Exhibit B

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EXHIBIT B
Draft Resolution

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

In the matter of the application of:
ENVIRONMENTAL ENHANCEMENT STREAMLINING PERMIT PROGRAM (PLN220358-DEP)

RESOLUTION NO. 26 --

Resolution by the Monterey County Planning Commission:

1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
2) Approving a Combined Development Permit to allow for an Environmental Enhancement Streamlining Program Master Permit consisting of the following:
    a. Use Permit to allow development on slopes in excess 25 percent;
    b. Use Permit to allow development within 100 feet of the Carmel River floodway and floodway fringe;
    c. Use Permit to allow the removal of landmark and native trees;
    d. Administrative Permit and Design Approval to allow development in the VS and S district;
    e. Design Approval to allow associated small structures in a D district;
    f. Coastal Administrative Permit to allow restoration activity and environmental enhancements;
    g. Coastal Development Permit to allow development within 50 feet of a wetland, estuary, or stream;
    h. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
    i. Coastal Development Permit to allow development on slopes in excess of 30 percent;
    j. Coastal Development Permit to allow development within the Big Sur Critical Viewshed;

k. Coastal Development Permit to allow development within 750 feet of archaeological resources;
l. Coastal Development Permit to allow the removal of landmark and native trees; and

3) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan; and
4) Approving a Fee Waiver for 100% of Combined Development (Master) Permit fees and 50% of all other related permit fees (grading, construction, encroachment).

[PLN220358-DEP Resource Conservation District of Monterey County, The Unincorporated County of Monterey]

The RESOURCE CONSERVATION DISTRICT OF MONTEREY COUNTY application (PLN220358-DEP) came on for public hearing before the County of Monterey Planning Commission on August 26, 2026. 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: **CONSISTENCY** – The program, as conditioned, is consistent with the applicable plans and policies that designate this area as appropriate for development.

EVIDENCE: a) The program has been reviewed for consistency with the text, policies, and regulations contained in the:

- 2010 Monterey County General Plan (2010 GP);
- 1982 Monterey County General Plan;
- Cachagua Area Plan;
- Carmel Area Land Use Plan;
- Carmel Valley Master Plan;
- Central Salinas Valley Area Plan;
- Big Sur Coast Land Use Plan;
- Del Monte Forest Land Use Plan;
- Fort Ord Master Plan;
- Greater Monterey Peninsula Area Plan;
- Greater Salinas Area Plan;
- North County Inland Area Plan;
- North County Land Use Plan (Coastal);
- South County Area Plan;
- Toro Area Plan;
- Monterey County Coastal Implementation Plan, Part 1 Zoning Ordinance (Title 20);
- Monterey County Coastal Implementation Plan – Part 2;
- Monterey County Coastal Implementation Plan – Part 3;

- Monterey County Coastal Implementation Plan – Part 4;
- Monterey County Coastal Implementation Plan – Part 5;
- Monterey County Code Chapter 16.10;
- Monterey County Code Chapter 16.12;
- Monterey County Code Chapter 16.16;
- Monterey County Code Chapter 16.60; and
- Monterey County Zoning Ordinance - Inland (Title 21).

No conflicts were found to exist. Communications were received during the course of review of the project indicating concern with clarity of the Resource Conservation District of Monterey County (RCD) planning process and the adequacy of the Initial Study, but did not present inconsistencies with the text, policies, and regulations in these documents.

b) Program Overview. This Master Permit for an Environmental Enhancement Streamlining Program ("EESP") allows restoration and environmental enhancement projects, coordinated by RCD, including 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 Program Practice Types authorized under this 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. The Master Permit constitutes County approval for the conduct of the 13 Program Practice Types within a set of up to five EESP projects per year, with RCD's Programmatic General Conditions (PGCs) applied as part of project design. County's applicable Conditions of Approval and Mitigation Measures shall also be applied on a project-by-project basis. By design, projects are environmentally beneficial for watersheds, and any potential adverse impacts are controlled by the PGCs.

The projects will occur on public lands and private parcels throughout the unincorporated area (except within the "original jurisdiction" of the California Coastal Commission – i.e., primarily areas below the mean high tide line).

c) Program Practice Types. The role of RCD is to guide local programmatic priorities of the U.S.D.A. Natural Resources Conservation Service (NRCS). The 13 Program Practice Types are based on 30 conservation practice types that are codified by the NRCS. Some of the projects include practices such as restoration of terrestrial upland or waterways, and other projects would include more intensive practices. The majority of the Program Practice Types meet the

County's definition of "Routine and Ongoing Agricultural Activities" (AG-3.3), which includes maintenance of sediment basins, stock ponds, irrigation and tail water return systems, stream bank and grade stabilization, water retention and pumping facilities, erosion control and surface drainage activities, fences, maintenance of trails and roads, and rangeland management.
The 13 Program Practice Types are briefly described below (Attachment A, the EESP, provides more detail):

Restoration of Rare and Declining Habitat (1): This practice would be permitted in upland or aquatic habitats degraded by human activity. The activities include mowing in potentially sensitive habitat or removal of non-native invasive plants by hand or with the use of machinery. Where appropriate and required, non-native invasive plants and regrowth may be treated with an appropriate herbicide. If introduction of native plants is incorporated into the plan, the selection of the plants will be based on local conditions and adjacent sites. Plant introduction may be accomplished through broadcasting seed or live planting. Hand-watering or a temporary irrigation system may be employed to help plants establish. Sites will be monitored to ensure no new erosion or drainage issues develop. To be included in the EESP, the area of the practice would be limited to 5 acres, grading would be limited to 1,500 cy, and the depth of disturbance would be up to 5 feet. (NRCS conservation practice code 643);

Critical Area Planting (2): This practice includes planting and seeding vegetation such as trees, shrubs, and grasses, on disturbed areas for erosion control purposes. Native seeds and willow cane would be used to stabilize soil, particularly after other practices have been implemented. This project type can also be used to revegetate degraded sites such as gullies and streambanks, and for post-construction revegetation activities in areas where no environmentally sensitive habitat is present, sterile non-native seed may be used. Filter fabric fence, fiber rolls, straw mulch and/or other erosion control methods would also be used, if needed. Hand-watering or an irrigation system may be employed until plants become well-established. The area of the practice would be limited to 5 acres, grading would be limited to 1,500 cy, and the depth of disturbance would be up to 1 feet. (NRCS conservation practice code 342);

Upland Wildlife Habitat Management (3): Habitat improvement may be achieved by removing obstructions such as vegetation, debris or garbage to enhance essential habitat features for threatened or endangered species. This level of activity is typical of a restoration permit. Other upland wildlife habitat management practices include installing fencing to limit livestock from accessing high erosion areas and ponds or streams, installing watering facilities as the watering hole alternative, installing pipeline to deliver water to the livestock tank or

trough, and related trenching. Upland wildlife habitat management may include demolition of structures to improve connectivity within the landscape for wildlife. The area of the practice would be limited to 5 acres, with grading limited to 1,500 cubic yards (cy), to maximum depth of 10 feet. (NRCS conservation practice codes 645, 382, 516, 614, and 500);

Road and Trail Improvement, Relocation or Closure (4): The practice of road and trail closure may be utilized to restore vegetative cover, natural topography, and surface hydrology. As an activity typical of a restoration permit, this practice may include surface grading to effectively manage stormwater and installing drainage features such as water bars or rolling dips to discourage erosion. A more intensive activity of this practice type would be the relocation of roads and/or trails. The area of the practice would be limited to 5 acres, grading would be limited to 7,500 cy, and the depth of disturbance would be up to 10 feet. (NRCS conservation practice codes 560, 575, and 654);

Lined Waterways (5): The installation of grass or erosion-resistant lining as a waterway lining on graded channels is an upland restoration practice. The project may include diverting water flow from an active gully or critical erosion area to slow and safely covey excessive surface flow. A more intensive application may use rocks or riprap. The practices have the goal of slowing water velocity and reducing erosion. The area of the practice would be limited to 2 acres, grading would be limited to 2,000 cy, and the maximum depth of the project would be 6 feet. (NRCS conservation practice codes 468, 412, and 362);

Underground Outlets (6) would be made of conduit pipe to collect excess surface water and convey it to a suitable outlet to reduce erosion, flooding, and the delivery of sediment-laden pollutants. The outlets would have anti-seep collars and armored outlet areas that would be inspected by HCD-Environmental Services staff, as is typically done for grading permits. The area of the practice would be limited to 0.5 acres, grading would be limited to 1,000 cy, and the maximum depth of the project would be 10 feet. (NRCS conservation practice code 620);

Water and Sediment Control Basins or Sediment Basins (7) would be constructed with or without embankments to collect and detain sediment-laden stormwater and irrigation tailwater to reduce the peak flow of stormwater runoff, trap and store sediment, and improve the water quality of the area. Basins would include a riser pipe to control the release rate of water through perforations more slowly than the stormwater runoff flow into the basin while maintaining at least six inches of freeboard. Water and sediment basins would not be constructed in a stream channel or other permanent waterbody. Outlets will be designed to prevent scouring at any discharge point. The area of the practice would be limited to 3 acres, grading would be limited to

10,000 cy, and the maximum depth of the project would be 20 feet. If an embankment is constructed, they may impound up to 3 feet of water, and any embankment that is engineered to impound more than 3 feet of water would require additional analysis and would be pulled from the PCN for separate permitting. (NRCS conservation practice codes 638 and 350);

Bioreactors (8) would be excavated basins filled with media to create an environment that promotes the growth of beneficial bacteria to consume nitrogen with the option to install watering facility consisting of a tank (up to 5,000 gallon capacity) and piping to bring water from another source. The goal of the practice is to reduce the concentration of nitrate in surface and subsurface water downstream of the project location. Bioreactors may also serve to reduce flooding. The area of the bioreactor practice would be limited to 1 acre, grading would be limited to 4,000 cy, and the maximum depth of the project would be 10 feet. (NRCS conservation practice codes 605 and 614);

Infiltration basins (9) would be constructed to impound stormwater runoff with a permeable base where the runoff is free from sediment and known to have low-to-zero levels of pesticides and nutrients. Infiltration basins would include installing one up-basin and one down-basin observation wells near the basin to monitor groundwater levels and water quality, permitted where a Planning Permit is required through the EESP and Environmental Health well permit would be processed separately through the County Environmental Health Bureau. The bottom of the basin will be at least 10 feet above the highest expected water table and designed with sufficient capacity for storm events with non-erosive and safe conveyance of flow. The area of the practice would be limited to 3 acres, grading would be limited to 10,000 cy, and the maximum depth of the project would be 30 feet. (NRCS conservation practice code 815);

Firebreaks (10) would typically be 15 ft wide with scrape around two inches, tied into existing features such as roads, rocky ground, mowed areas, etc. The goal of the practice is to aid restoration activities by creating a defensible barrier prior to a prescribed burn done for restoration purposes (i.e. to control invasive plants, improve rangeland, or wildlife habitat. The EESP firebreaks would not be a direct part of wildfire management activity, and the prescribed burns that the firebreaks would support would be separately permitted by applicable agencies such as Board of Forestry California Vegetation Treatment Program, the Monterey County Public Works Program, Cal FIRE and Air District. The area of the practice would be limited to 2 acres, grading would be limited to 2,000 cy, and the maximum depth of the project would be 2 feet. (NRCS conservation practice code 394);

Grade Stabilization Structures (11) would be made of rock, timber or brush mattress to control a grade where there is surface water flow to prevent excessive erosion including head cutting. The goal of the practice is to decrease the yield of sediment downstream and improve downstream water quality. No structures will be installed in fish-bearing streams. To be included in the EESP, the PCN would document that the project was designed with USFWS and CDFW's involvement and that RCD has pursued the required State and Federal permits. Furthermore, the area of the practice would be limited to 1.5 acres, grading would be limited to 1,000 cy, and the depth of disturbance would be up to 20 feet. (NRCS conservation practice code 410);

Stream Habitat Improvement (12): This practice within riparian and in-stream habitats would include adding habitat features such as spawning substrates or structural elements like boulder clusters for step pools, root wads, large woody structures, summer rearing pools, overhead cover, and other elements that result in stream complexity or removing hardened crossings, culverts, logjams, dams, weirs, etc. that limit fish or other aquatic organism passage and gravel and wood recruitment and may involve replacing a hardened crossing with more sustainable passage structures designed and evaluated for hydraulic performance and structural integrity at bank-full discharge and 2-year peak flow events (e.g. simple bridge). Stream habitat improvement may involve re-grading steep or undercut slopes or installing bio-engineered slope stabilization or installing suitable structures or plantings to stabilize the bed of a channel to maintain or alter the bed elevation or gradient, modify sediment transport or deposition, or manage surface water and groundwater levels in riparian areas. The goals of the practice are to establish ecologically self-sustaining riparian systems, improve floodplain-to-channel connectivity, and enhance wetland and off-channel habitats consistent with the local climate and the specific stream's hydrology. To be included in the EESP, the PCN would document that the project was designed with USFWS and CDFW's involvement and that RCD has pursued the required State and Federal permits. Furthermore, the area of the practice would be limited to 5 acres, grading would be limited to 7,500 cy, and the depth of disturbance would be up to 25 feet. (NRCS conservation practice codes 395, 396, 580, 578, 584);

Wetland Management (13): This practice includes wetland restoration, enhancement and creation, wildlife habitat enhancement and creation, and may include the installation of structural water control elements. Restoration of wetlands would require converting abandoned land (possibly abandoned agricultural land) to a depressional wetland by excavating and redistributing soils in the wetland area and modifying levees or berms to return water to the site.
More intensive wetland management projects would include wetland creation where surface runoff is intercepted and ponded in an excavated

depression to provide increased hydrology for floodwater storage, water quality improvements or for wildlife habitat, wetland enhancement including grading or moving soil in multiple areas throughout the project site to increase the depth and duration of surface hydrology or deepening existing wetlands and swales, and construction/installation of structures such as gates, flashboard risers, culverts and pipes in covered or open channels to control velocity, direction, and elevation of water. None of the wetland management practices would involve the diversion of water from a waterway or redirection of flow to a different waterway or sub-watershed, impeding a floodway or altering base flood elevations more than 12 inches from the modification of existing berms or levees and the area of the practice would be limited to 18 acres, grading would be limited to 30,000 cy, with a depth of disturbance be up to 10 feet. (NRCS conservation practice codes 657, 658, 659, 587, and 644).

d) Program Structure. RCD will intake and review project permit applications for inclusion in the EESP, which will include:

i. Site evaluation and review of the submitted project design.
ii. Consultation with Federal and State agencies.
iii. Consistency determination against Federal, State, and County regulations.

RCD will draft Pre-Construction Notifications (PCNs) that demonstrate that a project will meet the Program requirements and outline which conditions from those identified within the EESP ("Programmatic General Conditions" or PGCs), Program Conditions of Approval, as well as the mitigation measures recommended in the Program Mitigated Negative Declaration, would be applied to a project. RCD will select no more than five projects to include in the EESP each year.

Once a given year's potential set of projects are identified by RCD, RCD will provide the PCNs as well as a Cumulative Evaluation Memorandum ("Memo") to the regulatory agencies. The Memo will assess all the projects for the year and previous years across the County's geography, as well as any other major projects adjacent to RCD's watershed improvements that could create a cumulative impact on a given watershed. The Memo will flag if any potential cumulative impact is possible and recommend project modifications in timing or intensity to avoid cumulative impacts. (See Attachment C to the EESP attached to this permit resolution.)

When RCD has deemed the project applications complete, they will batch the projects into one package, and email them to the HCD Program Lead, no later than May 1st. RCD will email the Memo and (updated) PCN to County. The PCN shall include regulatory agencies' review comments and incorporate their responses to the Memo and PCN. HCD staff review the application package within one month and make the final determination that projects proposed meet the standards and criteria of the Program. HCD staff may hold an Inter-Agency Review meeting with other County staff within the month to discuss

particular projects, and may hold a meeting with RCD to clarify the details of the submittal. No later than June 1, HCD will communicate which of the EESP projects proposed for that year are eligible for the Program, and which will require separate permitting.

Those projects that are authorized for inclusion in the Program will not require any separate discretionary permit and will be streamlined to an assigned HCD staff contact for related construction permit and encroachment permit processing.

RCD shall prepare an annual report on the performance of all projects involved in the EESP to be provided to HCD before March 1 of the following year.
Toward the close of the fifth year, RCD may request a renewal of the Program. The Planning Commission shall review the annual reports, consider the MND and any update to protected species, cumulative considerations, and consider staff recommendations as part of the evaluation of whether to renew the EESP for another five years. (See also Finding 14, evidence "n.")

e) Allowed Use – Inland 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 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). The other environmental enhancement practices are also allowed by right in the agricultural districts where the EESP projects would mostly be located. 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). These Use Permits are discussed in separate findings.

Projects may be located within, or cross into, other Inland zoning districts. As specified below, in all cases, the restoration and other

environmental enhancement practices described in the EESP are compatible with the allowed uses:
- Medium Density Residential ("MDR") zoning district, Low Density Residential ("LDR") zoning district, and Rural Density Residential ("RDR") zoning district allow cultivation and tree farming as well as other uses of a similar character, density and intensity. The restoration practices that are part of the EESP projects are of similar intensity and are allowed uses. The relevant Title 21 sections are sections 21.12.030.I and 21.12.030.L (MDR), sections 21.14.030.N and 21.14.030.O (LDR), and sections 21.16.030.L, 21.16.030.P, and 21.16.030.Q (RDR). MDR, LDR and RDR zoning allow water system facilities as allowed uses of the districts. The other environmental enhancement practices of the EESP that are of similar intensity to water system facilities and are therefore allowed uses. The relevant Title 21 sections are section 21.12.030.G and 21.12.030.L (MDR), section 21.14.030.J and 21.14.030.O (LDR), and section 21.16.030.J and 21.16.030.Q (RDR).
- Visitor Serving/Professional Office ("VO") zoning district does not disallow restoration but does not list similar uses among the allowed uses. VO zoning allows water system facilities per section 21.22.040.B, and section 21.22.030.C applies; the other environmental enhancement practices of the EESP are of similar intensity. Therefore, the EESP practices are allowed by right in the VO zoning district;
- Agricultural Industrial ("AI") zoning district and Light Industrial ("LI") zoning district allow cultivation as an allowed use. The restoration practices that are part of the EESP projects are of similar intensity and are allowed uses. The relevant Title 21 sections are sections 21.24.040.A and 21.24.040.D (AI), and sections 21.26.040.A and 21.26.040.D (LI). AI and LI zoning allow water system facilities The other environmental enhancement practices of the EESP are of similar intensity to water system facilities and are therefore allowed uses. The relevant Title 21 sections are section 21.24.040.B and 21.24.040.D (AI) and sections 21.26.040.B and 21.26.040.D (LI).
- Resource Conservation ("RC") zoning district, Open Space ("O") zoning district, and Public/Quasi-Public ("PQP") zoning district allow all soil dependent agricultural uses and the restoration practices that are part of the EESP projects are of similar intensity and also allowed uses. The relevant Title 21 sections are sections 21.36.030.L and 21.36.030.Q (RC), sections 21.38.030.A and 21.38.030.D (O), and section 21.40.030.A, and 21.40.030.D (PQP). RC, O, and PQP zoning allow water system facilities as allowed uses of the districts. The other environmental enhancement practices of the EESP are of similar intensity to water system facilities and are therefore allowed uses. The relevant Title 21 sections are sections 21.36.030.K and 21.36.030.Q (RC), sections 21.38.030.C and 21.38.030.D (O), and sections 21.40.030.B and 21.340.030.D (PQP).

