serve as alternative suitable habitat.
 - Bio-11: ESNERR staff shall instruct tree removal personnel to use the California Oak Mortality Task Force's Best Management Practices Guidelines for Forestry before entering the Reserve, which includes disinfecting machinery, vehicles, equipment and shoes before being used in the Reserve.
 - Bio-12: ESNERR staff shall flag the salt marsh habitat prior to tree removal activities and inform removal personnel of its location to ensure protection of the salt marsh.
 - Bio-13: ESNERR staff shall removal all eucalyptus resprouts and saplings, as well as invasive weeds, within the project areas using manual and chemical methods for three years following initial tree removal.
- f) The biological survey and MND concludes that eucalyptus tree removal will have a less-than-significant impact on ESHA, provide the mitigation measure, listed above, are implemented. The eucalyptus trees are an invasive species that were planted in the early 1900s which contributed to the loss of coast live oak woodlands that naturally occurred on the properties and currently threatens to displace freshwater ponds known to serve as habitat for listed special status species, including the Santa Cruz long-ted salamander and California red-legged frog. Therefore, the long-term effect of the four groves being restored back to oak woodland habitat is anticipated to have a beneficial of existing freshwater habitats that occur on the properties.
- g) See preceding and following Findings and Evidence.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.2 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal to the Coastal Commission because the project is within 100 feet of an estuary.


DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider the certified Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter). The project is in general conformance with the attached plan, and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 8th day of July, 2015 upon motion of Commissioner Padilla, seconded by Commissioner Salazar, by the following vote:

AYES: Getzelman, Rochester, Salazar, Diehl, Roberts, Padilla
NOES: Mendez
ABSENT: Brown, Vandevere, Hert
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 21 2015

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 31 2015

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning
Conditions of Approval/Implementation Plan/Mitigation
Monitoring and Reporting Plan

PLN100351

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:	This Combined Development Permit (PLN100351) consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter). The property is located at 1700 Elkhorn Slough Road, Royal Oaks (Assessor's Parcel Number 131-051-001-000, 131-051-023-000 and 131-051-067-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)
Compliance or Monitoring Action to be Performed:	The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL
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Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:	The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development (Resolution Number 15-039) was approved by the Planning Commission for Assessor's Parcel
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Numbers 131-051-001-000, 131-051-023-000 and 131-051-067-000 on July 8, 2015. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department:RMA-Planning

Condition/Mitigation Monitoring Measure:

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. The state's obligation to defend, indemnify and hold the County harmless may be modified by mutual agreement of the State of California and County Counsel. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed:

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the

Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. PD006 - CONDITION OF APPROVAL/MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

5. PDSP001 - MITIGATION MONITORING (CDFW)

Responsible Department:RMA-Planning

Condition/Mitigation Monitoring Measure:

Pursuant to the Mitigated Negative Declaration (SCH No. 2014121035) adopted by the California Department of Fish and Wildlife (CDFW) the following mitigation measures were applied to the approval of the project: (see continued language of this condition for mitigation measures).

CDFW, as Lead Agency, will be responsible to implement this plan. As a Responsible Agency for permitting, the County requires that CDFW, with assistance from the Elkhorn Slough National Estuarine Research Reserve (ESNERR), shall provide annual evidence that the measures, above, are implemented and

have the intended effect. (RMA-Planning)

Mitigation Measures:

