Exhibit A

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DISCUSSION:

The Resource Conservation District ("RCD") of Monterey County is proposing a Monterey County Environmental Enhancement Streamlining Program ("EESP") entitled by a Master Permit for future environmental enhancement projects. The Master Permit would streamline the permitting process for voluntary environmentally beneficial projects in unincorporated Monterey County. As part of the EESP, NRCS conservation practices are followed with over 100 programmatic general conditions so all projects adhere to Best Management Practices and design standards. The County of Monterey would issue the Master Permit for a five-year period. Five projects would be covered by the Master Permit per year, and all would undergo a three-step-review process: design phase includes coordination by RCD, oversight by State and Federal agencies, and then County of Monterey provides final determination on project eligibility for processing under the Master Permit. In this way, the EESP ensures that the up-to-25 projects involved in the five-year Master Permit conform to the mitigation by design as well as state and federal environmental regulations.

EESP activities facilitated under the Master Permit would be located primarily on private agricultural land in unincorporated Monterey County. Areas excluded from the Master Permit include vernal pools, federal lands, and the "original jurisdiction" of the California Coastal Commission (i.e., all State tidelands, including any lands lying below the mean high tide line, submerged lands, filled areas that previously were below the mean high tide line, coastal lagoons, estuaries, etc.).

This Master Permit, coordinated by RCD, would allow the implementation of small projects that are environmentally beneficial for watersheds, such as restoring and enhancing habitats (upland, wetland, stream, and critical areas), controlling erosion and runoff (through planting, road work, and constructed structures), and improving water quality (through construction of basins, bioreactors, and other infiltration systems). The 13 eligible program practice types to be approved under the Master Permit are: 1) Restoration of rare and declining habitat; 2) Critical area planting; 3) Upland wildlife habitat management; 4) Road and trail improvement, relocation, or decommissioning; 5) Lined waterway; 6) Underground outlet; 7) Water and sediment Control Basin; 8) Bioreactor; 9) Infiltration basin; 10) Fire breaks needed to support otherwise permitted habitat improvement projects; 11) Grade stabilization structure; 12) Stream habitat improvement; 13) Wetland management. Some of these project types (1, 2, some of 3, some of 4, 12, and 13) are generally permitted by County as Restoration Permits. Other more intensive practices that are environmentally beneficial for watersheds would not fit the County's Restoration Permit definition, and would be permitted either by right in Inland zoning districts or through Coastal Administrative Permits in the Coastal Zone (some of 3, 5, 7, 8, 9, 10 and 11). Most projects would also require a grading permit, and some a building permit, which would be streamlined with EESP coverage.

Qualifying environmental enhancement projects implemented under the Master Permit would be required to implement Programmatic General Conditions ("PGCs") as detailed in **Exhibit B, Attachment 2**. These conditions would ensure that qualifying projects covered by the Master Permit minimize potential temporary construction-related effects related to air quality, archaeological and cultural resources, paleontological resources, biological resources, water quality, hazardous resources, sensitive habitat, special status species, visually sensitive locations,

and soil stability. In addition, the PGCs also include engineering standards, erosion control requirements, fire prevention conditions, and post construction standards. The PGCs also include a process to ensure that project design minimizes potential environmental effects to the maximum extent feasible. Finally, the PGCs also include limitations on construction equipment, the extent of earthmoving and vegetation removal, use of herbicide, and work in environmentally sensitive areas (i.e., streams, wetlands, floodplains, and permanently ponded areas). RCD would implement the appropriate suite of PGCs in connection with all environmental enhancement projects proposed under the Master Permit. If any new impacts are identified in relation to a project that are beyond those identified in the project Mitigated Negative Declaration (MND), cumulatively or otherwise, the project will be excluded from inclusion under the Master Permit.

RCD of Monterey County Planning Process

The RCD would be responsible for reviewing all projects under the Master Permit to ensure that each project meets the minimum standards identified above. The RCD would utilize technical knowledge along with support from NRCS staff to address natural resource concerns as part of project design, and maintain and improve economic viability of agricultural properties. Specifically, the RCD would provide scientific and technical support to facilitate project planning and implementation. The projects under the Master Permit would be designed and constructed under the oversight of the RCD with regulatory agency input and, where necessary, separate permitting, and incorporate the minimum PGCs listed in Table 1 of the EESP, Exhibit B, Attachment 2 that mitigate any potential impacts by design. RCD would relate PGCs to projects and review the ability of the project as designed and conditioned for consistency with the policies and zoning of the project's location. Following the Program Planning Process described in Table 2 of the EESP, the RCD would plan projects individually with clients and specialists with a comprehensive review of design actions to address environmental issues while also considering the effects of those actions on resources (i.e., soil, water, animals, plants, air, energy, and humans).