Due to the development types and uses within parcels zoned High Density Residential, Mixed Use, Light and Heavy Commercial, Light

and Heavy Industrial, Community Plan, and Specific Plan, projects authorized for inclusion in the EESP are not anticipated to be located within them. Therefore, these zoning districts are not reviewed herein. Although likelihood is very low, in the odd case that a project is proposed in those districts, HCD shall review projects for conformance with zoning during EESP implementation.

f) Allowed Uses – Coastal zoning districts. Projects approved under the Master Permit would occur on property located throughout the areas of Monterey County, except 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 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 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, are similar to water system facilities, which are 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). These Permits are discussed in separate findings.

Projects may be located in most other CZ zoning districts, as listed below. In all cases except for Visitor Serving/Professional Office (CZ), the practices described in the EESP are compatible with the allowed uses:

- Medium Density Residential in the Coastal Zone "MDR(CZ)" zoning district, Low Density Residential "LDR(CZ)" zoning district, Rural Density Residential "RDR(CZ)" zoning district, and Watershed and Scenic Conservation "WSC(CZ)" zoning district allow cultivation or tree farming as permitted uses subject to a Coastal Administrative Permit, and the restoration practices of the EESP are of similar intensity. The relevant Title 20 sections are section 20.12.040.I (MDR(CZ)), section 20.14.040.N (LDR(CZ)), section 20.16.040.L and

section 20.16.040.O (RDR(CZ)), and section 20.17.040.L (WSC(CZ)). These zoning districts allow water system facilities as permitted uses subject to a Coastal Administrative Permit, and the other environmental enhancement practices of the EESP are of similar intensity. The relevant Title 20 sections are section 20.12.040.G (MDR(CZ)), section 20.14.040.J (LDR(CZ)), section 20.16.040.J (RDR(CZ)), and section 20.17.040.J (WSC(CZ)). Therefore, the EESP practices are allowed subject to Coastal Administrative Permit in these zoning districts;
- Visitor Serving/Professional Office "VO(CZ)" zoning district does not disallow restoration but does not list similar uses among the allowed uses (section 20.22.050). VO(CZ) zoning district allows water system facilities pursuant to section 20.22.050.B and the other environmental enhancement practices of the EESP are of similar intensity. Therefore, the EESP practices are allowed subject to Coastal Administrative Permit in the VO(CZ) zoning district;
- Agricultural Industrial "AI(CZ)" zoning district, Light Industrial "LI(CZ)" zoning district, Open Space "OR(CZ)" zoning district, and Public/Quasi Public "PQP(CZ)" zoning district allow cultivation as a permitted use subject to a Coastal Administrative Permit. The restoration practices of the EESP are of similar intensity. The relevant Title 20 sections are section 20.24.050.C (AI(CZ)), section 20.26.040.A (LI(CZ)), section 20.38.040 (OR(CZ)), and section 20.40.040.A (PQP(CZ)). These zoning districts allow water system facilities as a permitted use subject to a Coastal Administrative Permit. The other environmental enhancement practices of the EESP are of similar intensity. The relevant Title 20 sections are section 20.24.050.B (AI(CZ)), section 20.26.050.B (LI(CZ)), section 20.38.040.C (OR(CZ)), and section 20.40.040.B (PQP(CZ)). Therefore, the EESP practices are allowed subject to Coastal Administrative Permit in these zoning districts;
- Resource Conservation "RC(CZ)" zoning district allows resource and management programs for fish, wildlife, or other physical resources with section 20.36.040.A, which describes the restoration practices of the EESP. RC(CZ) zoning district allows public utility facilities such as pipe lines, underground and overhead utility extensions, and water tanks, but not including public/quasi-public uses such as schools, fire stations, or parking lots (except in Big Sur) with section 20.36.050.B and section 20.36.050.J allows other resource conservation uses of a similar character, density and intensity to those uses listed in the section determined by the Planning Commission to be consistent and compatible with the intent of this chapter and the applicable land use plan; the other environmental enhancement practices of the EESP are of similar intensity. Therefore, the EESP restoration practices are allowed subject to Coastal Administrative Permit and the other environmental enhancement practices are allowed subject to a CDP in the RC(CZ) zoning district.

Due to the development types within the parcels zoned Coastal General Commercial, Moss Landing Commercial, or Institutional Commercial,

projects authorized for inclusion in the EESP are not anticipated to be located within them. Therefore, these zoning districts are not reviewed herein. Although likelihood is very low, in the odd case that a project is proposed in those districts, HCD shall review projects for conformance with zoning during EESP implementation.

g) Environmentally Sensitive Habitat Areas (ESHA). The eligible projects may include development, including vegetation removal, excavation, grading, and fill. The parcels where the EESP projects are undertaken may be in the Inland Zoning districts listed in Finding 1, evidence "e," where ESHA is also located. Pursuant to the 2010 County of Monterey General Plan, Conservation and Open Space Element of the General Plan, and Title 21 Chapter 21.66.020, development on parcels containing or within 100 feet of environmentally sensitive habitats shall be permitted only they will not have a significant adverse impact on the habitat's long-term maintenance, either on a development or cumulative basis, and shall only be approved where conditions of approval are available which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined by a project-specific biological survey. This is discussed in Finding 2, evidence "i." Alternatively, the parcels may be in the Coastal Zone and contain or be within 100 feet of environmentally sensitive habitat. Therefore, this Master Permits includes a Coastal Development Permit to allow development within 100 feet of ESHA. The necessary criteria to grant the permit have been met; see Finding 11. The potential impact to ESHA is consistent with the Big Sur Coast Land Use Plan, the Carmel Area Land Use Plan, Del Monte Forest Land Use Plan, and the North County Land Use Plan, and associated Coastal Implementation Plans.

h) Waterbodies. Conservatively, a CDP may be required to allow work that requires placement or removal, whether temporary or permanent, of riprap, rocks, sand or other solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction material within 20 feet of coastal stream, pursuant to Title 20 section 20.70.120.E.3. The Program includes development within 20 feet of intermittent and permanent streams. As discussed in Finding 6, these CDPs can be supported because the EESP improves the ecological value of coastal waterbodies in the long term.

i) Critical Viewshed of Big Sur. The eligible projects may include development, including vegetation removal, excavation, grading, and fill on parcels within the Critical Viewshed of Big Sur. Therefore, the Master Permit includes a CDP for Development in the Critical Viewshed. The project is consistent with the Big Sur Coast Land Use Plan (BSC LUP) policies protecting scenic resources and their implementing regulations in the related CIP. Finding 13 discusses the mitigation by design of the EESP.

j) Archaeological Resources. The eligible projects may include development, including vegetation removal, excavation, grading, and fill on parcels that may have low, medium or high archaeological sensitivity. Phase 1 archaeological reports are required for all

development on parcels with high archaeological sensitivity or within proximity to known archaeological resource. The Master Permit includes a CDP to allow development within 750 feet of known archaeological resources. No corresponding permit is required in the inland area. Finding 2, evidence "I" and Finding 12 discuss the mitigation by design of the EESP for protection of archaeological resources.

k) Paleontological Resources. The project sites approved under the Master Permit may have low, medium, or high paleontological sensitivity. Projects approved under the Master Permit would follow the standards outlined in the 2010 Monterey County General Plan Conservation and Open Space Element Policy OS-7.1, which requires systematic data recovery on paleontological finds. RCD would review each project for paleontological sensitivity. RCD would submit a PCN to County staff that summarizes the potential archaeological impacts in a Phase 1 archaeological survey report, and appropriate Programmatic General Conditions, such as PALEO-1. In the event that potential significant fossil deposits are found during grading activities, work would be halted within 50 feet of the find until a qualified paleontologist can evaluate. This condition ensures compliance with Policy OS-7.1 to ensure that data recovery would occur prior to their systematic destruction.

l) Grading and Development on Slopes, Coastal. The eligible projects may include grading, fill, excavation, demolition or construction on slopes in excess of 30 percent (25 percent in North County) in Coastal Zoning districts. Pursuant to Title 20 section 20.64.230.C, a CDP is required to allow development associated with some of the eligible projects to occur on steeper slopes. Finding 8 discusses the mitigation by design of the EESP, such that each case of development on slopes can be approved and the criteria to grant the CDP have been met.

m) Grading and Development on Slopes, Inland. The eligible projects may include grading, fill, excavation, demolition or construction on slopes in excess of 25 percent in Inland Zoning districts. Pursuant to Title 21 section 21.64.230.C a Use Permit is required to allow grading, fill, or excavation on slopes in excess of 25 percent. Finding 7 discusses the mitigation by design of the EESP, such that each case of development on slopes in excess of 25 percent can be approved and the criteria to grant the Use Permit have been met.

n) Carmel River and other Floodplains. The eligible projects approved may include alteration of vegetation and river channel modification within 200 of the Carmel River and its corridor. Pursuant to Title 21 section 21.64.130.F, a Use Permit is required to allow these restoration activities within that distance of the Carmel River or within its floodplain. The projects shall also be consistent with Title 16 Chapter 16.16, for grading, fill, and excavation within a floodplain. Finding 2, evidence "d" and Finding 5 discuss the mitigation by design of the EESP, such that each case of development near the Carmel River or within other floodplains can be authorized. The criteria to grant the required Use Permit have been met.

o) S District. Chapter 21.45 applies to those areas of the inland unincorporated County of Monterey in which sensitive natural resources or unusual site constraints exist which require review of the location of development, the Site Review ("S") district. Pursuant to Title 21 section 21.45.040.A, no construction of structures or deposit or removal of materials is permitted without the approval of an Administrative Permit. The EESP includes environmental enhancement practices that would construct minor associated structures such as installing a 5,000 gallon water tank, and removing and depositing materials in excess of 10,000 cubic yards. The EESP includes site specific review, preparation of site specific geotechnical and hydrological reports as needed, and mitigation by design such that the findings to grant the Administrative Permit for development in the S district have been met. See Findings 2, 3 and 5.

p) VS District. The eligible projects may include grading, fill, or excavation on parcels identified by the County of Monterey Geographic Information System (GIS) as being Visually Sensitive (VS). Many typical projects would be in the Farmland, Rural Grazing or Permanent Grazing zoning districts, where, pursuant to Title 21 section 21.46.070.A-B, repair and maintenance of existing agricultural facilities and structures and agricultural operations are exempt from the regulations for VS zoning districts. Outside of these districts, the EESP would provide an Administrative Permit and Design Approval for grading, significant vegetation removal, or deposit or removal of material causing the change, alteration, or modification of the landscape or existing development that does not have an adverse visual impact, per Title 21 sections 21.46.030.A and 21.46.030D.2. See also Finding 13.

q) Design Control. Pursuant to Title 20 Chapter 20.44 and Title 21 Chapter 21.44, Design Approvals are required for the location, size, configuration, materials, and colors of structures to ensure they are consistent with neighborhood character. The EESP may include water tanks, fences, and other minor structures on parcels that have a Design Control Overlay. The Master Permit requires that any structures proposed in the D district be designed with exterior colors and materials that match any existing structures and blend with the surrounding environment and is consistent with the surrounding neighborhood character. HCD will consider each potential development in a public viewshed against the viewshed criteria of the project area. Only projects that assure protection of the public viewshed, are consistent with neighborhood character, and assure visual integrity would be eligible for processing under the Master Permit. (See Finding 13 on visual resources.)

r) Tree Removal. The eligible projects may include removal of oak or other protected trees. If the projects are located in the Inland Zoning districts, pursuant to Title 21 section 21.64.260.C, a Use Permit is required to allow the removal of more than three protected trees and removal of three or fewer on one parcel is allowed pursuant to Title 16,

Chapter 16.60 guidelines. If the projects are located in the Coastal Zoning districts, pursuant to the Big Sur Coast Land Use Plan, the Carmel Area Land Use Plan, the Del Monte Forest Land Use Plan, the North County Land Use Plan, a CDP is required for the removal of any protected tree. As detailed in Finding No. 4 and supporting evidence, the proposed tree removal would be the minimum required under the circumstances, the removal would not involve a risk of adverse environmental impacts, and the removal shall be consistent with Oak Woodlands Conservation requirements found in Public Resources Code 21083.4. Finding 9 and Finding 10 discuss Inland and Coastal tree removal, respectively, and the restoration of trees by design of the EESP, such that findings to grant the necessary permits to allow removal of protected trees have been met.

s) Lot Legality. Implementation of the EESP Master Permit will include lot legality review upon PCN intake by County staff. If lot legality cannot be proven, the project may require the applicant to process a Parcel Legality Status Determination within the year, and potentially the project may not be part of that year's set. Therefore, the County recognizes the subject parcels as legal lots of record as part of the Program.

t) Development Standards. The projects approved under the Master Permit are subject to the development standards of the relevant zoning area. Most projects are anticipated to be in the Farmland, Agricultural Conservation, and Coastal Agricultural Preserve zoning district. Most project types include minor land disturbances and restoration activities. Under the EESP Master Permit structures are limited to bridges, fences, and temporarily installed towers and tanks for bioreactors. The PCN plans would demonstrate that any structure proposed meets the required development standards for the relevant zoning district.

u) Area Plans Consistency - Inland. 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. See subsequent evidence "v" through "dd". On a project-by-project basis, RCD will review projects for conformance with these inland area plans and, where necessary, recommend redesign early to bring projects into conformance with their respective area plans. HCD's Program Lead shall review future projects for conformance with applicable policies. .

v) North County Area Plan. Section IV.B.2.a includes conservation projects specifically under in the context of protecting Elkhorn Slough. As proposed, conditioned, and mitigated, the EESP Master Permit is consistent with NCAP's policies involving conservation projects because the project would improve and maintain groundwater recharge in the area. This is achieved through environmental enhancement practices such as installing lining waterways, water and sediment control basins, bioreactors, infiltration basins and creating wetlands, as

well as restoration activities to improve upland and riparian habitats and wetlands. Programmatic General Conditions (PGCs) and mitigation measures are applied on a project-by-project basis to ensure erosion controls and protection of special status species during the installation and use of the environmental enhancements. North County Area Plan Policy NC-3.1 allows landscaping or new development within "sensitive," or "highly sensitive" visual areas shown on the Highway Corridors and Visual Sensitivity Map (Figure 13) may be permitted if the development is located and designed in such a manner that public views are not disrupted. Some of the projects may be located in sensitive or highly sensitive areas of the North County Area. RCD staff will consider public views in the siting and design of new fences, water tanks, or other development that would be part of an environmental enhancement project. 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. The EESP conforms with this policy by streamlining restoration projects that restore rare and declining habitat, practice upland wildlife habitat management, close roads, and permit firebreaks around separately approved restoration burn areas. EESP project may have the potential to impact native vegetation communities and special status plants and animals during demolition and construction, such as the removal of structures, roads and trails, and installing watering facilities for livestock, underground outlets, water and sediment control basins, bioreactors, infiltration basins, grade stabilization structures, and stream and wetland habitat improvements. However, the EESP includes PGCs and mitigation measures that ensure impacts are avoided, minimized, and if unavoidable, take permits are obtained and regulatory agencies are consulted throughout the planning process. The EESP conforms with Policy NC-3.3. See also Finding 2, evidence "i."

w) Central Salinas Area Plan. Policy CSV-5.1 encourages development to be designed to maintain groundwater recharge capabilities. The EESP facilitates the protection and maintenance of areas for groundwater recharge through environmental enhancement practices such as installing lining waterways, water and sediment control basins, bioreactors, infiltration basins and creating wetlands, as well as the restoration activities to improve upland and riparian habitats and wetlands. Central Salinas Area Plan Policy CSV-3.1 allows landscaping or new development within "sensitive," or "highly sensitive" visual areas shown on the Highway Corridors and Visual Sensitivity Map (Figure 13) may be permitted if the development is located and designed in such a manner that public views are not disrupted. Some of the projects may be located in sensitive or highly sensitive areas of the Central Salinas Area. RCD staff will consider public views in the siting and design of new fences, water tanks, or other development that would be part of an environmental enhancement project.

x) 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. As proposed, conditioned and mitigated, the EESP Master Permit is consistent with this policy because projects in the Cachagua Area would control erosion hazards through critical area planting, road and trail closure, lining waterways that feed to the Carmel River, installing underground outlets, water and sediment basins, bioreactors, infiltration basins, grade stabilization structures, and stream habitat improvements. The result of these environmental enhancements would protect fishery habitat from siltation and preserve the Carmel River's natural state. Cachagua Area Plan Policy CACH-3.1 restricts development in "sensitive" and "highly sensitive" areas, generally those visible from designated Scenic Highways. RCD staff would consider public views in the siting and design of new fences, water tanks, roads, or other development that would be part of an environmental enhancement project to ensure visibility of proposed structures and roads is minimized to the greatest extent possible. RCD may require landscape screening and other techniques to achieve maximum protection of the Cachagua Area's visual resources.

y) Carmel Valley Master Plan. 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. Policy CV-3.10 encourages that predominant landscaping and erosion control material shall consist of plants native to the valley. The EESP Master Permit is consistent with these policies as the EESP enables and encourages private and public property owners to restore and preserve native areas of vegetation. The Master Permit encourages the minimization of erosion by restoring the natural ecosystem and developing water and sediment control basins, bioreactors, infiltration basins, grade stabilization structures, and lined waterways. These projects are conditioned with PGCs and mitigation measures to ensure erosion control measures are expanded and improved and native plants appropriate to the location of the project are planted. As a net result, riparian vegetation would be protected and visual aspects of the Carmel River would be preserved. Carmel Valley Master Plan Policy CV-1.20 requires site and design review for all new development throughout the Valley, with guidelines for (a) furthering the letter and spirit of the Master Plan, (b) visual compatibility with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development, (c) colors and materials in harmony with the surroundings, (d) controlled structural height and bulk in order to retain an appropriate scale, (e) minimizing disruption of views by development, including structures and roads, from existing homes, and (f) minimize erosion and/or modification of landforms. RCD staff will consider public and private views in the siting and design of new fences, water tanks, or other development that would be part of an environmental enhancement project.

z) Toro Area Plan. Plan Policy T-4.1 states that land uses and practices that may contribute to erosion and flooding shall be prohibited. The EESP Master Permit facilitates projects that reduce and minimize existing erosion hazards and encourage soil stability in future flooding events, as described above and in Finding 1, evidence "c.". The practices, as conditioned and mitigated, would not contribute to erosion and flooding and therefore are consistent with this policy.

aa) Fort Ord Master Plan. Plan Policy C-1 and C-2 encourage the County to support and encourage soil conservation and restoration programs, and that soil conditions shall ensure compatibility within existing soil conditions and habitat restoration and preservation programs. Policy B-3 states that the County shall preserve, enhance, restore, and protect vernal ponds, riparian corridors, and other wetland areas. The EESP Master Permit facilitates these activities by streamlining the permitting for private and public landowners to conduct soil conservation activities and habitat restoration. The Master Permit includes wetland management activities and stream habitat improvements which would support vernal ponds, riparian corridors, and other wetland areas within the Fort Ord Master Plan.

bb) 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 EESP Master Permit facilitates the restoration and enhancement of wetlands and other habitat restoration projects. Greater Monterey Peninsula Area Plan Policy GMP-3.3 restricts development in "sensitive" and "highly sensitive" areas, generally those visible from designated Scenic Highways. RCD staff would consider public views in the siting and design of new fences, water tanks, roads, or other development that would be part of an environmental enhancement project to ensure visibility of proposed structures and roads is minimized to the greatest extent possible. RCD may require landscape screening and other techniques to achieve maximum protection of the Greater Monterey Peninsula area visual resources.