- Bio-1: ESNERR staff will flag the single Pajaro Manzanita prior to tree removal activities and ensure the flagging remains throughout the duration of the project. ESNERR staff shall inform the tree removal personnel of the location of the Pajaro Manzanita.
- Bio-2/ Geo-1/Haz-1/WQ-1: All stumps shall be left in the ground with the roots, though dead, holding soil in place.
- Bio-3/ Geo-2/Haz-2/WQ-2: Any existing vegetation (except cape ivy, periwinkle, eucalyptus seedlings, and other non-native invasive species) shall not be removed, although some may be unavoidably damaged or destroyed in the tree removal process. The roots of this vegetation shall serve as a binder to hold the soil in place. All sites have existing native vegetation in the understory. ESNERR staff shall be on-site to ensure the only eucalyptus trees will be felled and removed.
- Bio-4/Geo-3/Haz-3/WQ-3: Any exposed soil in the project areas shall be broadcast with a mixture of native and annual barley seed at a rate of 50 pounds per acre and covered with a layer of rice straw. ESNERR staff with the help of volunteers shall scatter the seed and straw upon completion of the tree removal activities and before the first rain of the season.
- Bio-5: At least 15 days prior to the onset of activities, ESNERR shall submit name(s) and credentials of biologists who would conduct activities specified in the following mitigation measures to the US Fish and Wildlife Service (USFWS). No project activities shall begin until ESNERR staff receive written approval from USFWS that the biologist is qualified to conduct the work. This is a requirement of the USFWS permit.
- Bio-6: Prior to any tree removal activities, the USFWS approved biological monitor shall conduct a worker education training program for all personnel involved in tree removal activities. The education training shall include: 1) the project boundaries; 2) the special status species that may be present, their habitat, and proper identification; 3) required avoidance measures that shall be incorporated into the project; and 4) proper procedures if a special-status is encountered in an area that would be impacted. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- Bio-7: A USFWS approved biologist monitor shall remain onsite during tree removal activities. Prior to tree removal activities each day, the USFWS approved biological monitor shall survey all work areas for special status species. If a Santa Cruz long-toed salamander, California red-legged frog or Western pond turtle is observed during these surveys or

- any time during tree removal activities, the biological monitor shall relocate them to the nearest appropriate habitat.
- Bio-8: All logs in all proposed eucalyptus tree removal sites in contact with the ground prior to initial tree removal activities shall not be removed from the sites due to the possibility of harboring a special status species.
 - Bio-9: In order to protect special-status species, tree removal activities shall be completed between August 1 and November 1. Should ESNERR staff demonstrate a need to conduct activities outside this period, the USFWS shall be contacted to obtain authorization for such activities.
 - Bio-10: 2.7 acres of eucalyptus shall remain uncut at the South Marsh site to serve as alternative suitable habitat. Furthermore, the 21 acre eucalyptus grove, a known heron, egret, and cormorant rookery site at ESNERR's Seal Bend property, shall be left uncut as habitat.
 - Bio-11: ESNERR staff shall instruct tree removal personnel to use the California Oak Mortality Task Force's Best Management Practices Guidelines for Forestry before entering the Ecological Reserve. This shall include cleaning debris from machinery, vehicles, and shoes; disinfecting machinery, vehicles, and shoes with Lysol before entering ESNERR if travelling from known SOD infestation site; conducting operations during the dry season; and utilizing paved and rocky roads and landings to the extent possible.
 - Bio-12: ESNERR staff shall flag the salt marsh habitat prior to tree removal activities and ensure the flagging remains throughout the duration of tree removal. ESNERR staff shall inform the tree removal personnel of the location of the salt marsh habitat.
 - Bio-13: ESNERR staff shall remove all eucalyptus resprouts and saplings within the project areas using manual and chemical methods for three years following initial eucalyptus tree removal. The California Invasive Plant Council's high rated invasive weeds shall be removed from the project areas using manual or chemical methods for three years following initial eucalyptus tree removal.
 - Cul-1: Should any potential artifact be found, all work shall stop until an expert can be called into determine significance and provide appropriate protection measures.
 - Haz-4/WQ-4: Herbicide shall not be located or stored where it could spill into water bodies or storm drains, or where it could cover aquatic or riparian vegetation. Large quantities of herbicide shall not be at the project location sites (see pg. 48 of MND prepared by CDFW for Spill Prevention and Response Plan).
 - Haz-5: Construction crews shall not be allowed to smoke on ESNERR property. ESNERR staff shall instruct crews of this rule and enforce it during construction.
 - Haz-6: ESNERR shall hire crews whose construction equipment meets legal fire-safe specifications.
 - Haz-7: For fire safety, chainsaw operators shall have a fire

- extinguisher or shovel available. A 5-gallon backpack water sprayer and 10 gallons of water shall be available on-site.
- Haz-8: A fire plan shall be printed and kept on-site with the herbicide spill response plan. The plan shall include proper protocol to contain a small fire until firefighting personnel arrive from the nearest fire station, 4.7 miles from the Reserve located at 301 Elkhorn Road, Royal Oaks, CA.
- Haz-9: Vehicles and equipment shall not be re-fueled or repaired in the project areas.
- Noise-1: All machinery operators shall wear protective devices against noise. ESNERR staff shall inspect construction crews to ensure the proper protection is being worn. ESNERR staff shall have earplugs on-site.
- Noise-2: Contractors shall limit the use of noisy machinery to the hours between 8am and 6pm. Noisy machine work shall occur mainly when ESNERR is closed to the public, but may occur on any day of the week.