Throughout the planning process, the RCD would identify potential environmental effects associated with the project proposal to identify all short-term, long-term, and cumulative effects both on- and off-site. If a significant adverse environmental effect could result from a project, the RCD would work with the property owner to develop a less impactful plan. The RCD would consult with all state and federal agencies to ensure that all permits are obtained and that projects result in no adverse impacts (details below in State and Federal Agency Oversight). If a plan that would reduce potentially significant impacts to less than significant and comply with relevant policies and regulations is not possible, the project would not be eligible for coverage under the Master Permit.

The EESP will incorporate all the standard permits and permissions normally required for these activities. Planning permits including Use Permits, Coastal Development Permits, Administrative Permits, and tree removal permits are approved once with the Master Permit. Grading and building permits and encroachment permits are fast-tracked by RCD once the PCN for the related project is accepted for coverage by the Master Permit. However, the Building Official has indicated that building permits that would be required for bridges, retaining walls over four feet in height, and fences over six feet in height may not be able to be fast-tracked.

RCD of Monterey County Oversight Process

Under the Master Permit, the RCD proposes to maintain oversight of all qualifying projects and would administer the Master Permit using *Procedures for Complying with the Monterey County EESP Master Permit: A Guide for Conservation Planners.* The manual will be very similar to Exhibit B, Attachment 2 in outlining the process for determining project eligibility under the Master Permit. It will also identify NRCS conservation practice options, design and implementation criteria, and the mitigation measures (MM) and conditions applied to the Program by the County. It will also specify consultation requirements with state and federal agencies, provide guidance on endangered species habitat considerations, and describe protocols for tribal engagement and cultural resource protection. In addition, it will detail the monitoring and reporting obligations. The RCD would be responsible for ensuring that all projects under the Master Permit comply with applicable PGCs and MM and annual reporting requirements.

In order to implement a project under the Master Permit, the RCD would complete and submit a PCN for each individual project. The PCN provides the County of Monterey with a streamlined overview of the proposed project for their final review and confirmation that the project and associated construction activities conform to the Master Permit. The PCN would include, but is not limited to, the project description, environmental setting, location (address, latitude/longitude, watershed, and/or County Planning Area), results of the inventory of resources, list of Program Practice Types (with specific NRCS conservation practices and their associated practice standards), proposed area of disturbance, proposed grading volumes, compaction requirements and finished maximum cut and fill slopes (if applicable), proposed vegetation or tree removal, proposed construction window, potential presence of special status species, indication that the County GIS parcel report has been consulted and any potential impacts to protected public views are assessed, indication that the County FEMA map has been consulted to determine if the project is located in a FEMA identified flood hazard area, indication of whether the project includes in-stream work or wetland disturbance, landowner consent, whether the project is within a County right-of-way, the results of all state and federal agency consultations (which agencies are taking jurisdiction over the project, the required permit type, and permit number), the required PGCs, Program Conditions of Approval, and MMs to reduce potential impacts to less than significant, and any additional protection measures as required by the state and federal agencies, and measures of success with the time frame to be used to monitor the identified success criteria. In the event RCD has applied for a state or federal permit, but the issuance is pending, the RCD will document this information, permit application number, and anticipated date of issuance in the PCN. The RCD must present the permit once it is obtained to the County prior to any construction activities.

After deeming each PCN complete, the RCD would evaluate all five projects as a whole to ensure that each environmental impact category (e.g., air quality, water quality, traffic, biological resources, tribal or cultural resources) is not impacted to a significant level. The RCD would document these cumulative findings in the form of a Cumulative Impact Evaluation memorandum that would summarize the project activities, location, and applicable PGCs, MMs, and/or additional protection measures required by state or federal agencies to reduce a potential impact to less than significant. This includes both 1) cumulative impacts from all projects proposed in the current year, and 2) additive impacts from projects approved under the Master Permit in prior years. This approach ensures a comprehensive short-term (same year) and long-term (multi-year) evaluation of potential impacts, preventing unintended adverse effects to sensitive resources such

as special-status species, waterways, air quality, and tribal or cultural resources. The memorandum, together with the five project PCNs, will be submitted to state and federal agencies for their review. (Exhibit B, Attachment 2 includes RCD's draft Cumulative Impact Evaluation Memorandum template.) Then, the PCN packet would be submitted to will be submitted to the County of Monterey with any reviewing agencies' comments and the responsive edits/redesign.