cc) Greater Salinas Area Plan. Policy GS-3.1 encourages that on sloped land disturbance shall be avoided to minimize erosion. The EESP Master Permit includes projects that reduce and minimize future erosion and many projects, by design, facilitate the reduction of erosion and flooding.

dd) 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 Master Permit involves projects that conform with these policies by facilitating habitat restoration and management, projects to allow for water and sediment control, stabilization of highly erosive slopes, and stream and wetland restoration and management of excess bank erosion.

ee) Land Use Plans Consistency – Coastal. Projects under the EESP Master Permit are consistent with local land use plans: Carmel Area Land Use

Plan, Big Sur Coast Land Use Plan, Del Monte Forest Land Use Plan, and the North County Land Use Plan. See subsequent evidence "ff" through "ii". HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible.

ff) North County Land Use Plan (NCLUP) includes support for restoration projects that address erosion control and habitat restoration. Section 7.3.2.A encourages landowners to undertake voluntary actions such as controlling erosion and restoring riparian areas. Section 7.3.2.F specifically encourages conservation projects to protect coastal resources. As proposed, conditioned and mitigated, the EESP Master Permit is consistent with the NCLUP policies involving restoration and coastal conservation projects.

gg) Big Sur Coast Land Use Plan (BSCLUP) section 7.2.7 encourages private landowners to undertake restoration activities such as erosion control and riparian area improvements to mitigate environmental impacts. As proposed, conditioned and mitigated, the EESP Master Permit is consistent with the BSCLUP policies involving restoration and coastal conservation projects.

hh) Carmel Area Land Use Plan (CALUP) includes support for restoration, conservation, or environmental enhancement projects that address preserving natural resources and restoring degraded areas and section 4.5.F designates watershed and scenic conservation. As proposed, conditioned and mitigated, the EESP Master Permit is consistent with the CALUP policies involving restoration and conservation projects.

ii) Del Monte Forest Land Use Plan (DMFLUP) 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 and would ensure that these habitat areas are protected and restored. As proposed, conditioned and mitigated, the EESP Master Permit is consistent with the DMFLUP policies involving restoration and conservation projects. See also Finding 11.

jj) 2010 County of Monterey General Plan Consistency. As part of RCD's review of each project proposed to be part of the Program, the agency would review the project for conformance with the County of Monterey 2010 General Plan (2010 GP). The County would review PCNs for conformance with the 2010 GP, as well. RCD & HCD's review will include all applicable policies of Conservation and Open Space Element, including OS-5 Biological Resources policies, OS-6 Archaeological Resources, OS-7 Paleontological Resources, OS-8 Native Californian Cultural Sites, Sacred Places, and Burial Sites Policy OS-8.1, OS-8.2, OS-8.3, OS-8.4, and OS-8.6 in the project review and redesign. RCD & HCD will review compliance with Safety Element Policies S-1.1, S-1.3, S-1.4, S-1.6, and S-1.9 for seismic and other geologic hazards and S-2.1, S-2.2, and S-2.3 for flood hazards, S-3.2 for

drainage control, S-4.8, S-4.9, and S-4.16 for fire hazards, S-7.1, S-7.2, S-7.9, and S-7.10 for noise hazard control in the project review and redesign. RCD and HCD will review projects for conformance with Agricultural Element Policies AG-5.1 and AG-5.2.

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 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.

kk) 1982 County of Monterey General Plan Consistency. As part of RCD and HCD's review of each project proposed to be part of the Program, the agency will review the project for conformance with the County of Monterey 1982 General Plan (1982 GP). The RCD review would include Conservation of Soil 3.0 Policies, 5.0 Water Resources Policies, 7.0 Vegetation and Wildlife Habitats Policies, 9.0 Abundance and Diversity of the County's Wildlife Policies, 11 Environmentally Sensitive Areas Policies, 12 Archaeological Resources Policies, 15 Seismic and Other Geologic Hazards Policies, 16 Flood Hazards Policies, and 17 Fire Hazards Policies.
The Planning Commission finds the 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.

The EESP is consistent with the 1982 General Plan, and RCD, with HCD oversight, shall ensure project-by-project consistency during Program implementation.

ll) Land Use Advisory Committee (LUAC). The Master Permit was not brought forward for review by a Land Use Advisory Committee. The majority of practices included in the program do not require review by a LUAC. Many projects will be located in farmlands of Central Salinas Valley and Greater Salinas, which do not have LUACs. The Board of Supervisors' LUAC Guidelines indicate that the LUACs should review development requiring CEQA review, Lot Line Adjustments (LLA), Variances, and Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission. The EESP would allow future projects that, by meeting criteria for inclusion in the Program, would not require project-specific CEQA review. The projects would not include LLA, Variances, or Design Approvals. Therefore, no LUAC review is necessary.

mm) Agricultural Advisory Committee (AAC). The Master Permit was not brought forward for review by the Agricultural Advisory Committee. The primary reason for AAC review of projects in or adjacent to agricultural lands is to review for consistency with agricultural use in advisory role to discretionary decision. As described in Finding 1 evidence "e," the majority of restoration practices in the typical zoning districts are allowed uses and would not require a discretionary permit. Future projects brought forward by RCD and found to meet the criteria for inclusion in the EESP would likely not be subject to the AAC's review, but the Chief of Planning may decide on a case-by-case basis that a project should be referred, then it can be referred during project PCN review.

nn) Public Access. The project complies with public access policies of the applicable LUPs. See Finding 17.

oo) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible.

pp) The application and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

2. FINDING: **SITE SUITABILITY –** The Master Permit includes sites in multiple locations, and the sites will be physically suitable for the restoration and other environmental enhancement project uses proposed or they will not be included in the Program.

EVIDENCE: a) The Master Permit application was reviewed for site suitability by the following groups, departments and agencies: HCD-Planning, HCD-Environmental Services, HCD-Engineering Services, Environmental

Health Bureau, Monterey County Regional Fire Protection District, Aromas Tri-County Fire Protection District (FPD), Cachagua FPD, North County FPD, South County FPD, Gonzales Rural FPD, Greenfield FPD and Mission Soledad Rural FPD, and California Coastal Commission staff. There has been no indication from these departments/agencies that the project types proposed are not suitable for any location in unincorporated County. Conditions and mitigation measures have been incorporated that address any potential impacts.

b) Potential impacts to biological, archaeological, hydrological, and soils/geology were identified. The following reports have been prepared:
   - "Biological Resources Assessment Report" prepared by Camara Environmental Consulting dated December 2022 (HCD-Planning Library Document No. LIB230006)
   - "Cultural Resources Assessment Report" prepared by Albion dated December 2022 (HCD-Planning Library Document No. LIB230005)
   - "Geotechnical Evaluation" prepared by Adrienne Carter of the Resource Conservation District of Monterey County dates December 2022 (HCD-Planning Library Document No. LIB230007)
   - "Hydrogeological Assessment Report" prepared by Steve Bond PG CEG CHG dated December 2022 (HCD-Planning Library Document No. LIB230008)
   - "Programmatic Hydraulic and Drainage Analysis Report" prepared by Adrienne Carter of the Resource Conservation District of Monterey dated December 2022 (HCD-Planning Library Document No. LIB230010)

c) The above-mentioned technical reports by outside consultants found no physical or environmental constraints that would indicate that the site is not suitable for the proposed use, as mitigated. County staff have independently reviewed these reports and concur with their conclusions.

d) The individual projects proposed under the Master Permit would be reviewed initially by RCD, then by regulatory agencies, then by County HCD to evaluate that sites are suitable for the types of development proposed as conditioned and mitigated through the Program. When HCD receives a PCN set in spring, the Program Lead performs an initial review of the PCN packet. If HCD are not able to conclude without doubt that the site is compatible with the proposed use(s), the EESP Program Lead would arrange an Inter-agency Review (IAR) meeting to review the project with other County offices and potentially other agencies. Thus, although specific sites are not currently known, sites suitable for inclusion in the Program are evaluated by RCD, regulatory agencies, and County staff. If, in the final determination, a project site is found not to be eligible for processing under the Master Permit, RCD may then pursue a separate discretionary permit for that project, or make changes and resubmit the PCN in a later year.

Generally, implementation of small, environmentally beneficial projects, such as restoring and enhancing habitats (upland, wetland, stream, and rare areas), controlling erosion and runoff (through planting, road work, and constructed structures), and improving water quality (via basins, bioreactors, and infiltration) are suitable on farmland, open space, and, depending on location, private and public land. RCD identified 102 Programmatic General Conditions (PGCs) for the temporary impacts related to implementation that would be applied to future projects, as applicable on a case-by-case basis. These include:

- *Air Quality* – six dust control measures typical of Construction Management Plan Best Management Practices (BMP);
- *Archaeological, Historical, and Tribal Cultural Resources* – ten evaluative and actionable measures that align with County's archaeological, historical and tribal cultural resource standard conditions of approval and are in accordance with CEQA Guidelines, Section 15064.5 [a], California PRC Sections 5097 and 7050.5 and AB 52 and Government code Section 625.10;
- *Paleontological Resources* – one measure to avoid, or if accidentally uncovered, document paleontological resources;
- *Biological Resources* – thirteen measures to identify and avoid or, if unavoidable, minimize impacts to environmentally sensitive habitat areas and special-status species;
- *Building Permits Requirements* – one measure that RCD would apply to ensure a building permit is opened for the project;
- *Coastal Commission Jurisdiction* (i.e., State Tidelands) *Restrictions* – one measure that RCD would apply for separate Coastal Commission permitting for any project that enters the Commission's area of jurisdiction;
- *Engineering Standards* – eight measures that require certain projects are designed by a qualified civil engineer, require soil and geological hazards analysis, require a hydrologic and hydraulic report be prepared, obtain NPDES Construction General Permit and prepare a Stormwater Pollution Prevention Plan, anchor objects in a floodplain, or complete the County of Monterey Construction & Demolition Recycling Report;
- *Erosion Control Standards* – five measures to conform a project with Erosion Control Plan standards;
- *Fire Prevention* – three measures that are BMP to avoid causing a fire;
- *Fort Ord Excavation* – a measure to ensure a project conforms with the County Code of Ordinances Chapter 16.10;
- *Hazardous Materials and Spill Prevention* – nine measures that ensure projects conform with BMP during refueling and cleaning of vehicles, properly dispose of trash and construction debris, utilize dry clean up methods, control spills, prohibit the use of hydraulic fluids containing organophosphate esters near streams, use a contained area designated for equipment storage,

short-term maintenance, and refueling located at least 100-feet from all water bodies, in a location where fluids or accidental discharges cannot flow into waterways, etc.;

- *Revegetation of the Project Area and Removal of Non-native Plants* – six measure to ensure bare ground is not left unplanted and non-natives are removed, prevent the spread of plant pathogens, etc.;
- *Least Environmentally Damaging Action* – four measures to avoid impacts to ESHA and minimize the project footprint, minimize visual impacts, as well as to ensure the conditions in State and Federal agreements/permits are followed;
- *Limitations on Construction Equipment* – six measures that reduce contamination at project sites, limit work in flowing or standing water, and avoid compaction by heavy machinery;
- *Limitations on Earthmoving and Vegetation Removal* – seven varied measures that minimize ground disturbance and vegetation removal, minimize visual impacts of projects, follow County's tree removal guidance, avoid thinning of riparian stands, avoid finished slopes greater than 2:1, and a measure that indicates the authority of wetland delineation standards, depending on location (Army Corps of Engineers, Coastal Commission wetland definitions);
- *Limitations on Herbicide Use* – three site-specific measures to control herbicide use;
- *Limitations on Work in Streams, Wetlands, Floodplains, and Permanently Ponded Areas* – twelve measures that require evaluation and specific actions to isolate work areas from flowing water, or, if work must be undertaken in water, to conform with the National, State and local regulatory environment, prohibit diversion of water out of watershed, and prohibit more than 1 foot increase in base flood elevation in FEMA designated areas;
- *Temporal Limits on Construction* – four site-specific measures that limit the time frame of construction work; and
- *Vernal Pool Restrictions* – one measure that restricts project activity from being done in vernal pools, in the case that they are nearby.

Mitigation measures have also been proposed to mitigate potential impacts to Biological Resources, Cultural Resources, Traffic, and Tribal Cultural Resources to less than significant levels. These mitigation measures are listed in Finding 14.

e) Archaeological and Cultural Resources in Inland areas. Title 21 section 21.66.050 recommends that new public and private land uses and development shall be considered compatible with the maintenance and protection of the County's archaeological and tribal cultural resources only in those cases that the site planning and design is done to avoid or mitigate impacts to the resources to the greatest extent possible and as permitted by law. Pursuant to Title 21 section 21.66.050.C, assuming

some of the projects in the EESP Master Permit would be located on parcels where County records identify that the project site is within an area of moderate or high sensitivity for cultural resources, an EESP Cultural Resources Assessment Report was prepared by Sarah Nicchitta et al of Albion Environmental Inc. (December 1, 2022, HCD-Planning Library Document No. LIB230005). Albion conducted archival and background research using their inhouse database, imagery and maps from special research collections at the University of California Santa Barbara, and County of Monterey publicly accessible GIS data on modelled archaeological sensitivity. The Albion team surmised that buried resources may be present without surface indicators, so they built a likelihood model based on landform factors combined with known sites and historical spatial transitions between ecosystems that pre-historic, pre-colonial and colonial and more recent native tribal people of the area (including Esselen, Ohlone, and Salinan groups) are understood to have utilized. Using this model, the potential for buried archaeological deposits can be conceived on a 5-level scale (very low likelihood, low, medium, high, and very high likelihood). The model provides RCD valuable information for pre-planning purposes in the review of projects in the EESP. The report concluded that modern ground disturbance for development or restoration projects can expose previously unknown buried resources. Therefore, for each EESP project, RCD shall conduct assessment of cultural resource sensitivity using information gathered during the baseline study. Project designs with anything more than low impact to archaeological or cultural resources and within areas of moderate or higher potential resources would require a project-specific Phase 1 report. The report defined low impact projects as those meeting the following two criteria:
1. Ground-disturbing project elements are limited to no more than 4 inches below current grade and outside an existing agricultural field, or ground-disturbing project elements are limited to no more than 12 inches below current grade within an existing agricultural field; and
2. Hand tools and foot traffic only are used to implement all project elements; no heavy equipment is used (i.e., backhoe, skid steer, etc.).
These criteria are absorbed into the EESP as PGC CUL-2, which is one of ten PGC for this resource type. Any specific measures identified by the reports would be integrated into the project. PGCs include the following:

- PGC CUL-1, Tribal Consultation and Protection of Tribal Resources;
- PGC CUL-2, Low Impact Project Cultural Resource Assessment;
- PGC CUL-3, EESP Project Phase I Cultural Resource Inventory;
- PCG CUL-4, Cultural Resource Extended Phase I Presence/Absence Testing;
- PGC CUL-5, Cultural Resource Evaluation and Significance Study. If a resource is confirmed a study would be completed to determine if it is eligible for inclusion in the California Register of Historical Resources (CRHR);

- PGC CUL-6, Cultural Resources Treatment Plan. For resources determined eligible for CRHR that cannot be avoided, a Cultural Resources Treatment Plan (CRHTP) would be developed and implemented in consultation with the local Native American community;
- PGC CUL-7, Cultural Resource Training;
- PGC CUL-8, Discovery of Cultural Resources;
- PGC CUL-9, Discovery of Human Remains;
- PGC CUL-10, Confidentiality of Archaeological or Sacred Lands Sites.

See Finding 14 for mitigation measures that may be applied to projects in the EESP. As designed, conditioned and mitigated, the EESP Master Permit is consistent with the 2010 GP, Title 21, state law, and would have a less-than-significant impact on Inland archaeological resources.

f) Environmentally Sensitive Habitats in Inland areas. Title 21 section 21.66.020.C requires a biological survey to be prepared if development is proposed within a known ESHA, based on the most current resource maps, other reliable other available resource information, or through the planner's on-site investigation or within 100 feet of ESHA, and has potential negative impact on the long-term maintenance of the habitat. If the biological report identifies potential impacts to the ESHA, environmental impacts are required to be reviewed pursuant to Public Resources Code Sections 21000-21177, the California Environmental Quality Act.

Almost any project in the Inland area would have the potential to involve ESHA. Therefore, the Program depends on the RCD team's expertise in identifying potential ESHA in the field, and having a biological report prepared. PCGs that RCD would apply include PGC BIO-1, *Review and Survey Project-Specific Biological Resources,* PGC BIO-2, *Identify and Avoid or Minimize Impacts in Coastal Zone ESHAs*, BIO-3, *Survey for Special-Status Plants and Wildlife*, PGC BIO-4, *Comply with Required State and Federal Permits,* and PGC BIO-5, *Incorporate State and Federal Permit Protection Measures*, as well as PGC BIO-6, *Require Biological Resource Training for Workers*, PGC BIO-7, *Monitor for Sensitive Resources and/or Species*, PGC BIO-9, *Restrict Construction Hours,* PGC BIO-10, *Prevent Spread of Invasive Plants, Noxious Weeds, and Invasive Wildlife, PGC* BIO-11, *Prevent Spread of Aquatic Pathogens,* PGC BIO-12, *Monitor or Fence for Wildlife Exclusion* and *Species Protection* and PGC BIO-13, *Establish Protective Buffers.* As designed with these PGCs that include consultation for State and Federal permits whenever necessary, the projects allowed by the EESP Master Permit would not have negative impact on the long-term maintenance of ESHA.

An EESP Biological Resources Assessment was prepared for the Master Permit by Kellie Camara (December 20, 2022, HCD-Planning Library Document No. LIB230006). The report identified that species and habitats known to be environmentally sensitive may have the

potential to be impacted by the activities of the Program. The report states that "if significant adverse environmental impacts are expected to result from a project, the land user is encouraged to consider alternative actions, or may be directed to prepare a project specific Environmental Impact Statement (EIS). RCD and NRCS staff rarely pursue projects that require an EIS. If an alternative suite of practices is not possible, individual permits will be required. Typically, for small conservation projects, the assessment indicates that there are no significant adverse impacts or that long-term beneficial impacts outweigh short-term adverse impacts, and the conservation planner is directed to proceed with the plan of work."