Compliance or Monitoring Action to be Performed: Annually, until restoration is fully implemented, CDFW, with assistance from the Elkhorn Slough National Estuarine Research Reserve, shall provide annual evidence that the mitigation measures adopted (SCH No. 2014121035) are implemented and have the intended effect.

6. PWSP001 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:

- Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated,
- Truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas.

Approved measures included in the CMP shall be implemented by the applicant during the Construction/Grading phase of the project.

Compliance or Monitoring Action to be Performed: Prior to the commencement of tree removal, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the Department of Public Works for review and approval.

On-going through construction phases
 Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

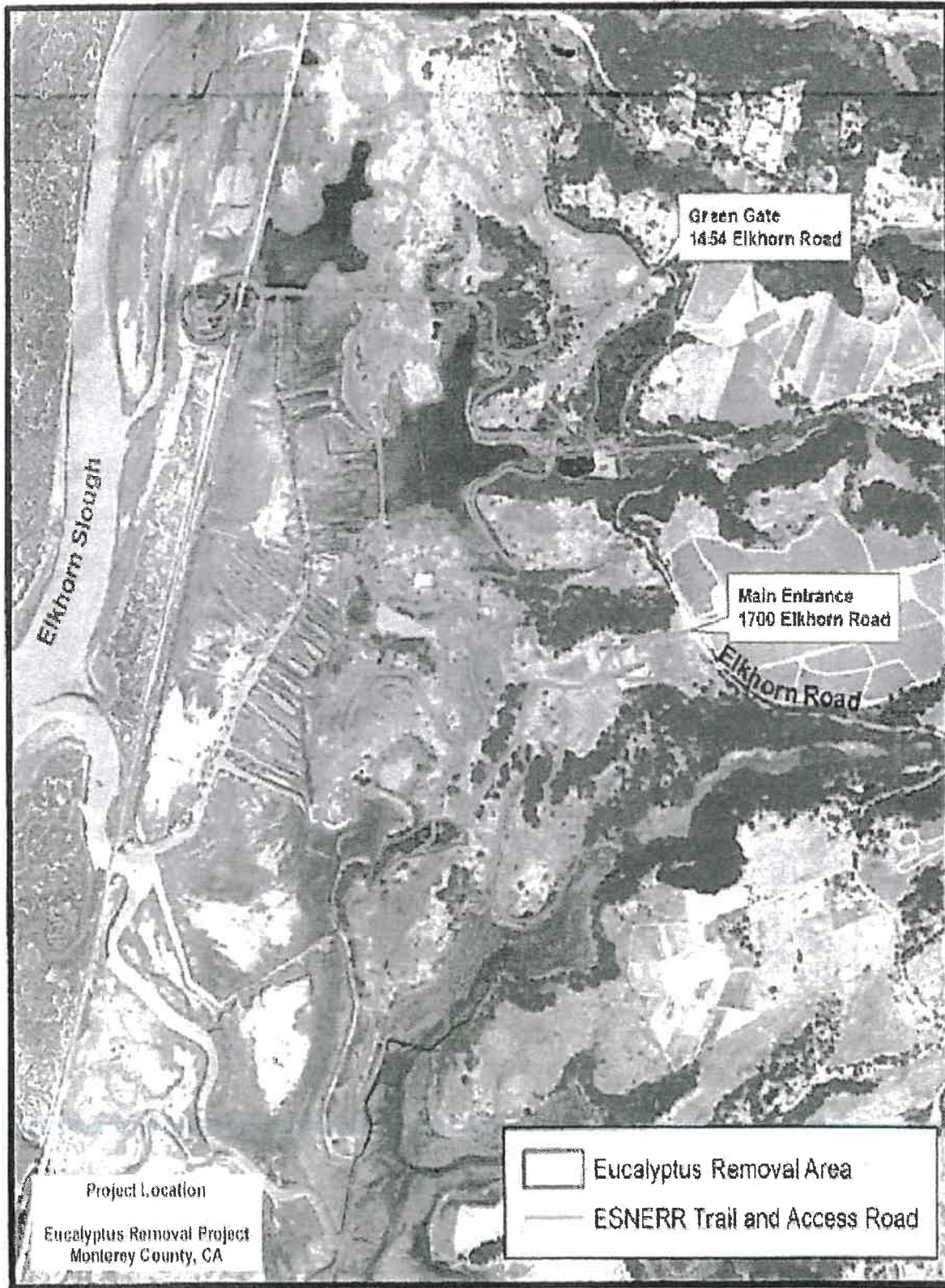
7. WRSP1 - FLOODPLAIN NOTICE (NON-STANDARD CONDITION)