The RCD will be the Master Permit holder, but Program Partners (e.g., landowners, conservation organizations, etc.) may implement their own projects with RCD oversight for adherence to the EESP.

State and Federal Agency Oversight

Early in the project development and design process, the RCD will consult with applicable state and federal regulatory agencies that have jurisdiction over natural resources that may be impacted by the project. All projects, regardless of type, size, or location will be required to consult with and obtain any required permits from State and Federal regulatory agencies, including California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and National Oceanic and Atmospheric Administration (NOAA) Fisheries. This ensures that each regulatory agency has an opportunity to determine if the project requires permits or additional protection measures. State and federal permits will be obtained separately through each agency's established traditional permitting processes. The types of permits or approvals may vary and may include programmatic or individual permits or authorizations. A description of agency jurisdiction and a summary of permitting mechanisms shall be included in the RCD's *Procedures for Complying with the Monterey County EESP Master Permit: A Guide for Conservation Planners*. All projects must consult with the appropriate regulatory agencies and comply with state and federal regulations.

Early consultation with CDFW will ensure that all projects comply with CESA, that unauthorized "take" does not occur, and that any "take" of State listed plants and wildlife will only be authorized through CDFW's issuance of an Incidental Take Permit, pursuant to Fish and Game Code section 2081 subdivision (b), section 2080.1 (Consistency Determination) or section 1654 (Habitat and Restoration Enhancement Act, or HREA); or with CDFW authorization of "incidental take" coverage under a Scientific Collection Permit for scientific, educational, and propagation purposes.

Early consultation will be initiated with Central Coast RWQCB for Clean Water Act (CWA) Section 401 and nonpoint source pollution (NPDES) compliance for discharge in Waters of the State and the USACE for Section 404 of CWA and Section 10 of Rivers and Harbors Act compliance for discharge to Waters of US. If a federal nexus with USFWS and NOAA Fisheries for ESA Section 7 exists for the permitting process, USFWS and NOAA will be the lead agencies for Section 106 and ESA compliance. For projects where there is no federal nexus and "take" of federally protected wildlife has a potential to occur, any required federal "take" authorization will be obtained directly through USFWS and NOAA Fisheries under ESA Section 10. USACE and NOAA will also be the lead agency for Section 106 NHPA compliance if a federal authorization is issued for the project.

Each agency would be given opportunity to review a year's set of projects and to confirm that all required state and federal permits are obtained. This notification to agencies allows an opportunity to disagree with the finding that the cumulative total of projects permitted under the program will not adversely impact resources under their jurisdiction. It also gives agencies the opportunity to stay updated on the progress of the EESP.

If an agency representative does not respond when the PCNs are distributed to them, the RCD must obtain written documentation from the agency stating that no additional consultation and/or permit is needed, and they have no objection to the projects being proposed under the Master Permit. This documentation will then be provided to the County prior to construction. If an agency finds that there could be a significant impact and that additional mitigation measures not identified in the Program MND should be required, the project will not be submitted for coverage under the Master Permit.

County of Monterey HCD Oversight

The County of Monterey HCD office would review and authorize each proposed project's eligibility for processing under the Master Permit. The projects would be reviewed and verified by RCD as being covered by the Master Permit. RCD would submit all PCNs with this verification and documentation to the Chief of Planning on May 1st of each year. The County would be responsible for reviewing the notifications and supporting documentation for the following:

- project conformance to the RCD planning process and regulatory agency requirements,
- adherence to PGCs and applicable Program COA/MMs identified in the MND;
- documentation certifying that all required state and federal required approvals have been obtained or in process and will be obtained prior to project implementation; and
- Cumulative Impact Evaluation Memorandum demonstrates no cumulative impacts.

HCD would be required to notify RCD within 30 days if additional review is needed. The County may conduct pre-construction site inspections during the review period, if necessary. County staff may convene an Inter-agency Review meeting to discuss the PCN and supporting materials during the 30-day review. If the County determines that a project is not eligible under the Master Permit, then that project would be subject to separate project-level review not covered under the Master Permit. HCD would consent to a final group of up to five qualifying projects that would move ahead for implementation each year.

If, by the time that the PCN is submitted to the County, a state or federal permit has not yet been issued but will be required to be issued prior to the commencement of construction, the PCN must provide an extensive explanation and corroborative evidence from the permitting office. Before construction can begin, documentation must be submitted for each project to the Chief of Planning certifying that all required state and federal required approvals have been obtained. If documentation of agency permits is not provided, HCD-Planning would hold release of the construction permit until evidence that issues are resolved, in the form of authorization from the appropriate agency, is provided.