An Initial Study was prepared for the Program, informed by the EESP Biological Resources Assessment, County GIS data, and local, state and federal regulations pertaining to ESHA. The Programmatic Mitigated Negative Declaration recommended two Biological Mitigation Measures and concluded that the EESP, as conditioned and mitigated, would have a less-than-significant impact on ESHA. Finding 14 discusses CEQA.

g) Staff from RCD will conduct site inspections prior to developing and submitting the Project PCNs to County for review by May 1 of each year. RCD will oversee project implementation to confirm all planned erosion control measures are in place, and would conduct annual monitoring to ensure the long term outcomes have been achieved or would propose corrective measures. RCD will submit the annual reports to HCD by March 1 of the following year.

h) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible.

i) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

3. FINDING: **HEALTH AND SAFETY -** The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

EVIDENCE: a) The projects included in the Program shall be reviewed by HCD staff. Where appropriate, the HCD Program Lead may recommend additional PGCs (see Finding 2 evidence "d") to ensure the project would not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) Many of the projects permitted under the Master Permit involve grading up to 10,000 cubic yards (cy), and a few may involve up to 30,000 cy of earth movement. Title 16 section 16.12.050.E requires erosion control

measures specified in Chapter 16.12 to be in place and maintained at all times between October 15 and April 15. The Erosion Control Standards PGCs include PGC EC-1, which RCD would apply to comply with this limitation. Other Chapter 16.12 measures are applied to projects as PGC EC-2 (excavation and grading activities will not be conducted during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch of rain in 24 hours and erosion control, sediment control, and other protective measures will be installed no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall). PGC EC-3 requires erosion control and sediment detention devices to be incorporated into the project design and implemented at the time of construction. PGC EC-4 requires soil exposed as a result of construction or soil laid on top of rip rap to be mulched, revegetated by seeding, live planting, hydroseeding or otherwise protected to match pre-construction conditions or better. Seeding and planting would be completed prior to or shortly after the start of the rainy season. PGC EC-5 requires RCD to oversee project implementation to confirm all planned erosion control measures are in place immediately following completion of land disturbance activities or prior to forecasted rain events. The RCD will conduct annual monitoring to ensure the long-term outcomes have been achieved or propose corrective measures. The monitoring results and conclusions would be part of RCD's Program annual reporting to County. As conditioned by these PCGs, the EESP conforms with Chapter 16.12.

c) If a project is implemented in Former Fort Ord, RCD will apply PGC FO-1, which specifies that RCD will notify the Chief of Planning if a project involves excavation, digging, development or ground disturbance of any type that involves the displacement of ten cubic yards or more of soil, and would follow the guidelines required to comply with County Code 16.10. FO-1 will be implemented through the PCN process. Pursuant to County Code section 16.10.060, the Building Official would review a Digging and Excavation on the Former Fort Ord permit application submitted by RCD. The Building Official would only approve the permit if evidence is available which indicates that the proposed grading or excavation will not create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. If a public hearing is required for a project, it would maintain its eligibility for processing via the Master Permit.

d) Noise Hazards are regulated by the Noise Control Ordinance, which updates Chapter 10.60 for the Inland and Coastal zoning districts. Noise control in the inland areas of County is required to conform with 2010 GP Policies S-7.1., such that new noise-sensitive land uses may only be allowed in areas where existing and project noise levels are acceptable (per Figures 9-A-H and 10 A-E). Several agricultural land uses have 80 dBA noise level at 50 ft from the source (backhoe, tractor). The noise

levels anticipated by the Program would be executed primarily in inland agricultural areas. Therefore, the Program would conform with County Code Chapter 10.60. Per 2010 GP Policy S-7.9, no construction activities pursuant to a County permit that exceed "acceptable" levels listed in S-7.1 shall be allowed within 50 feet of a noise sensitive land use during the evening hours of Monday through Saturday, or anytime on Sunday or Holidays. Noise may be a factor in project implementation within residential zoning districts. The normal duration of project construction phase is short, while use phase would not create unacceptable noise. The HCD Program Lead shall advise RCD to conduct outreach to neighbors within 500 feet of a project in residential zoning districts processed via the Master Permit that has a likelihood to create noise during construction. However, there are remedies for noise complaints identified in Chapter 10.60, Noise Control.

e) Water Quality. Resource Conservation Districts were established by federal legislation to address concerns regarding the capacity of federal agencies and their responsiveness to address local agricultural and rural community needs. The role of an RCD is to guide programmatic priorities of the NRCS. The RCD of Monterey County was established in 1942 as a non-regulatory special local district, authorized under Article 9 of California Public Resources Code and tasked with managing soil, water resources, water quality, and wildlife habitat. With this mandate, RCD has a direct relationship with the Regional Water Quality Control Board (RWQCB). RCD compiled over 25 PGCs that RCD would apply to projects in the Program to ensure water quality is protected during and after the project, as well as cumulatively where more than one project has the potential to impact a single subbasin or watershed. In brief, the PGCs are:

- PGC ES-3, *Require Design for 10-year Storm Event for Engineering Practices*;
- PGC ES-4, *Require Design by an Engineer for Engineering Practices*;
- PGC ES-5, *Require Hydrologic & Hydraulic Report for Impervious Area*;
- PGC ES-6, *Obtain NPDES Construction General Permit and prepare a Stormwater Pollution Prevention Plan*;
- PGC ES-7, *Anchor Objects in a Floodplain*;
- PGC ES-8, *Complete the County of Monterey Construction & Demolition Recycling Report*;
- PGC HAZ-2, *Contain Equipment Storage, Maintenance, and Refueling at Least 100 Feet from Waterways*;
- PGC HAZ-3, *Inspect and Cleanup Vehicle Leak*;
- PGC HAZ-4, *Maintain and Wash Vehicles to Protect Environment*;
- PGC HAZ-5, *Properly Dispose of Spent Fluid and Debris*;
- PGC CE-1, *Prevent Petroleum Release into Waterways*;
- PGC CE-2, *Limit Work in Flowing or Standing Water*;

- PGC CE-3, *Use Existing Ingress or Egress Points*;
- PGC CE-5, *Stage Equipment Away from Wetlands*;
- PGC EM-6, *Avoid Thinning of Riparian Stands*;
- PGC HL-1, *Use Herbicide According to Registered Label Conditions*;
- PGC HL-2, *Prohibit Leaching into Waterways*;
- PGC HL-3, *Utilize Aquatic-approved Herbicides Near Waterways*;
- PGC SWFP-1, *Isolate Work Area from Flowing Water*;
- PGC SWFP-2, *Install "Coffer Dams"*, which are temporary dam or other artificial obstruction constructed will only be built from materials such as clean gravel which will cause little or no siltation;
- PGC SWFP-3, *Provide Diversion/Dewatering*;
- PGC SWFP-6, *Restrict Materials for Instream Structures*;
- PGC SWFP-7, *Prevent Sediment Loading into Waterways*;
- PGC SWFP-8, *Keep Project Areas Clean*;
- PGC SWFP-9, *Limit Work in Existing Wetlands to Wetland Enhancement*; and
- PGC TL-3, *Limit Construction Timeframe in Riparian Habitat*.

The Program, as conditioned and overseen by RCD with regulatory agency oversight and HCD final review for every year's project set, would not degrade water quality in unincorporated County. In the long term, water quality of surface waters and groundwater shall be improved.

f) Traffic. As part of the EESP application package, RCD prepared a Programmatic Construction Management Plan to illustrate the potential traffic effects due to implementation of the Water and Sediment Control Basin or Infiltration Basin project types. These projects represent the most traffic-intensive projects. Construction of these project types will generate 750 trips over the duration of construction. Construction will occur over approximately 35 days, which would equate to 21 trips per day. It is unlikely that temporary construction impacts would result in a significant traffic-related impact. To further ensure impacts remain less than significant, the Programmatic Mitigated Negative Declaration recommended Mitigation Measure TRAFFIC-1. This mitigation measure requires RCD to submit traffic control and construction management plan documentation for each qualifying project facilitated under the Master Permit to HCD-Engineering Services for review and approval prior to the initiation of any construction-related activities. Furthermore, traffic impacts would be part of the Cumulative Impact Evaluation Memorandum that RCD would prepare for the PCN set every year.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

4. FINDING: **VIOLATIONS –** If violations exist on properties proposed for inclusion in the Program, those violations may be corrected through the Program, including issuance of the required ministerial permits and/or payment of fees. If the violation cannot be abated through the Program, the property will be excluded until the violation is resolved.

EVIDENCE:

a) As a part of the yearly administrative review of projects proposed for this Program, staff would review the subject properties to ensure that the no violations exist. If a property does have existing violations, it shall be verified whether participation in the Program would rectify these violations. If participation in the Program would not rectify the existing violations, the property owner must rectify their existing violations prior to participating in the Program.

b) If a given Code Enforcement case can be resolved by a project permitted through the EESP, then the code enforcement would be cleared through participation in this Program, after-the-fact HCD-Building Services permit(s) that may be required, and payment of code enforcement fees.

c) During project development, RCD staff would have the opportunity to research County records to determine if violations exist on the subject property. The HCD Program Lead would assist RCD staff to review violation status. (See the attached EESP Planning Process for details.)

d) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If violations exist on the subject property and the violation cannot be abated through the Program, it cannot be processed via the Master Permit.

e) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

5. FINDING: **DEVELOPMENT WITHIN CARMEL RIVER FLOODPLAIN** – The projects shall not impede the floodway or floodway fringe of the Carmel River and sufficient time and project constraints to avoid negative impacts to the Carmel River are proposed.

EVIDENCE:

a) The Program has the potential to involve development within the 200 feet of the Carmel River top of bank or withing the Carmel River Floodplain. CVMP Policy CV-3.8 establishes the goal to protect riparian vegetation, minimize erosion, and preserve the visual aspects of the Carmel River. Pursuant to Title 21 section 21.64.130.F, riverbank protection, riparian vegetation trimming or removal or channel modification measures may be taken, provided that a Use Permit is first secured or the Chief of Planning and the General Manager of County Water Resources Agency find that the project's channel modification, alteration of riparian vegetation within the river channel or on the riverbanks is minor in nature and would have no impact on the river, its visual appearance, habitat values or stability, in which case it may be exempt from a Use Permit. The projects with restoration and other environmental enhancement practices of the EESP may or may not be determined to qualify for project exclusion pursuant to Title 21 section

21.64.130.G.2, and therefore in all cases, the Master Permit includes granting a Use Permit. As described in Finding 5, evidences "b" through "d," the EESP mitigates any potential impact to the Carmel River by design and therefore, the Use Permit can be granted.

b) Restoration practices that may be implemented as part of projects within 200 feet of the Carmel River are restoration of rare and declining habitat (1), critical area planting (2), upland wildlife habitat management (3), road and trail closure (4), lined waterways (5), underground outlets (6), and stream habitat improvements (12), as described in Finding 1, evidence "d." These practices would be performed with the application of project-specific PGCs to protect the special-status species that a project-specific Biological Report might find present, such as BIO-3, *Survey for Special-Status Plants and Wildlife*: There would be no unauthorized "take" under ESA or CESA or unauthorized impacts to streams under Fish and Game Code 1600 allowed under the Program. If special-status species and/or their habitat is present and cannot be avoided during project activities, a qualified biologist would follow the survey requirements of USFWS and/or CDFW. Consultation with USFWS or NOAA for ESA, and CDFW for CESA or Fish and Game Code (FGC) Section 1600 or Section 1654 (Habitat and Restoration Enhancement Act, or HREA) compliance would be required if there is any potential for impact within USFWS, NOAA, or CDFW jurisdiction. If special-status species and/or their habitat is present and cannot be avoided during project activities, a qualified biologist would follow the pre-construction survey requirements of the appropriate state and federal agencies. If special status species have the potential to be temporarily impacted by the project, RCD would apply PGC BIO-4, *Comply with Required State and Federal Permits,* and PGC BIO-5, *Incorporate State and Federal Permit Protection Measures*, as well. PGC BIO-6, *Require Biological Resource Training for Workers*, and PGC BIO-7, *Monitor for Sensitive Resources and/or Species,* PGC BIO-9*, Restrict Construction Hours,* PGC BIO-12*, Monitor or Fence for Wildlife Exclusion and Species Protection* and PGC BIO-13, *Establish Protective Buffers* may be applied to the project, even if neither the Biological Report nor regulatory agencies, through project review, recommend state or federal "take" authorization. Any work within 200 feet of the Carmel River shall have the following PGCs applied: BIO-10, *Prevent Spread of Invasive Plants, Noxious Weeds, and Invasive Wildlife*, and BIO-11, *Prevent Spread of Aquatic Pathogens*. the floodway or floodplain and therefore would not impact or be impacted by the Carmel River or the 100-year flood (1% annual change flood).

c) Projects utilizing other environmental enhancement practices that would be located in the floodway or floodplain of the Carmel River would be reviewed by RCD for design that minimizes impacts and footprint, and controlled by the Program conditions, including PGCs SWFP-1, *Isolate Work Area from Flowing Water,* SWFP-4, *Exclude Fish and Aquatic Species from Diversion Structures,* SWFP-6, *Restrict Materials for Instream Structures,* SWFP-7, *Prevent Sediment Loading into*

Waterways and SWFP-8, *Keep Project Areas Clean*. (The term "floodway" is exchanged with "floodplain" herein because the normal Carmel River and tributary floodways are nearby and generally overlap.) the PGCs also include limitations on construction equipment, the extent of earthmoving and vegetation removal, use of herbicide, and work in environmentally sensitive areas, including streams, wetlands and floodplains. These include PGC HL-2, Prohibit Leaching into Waterways, PGC HL-3, *Utilize Aquatic-approved Herbicides Near Waterways*, PGC TL-4, *Limit Construction Timeframe in Riparian Habitat*, and PGC EC-3, *Utilize Erosion Control Measures*.

d) Engineering design would be required for projects that utilize environmental enhancement practices, per PGC ES-4, *Require Design by an Engineer for Engineering Practices*. PGC ES-3, Require Design for 10-year Storm Event for Engineering Practices, PGC ES-5, Require Hydrologic & Hydraulic Report for Impervious Area, and PGC ES-7, Anchor Objects Installed in Floodplain, would also include qualified engineering design. These measures ensure that the environmental enhancement that might otherwise have potential to impede the floodway or floodway fringe of the Carmel River and its tributaries are designed to avoid such impacts.

e) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit.

f) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

6. FINDING: **DEVELOPMENT IN AND NEAR FLOODPLAINS, WETLANDS, AND STREAMS –** The project complies with the applicable policies and regulations found in Title 16 Chapter 16.16. The Program minimizes impacts to coastal streams, wetlands, and estuaries in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan (BSCLUP), the Carmel Area Land Use Plan (CALUP), the North County Area Land Use Plan (NCLUP), and the Del Monte Forest Land Use Plan (DMFLUP) and the associated Coastal Implementation Plans (CIPs). As designed and conditioned, the projects allowed by the EESP Master Permit would not adversely affect the overall health and long-term maintenance of the coastal waterbodies found in the project areas. Some environmental enhancement practices, such as placement of riprap in streams and removal of vegetation in areas of natural vegetation near waterbodies, may occur as part of future projects in the EESP, and the required CDP can be granted.

EVIDENCE: a) The future projects of the EESP include development within 50 feet of a watercourse and developing in a watercourse and therefore is subject to Monterey County Code Chapter 16.16 – Regulations for Floodplains in Monterey County.

b) The future projects of the EESP may include removal or placement of riprap and/or the use of heavy machinery within streams or coastal

waterbodies. Pursuant to Title 20 section 20.70.120.E.3, a CDP may not be waived for these intensive environmental enhancements of coastal waterbodies. As designed, conditioned, and mitigated, the EESP minimizes impacts to the coastal waterbodies in County jurisdiction while improving their ecological value in the long term. Therefore, the granting of the CDP can be supported.

c) BSCLUP Policy 3.4.3.B.3 states that water quality, adequate year-round flows, and stream bed gravel conditions shall be protected in streams, and Policy 3.4.3.B.5 allows minor alterations to streams in the Big Sur Coast area if no substantial interference with surface water flows or beach sand supply and fish runs result from it. Policy 3.7.3.B.2 offers similar restriction regarding floodplains, allowing filling, grading and construction within 100-year flood plans only for wildlife habitat, agriculture, outdoor recreation, and similar low intensity open space uses.

CALUP Policy 2.7.3.2 similarly limits development in floodplains.

CALUP Policy 2.7.4 (Flood Hazards Policy 3) encourages a floodplain management program for the lower Carmel River Valley that emphasizes the use of nonstructural methods of flood protection to preserve the river's natural plant and wildlife habitat and aesthetic values.

DMFLUP Hazards Key Policy includes flood as a hazard that should be carefully regulated through the best available planning practices of siting and design to minimize risks to life and property and damage to the environment.

NCLUP Flood Hazards Policy 2.8.3.B.6 prioritizes agriculture as the most appropriate land use compatible with the objectives of floodplain management and hazard mitigation.

The Program fulfills these LUP Policies by providing floodplain, stream, and wetland improvements and long term flood protection through riparian habitat restoration.

d) Pursuant to the CIPs for these areas, development within the 100-year floodplain requires an assessment of potential impacts to the water flows and biota (e.g. CALUP section 20.146.050.E.2.c). Development within 50 feet of streams or wetlands requires a Biological Assessment (e.g. Carmel Area CIP section 20.146.040.C.2.c). A hydrogeological assessment was prepared by Steve Bond, dated December 2022 (HCD-Planning Library Document No. LIB230008) and a programmatic hydraulic and drainage analysis report was also prepared by Adrienne Carter of the RCD of Monterey, dated December 2022 (HCD-Planning Library Document No. LIB230010). These documents outlined the ability of the EESP to mitigate floodplain, stream, and wetland issues by design. In particular, the hydrogeological report concluded that of the 13 Project Types, only infiltration from unlined earthen basins presented potential significant potential impacts to groundwater, but the remedy would be addressed in the design process and monitoring after installation. The design process and monitoring are considered part of the site-specific design requirements for the infiltration practices

pursuant to PGCs such as ES-4, *Require Design by an Engineer for Engineering Practices* and all the Hazardous Material Spill Prevention PGCs outlined in the attached EESP.

e) Pursuant to Title 16 Section 16.16.050.A, the potential restoration and development shall be designed to ensure that the materials and methods are resistance to and minimize flood impacts.

f) The Program may include projects proposed 50 feet from the top of the bank of a watercourse or within a watercourse. Therefore, the project does not comply with the setback requirements as detailed in Title 16 Section 16.16.050.K. However, the project satisfies the two required findings to allow such development, as detailed below.

- As identified in the hydraulic and drainage analysis report, the proposed restoration and development is not anticipated to impact stream hydraulics and will not reduce the capacity or otherwise adversely affect any other properties by increasing stream velocities, depth, or divert flow. The project as proposed complies with Title 16 Section 16.16.050.K.1.
- As identified in the hydraulic and drainage analysis report, the proposed restoration and development would not cause flow related erosion hazards or otherwise aggravate flow related to erosion hazards. The proposed restoration and development as sited would not cause flow related erosion hazards or otherwise aggravate flow related to erosion hazards. The project as proposed complies with Title 16 Section 16.16.050.K.2.

Therefore, as proposed, the project has proven that it satisfies the exceptions to required setbacks for development within 50 feet of the top of the bank of a watercourse.

g) Project Oversight. Staff from RCD would conduct site inspections prior to developing and submitting the Project PCNs to County for review by May 1 of each year. RCD would oversee project implementation to confirm all planned erosion control measures and watercourse protection measures are in place. RCD would also conduct annual monitoring to ensure the long term outcomes have been achieved or would propose corrective measures. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with development on slopes, RCD shall make the site available for inspection prior to the last week of May of that year.

h) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If projects demonstrate inconsistency with the LUP Policies directed at maintaining, protecting, and enhancing the habitats, then they are not eligible.

i) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

7. FINDING: **DEVELOPMENT ON SLOPES - INLAND –** In approving development on slopes of 25 percent or more, the Planning Commission finds, based on substantial evidence, that the proposed development better achieves the goals, policies and objectives of the 2010 General Plan, and associated Area Plans than other development alternatives.

a) In accordance with 2010 GP Policy OS-3.5 and Title 21 section 21.64.230.C.1, to regulate activity on slopes to reduce impact to water quality and biological resources, development on slopes in excess of 25 percent may be allowed pursuant to a Use Permit.

b) The amount of development on slopes of 25 percent or more is not known. Typical projects that may require development on slopes would involve water and sediment control basin practices (7), bioreactors (8), and firebreaks (10). The practices that are most likely to require work on slopes include restoration of rare and declining habitat (1), critical area planting (2), upland wildlife habitat management (3), road and trail closure or relocation (4), firebreaks (10), grade stabilization structures (11), stream habitat improvement (12), and wetland management (13). Other environmental enhancement practices may involve some unavoidable development on slopes exceeding 25%, as well. The EESP planning process includes RCD's effort to minimize activities or development on slopes during the design phase of each project. RCD only presents projects to County for inclusion in the Program that have had a thorough review of alternative siting, where possible, to avoid excess soil movement or development on slopes.

c) The development on slopes that is required to implement the EESP Master Permit better achieves the goals, policies and objectives of the 2010 GP. Conservation and Open Space Element's Policy 5.14 requires development of policies and procedures that encourage management or eradication of invasive plants and pests, and 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 meets these recommendations for management and eradication of invasive plants and providing a program to allow streamlined habitat improvement projects. The projects involved in the EESP shall control erosion better than the previous state of the site, better complying with 2010 GP Goal OS-3, Prevent Soil Erosion to Conserve Soils and Enhance Water Quality. The projects are designed toward the goal of reducing active erosion and future erosion hazards. 2010 GP Policy S-3.1, post-development, off-site peak flows are better met by the EESP because projects are designed toward the goal of reducing offsite runoff, improving water quality, and improving groundwater recharge.
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 would lead to a County program that encourages soil erosion conservation practices and groundwater and surface water conservation practices.

d) Goals and policies of the Area Plans are better met by the EESP Master Permit. These include and are not limited to the following.