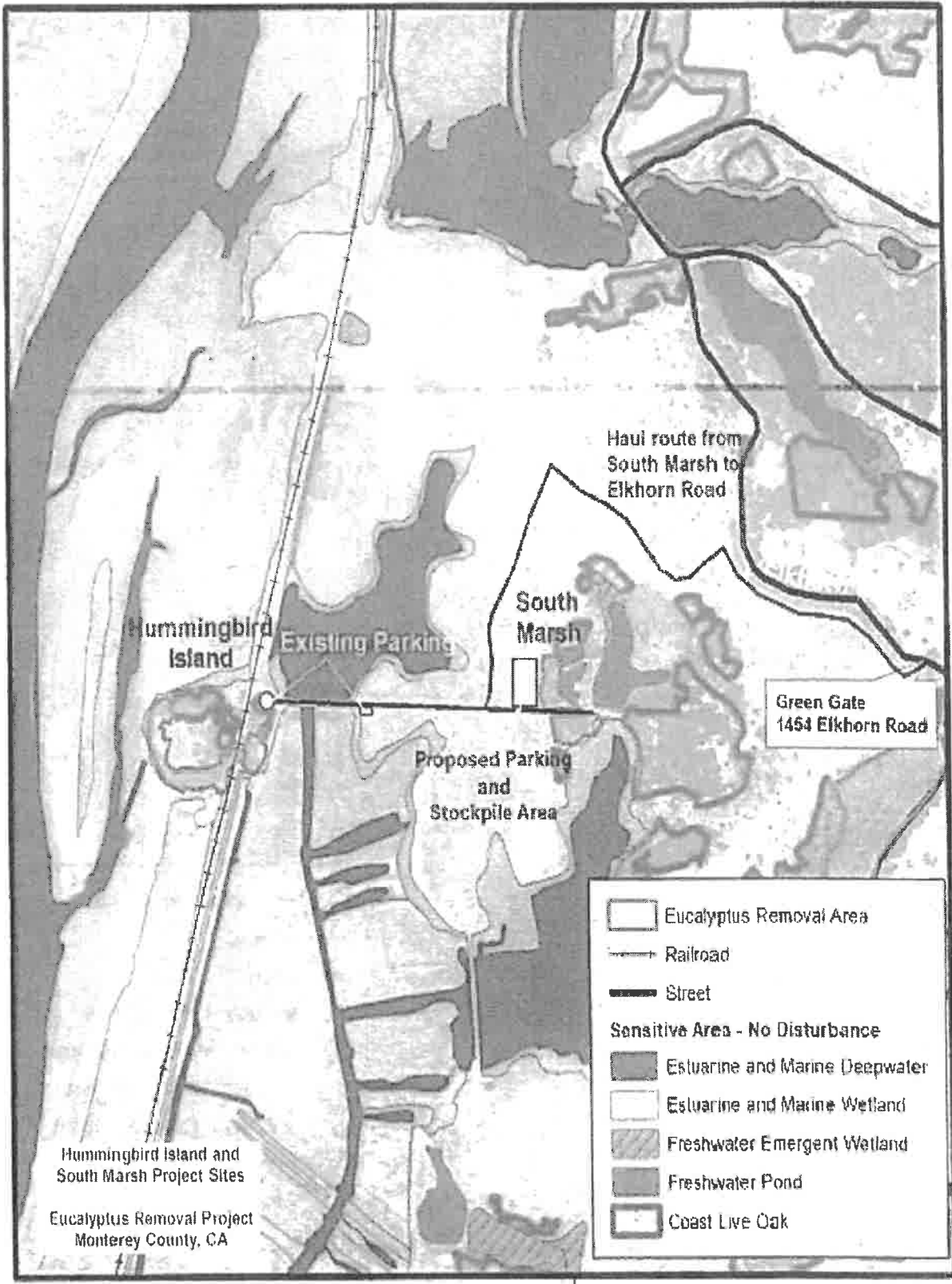
Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a recorded floodplain notice for APN 131-051-023-000 and APN 131-051-067-000, stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