The RCD would submit annual reports to the HCD to document compliance with applicable PGCs, Program Conditions of Approval and MMs, and/or additional protection measures required by

state or federal agencies and status the of project implementation. The reports would be provided by March 1 of the following year, and would describe the status of all environmental enhancement projects carried out to that date under the Master Permit. Annual reporting will provide County with the opportunity to review the progress of EESP and determine whether further clarification or minor modifications are necessary to meet the objectives and terms of the Master Permit. Minor modifications to the implementation procedures of the EESP may be allowed by the Chief of Planning (Attachments B and C to Exhibit B, the EESP).

In the late half of the fifth year, no later than 90 days prior to August 26, 2031, RCD may request extension to the Master Permit. The request shall include a summary report of Program performance to date based on the annual reports. RCD may propose an additional five-year period. Extension of the Program shall be reviewed by the Planning Commission.

Consistency with County Plans and Policies

The Program is consistent with the 2010 General Plans and with the Inland area plans.
The Conservation and Open Space Element Policy 5.14 requires development of policies and procedures that encourage management or eradication of invasive plants and pests. Policy OS-5.17 encourages the County to prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat. The EESP shall include NRCS conservation projects that plant native plants and eradicate invasive plants and pest habitat and streamlines local permitting for restoration of rare and declining habitat, upland wildlife habitat management, stream and wetland habitat improvements that were degraded by human activity, consistent with Policy OS-5.14 and Policy OS-5.17. 2010 GP Policy OS-3.2 encourages the support of soil conservation and restoration programs, particularly programs initiated by landholders or stakeholder groups. The EESP Master Permit encourages restoration and habitat preservation by private and public landowners and encourages landowners to participate in the Program.

2010 GP Agricultural Element Policy 5.1 encourages programs that reduce soil erosion, and Policy 5.2 encourages programs to protect and enhance surface and groundwater resources. The EESP Master Permit will lead to the development of a County program that encourages soil erosion conservation practices and groundwater and surface water conservation practices. The EESP is consistent with the 2010 GP, and RCD, with HCD oversight, shall ensure project-by-project consistency during Program implementation.

Projects under the EESP Master Permit are consistent with the Cachagua Area Plan, Carmel Valley Master Plan, Central Salinas Valley Area Plan, Fort Ord Master Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area Plan, North County Area Plan, South County Area Plan, and Toro Area Plan. The North County Area Plan includes conservation projects specifically under Section IV.B.2.a in the context of protecting Elkhorn Slough. North County Area Plan Policy NC-3.3 gives high priority to conservation of the North County native vegetation, including the viability of threatened or limited vegetative communities and wildlife habitats, to both preserve rare, endangered, and endemic plants for scientific study and promote the area's natural scenic qualities. Central Salinas Area Plan Policy CSV-5.1 encourages development to be designed to maintain groundwater recharge capabilities. Cachagua Area Plan Policy CACH-3.7 encourages private property owners to preserve the Carmel River in its natural state, prevent erosion and protect

fishery habitat. Carmel Valley Master Plan Policy CV-3.8 encourages the protection of riparian vegetation to minimize the potential of erosion and preserve the visual aspects of the Carmel River and Policy CV-3.10 encourages that predominant landscaping and erosion control material shall consist of plants native to the valley. The Toro Area Plan Policy T-4.1 states that land uses and practices that may contribute to erosion and flooding shall be prohibited. The Fort Ord Master Plan Policy C-1 encourages the County to support and encourage soil conservation and restoration programs, and Policy C-2 recommends soil conditions to ensure compatibility within existing soil conditions and habitat restoration and preservation programs. The Greater Monterey Peninsula Area Plan Policy GMP-3.7 encourages that other local agencies should take appropriate measures for the protection of wetlands under their jurisdiction. The Greater Salinas Area Plan Policy GS-3.1 encourages that on sloped land disturbance shall be avoided to minimize erosion. The South County Area Plan Policy SC-5.2 encourages cooperative soil conservation, water protection, and resources restoration programs within watershed basins. Policy SC-6.1 encourages the conservation of irrigated and non-irrigated farmlands. The EESP encourages conformance with these Area Plan policies.

The Program is consistent with the 1982 General Plans and with the coastal land use plans. Key objectives of the 1982 General Plan that relate to the overall EESP include the following:

- Objective 9.1: Promote the conservation of large, continuous expanses of native vegetation as the most suitable habitat for maintaining abundant and diverse wildlife.
- Objective 9.2: Assure quality freshwater habitats through cooperation with the California Department of Fish and Game and other public and private conservation organizations.
- Policy 9.2.1: Land use practices which could result in siltation and pollution of inland and marine waters shall be carefully managed in order to assure a clean and productive habitat.