- 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. The EESP enables projects that improve native, threatened and rare vegetation communities in North County, and earth movement on slopes may be involved in the work.
- Central Salinas Area Plan Policy CSV-5.1 encourages development to be designed to maintain groundwater recharge capabilities. The EESP facilitates the protection and maintenance of areas for groundwater recharge through environmental enhancement practices such as installing lining waterways, water and sediment control basins, bioreactors, infiltration basins and creating wetlands, as well as the restoration activities to improve upland and riparian habitats and wetlands.
- 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. The EESP Master Permit will comply with this. See Finding No. 5.
- 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. Policy CV-3.10 encourages that predominant landscaping and erosion control material shall consist of plants native to the valley. The EESP Master Permit is consistent with these policies as the EESP enables and encourages private and public property owners to restore and preserve native areas of vegetation. The Master Permit encourages the minimization of erosion through many environmental enhancement practices.
- 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 EESP Master Permit facilitates projects that reduce and minimize existing erosion hazards and encourage soil stability in future flooding events.
- 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 EESP Master Permit facilitates the restoration and enhancement of wetlands and other habitat restoration projects.
- The Greater Salinas Area Plan Policy GS-3.1 encourages that on sloped land disturbance shall be avoided to minimize erosion.

The EESP Master Permit includes projects that reduce and minimize future erosion and many projects, by design, facilitate the reduction of erosion and flooding.

- The South County Area Plan Policy SC-5.2 encourages cooperative soil conservation, water protection, and resources restoration programs within watershed basins. The EESP accomplishes this.

e) The EESP planning process includes RCD's effort to minimize activities or development on slopes during the design phase of each project. In the proposal for a project involving soils hazards, RCD would apply PGC ES-2, *Require Engineered Analysis for Projects on Sites with Potential Geologic or Soil Hazards*, to ensure the project design is science-driven and site appropriate. When this PGC is applied, County staff will review the Engineer's Report as part of the PCN packet. RCD would also apply PGC EM-3, *Limit Finished Grade Slopes*, to projects that include disturbance to slopes. County staff will receive annual reports on the projects to confirm that sloped areas at project sites are stabilized long-term. Through the design and conditions of projects under the Master Permit, the EESP will minimize development on slopes to the minimum required and would only develop on slopes where it is unavoidable.

f) Project Oversight. RCD will confirm impacts to slopes are minimized. RCD would oversee project implementation to ensure all planned erosion control measures are in place and would conduct annual monitoring to demonstrate the long term outcomes have been achieved or propose corrective measures. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with development on slopes, RCD shall make the site available for inspection prior to the last week of May of that year. HCD-Environmental Services staff would inspect the sites that involve substantial earth movement as part of grading permit monitoring.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

8. FINDING: **DEVELOPMENT ON SLOPES - COASTAL –** In approving development on slopes of 25% in North County and development on slopes of 30% or more in other coastal areas that may be required by the EESP Master Permit, the Planning Commission finds, based on substantial evidence, that the proposed development better achieves the goals, policies and objectives of the 1982 General Plan, and the Land Use Plans than other development alternatives.

EVIDENCE: a) In accordance with the applicable "nonexempt development" categories of all the coastal zoning districts involved in the Program, development on slopes of 30% or greater in Del Monte Forest LUP area, Carmel Area LUP area, Big Sur Coast LUP area and 25% or greater in North County LUP area requires a Coastal Development Permit and the

criteria described in Title 20 section 20.64.230.E to grant said permit must be met. The criteria that the proposed development better achieves the goals, policies and objectives of the 1982 County of Monterey General Plan, and the Land Use Plans than other development alternatives. “Other development alternatives” in the EESP would be those projects excluded from the Program or those where no restoration or environmental enhancement would be done at the site.

b) The EESP planning process includes RCD’s effort to minimize activities or development on slopes during the design phase of each project. RCD only presents projects to County for inclusion in the Program that have had a thorough review of alternative siting, where possible, to avoid excess soil movement or development on slopes. Typical projects that would require development on slopes would involve water and sediment control basin practices (7), bioreactors (8), and firebreaks (10). The practices that are most likely to require work on slopes include restoration of rare and declining habitat (1), critical area planting (2), upland wildlife habitat management (3), road and trail closure or relocation (4), firebreaks (10), grade stabilization structures (11), stream habitat improvement (12), and wetland management (13). Other environmental enhancement practices may involve some unavoidable development on slopes exceeding 25% in the North County LUP area and 30% in other coastal areas, as well.

c) The 1982 GP policies that are better met by the EESP include the policies of 3.0, Conservation of Soil:

- 3.1.2, The County shall support and encourage existing special district, state, and federal soil conservation and restoration programs within its borders.
- 3.2.3, Lands having a high erosion potential as identified in the Soil Survey shall require adequate erosion control methods for agricultural uses.

The 1982 GP policies that are better met by the EESP include the policies of 5.0, Water Resources:

- 5.1.1, Vegetation and soil shall be managed to protect critical watershed areas.
- 5.1.2, Land use and development shall be accomplished in a manner to minimize runoff and maintain groundwater recharge in vital water resource areas.
- 5.2.1 Owners of property adjacent to waterways or responsible agencies shall be encouraged to maintain healthy vegetation along the drainage course, or provide other suitable means of preventing bank erosion or siltation.

The 1982 GP policies that are better met by the EESP include the 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.

By allowing RCD to implement the EESP across all coastal areas with some projects impacting slopes in excess of 25% in North County and some projects impacting slopes in excess of 30% in other areas, the EESP better complies with 1982 GP Conservation of Soil policies, Water Resources policies, and the Abundance and Diversity of the County's Wildlife Policy 9.2.1.

d) In the Big Sur Coast Land Use Plan (BSCLUP), many policies encourage the practices that would be implemented through the Master Permit. Key Policy 3.2.1 for Visual Resources states: "Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible."
BSCLUP Policy 5.4.3.B.1 states that "Management of agricultural operations should be particularly sensitive to the protection of water quality and vegetation in riparian areas."
BSCLUP Policy 3.3.3.A.10 states, "Monterey County encourages residents and public agencies to undertake restoration of Big Sur's natural environment by removal of exotic plants such as Scotch and French Broom, Eucalyptus, Kikiyu grass, Vinca, Pampas grass, Gorse, and other non-native invasive species providing such removal does not increase potential erosion problems."
BSCLUP Policy 3.4.3.C.1 states, "The County encourages the restoration of streams and their immediate natural environment both on public and private lands."
In the Carmel Area Land Use Plan (CALUP), many policies encourage the practices that would be implemented through the Master Permit. For example, Section 2.3.4, *Riparian Corridors and Other Terrestrial Wildlife Habitats*, Policy 3 states, "The County should encourage a program of riparian woodland restoration as a part of the development and environmental review process."
CALUP Section 2.3.5, *Recommended Actions*, Policy 4 states, "The County should encourage the restoration of sensitive plant habitats on public and private lands."
CALUP Section 2.7.4, *Flood Hazards*, Policy 5 states, "Where development is allowed or structural flood control measures are required, restoration of waterway banks and disturbed areas to a natural vegetated appearance shall be required."
Finally, CALUP section 6.2.7 Restoration/Acquisition describes the restoration activities that County, coastal residents, and other governmental agencies could work on to improve coastal resources and mitigate soil erosion and repair degraded riparian areas.

The Del Monte Forest LUP's Implementation Chapter states, "Restore Coastal Resources: The County shall encourage, and where appropriate require, restoration of coastal resources as a primary component and objective of this LUP."

The North County Land Use Plan (NCLUP) Section 2.3.4, Policy 5 states, "The County should encourage the restoration of sensitive plant habitats on public and private lands."
NCLUP section 2.5, Water Resources, discusses the need to improve groundwater supply, recharge, and surface water quality. Erosion and sedimentation are crucial concerns, as the Elkhorn and Moro Cojo Sloughs and other wetlands in the area require long term maintenance that includes erosion control throughout the watersheds that feed water to the sloughs. Intensive agricultural operations have been an historic source of excess sediment. The NCLUP calls for a comprehensive and long range restoration effort to correct the serious erosion problems and restore degraded sub-watersheds. Specific policies to address these issues include Policy 2.5.2.2, which includes "restoration of the quality of degraded surface waters shall be encouraged."

The Program enables projects that would restore waterway banks and riparian corridors, mitigate erosion, restore and conserve the native vegetation, including sensitive plants, and remove non-native invasive species. A main goal of the Program is to provide an easy local permitting pathway for management of agricultural operations to increase the protection of water quality and vegetation in riparian areas. Therefore, the Land Use Plan goals and policies that prioritize the work of the EESP's restoration and environmental enhancement practices are better met by allowing RCD and their partner landholders and agencies to disturb soil or develop on slopes in excess of 30%.

e) The EESP planning process includes RCD's effort to minimize activities or development on slopes during the design phase of each project. In the proposal for a project involving soils hazards, RCD would apply PGC ES-2, *Require Engineered Analysis for Projects on Sites with Potential Geologic or Soil Hazards*, to ensure the project design is science-driven and site appropriate. When this PGC is applied, County staff would review the Engineer's Report as part of the PCN packet. RCD would also apply PGC EM-3, *Limit Finished Grade Slopes*, to projects that include disturbance to slopes. County staff will receive annual reports on the projects to confirm that sloped areas at project sites are restored. Through the design and conditions of projects under the Master Permit, the EESP will minimize development on slopes to the minimum required and will only develop on slopes where it is unavoidable or is required to carry out a project that better complies with the resource protection policies of the LUP.

f) Project Oversight. Staff from RCD would conduct site inspections to confirm impacts to slopes are minimized. RCD would oversee project implementation to ensure all planned erosion control measures are in place and would conduct annual monitoring to demonstrate the long term outcomes have been achieved or propose corrective measures. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with development on slopes, RCD shall

make the site available for inspection prior to the last week of May of that year. HCD-Environmental Services staff would inspect the sites that involve substantial earth movement as part of grading permit monitoring.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

9. FINDING: **TREE REMOVAL - INLAND** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts, consistent with the 2010 General Plan and Title 21, the inland zoning code.

EVIDENCE: a) The project includes application for the removal of an unknown number of trees. These trees would be removed in support of small environmentally beneficial projects that would enhance watersheds and restore degraded habitats. In accordance with Title 21 section 21.64.260, a Tree Removal Permit or Use Permit is required and the criteria to grant said permit as needed for the EESP Master Permit have been met.

b) Title 21 section 21.64.260 requires native trees that are listed in the Area Plans, which differ based on the protected tree lists, to be protected if they are above a certain size as measured at breast height or, in the case of oak trees in all areas (oak and madrone trees in North County), measured two feet above ground level. Landmark oak trees are those trees which are 24 inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

Removal of three or more protected trees on lands within North County Area Plan, Toro Area Plan, Cachagua Area Plan and Carmel Valley Master Plan requires a Use Permit.

Removal of three or more protected trees in the Central Salinas Valley Area, Greater Monterey Peninsula area, Fort Ord Master Plan area, and Greater Salinas Area outside of lands designated Farmlands, Rural Grazing or Permanent Grazing would also require a Use Permit. Within these agricultural areas and area plans, pursuant to Title 21 section 21.64.260.E, native tree removal is allowed without a permit for rangeland improvement, promotion of wildlife habitat or enhancement of a watershed area if Best Management Practices from the UC Hardwood Range Management Plan are followed, a range of tree ages are retained, and the number of trees on any acre are not reduced to less than 25% canopy.

c) The number of trees to be removed by projects implemented through the Program is not known but will be minimized through project implementation. For future projects involving tree removal, the purpose of the tree removal must be stated, the trees described, the method of removal described, and measures applied to mitigate for the removal

identified. Trees not proposed for removal must also be identified and methods to protect them in place during tree removals, grading, or construction must be identified. Removal of more than three protected trees on a lot in a one-year period shall require a Forest Management Plan.

Environmental enhancements include infiltration basins constructed in areas up to 3 acres with grading up to 10,000 cy, and firebreaks typically 15 feet wide for areas up to 2 acres, and intensive wetland management practices that would deepen existing wetlands and swales, construct gates, flashboard risers, culverts and pipes in areas up to 18 acres. Qualifying projects facilitated under the Master Permit will comply with the County of Monterey's tree removal requirements and will implement PGC EM-5, *Tree Removal and Replacement*, which represents the County's regulation. This PGC identifies when tree replacement is required and how to implement replacement actions (i.e., number of trees and species). The PCN for a project will present the purpose of any tree removal that is required, describe the trees and the method of removal, and apply PGC EM-5. Trees not proposed for removal will also be identified in the project plans and methods to protect them in place during tree removals, grading, or construction would be identified. Removal of more than three protected trees on a lot in a one-year period will require a Forest Management Plan to be included in the respective PCN. By definition, FMPs are permanent and binding regardless of change in ownership of a parcel. A project FMP will be related to the individual project's APN(s) as the program to maintain and manage forest resources. Landmark trees of all native species shall not be permitted to be removed through the EESP, unless an arborist report or FMP identifies the landmark tree as dead, dying, or hazardous. In such cases, this Permit authorizes such removal.

d) The EESP entitles projects that are designed to improve watersheds and restore/protect habitats. RCD will ensure that the tree removal is the minimum required for the project, in the PCN. The overall benefits to ecosystems are anticipated to outweigh the temporary potential disruption, and temporary ecological disruptions are minimized through the application of PGCs and mitigation measures. As designed and regulated, the Program will not involve a risk of adverse environmental impacts associated with tree removal. RCD will attest that tree removals that are unavoidable to implement a project would not decrease water quality, have a substantial ecological impact, increase ambient noise pollution, reduce the existing vegetation's ability to reduce wind velocities to the degree that a nuisance is anticipated, or significantly reduce wildlife habitat within those PCN for projects in the areas that require a Use Permit for removal of three or more trees. For those areas specifically described in Title 21 section 21.64.260.E., the standards to be followed are found in Section 21.64.260.E.2 and shall be demonstrated in the PCN.

e) RCD staff will perform at least one site visit during project design. RCD will oversee project implementation to confirm all tree protection measures are in place and only the trees identified for removal in the PCN are removed. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with forest impacts, RCD shall make the site available for inspection prior to the last week of May of that year.

f) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible. Projects located outside of lands designated Farmlands, Rural Grazing or Permanent Grazing by the applicable area plan should not include excessive protected tree removals (i.e. more than 10 per acre). If the PCN does not provide sufficient information described in Finding 9, evidence "d" for staff to find the intent of Title 21, section 21.64.260.D.5 is met, the project would also not be eligible.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

10. FINDING: **TREE REMOVAL - COASTAL -** The Program minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan (BSCLUP), the Carmel Area Land Use Plan (CALUP), the North County Area Land Use Plan (NCLUP), and the Del Monte Forest Land Use Plan (DMFLUP) and the associated Coastal Implementation Plans. As designed and conditioned, the tree removal would be the minimum required and would not adversely affect the overall health and long-term maintenance of the native oak woodland or other forest found in the project areas.

EVIDENCE: a) The project includes application for the removal of an unknown number of trees. Trees that removed will be in support of small environmentally beneficial projects that will enhance watersheds and restore degraded habitats. In accordance with BSCLUP, CALUP, NCLUP, DMFLUP, removal of any protected tree (varying DBH per LUP) requires a Coastal Development Permit (CDP) for removal or relocation. The criteria to grant said permit as needed for the EESP Master Permit have been met.

b) For future projects requiring tree removal, the purpose of the tree removal must be stated, the trees described, the method of removal described, and measures applied to mitigate for the removal identified. Trees not proposed for removal must also be identified and methods to protect them in place during tree removals, grading, or construction must be identified. Removal of more than three protected trees for a project shall require a Forest Management Plan (FMP) with the information required for an arborist report, as well as an assessment of the short and long-term effects on the forest ecosystem caused by the project, whether the tree removal would significantly degrade the

overall health and long-term maintenance of the oak woodland/forest found in the project area, make recommendations to reduce tree removal, where possible, and recommend the replanting location and techniques. By definition, FMPs are permanent and binding regardless of change in ownership of a parcel. A project FMP would be related to the individual project's APN(s) as the program to maintain and manage forest resources. Naturally occurring groves of native trees in coastal Monterey County often function as habitat for rare or endemic plant and animal species, have special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or shelter native shrub understory, and may have high aesthetic value due to their location within the public viewshed (Monterey County Coastal Implementation Plan, Part 4, page CML-15). FMP requirements are listed in Attachment 1 of all the CIP. Landmark trees of all native species shall not be permitted to be removed through the EESP, unless an arborist report or FMP identifies the landmark tree as dead or dying.

c) Environmental enhancements include infiltration basins constructed in areas up to 3 acres with grading up to 10,000 cy, and firebreaks typically 15 feet wide for areas up to 2 acres, and intensive wetland management practices that would deepen existing wetlands and swales, construct gates, flashboard risers, culverts and pipes in areas up to 18 acres. Qualifying projects in the coastal zone that are facilitated under the Master Permit would not implement PGC EM-5, Tree Removal and Replacement, because it is designed after inland tree removal and replacement regulations. Therefore, a condition of approval for coastal area tree removal and replacement is applied to the Master Permit as Condition No. 5.

d) The EESP entitles projects that are designed to improve watersheds and restore/protect habitats. RCD will provide the arborist report or FMP in the PCN. The overall benefits to ecosystems are anticipated to outweigh the temporary potential disruption, and temporary ecological disruptions are minimized through the application of PGCs, Condition No. 4 (Tree and Root Protection), Condition No. 5, and mitigation measures. Removal of native trees other than directly necessary for the environmental enhancement project shall be limited to that required for the overall health and long-term maintenance of the forest, as verified in the FMP. As designed and regulated, the Program would not involve a risk of adverse environmental impacts associated with tree removal.

e) RCD staff will perform at least one site visit during project design. RCD would oversee project implementation to confirm all tree protection measures are in place and only the trees identified for removal in the PCN are removed. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with forest impacts, RCD shall make the site available for inspection prior to the last week of May of that year.

f) <u>HCD Oversight</u>. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the

Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible. A project that includes excessive protected tree removals (i.e. more than 10 per acre) would not be eligible. If the PCN does not provide sufficient information described in Finding 10, evidence "b" for staff to find the intent of the related CIP is met, the project would not be eligible.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

11. FINDING: **ENVIRONMENTALLY SENSITIVE HABITAT AREA - COASTAL –** The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plans and zoning codes.