Compliance or Monitoring Action to be Performed:

1. Prior to the commencement of tree removal, the owner/applicant shall submit a signed and notarized floodplain notice to the Water Resources Agency for review and approval. When approved, the applicant shall record the notice.
2. A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us





Hummingbird Island

Existing Parking

South Marsh









Haul route from South Marsh to Elkhorn Road

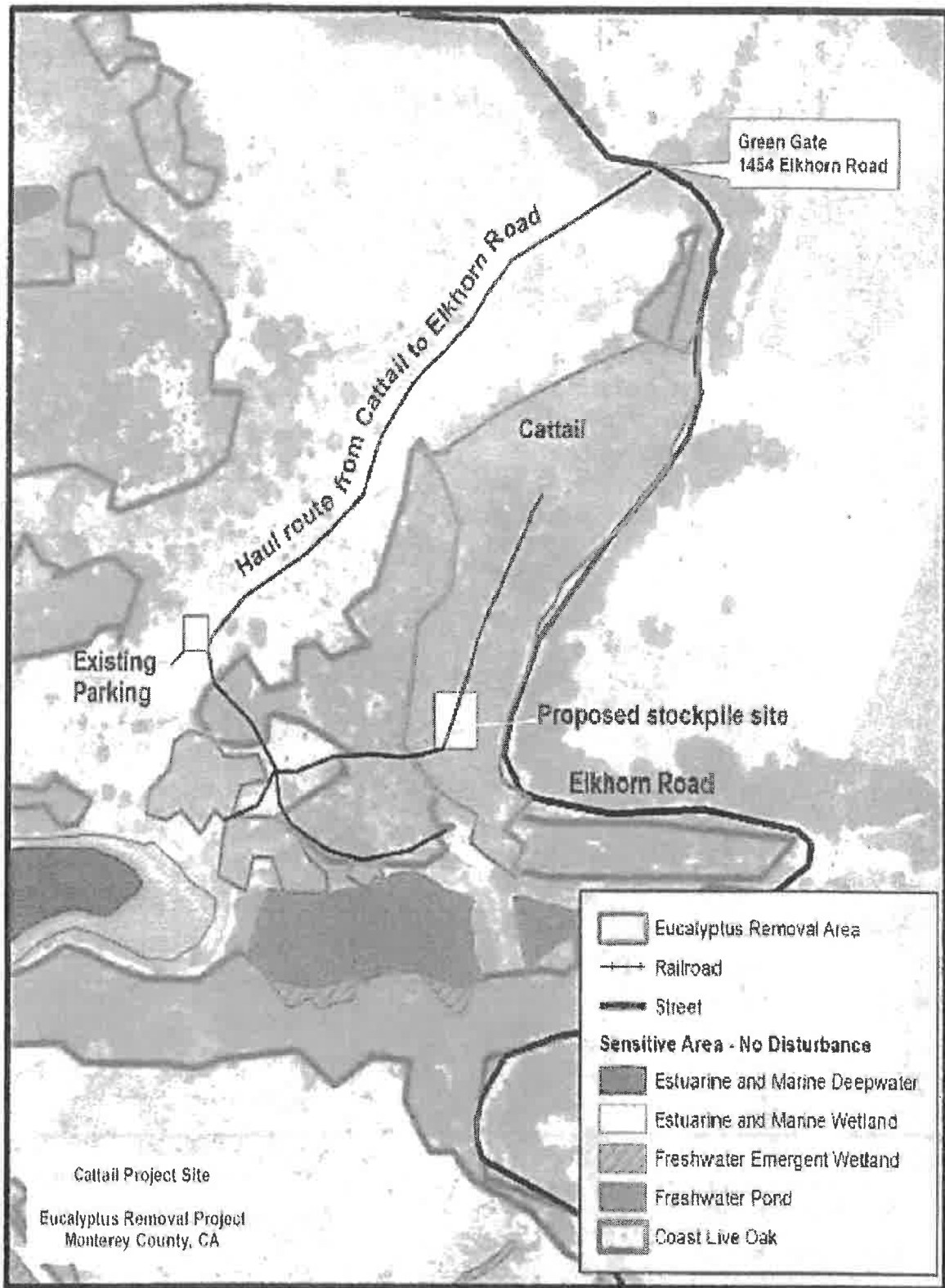
Green Gate
1454 Elkhorn Road

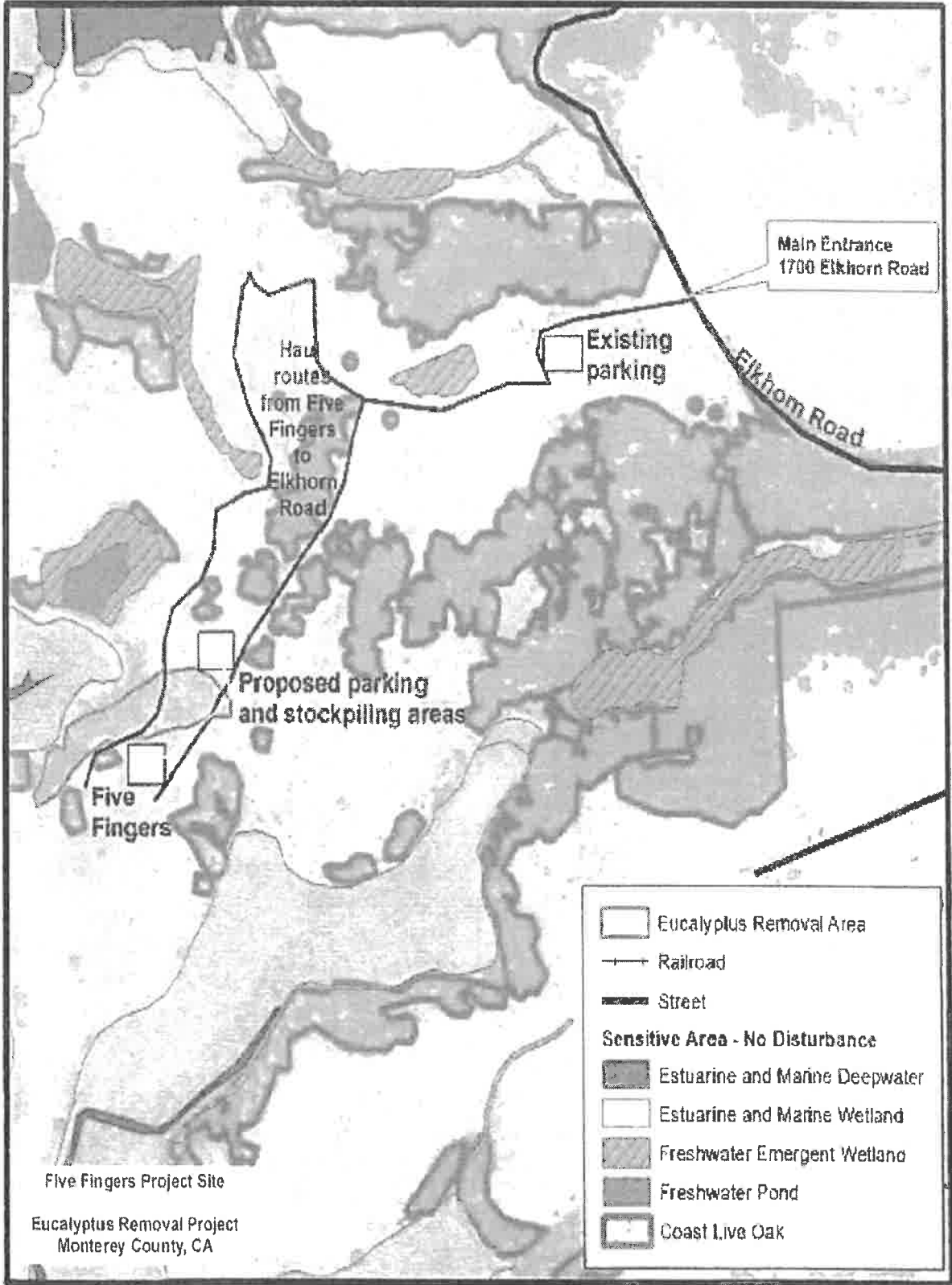
Proposed Parking and Stockpile Area

Hummingbird Island and South Marsh Project Sites

Eucalyptus Removal Project
Monterey County, CA









-  Eucalyptus Removal Area
-  Railroad
-  Street
- Sensitive Area - No Disturbance**
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Pond
-  Coast Live Oak





Five Fingers Project Site

Eucalyptus Removal Project
Monterey County, CA

-  Eucalyptus Removal Area
-  Railroad
-  Street
- Sensitive Area - No Disturbance**
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Pond
-  Coast Live Oak