Projects under the EESP Master Permit are consistent with the Carmel Area Land Use Plan, Big Sur Coast Land Use Plan, Del Monte Forest Land Use Plan, and the North County Land Use Plan. All these LUPs include direction that County shall support for restoration projects that address erosion control and habitat restoration. Section 7.3.2.A of the North County LUP specifically encourages landowners to undertake voluntary actions such as controlling erosion and restoring riparian areas, and section 7.3.2.F specifically encourages conservation projects to protect coastal resources. The Big Sur Coast LUP section 7.2.7 includes encouragement of private land owners to undertake restoration activities such as erosion control and riparian area improvements to mitigate environmental impacts. The Carmel Area LUP designates watershed and scenic conservation in section 4.5.F. The Del Monte Forest LUP states that environmentally sensitive habitat areas “are to be protected, maintained, and where possible, enhanced and restored.” The EESP Master Permit would allow for the restoration, conservation and enhancement of environmentally sensitive habitat areas, conservation of soil, and would ensure that the areas subject to flooding are protected and restored.

Consistency with Zoning Districts

Projects approved under the Master Permit would occur on property located throughout the County of Monterey, and the subject properties would be within a variety of zoning districts. The vast majority of the eligible projects would occur on parcels with a zoning of Farmland (“F”), Rural Grazing (“RG”), or Permanent Grazing (“PG”), in the Inland Area, which allow for soil dependent

agricultural uses, including crop and tree farming, dry land farming, and other uses of a similar character, density and intensity to soil dependent agricultural uses as uses allowed pursuant to Title 21 sections 21.30.030.A and 21.30.030.P (F), sections 21.32.030.A and 21.32.030.O (RG), and sections 21.34.030.A and 21.34.030.O (PG). Restoration practices of the EESP are similar to soil dependent agricultural uses, such as the restoration of agricultural fields and restoration of agricultural swales. Therefore, the restoration practices are allowed uses by right. More intensive work, such as the installation of water collection, diversion, and level control systems are also allowed uses pursuant to Title 21 sections 21.30.030.I and 21.30.030.P (F), sections 21.32.030.I, and 21.32.030.O (RG), and sections 21.34.030.I and 21.34.030.O (PG). Projects may also require development on slopes or in the Carmel Valley Floodplain, which requires a Use Permit pursuant to Title 21 sections 21.30.050.A and 21.30.050.F (F), sections 21.32.050.A and 21.32.050.D (RG), and sections 21.34.050.J and 21.34.050.M (PG). Projects may be located within, or cross into, other Inland zoning districts. As specified in the Program resolution, in all cases, the restoration and other environmental enhancement practices described in the EESP are compatible with the allowed uses.

Projects approved under the Master Permit would occur on property located throughout the County of Monterey, excepting within the “original jurisdiction” of the California Coastal Commission, and the subject properties would be within a variety of zoning districts. In the Coastal Zone (“CZ”), the vast majority of eligible projects would occur on parcels with a zoning of Agricultural Conservation “AC(CZ)” or Coastal Agricultural Preserve “CAP(CZ)”, which allow all soil dependent agricultural uses, including crop and tree farming, dry land farming, as a principal use allowed subject to a Coastal Administrative Permit (Title 20 section 20.30.040.A and section 20.32.040.A). Restoration practices of the EESP would be similar to soil dependent agricultural uses, such as the restoration of agricultural fields and restoration of agricultural swales. Therefore, the restoration practices are allowed subject to Coastal Administrative Permits granted by the Master Permit. Other environmental enhancements, such as the installation of water collection, diversion, and level control systems, would be similar to water system facilities, principal uses allowed subject to a Coastal Administrative Permit (Title 20 section 20.30.040.H and section 20.32.040.H). Therefore, the other environmental enhancement practices are also allowed are allowed subject to Coastal Administrative Permits granted by the Master Permit. Projects may also require development on slopes, development in the Critical Viewshed, or be located in proximity to environmentally sensitive habitats or archaeological resources, which requires a Coastal Development Permit pursuant to Title 20 sections 20.32.030.B, 21.32.030.C, 20.32.030.E, and 21.32.030.F (AC) and sections 20.30.030.B, 20.30.030.C, 20.30.030.E and 20.30.030.F (CAP). Projects may be located in most other CZ zoning districts, specified in the Program resolution. In all cases except for Visitor Serving/Professional Office (CZ), the practices described in the EESP are compatible with the allowed uses.