EVIDENCE: a) The Program includes application for development in ESHA and within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan (BSCLUP), the Carmel Area Land Use Plan (CALUP), the Del Monte Forest Land Use Plan (DMFLUP), and the North County Land Use Plan (NCLUP), a CDP is required and the criteria to grant said permit have been met.

b) Part 2 (North County), Part 3 (Big Sur), Part 4 (Carmel) or Part 5 (Del Monte Forest) of the Monterey County Coastal Implementation Plan all require a biological survey to be prepared and for applicants to limit development to a small scale that is necessary to support resource-dependent uses in ESHA if the development cannot be located elsewhere. A finding must be made with supporting evidence that the proposed use will not cause significant disruption of habitat values. If development is within 100 feet of ESHA, only compatible uses are allowed and such compatibility must be made evident for a finding to approve the CDP (pursuant to CIP sections 20.144.040, 20.145.040, 20.146.040, 20.147.040, respectively).

c) An EESP Biological Resources Assessment was prepared for the Master Permit by Kellie Camara (December 20, 2022, HCD-Planning Library Document No. LIB230006). The report identified that species and habitats known to be environmentally sensitive may have the potential to be impacted by the activities of the Program. The report discussed that all projects allowed by the Master Permit would be small in scale if they were in ESHA or within 100 feet of ESHA. The report described how each project would include a phase of alternative design review to ensure the least disruption of habitat value. The report concluded that there are no significant adverse impacts due to the Program and the long-term beneficial impacts outweigh short-term adverse impacts. An Initial Study was prepared for the Program, informed by the EESP Biological Resources Assessment, County GIS data, and local, state and federal regulations pertaining to ESHA. The Programmatic Mitigated Negative Declaration recommended two

Biological Mitigation Measures and concluded that the EESP, as conditioned and mitigated, would have a less-than-significant impact on ESHA. See also Finding 14.

d) As described in Finding 10, is it anticipated that most projects in the Coastal Zone will have the potential to involve ESHA. By nature of the Program, there are potential impacts to ESHA during project implementation, and, upon project completion, ESHA is expected to be improved both in quantity and quality. Restoration projects are compatible with the presence of ESHA. Other environmental enhancements, such as infiltration basins constructed in areas up to 3 acres with grading up to 10,000 cy, firebreaks typically 15 feet wide for areas up to 2 acres, and intensive wetland management practices that would deepen existing wetlands and swales, construct gates, flashboard risers, culverts and pipes in areas up to 18 acres, may be compatible with ESHA. The Program depends on the RCD team's expertise in identifying potential ESHA in the field, and having a project-specific biological report prepared. PCGs that RCD will apply include PGC BIO-1, *Review and Survey Project-Specific Biological Resources*, PGC BIO-2, *Identify and Avoid or Minimize Impacts in Coastal Zone ESHAs*, PGC BIO-3, *Survey for Special-Status Plants and Wildlife*, PGC BIO-4, *Comply with Required State and Federal Permits*, and PGC BIO-5, *Incorporate State and Federal Permit Protection Measures*, PGC BIO-6, *Require Biological Resource Training for Workers*, PGC BIO-7, *Monitor for Sensitive Resources and/or Species*, PGC BIO-9, *Restrict Construction Hours*, PGC BIO-10, *Prevent Spread of Invasive Plants, Noxious Weeds, and Invasive Wildlife*, PGC BIO-11, *Prevent Spread of Aquatic Pathogens*, PGC BIO-12, *Monitor or Fence for Wildlife Exclusion and Species Protection* and PGC BIO-13, *Establish Protective Buffers*. As designed, conditioned and mitigated, as well as regulated by State and Federal permits, the projects allowed by the EESP Master Permit would be compatible with the sites' ESHA, and would not cause significant disruption of habitat values.

e) RCD staff will perform at least one site visit during project design to verify ESHA locations and potential project impacts to ESHA. RCD would oversee project implementation to confirm all avoidance and protection measures are in place and that regulatory agencies are consulted. If the HCD Program Lead or other County staff find that a site inspection is required to ascertain if a project should be included in a given year's permit set due to concerns with ESHA impacts, RCD shall make the site available for inspection prior to the last week of May of that year.

f) <u>HCD Oversight</u>. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible. If a project PCN does not provide sufficient information to demonstrate that alternative designs were explored and appropriate offices of regulatory agencies were involved in the planning process and permit review, the project would not be eligible.

g) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

12. FINDING: **ARCHAEOLOGICAL RESOURCES - COASTAL –** The EESP Master Permit minimizes impact on archaeological and cultural resources in accordance with the applicable goals and policies of the 1982 General Plan and the coastal area Land Use Plans. Appropriate measures are applied to avoid impacts on the resources through the design, conditions, and mitigations applied to each project so that EESP activities and development within 750 feet of known archaeological resources can be supported.

EVIDENCE: a) The CALUP's key archaeological policy is 2.8.2, which recommends areas considered to be archaeologically sensitive but not yet surveyed and mapped to be maintained and protected for their scientific and cultural heritage values and new land uses, both public and private, should incorporate site planning and design features to minimize or avoid impact to these resources. NCLUP's key policy for archaeological resources, Policy 2.9.1, is the same. The BSCLUP key Policy 3.11.1 is approximately the same, but requires projects to incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological resources, while DMFLUP's key policy (no number) requires projects to incorporate site planning and design features necessary to avoid impacts to cultural resources, and where impacts are unavoidable they shall be minimized and reasonably mitigated.

b) Part 2 (North County), Part 3 (Big Sur), Part 4 (Carmel), or Part 5 (Del Monte Forest) of the Monterey County Coastal Implementation Plan (CIP) describe the requirement for a Phase I archaeological report to be prepared for any parcel where ground disturbance that has the potential to disturb resources is proposed in locations where County records identify that the project site is within an area of moderate or high sensitivity for cultural resources. Future projects included in the EESP in these CIP areas would have archaeological reports prepared that conform with the CIP standards through Mitigation Measure CUL-1. See Finding 16.

c) Some of the projects in the EESP Master Permit may be located on parcels where County records identify that the project site is within an area of moderate or high sensitivity for cultural resources. Pursuant to CIP section 20.144.110, section 20.145.120, section 20.146.090, and section 20.147.080, an EESP Cultural Resources Assessment Report was prepared by Sarah Nicchitta et al of Albion Environmental Inc. (December 1, 2022, HCD-Planning Library Document No. LIB230005). The report's methods and results are discussed in Finding 12, evidence "c." The report informed the preparation of an Initial Study, which considered the Program as designed with 10 cultural PGC,

and recommended two Cultural Resource mitigation measures. The MND concluded that the EESP would avoid or mitigate impacts on the resources to the greatest extent possible.

d) RCD will review each project for archaeological sensitivity and intensity. If there is potential for archaeological and/or cultural resources to be disturbed by the project as designed, RCD will select an appropriate PGC and mitigation measure described in the MND and applied to the Master Permit. RCD will submit a PCN to County staff that summarizes the potential archaeological impacts in a Phase 1 archaeological survey report, and, if needed, higher level reports. Any specific measures identified by the reports would be integrated into the project. Ten evaluative and actionable measures that align with County's archaeological, historical and tribal cultural resource standard conditions of approval and are in accordance with CEQA Guidelines, Section 15064.5 [a], California PRC Sections 5097 and 7050.5 and AB 52 and Government code Section 625.10 are PGCs. These PGCs are listed in Finding 2, evidence "i" and are fully described in the EESP, attached to this permit resolution. As designed, conditioned and mitigated, the EESP Master Permit is consistent with the coastal Land Use Plan policies, state law, and would have a less-than-significant impact on archaeological resources.

e) HCD oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible. If a project PCN does not provide sufficient information to demonstrate that alternative designs were explored, appropriate archaeological databases and tribal cultural notifications were part of RCD's project review, or lacks sufficient information for staff to review for consistency with local and state regulations pertaining to archaeological and cultural resources, then the project shall not be eligible.

f) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

13. FINDING: CRITICAL VIEWSHED, VISUALLY SENSITIVE DISTRICT, AND DESIGN APPROVAL – The Program preserves Big Sur's scenic resources and minimizes visual impacts to the Critical Viewshed in accordance with the applicable goals and policies of the BSCLUP and the CIP, preserves scenic resources and minimizes visual impacts in VS districts. The project assures protection of the public viewshed and neighborhood character in accordance with the Design Control "D" Overlay Zoning District.

a) A Design Approval is required in areas of the County with Design Control Zoning overlay, "D" district, and all of the areas within the Carmel Valley Master Plan and the Big Sur Coast, Carmel Area, and Del Monte Forest Land Use Plans.

b) A Design Approval application would be required for issuance of building permits for the construction of any structures in the "D" district and the VS district. The Design Approval application shall be included with the PCN, and shall conform with the requirements outlined in Title 20 section 20.44.030.B or Title 21 section 21.44.030.B (drawings showing front, side and rear elevations, existing and proposed grades of proposed structures, color and material samples or images with description, and site plan). (See Finding 13, evidence "g" for discussion of the VS district.)

c) Structures proposed in the environmental enhancement practices described in the application include fencing, watering troughs, and water tanks of up to 5,000 gallons. These qualify as small and accessory structures pursuant to Title 20 section 20.44.040.D and Title 21 section 21.44.040.D. Therefore, by issuing the Design Approval as part of the Master Permit, the Planning Commission allows the Program Lead and HCD reviewers, including the Chief of Planning and the Building Official, to review the design of structures that may be included in the EESP projects against standard criteria. If the design of a future project demonstrates potentially adverse impact on public views, it will not be eligible for processing under the Master Permit.

d) 2010 General Plan considers visual resources in the Conservation and Open Space Element. Policy OS-1.9 encourages that development (except for all routine and ongoing agricultural activities) protect and enhances the County's scenic qualities. OS-5.5 states that landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Routine and ongoing agricultural activities shall be exempt from this policy.

The vast majority of the eligible Program projects will occur on parcels with a zoning of Farmland, Rural Grazing, or Permanent Grazing, in the inland area, where routine agricultural uses are allowed by right. As such, most projects would be exempt from concern with the disruption of visual sensitivity. More intensive practices, such as the installation of water collection, diversion, and level control systems including water tanks up to 5,000 gallons, would not meet the definition of Routine and Ongoing Agricultural Activities and will require site review during the design phase to ensure the existing terrain is preserved to the greatest extent.

e) Views in the Agricultural and Winery Corridor Plan. 2010 GP Chapter 9J section 3.5 includes Development Standards for lighting and emphasizes rural character but does not discuss the design of projects that would be implemented by the EESP Master Permit. Therefore, projects are only subject to the design provisions of Chapter 20.44 and 21.44, and applicable Area Plans and Land Use Plans. The design of all structures in the district will be reviewed for conformance with the regulations, rural character in colors and materials, etc. as part of the PCN review.

f) Critical Viewshed. Critical viewshed is specific to the BSCLUP area and includes everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations: Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road. Policy 3.2.3.A.4 states: "New roads, grading or excavations will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gullying, provided a plan is submitted and approved prior to commencing work." Development within the Critical Viewshed in the Coastal Zone requires a CDP and specific findings that the development can be supported.

g) Title 21 Chapter 21.46, Visually Sensitive District, or "VS district" provides district regulations for the review of development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area. Title 21 section 21.46.030.A allows new structures and additions to existing structures which are accessory to agricultural operations in the Farmlands (F), Permanent Grazing (PG) or Rural Grazing (RG) zoning districts with the granting of a Design Approval pursuant to the provisions of Title 21, Chapter 21.44. Most of the structural development proposed as part of the EESP Master Permit will be in these zoning districts and serve agricultural operations and restorations. However, some projects will be in other zoning districts. The VS district has strict regulation pursuant to Title 21 section 21.46.030.A that construction of structures, grading, significant vegetation removal, or deposit or removal of material causing the change, alteration, or modification of the landscape or existing development shall not be permitted without the approval of the Appropriate Authority. In the case of the EESP Master Permit, the Planning Commission may grant an Administrative Permit for development in the VS district, as well the Design Approval.

h) Road relocation may be part of a project in the EESP. The installation of small structures, such as 5,000 gallon water tanks or fences, may also be part of a project in the EESP. Development in the Critical Viewshed or shall be avoided. The PCN for any project that includes road relocation or installation/construction of structures in the Critical Viewshed must demonstrate a visual impact determination has been performed by RCD staff. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. RCD staff may provide photographic documentation and 3D rendering of the visual impact assessment, and HCD-Planning staff would confirm the determination prior to accepting the project into the

Program. Pursuant to BSC CIP section 20.145.030.B.2, essential ranching and agricultural structures (such as fences, windmills, water pumps, water tanks, stock ponds and corrals) and operations that cannot be feasibly located outside the viewshed shall be permitted under careful design and siting controls outlined in CIP section 20.145.030.C.2. HCD-Planning staff would a) confirm the determination, and b) include the project in the Program only if criteria are met.

Pursuant to Title 21 section 21.46.040.B.2, the Director of Planning may approve other development in the "VS" District provided that a determination is made following an on-site inspection pursuant to Section 21.46.060.B that the development proposed is either not visible from a common public viewing area or will not create a substantial adverse visual impact from a common public viewing area. Therefore, in such case that development is proposed in the VS district, the PCN for any project that includes road relocation, significant vegetation removal or installation/construction of structures in the VS district must demonstrate a visual impact determination has been performed by RCD staff. Visibility will be considered in terms of normal, unaided vision from a common public viewing area or public road. RCD staff may provide photographic documentation and 3D rendering of the visual impact assessment, and HCD-Planning staff would a) confirm the determination, and b) include the project in the Program only if criteria are met.

i) The location and potential visual impact of EESP structures, roads, and grading is not known. However, the Planning Commission finds that implementation of the EESP Master Permit authorizes temporary impacts to views from vegetation removal, grading, and invasive tree/shrub removals that would be performed as part of the EESP as supportable means to the end, which is healthier native vegetation, decreased erosion and habitat disruption, and more sustainable farming in unincorporated County. Furthermore, RCD shall make every effort to assist landholders and partners in designing projects to avoid visual impacts in the Critical Viewshed and VS district. Best Management Practices identified in the PGC that require this effort are:

- PGC EM-1, *Minimize Ground Disturbance and Vegetation Removal,*
- PGC EM-2, *Minimize Impact to Vista Points and public viewsheds,*
- PGC EM-4, *Minimize Disturbance to Native Vegetation,*
- PGC LEDA-1, *Minimize Project Footprint,* and
- PGC VEG-3, *Revegetate Project Area with Native Plants.*

j) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code, then it is not eligible.

14. FINDING: **CEQA (Mitigated Negative Declaration) -** Based on the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed program as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration (MND) reflects the independent judgment and analysis of the County.

EVIDENCE:

a) Public Resources Code section 21080.d and California Environmental Quality Act (CEQA) Guidelines section 15064.a.1 require environmental review if there is substantial evidence that the program may have a significant effect on the environment.

b) County of Monterey HCD-Planning prepared an Initial Study (IS) pursuant to CEQA, which is on file in the offices of HCD-Planning and is hereby incorporated by reference (PLN220358-DEP).

c) The IS identified potentially significant effects, but the applicant has agreed to proposed mitigation measures and standard HCD conditions of approval that would avoid or mitigate the effects to a point where the Program would not cause significant environmental effects.

d) All project changes required to avoid significant effects on the environment have been incorporated into the Program and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with County regulations. Pursuant to the Condition of Approval Mitigation Monitoring and Reporting Program (Board Resolution 22-311), the applicant must enter an "Agreement to Implement a Mitigation Monitoring and/or Reporting Program" (MMRP) as a condition of project approval.

e) The Draft MND for PLN220358-DEP was prepared in accordance with CEQA and circulated for public review from September 11, 2023 through November 9, 2023 (SCH#2023090196).

f) Potential Impacts analyzed in the MND include impacts on Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Noise, Transportation/Traffic, and Tribal Cultural Resources.

g) <u>Impacts and Measures.</u> Most potential impacts that were identified are reduced to a less-than-significant level through the implementation of the EESP because it includes Programmatic General Conditions. In a few cases, MND recommended incorporating Mitigation Measures (MMs) to reduce Program impacts to a less-than significant-level.

Aesthetics: While areas that constitute a scenic vista may exist in the vicinity of individual project sites, construction and operation of the projects under the Master Permit would not adversely impact existing views. Rather, the projects would, if anything, improve the overall aesthetic quality of individual project sites by restoring them to their natural state. Similarly, the implementation of potential projects under the Master Permit would not substantially damage scenic resources including but not limited to trees, rock outcroppings, and historic

buildings within a state scenic highway for similar reasons. As the EESP is administered by HCD, design of any structure that the PCN demonstrates could be in a protected public view would be noticed following Title 20/Title 21 zoning ordinance standard practice. If there is public controversy, the project may be redesigned or removed from the Program. Therefore, the EESP would have less-than-significant impacts on Aesthetics.

Agricultural and Forest Resources.
The Master Permit would facilitate environmental enhancement projects on agricultural lands throughout Monterey County. The projects would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Rather, the projects would enhance existing land uses by implementing conservation practices onsite. The EESP would not conflict with existing zoning or a Williamson Act contract. The Master Permit would not result in changes to the environment that would result in the conversion of farmland to non-agricultural use or forest land to non-forest use. Therefore, the EESP would have less-than-significant impacts on these resources.

Air Quality:
The Master Permit would facilitate environmental enhancement projects throughout Monterey County. Construction would require equipment such as tractors, backhoes, excavators, loading trucks, and pickup trucks. Construction related emissions would come from sources such as exhaust or fugitive dust. Construction of projects under the Master Permit would not, however, exceed MBARD's significance criteria, and would be temporary in nature. First, projects would disturb approximately 0.5 acres to 18 acres. Grading and excavation related activities would occur over several days and would not exceed MBARD's daily ground disturbance thresholds for excavation (2.2 acres per day) or grading (8.1 acres per day). Secondly, projects would implement standard construction BMPs related to dust suppression. Third, projects would be required to implement RCD's PGCs AQ-1 through AQ-6. Applicable PGCs related to air quality include actions such as watering construction areas in dry and windy conditions, sweeping paved roads, covering hauling trucks, stabilizing disturbed or inactive areas and limiting driving speeds. Implementation of BMPs, and PGCs would ensure that impacts to air quality remain less than significant.

Biological Resources:
The implementation of qualifying projects under the Master Permit could have a substantial adverse effect on candidate, sensitive, or special status wildlife or plant species in connection with construction-related activities. Similarly, projects facilitated under the Master Permit could have a substantial adverse effect on a state or federally protected

wetland. More specifically, these projects could result in potentially significant impacts during construction. Potential temporary construction-related impacts could be significant but would be reduced to less than significant for the following reasons. First, projects implemented under the Master Permit would be required to comply with all applicable state, local, and federal regulations pertaining to biological resources and would be required to comply with all applicable permit conditions. Second, each qualifying project under the Master Permit would be required to implement PGCs intended to minimize potential biological impacts. Applicable PGCs include, but are not limited to, BIO-1 through BIO-13, VEG-1 through VEG-6, LEDA-1 through LEDA-4, EM-5 through EM-7, SWFP-4, and TL-4. These PGCs generally require projects be completed based on the recommendations of a site-specific biological evaluation, avoid or minimize impacts to ESHA, implement project-specific avoidance and minimization measures, implement state and federal permitting requirements, conduct biological training, conduct construction-phase biological monitoring, and other similarly related measures. As designed and conditioned, there may be a potentially significant impact that would be reduced to less than significant with the Mitigation Measures BIO-1 and BIO-2.

Mitigation Measure BIO-1 requires the RCD to submit detailed project-level biological resource documentation for each qualifying project, developed by a qualified biologist and submitted to the County of Monterey HCD Chief of Planning as part of the planning process and pre-construction notification procedure. The biological evaluation shall identify general biological habitats in the project's proximity and each respective species composition that may be present. The evaluation shall also identify the presence of sensitive habitats, presence, or potential presence of sensitive species, and identify applicable regulatory requirements. The evaluation shall also, if necessary, identify project-specific avoidance and minimization measures. The evaluation shall document that potential temporary project-related impacts can be addressed through the implementation of PGCs and project-specific avoidance and minimization measures. If a project cannot avoid potential impacts through the implementation of PGCs, project-specific avoidance and minimization measures, or applicable state and federal permit conditions, then the project would be subject to additional environmental review under CEQA. RCD shall present cumulative impact assessment ("Cumulative Impact Evaluation") annually with the PCN set that shall be circulated to regulatory agencies prior to submittal to County (A template is provided in the attached EESP). Evidence that regulatory agencies have reviewed the memorandum shall also be included in each annual PCN set provided to County. Individuals involved in capture, handling, and/or translocation of Federal or State-listed species shall be identified in Incidental Take Permits pursuant to Fish and Game Code section 2081(b), except when other CESA

permitting mechanisms such as section 2080.1 (consistency determination), section 2086 (natural community conservation plan, or NCCP), section 2086 (voluntary local program, or VLP), section 2089.2 (Safe Harbor), or section 1654 (habitat and restoration enhancement act, or HREA) apply.

Mitigation Measure BIO-2 details what RCD must include in the annual report to the County, so that the actions taken to avoid adverse effects to, and enhance habitat of, listed species are clearly documented. The annual reports shall detail how each applicable PGC, project-specific avoidance, and minimization measures, and permitting requirements has been successfully implemented, where necessary.

Cultural Resources:
The Master Permit would facilitate environmental enhancement projects throughout Monterey County. Qualifying projects under the Master Permit could contain and/or be located near a historic and/or an archaeological resource. In order to ensure that potential adverse impacts are avoided, site specific analyses would be completed at the time a qualifying project is identified consistent with PGC CUL-2. PGC CUL-2 identifies projects that have minimal ground disturbance and do not require heavy equipment use as Low Impact projects. Due to the RCD's PGCs having been adopted directly from state approved methods, two mitigation measures are recommended to ensure the documentation and reporting for the Program more closely align with County of Monterey's standards.

Mitigation Measure CUL-1 requires RCD to provide the documentation that RCD compiled for PGCs CUL-1 through CUL-3 as a confidential section of each PCN. CUL-3's Phase I report would also be modified from the NRCS standard to include four sections that meet HCD standards.

Mitigation Measure CUL-2 details what RCD must include in the annual report to the County, by defining the area a project affected, environmental enhancements accomplished, and the quantity of ground disturbance completed at the time of the report preparation. The annual report would also describe all actions taken to avoid adverse effects to known, and unknown, cultural resources. The annual reports shall detail how each applicable PGC, project-specific avoidance, and minimization measures, and permitting requirements were implemented, where necessary. In addition to the PGCs, Mitigation Measures CUL-1 and CUL-2 would ensure the potential impacts remain less than significant impact.

Energy:
Due to the nature of the enhancement projects potentially significant environmental effects due to the wasteful, inefficient, or unnecessary

consumption of energy, or wasteful use of energy resources, during construction or operation, would be unlikely. Construction activities associated with the EESP would require energy for the procurement and transportation of materials, and preparation of potential project sites (e.g., grading, materials hauling). Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these activities. At this time construction energy use cannot be quantified; however, construction would not cause inefficient, wasteful, or unnecessary consumption of energy because 1) the construction schedule and process would be designed to be efficient to avoid excess monetary costs, and 2) energy use required to complete construction would be temporary in nature.

Geology and Soils:
Monterey County is a region that is seismically active. Qualifying projects could be in proximity to active and potentially active faults; therefore, there is a potential for strong seismic shaking at project sites. Qualifying projects would be required to comply with California Building Code seismic design standards to the extent applicable. Additionally, qualifying projects would be required to comply with applicable PGCs (e.g., PGCs ES-1 through ES-3, EC-1 through ES-5). Qualifying projects facilitated under the Master Permit could be susceptible to landslides and liquefication. Again, qualifying projects would be subject to applicable PGCs, which would ensure that potential seismically induced hazards would be minimized. EESP projects are intended to reduce erosive conditions, improve stormwater management, and stabilize soils and slopes. Qualifying projects would be reviewed, designed, and implemented with oversight from RCD staff and design engineers. Erosion reduction PGCs would also include limiting earthmoving activities during wet seasons, implementing soil stabilization mechanisms, and protecting disturbed areas. In addition, temporary construction related effects may occur and would be minimized through implementation of BMPs and all applicable Monterey County Code requirements (e.g., Chapter 16.08 and 16.12). For these reasons, this represents a less than significant impact.

Greenhouse Gas (GHG) Emissions:
Qualifying projects would generate temporary construction-related GHG emissions. Construction would be short-term and temporary. Operation of the projects facilitated by the Master Permit would not generate GHG emissions as they consist of environmental enhancement projects (e.g., wetland management, critical planting areas, etc.). Rather, operation of the projects would have a net benefit on GHG emissions, as they would be improving the environmental conditions of sites and facilitating activities that reduce GHG emissions, such as replanting and restoration activities. For these reasons, construction and operation would have a less than significant impact.

Hazards and Hazardous Materials:
Qualifying projects would entail the use of hazardous materials (e.g., herbicides, fuel, etc.) during construction. The types and amounts of hazardous materials used would vary according to the project and activity. It is unlikely that construction of qualifying projects would create a significant impact due to the routine transport, use, or disposal of hazardous materials in part due to the temporary nature of construction; or a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Hazardous materials would be handled and stored in compliance with all local, state, and federal regulations pertaining to hazardous materials. In addition, projects would implement standard BMPs and comply with PGCs (see HAZ-1 through HAZ-9 and HL-1 through HS-3. PGC's would establish specific locations for use of hazardous materials (e.g., herbicides), identify containment sites for storage at project sites, and establish inspection and cleanup procedures. Given the nature of the projects, it is unlikely that they would adversely impact a public or private airport and would not result in a safety hazard or excessive noise for people residing or working if located within an airport land use plan. The impacts to Hazards and Hazardous Materials would be less than significant.

Hydrology and Water Quality:
For larger enhancement projects, particularly ones that involve infiltration (e.g., lined waterways, underground outlets, and bioreactors), RCD requires that projects be designed by a design engineer, and that a project specific hydrology and hydraulics reports be prepared to ensure the project protects water quality, stabilizes on-site soils, manages stormwater runoff, and prevents erosion. All reports and supporting documentation would be submitted to the Chief of Planning with the PCN. These projects would also be monitored to ensure potential impacts remain less than significant. Projects facilitated under the Master Permit would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that projects may impede sustainable groundwater management of the local basins. Construction of a qualifying project would require water for actions such as dust suppression and watering of revegetation areas. The amount of water required for qualifying projects would not, however, substantially decrease groundwater supplies. For these reasons, this represents a less than significant impact.

Noise:
Noise related impacts would primarily occur in connection with the operation of construction-related equipment. While the extent, duration, and volume of noise generated by the construction of qualifying projects has not been quantified, it is unlikely that construction noise would result in a significant impact given the nature of the projects,

type of construction required for the identified project types, and temporary nature of construction activities. Construction of qualifying projects would not generate excessive groundborne vibration or groundborne noise. Construction activities for projects may require excavation and grading. These activities would be minor and temporary in nature. No new sources of vibration would be created as a result of the operation of qualifying projects. As a result, temporary construction-related noise impacts associated with qualifying projects is not anticipated to increase ambient noise levels beyond existing levels such that a significant impact would occur. This represents a less than significant impact.

Transportation/Traffic:
RCD prepared a Programmatic Construction Management Plan to illustrate the potential traffic effects due to implementation of the Water and Sediment Control Basin or Infiltration Basin project types. These projects represent the most traffic-intensive projects. Construction of these project types would generate 750 trips over the duration of construction. Construction would occur over approximately 35 days, which would equate to 21 trips per day. It is unlikely that temporary construction impacts would result in a significant traffic-related impact. The Master Permit would facilitate environmental enhancement projects that would conform with all County and Fire Department requirements regarding emergency access, and therefore, would not intentionally result in inadequate emergency access. However, without foreknowledge of the location and construction-related local flagging and detouring of County roads, it would potentially impact the response time of CalFire or the Fire Protection Districts of the County. qualifying projects would be evaluated and designed to be consistent with PGCs and align with local and regional transportation policies and regulations. To further ensure impacts remain less than significant, Mitigation Measure TRAFFIC-1 would be implemented.

Mitigation Measure TRAFFIC-1 requires RCD to include a traffic and construction management plan with each traffic-producing project's PCN. The traffic CMP would also identify signage, flagger, traffic control devices where warranted, maintaining alternate one-way traffic flow past the construction zone, and avoid truck trips through designated school zones during drop-off and pick-up. For any project that has the potential to impact emergency response routes, RCD shall notify the Master Permit point of contact on HCD staff of the initiation dates at least one month prior to work. This mitigation measure also enables Public Works to apply roadway cleaning requirements, if PGC VEG-5 has not already been applied and enforced by RCD.

Tribal Cultural Resources:

The details pertaining to the location of individual projects that may qualify under the Master Permit remain unknown. In order to ensure that potential impacts to Tribal Cultural Resources (TCR) would be minimized, the RCD has identified several PGCs to minimize potential impacts to TCR. The PGCs include measures to ensure that the RCD will consult with appropriate Native American representatives prior to implementing a project under the Master Permit. This would include outreach to Native American representatives who have requested to be consulted by County of Monterey. The request for consultation would identify the location and type of project and solicit input from the applicable Native American representatives. The RCD would ensure that potential impacts to a TCR is avoided and that the Native American representatives are engaged early in the planning process. In addition, the RCD would also implement PGCs (e.g., CUL-1 through CUL-10) that would further ensure that potential impacts due to the implementation of future qualifying projects under the Master Permit would be further minimized. Through the incorporation of the two Cultural Resources mitigation measures, impacts to tribal cultural resources will be reduced to a less-than-significant level.

h) All other categories analyzed were found to have no impacts or less than significant impacts from the project as proposed and regulated by County and State law. Potential impacts from the project, as detailed in the preceding evidence, will be less than significant with mitigation and conditions of approval incorporated.

i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2 and supporting evidence), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in HCD-Planning (PLN220358-DEP) and are hereby incorporated herein by reference.

j) Staff analysis contained in the IS and the record indicate the project could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Game regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may impact the fish and wildlife resources upon which the wildlife depends. The IS was sent to the California Department of Fish and Wildlife for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD, Condition No. 13).

k) During the public comment period, comments were received on the IS/MND. The County has considered the comments and has found the comments require revisions to the project. The edits are as follows:

A comment from J. Paul Robins, Executive Director of RCD of Monterey County, within the comment period on the circulation of the public draft IS/MND requested edits to the Monitoring Action of Mitigation Measure CUL-1. The IS/MND included a mitigation measure for projects that have more likelihood to impact tribal cultural and archaeological resources. Responsive edits were made.

A comment letter from California Department of Fish and Wildlife, Region 4 CEQA Support Team expressed that the IS was not specific enough for them to provide specific feedback on potential direct and indirect impacts to resources, and that they wished CDFW to be specifically included in the early design of projects before they are noticed to County in the EESP PCNs. Lastly, the CEQA Region 4 staff found the name of program as it was written in the EESP application to be misleading, because they do not classify drainage basins as "restoration projects." HCD-Planning staff met with the Region 4 CEQA Support Team upon receipt of the letter and agreed to make clarifying edits to the IS/MND to address their overall concerns and their 12 specific comments.

l) Revisions to the IS/MND to clarify and amplify the analysis have been made. No additional impacts were identified and no additional mitigation measures were proposed as a result of the IS/MND revisions. Pursuant to CEQA Guidelines section 15073.5(c), recirculation of the IS/MND is not required because the project revisions: 1) did not identify a new, avoidable significant effect requiring additional measures to reduce the effect to insignificance; and 2) new revisions were added in response to comments on the public draft that did not identify new, avoidable significant effects. The revisions are presented in a redline version of the IS with strike-out and underline for information in the Description of Project, adding more specific description of how RCD would interface with CDFW and other regulatory agencies in Table 3, Biological Resource PGCs, and VEG-3, revegetation techniques. Additional minor edits were made to clarify the RCD Planning Process in *Planning and Oversight* section of the Project Description. A Cumulative Impact Evaluation was added to the Mitigation Measure BIO-1, and more specific language about take permits was also added. Lastly, the responsive edits to address the concerns of the RCD of Monterey County's ED were made to the Mitigation Measure CUL-1. The redline version was reviewed by the Planning Commission as part of the decision without recirculation pursuant to CEQA Guidelines section 15164. The redline version is the adopted IS/MND.

m) <u>Master Permit renewal</u>. The EESP is permitted for a five-year term. If RCD wish to renew the EESP, they must provide the request in writing with a final comprehensive cumulative impact evaluation memorandum and a final annual report with the full project summary. County will consider the suite of small beneficial environmental enhancements that were accomplished, any changes in the regulatory environment and any

issues with the projects in relation to County codes, state regulations, and State and Federal permit performance. County shall consider renewal pursuant to CEQA Guidelines Section 15162.

n) County of Monterey HCD-Planning, located at 1441 Shilling Place, 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 MND is based.

15. FINDING: **PUBLIC ACCESS** – The Program 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 applicable coastal area Land Use Plan guidance, and does not interfere with historic public use or trust rights.

EVIDENCE: a) Due to the nature of the EESP, it is unlikely that public access would be required as part of the Program. In the Coastal Zone, the vast majority of eligible projects would occur on parcels with a zoning of Agricultural Conservation (AC) or Coastal Agricultural Preserve (CAP). The trails and lateral access shown in Figure 3 of the CALUP, Figure 3 of the BSC LUP, Figure 3 of the DMF LUP do not occur on AC or CAP zoned properties. Existing and planned trails are indicated in Figure 6 of the NC LUP on AC and CAP zoned properties.

b) RCD staff will provide to the HCD Program Lead the Assessor Parcel Numbers of any Coastal Zone properties that are involved in preliminary plans for EESP projects. HCD-Planning shall review the properties for the existence of historic public use or trust rights. If County Plans describe a property as within an area with existing public use, the HCD Program Lead shall alert RCD that the project shall be analyzed for potential to impact public use and shall not be included in the Program if it has potential to impact public access.

c) HCD staff will review the PCNs to assess whether substantial adverse impact can be demonstrated, either individually or cumulatively, on historic access, public trust, or the recreational value of, accessibility to, use of, or safety of public beaches, trails, recreation areas, or recreation support areas; or, the shoreline, by affecting either processes of sources of sand necessary to maintain public beaches or tidelands, or by siting of development in a manner that would necessitate a shoreline protective device or other public maintenance of the area. If a proposed project demonstrates it would be likely to cause adverse impacts to the resources or necessitate protective devices or other public maintenance when the final PCN is submitted to County, the project shall not be included in the EESP due to inconsistency with the LUP.

d) The coastal area Land Use Plans recommend that visual access should be protected for long term public use (CALUP Policy 5.3.3.4.a, BSC LUP Policy 6.1.4.4, DMF LUP Policies 47 and 48, NC LUP Policy 2.2.3.3). The future projects of the EESP would not impact visual access. None of the structures would block existing ocean views. As discussed in Finding No. 15, the colors and materials of the structures shall be natural, and structures will predominantly be blocked from public view by trees and

topographical features. No projects shall include lighting. Therefore, the future projects of the EESP shall be visually unobtrusive and shall not detract from the public's viewing experience of the natural coastal environment, including the shoreline and ocean.

e) HCD Oversight. HCD staff make the final determination that projects meet all the related criteria and are eligible for processing under the Master Permit. If a project clearly conflicts with applicable County Code then it is not eligible.

f) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

16. FINDING: **FEE WAIVER –** The application for fee waiver for all planning permit fees, construction permit fees, encroachment permit fees, and related staff time for inspections and data and file storage was considered by the Planning Commission as part of the decision on the EESP Master Permit. Based on the following evidence, the Planning Commission finds that the applicant is a governmental agency (RCD) and the benefits of the Program shall be to landholders included in the Program, primarily, and the County, secondarily. Therefore, the Planning Commission can approve the Fee Waiver Request for 100% of Discretionary Permit fees and 50% of Ministerial Permit fees related to this project.

EVIDENCE:

a) The Planning Commission may waive permit fees when a request does not meet the listed criteria for HCD Director authorization of fee waiver established by the County of Monterey Board of Supervisors adopted Fee Waiver Policy (Resolution No. 2000-342) and revised on July 10, 2012 (Resolution No. 12-384). Pursuant to the current policy, the Planning Commission has the authority to waive fees for both the discretionary land use permits and any portion of the related building permits that the body finds appropriate.

b) On December 22, 2022, together with an application for Planning File no. PLN220358-DEP, RCD submitted a request for waiver of the associated fees. The request did not include specification as to which fees or justification evidence. The HCD Director found the request met the baseline criteria required to waive the Planning Permit fee at the time of application submittal. RCD was only charged $3,000 for HCD staff time and the fee schedule rate for the preparation of an Initial Study. Then, on June 4, 2026, RCD provided written justification of their request for all planning permit fees and related permit fees to be waived by the Planning Commission. The written justification was attached to the Planning Commission staff report for August 26, 2026.

c) Due to the restoration and environmental enhancement needed by the community that RCD, a non-profit organization, would provide through the Program, the criteria for waiver of fees can be supported. The Program provides a scope of benefit beyond the residents of the immediate vicinity and is of obvious public benefit. The EESP meets a public need previously recognized by the Board of Supervisors on November 16, 2021.

Therefore, it is reasonable to waive all discretionary permit fees in this case.

d) RCD expressed in the written justification for waiver of fees that they wish for all the ministerial permit fees for grading, encroachment, and building to be waived. The number of hours required to inspect and guide any remedy any issues that may arise in the administration of the EESP is not known in advance. Also, County is experiencing a tighter budget in the next five years. The Assistant Director of HCD recommended waiving 50 percent construction and encroachment permit fees, only. Therefore, the Planning Commission considers the Program supported by a 50% waiver of ministerial permit fees.

e) The application and supporting materials submitted by the program applicant to County of Monterey HCD-Planning for the proposed restoration and development are found in Project File PLN220358-DEP.

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

EVIDENCE: a) Board of Supervisors. Title 20 section 20.86.030 and Title 21 section 21.80.040 provide that this decision on the project is appealable to the Board of Supervisors.

b) California Coastal Commission. This project is appealable to the California Coastal Commission pursuant to Title 20 sections 20.86.080.A.1 and 20.86.080.A.3, as it includes development between the sea and the first public road paralleling the sea, potentially, and involves development that is permitted in the zoning district as a conditional use. The project includes development on slopes in excess of 30%, development within the Critical Viewshed, native tree removal, development within one hundred feet of wetlands, estuaries, and/or streams and within 100 feet of environmentally sensitive habitat areas in the coastal zoning district which are non-exempt development requiring Coastal Development Permits and considered conditionally allowable regardless of the property's underlying zoning designation.

DECISION

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

1. Adopt a Mitigated Negative Declaration pursuant to section 15074 of the CEQA Guidelines;
2. Approving a Combined Development Permit to allow for an Environmental Enhancement Streamlining Program Master Permit consisting of the following:
    a. Use Permit to allow Development on slopes in excess 25 percent;
    b. Use Permit to allow development within 100 feet of the Carmel River floodway and floodway fringe;
    c. Use Permit to allow the removal of landmark and native trees;
    d. Administrative Permit and Design Approval to allow development in the VS district and S district;
    e. Design Approval to allow associated small structures in a D district;
    f. Coastal Administrative Permit to allow restoration activity and environmental enhancements;
    g. Coastal Development Permit to allow development within 50 feet of a wetland, estuary, or stream;
    h. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
    i. Coastal Development Permit to allow development on slopes in excess of 30 percent;
    j. Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
    k. Coastal Development Permit to allow development within 750 feet of archaeological resources;
    l. Coastal Development Permit to allow the removal of landmark and native trees; and
3. Adopting a Condition of Compliance Mitigation Monitoring and Reporting Plan; and
4. Approving a Fee Waiver for 100% of Combined Development (Master) Permit fees and 50% of all other related permit fees (grading, construction, encroachment).

All of which is in general conformance with the attached EESP and subject to the attached conditions and mitigation measures, attached hereto.

PASSED AND ADOPTED this 26th day of August 2026, upon motion of Commissioner _____, seconded by Commissioner_____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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 County of Monterey HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 5 years after the above date.

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County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN220358-DEP

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Master Permit (PLN220358-DEP) allows environmental enhancement projects, coordinated by Resource conservation District of Monterey County (RCD), which are small and have environmental benefits such as stream bank protection, gully stabilization, culvert repair/replacement, erosion control structures, exotic vegetation removal, wetland restoration, sediment basins, and riparian habitat improvement projects on public and private parcels throughout the unincorporated areas of Monterey County (except where California Coastal Commission has original jurisdiction). This Program 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 applied through RCD for this programmatic permit are met to the satisfaction of the Director of HCD - 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.
This permit is not transferrable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to PGCs, mitigation measures applied to the PCN, and uses specified in the permit on an ongoing basis unless otherwise stated.

This permit is not transferrable.

2. CC01 INDEMNIFICATION

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant 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 and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

(County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County Counsel's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

3. PDSP006: PROGRAM EXTENSION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Master Permit shall be granted for a time period of five years, to expire on August 26, 2031. The permit holder shall commence projects permitted through the Master Permit issued for 2027-2031 prior to the expiration date. Any request for Master Permit extension must be received by HCD-Planning at least 90 days prior to the expiration date. Extension shall be granted by the Planning Commission and shall include programmatic review and renewal based on quality of project outcomes, successful interface between local and other level permits/authorizations, and consistent/complete annual reporting. The RCD shall provide a summary of the annual reports to date, consider any update to protected species lists and/or protocols, cumulative considerations, and provide an accurate five-year status on the EESP with the extension request. Renewal of the EESP shall be for another five year period per extension.

Compliance or Monitoring Action to be Performed: Projects permitted through the Master Permit issued for 2027-2031 must commence prior to the expiration date.

If the permit holder wishes to extend the Master Permit, permit holder shall request five year extension with a 5-year EESP summary and project status report at least 90 days prior to the expiration date. The report shall include a summary of the annual reports to date, consider any update to protected species lists and/or protocols, cumulative considerations, and provide an accurate five-year status on the EESP.

4. PD049 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to HCD -Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to HCD -Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

5. PD011(A) - TREE REMOVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed.

Tree removal shall be prepared for, executed, and replacement planting of trees shall be done in accordance with a project-specific Arborist Report and Forest Management Plan (FMP) prepared by a qualified arborist/forester. If a FMP is prepared for a project included in the EESP, the report shall be submitted to HCD-Planning via the Program Lead for review and approval. If changes to the report are required by HCD-Planning to bring the report into conformance with the project location's Area Plan or Land Use Plan, the permit holder shall ensure the changes are made in a timely manner and prior to project implementation. The final FMP shall be submitted for Program Lead to 1) assign a Library number, and 2) attach as a related report to the project APN in the Accela database.
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

Tree replacement shall be no less than a ratio of 1:1 using tree saplings sized and prepared as described in the project specific Arborist Report/Forest Management Plan.

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: 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 of any fees due shall be made to the County of Monterey at the time the permit holder submits the signed Agreement. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after Master Permit approval, the Applicant shall:

1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.

2) Any fees due shall be submitted at the time the property owner submits the signed Agreement.

3) HCD-Planning shall store the fully signed agreement in the PLN220358-DEP Project file.

7. PW0002 – ROAD IMPROVEMENTS & OFFSITE IMPROVEMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Construct required offsite (drainage facilities, road improvements). The design and construction is subject to the approval of the PWFP. Encroachment Permits are required for all work within the public right-of-way.

Compliance or Monitoring Action to be Performed: Applicant shall submit the design for review and approval of the PWFP, obtain an encroachment permit from the HCD prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

8. PDSP001: MITIGATION MEASURE 1 -- ONSITE ARCHAEOLOGICAL MONITOR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure CUL-1. The RCD of Monterey County shall submit project-specific documentation to the County of Monterey HCD Chief of Planning for review and approval, of each qualifying project facilitated under the Master Permit, prior to initiation of any construction-related activities. PGCs CUL-1 through CUL-3 require reporting subject to project design and site condition qualifiers. Documentation shall be developed by a qualified professional and shall be submitted as part of the planning process and pre-construction notification procedure as discussed in Section II. Description of Project. PGC CUL-3's Phase 1 report is not fully aligned with County's archaeological and tribal cultural resource requirements. Therefore, PGC CUL-3 is modified to require documentation to include, though not be limited to, the following:

1. Cultural Resource Evaluation and Report: A detailed cultural resource evaluation shall be conducted by a qualified professional to identify archaeological, historic resources, and Tribal Cultural Resources. The evaluation shall discuss the site's current and historical significance including, though not limited to, current and prior land use. The evaluation shall present results from a records search at the Northwest Information Center of the California Historical Resources File System, and shall provide an analysis of sacred lands identified through consultation with the Native American Heritage Commission. The evaluation and report shall also confirm the presence of cultural resources, identify all regulatory requirements, and if necessary, identify mitigation to minimize impacts. The evaluation shall document that potential temporary project-related impacts can be addressed through the implementation of PGCs and project-specific avoidance and minimization measures. If a project cannot avoid potential impacts through implementation of PGCs, and project -specific avoidance and minimization measures, then the project would be subject to additional environmental review under CEQA.
2. Native American Consultation and Outreach: The RCD of Monterey County shall submit evidence demonstrating that the RCD of Monterey County has conducted tribal outreach to potentially affected Native American Tribes. Documentation shall include copies of project correspondence, dates, and descriptions of potential Native American Tribal concerns, and actions taken to ensure that concerns are incorporated into the design of individual projects, as necessary.
3. Program General Conditions: The RCD of Monterey County shall include a detailed list of all applicable PGCs that will be implemented in connection with each project as part of the project-specific documentation. All PGCs shall be included as notes on the construction drawings.
4. Project Plans: The RCD of Monterey County shall include detailed Project Plans. Project plans shall be consistent with the description of the RCD of Monterey County's Authorized Project Types. Project Plans shall include construction notes that identify all measures to minimize impacts. Measures shall include all relevant PGCs, all appropriate NRCS Conservation Measures, and if necessary, include project-specific minimization and avoidance measures identified in the project-level documentation.

If an Archaeological Monitor (AM) is required, they shall be registered with the Register of Professional Archaeologists (RPA) or a Registered Archaeologist (RA) under the supervision of an RPA). AM shall conduct a cultural resource awareness & response training for construction personnel prior to the commencement of any grading, & be present and observe all soil disturbance for soil disturbing activities. If potentially significant archaeological resources or intact features are discovered, AM shall temporarily halt work w/in 50 meters until the find can be evaluated by the AM. If the find

is significant, work shall remain stopped in the area until a plan of action.

Compliance or Monitoring Action to be Performed:

Before May 1st of each year, and prior to the authorization of a qualifying project by County of Monterey HCD Chief of Planning, for any enhancement project for which the RCD of Monterey County would apply PCG CUL-3, project-specific documentation shall be submitted for review and approval.

If an Archaeological Monitor (AM) is found by the Arch Reports to be required to mitigate potential impacts, prior to issuance of construction permits for grading or building, the owner /applicant shall include a note on the construction plans encompassing the language contained in this measure, including all compliance actions. Prior to issuance of construction permits for grading or building, the owner /applicant shall submit to HCD-Planning a copy of the contract between the owner/applicant and a qualified AM. The contract shall include a pre -construction meeting agenda with specific construction activities that the monitor shall be present for any construction activities for which the archaeological monitor will not be present, how sampling of the excavated soil will occur, and any other logistical information such as when and how work on the site will be halted. The contract shall include provisions requiring the monitor be present and observe all soil disturbance for all grading and excavation and soil-disturbing landscaping work, and authorizing the monitor to stop work in the event resources are found. In addition, the contract shall authorize the monitor to prepare a report suitable for compliance documentation to be prepared within four weeks of completion of the data recovery field work. The contract shall be submitted to HCD-Planning for review and approval. Should HCD-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Prior to the issuance of grading or building permits, the owner/applicant shall submit evidence that a qualified archaeologist conducted a cultural resource awareness and response training for construction personnel prior to the commencement of any grading or excavation activity. The training shall include a description of the kinds of cultural and tribal cultural resources that are found in the area, protocols to be used in the event of an unanticipated discovery, and the importance of cultural resources to the Native American community.

If archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and a plan of action formulated and implemented, with the concurrence of HCD-Planning. Data recovery shall be implemented during the construction and excavation monitoring. If intact archaeological features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The owner/applicant shall allow the on-site Tribal Monitor an opportunity to make recommendations for the disposition of potentially significant archaeological materials found.

A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University.

9. PDSP003: MITIGATION MEASURE CUL-2

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure CUL-2. The RCD of Monterey County shall submit annual reports that document compliance with all relevant PGCs, project-specific minimization and avoidance measures, and on-going monitoring results. Annual reports shall detail the project and define the project's purpose. The annual reports shall define the area affected, environmental enhancements accomplished, and the quantity of ground disturbance completed at the time of the report preparation (i.e., provide a status update regarding ground disturbance). The annual report shall also list all conservation benefits, and describe all actions taken to avoid adverse effects to known, and unknown, cultural resources. A detailed description of monitoring and reporting efforts, and future requirements, shall be included in the annual report. A detailed description of monitoring and reporting efforts, and future monitoring actions, shall be included in as part of the annual report. The annual reports shall also include photographic evidence documenting the site conditions before, during, and after construction. Upon completion of the project, the RCD of Monterey County shall submit a Final Report. The Final Report shall include all documentation produced throughout the duration of the project.

Compliance or Monitoring Action to be Performed: By or before March 1st of each year, RCD of Monterey County shall submit an annual report for review by County of Monterey HCD Chief of Planning. Following project completion, the RCD of Monterey County shall submit a Project Final Report to the County of Monterey Chief of Planning for review and approval.

10. PDSP002: MITIGATION MEASURE TRAFFIC-1

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Mitigation Measure TRAFFIC-1. RCD of Monterey County shall submit documentation for each qualifying project facilitated under the Master Permit to the County of Monterey HCD Engineering Services for review and approval prior to the initiation of any construction-related activities. Documentation shall be developed during the planning process and pre-construction notification procedure as discussed in Section II. Description of Project. Documentation should at a minimum include the following elements:

1. Traffic and Construction Management Plan: A detailed traffic and construction management plan shall be prepared by a qualified professional to address temporary traffic impacts as a result of construction of the project. The traffic and construction management plan shall be developed on the basis of a detailed project plan (see below), where appropriate. The traffic and construction management plan shall identify the existing setting and identify construction generated effects, including but not limited to:

a. Days and hours of operation;
b. Worker truck routes;
c. Haul routes;
d. Estimated number of truck trips;
e. Number of construction workers; and
f. Map showing the staging and parking locations;

The traffic and construction management plan shall also identify elements to ensure traffic control and safety throughout the duration of construction. Such elements include:

a. Utilize traffic signage and/or flaggers to guide vehicles through work areas.
b. Install traffic control devices where warranted as specified in the applicable jurisdictions standards (e.g., the California Manual of Uniform Traffic Controls for Construction and Maintenance Work Zones).
c. Schedule truck trips outside of peak A.M. and P.M. commute hours.
d. Post detour signs at all affected roadways to notify motorists of alternative routes, if necessary.
e. Store all equipment and materials in designated contractor staging areas.
f. Maintain alternate one-way traffic flow past the construction zone where possible.
g. Avoid truck trips through designated school zones during drop-off and pick-up hours.

The traffic and construction management plan shall include all applicable PGCs and mitigation measures, if necessary.

2. Project Plans: The RCD of Monterey County shall include project-level drawings as part of the project documentation. Project plans shall be consistent with the description of the RCD of Monterey County's Authorized Project Types. Project Plans shall include construction notes that identify all applicable PGCs, and any additional project-specific design features to reduce potential temporary construction impacts to a less than significant level.

Compliance or Monitoring Action to be Performed:

Before May 1st of each year, and prior to the authorization by County of Monterey HCD Chief of Planning to construct a project, a project-specific documentation s described in the TRAFFIC-1 mitigation measure text body shall be submitted for review and approval by HCD-Engineering Services.

For any project that has the potential to impact emergency response routes, RCD of Monterey County shall notify the Master Permit point of contact on HCD staff of the initiation dates at least one month prior to work. In turn, HCD staff shall share the project location, schedule, and project traffic and construction management plan that may impact emergency response with the OES and the related emergency service teams (Office of the Sheriff, area Fire Protection District).

If County Public Works or HCD determine that County roads adjacent to or on the construction management plan route of a project in the EESP are impacted by debris and dirt clods to an extent that is deemed hazardous, the Master Permit point of contact shall inform RCD of Monterey County of the issue. RCD of Monterey County shall cause the roadway to be cleaned as part of on-going maintenance and post-project clean up (This mitigation monitoring action should not be triggered if projects are consistent with VEG-5 of the Programmatic General Conditions).

11. PDSP004: MITIGATION MEASURE BIO-1 (SECTION 1)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure BIO-1 The RCD of Monterey County shall submit detailed project-level documentation for each qualifying project facilitated under the Master Permit to the County of Monterey HCD Chief of Planning for review and approval prior to the initiation of any construction-related activities. Documentation shall be developed by a qualified biologist and submitted to the County of Monterey HCD Chief of Planning as part of the planning process and pre-construction notification procedure as discussed in Section II. Description of Project. Documentation shall include, at a minimum, the following material:

1. Biological Resource Evaluation: The RCD of Monterey County shall include a project-level biological resource evaluation for each project proposed under the Master Permit. The biological resource evaluation shall be prepared by a qualified professional on the County's approved consultant list. The biological evaluation shall identify general biological habitats in the project's proximity and each respective species composition that may be present. The evaluation shall also identify the presence of sensitive habitats, presence, or potential presence of sensitive species, and identify applicable regulatory requirements. The evaluation shall also, if necessary, identify project-specific avoidance and minimization measures. The evaluation shall document that potential temporary project-related impacts can be addressed through the implementation of PGCs and project-specific avoidance and minimization measures. If a project cannot avoid potential impacts through the implementation of PGCs, project-specific avoidance and minimization measures, or applicable state and federal permit conditions, then the project would be subject to additional environmental review under CEQA. RCD of Monterey County shall present cumulative impact assessment ("Cumulative Impact Evaluation") annually with the PCN set that shall be circulated to regulatory agencies prior to submittal to County. Evidence that regulatory agencies have reviewed the memorandum shall also be included in each annual PCN set provided to County.

Compliance or Monitoring Action to be Performed: Before May 1st of each year, and prior to the authorization of a qualifying project by County of Monterey HCD, the RCD of Monterey County shall submit to the County of Monterey HCD Chief of Planning for review and approval: project-specific documentation as described in Mitigation Measure BIO-1, a Cumulative Impact Evaluation, and evidence that regulatory agencies have been given an opportunity to be involved in the design of projects and have reviewed the PCN set with that year's Cumulative Impact Evaluation.

11. PDSP004: MITIGATION MEASURE BIO-1 (SECTIONS 2-4)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure:

MITIGATION MEASURE BIO-1, CONTINUED. . .

2. State and Federal Permits: The RCD of Monterey County shall include copies of state and federal permits required for the construction of each qualifying project facilitated under the Master Permit. All relevant conditions shall be included as project design measures and the RCD of Monterey County shall include all permit conditions on the construction drawings for each project. Individuals involved in capture, handling, and/or translocation of Federal or State-listed species shall be identified in Incidental Take Permits pursuant to Fish and Game Code section 2081(b), except when other CESA permitting mechanisms such as section 2080.1 (consistency determination), section 2086 (natural community conservation plan, or NCCP), section 2086 (voluntary local program, or VLP), section 2089.2 (Safe Harbor), or section 1654 (habitat and restoration enhancement act, or HREA) apply.

3. Program General Conditions: The RCD of Monterey County shall include a detailed list of all applicable PGCs that will be implemented in connection with each project as part of the project-specific documentation. Note that PGCs are updated herein to better detail the involvement of regulating agencies. All PGCs shall be included as notes on the construction drawings.

4. Project Plans: The RCD of Monterey County shall submit project-level drawings to the County of Monterey for review and approval. Project plans shall be consistent with the description of the RCD of Monterey County's Authorized Project Types. Project Plans shall include construction notes that identify all PGCs, state and federal permit conditions, and any additional project-specific design features to reduce potential temporary construction impacts to a less than significant level.

Compliance or Monitoring Action to be Performed:

Before May 1st of each year, and prior to the authorization of a qualifying project by County of Monterey HCD, the RCD of Monterey County shall submit to the County of Monterey HCD Chief of Planning for review and approval: project-specific documentation as described in Mitigation Measure BIO-1, a Cumulative Impact Evaluation, and evidence that regulatory agencies have been given an opportunity to be involved in the design of projects and have reviewed the PCN set with that year's Cumulative Impact Evaluation.

12. PDSP005: MITIGATION MEASURE BIO-2

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure BIO-2 RCD of Monterey County shall submit annual reports that document compliance with all relevant PGCs, project-specific minimization and avoidance measures, and applicable state and federal permit requirements. The annual reports shall define the area affected, environmental enhancements accomplished, and the quantity of ground disturbance completed at the time of the report preparation (i.e., provide a status update regarding ground disturbance). The annual report shall also list all conservation benefits, identify all net benefits from the project, and describe all actions taken to avoid adverse effects to, and enhance habitat of, listed species. The annual reports shall detail how each applicable Programmatic General Condition(s), project-specific avoidance, and minimization measures, and permitting requirements has been successfully implemented, where necessary. A detailed description of monitoring and reporting efforts, and future monitoring actions, shall be included as part of the annual report. The annual reports shall also include photographic evidence documenting the site conditions before, during, and after construction. Upon completion of the project, the RCD of Monterey County shall submit a Final Report. The Final Report shall include all the documentation produced throughout the duration of the project.

Compliance or Monitoring Action to be Performed: By or before March 1st of each year, RCD of Monterey County shall submit an annual report for review by County of Monterey HCD Chief of Planning. Following project completion, the RCD of Monterey County shall submit a Project Final Report for review and approval to the County of Monterey HCD Chief of Planning.

13. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

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Environmental Enhancement Streamlining Program (EESP)

Overview

The Resource Conservation District of Monterey County (RCD) has applied for a Combined Development Permit to establish an Environmental Enhancement Streamlining Program (EESP) Master Permit. The Master Permit streamlines the permitting process for voluntary environmentally beneficial projects in unincorporated Monterey County. The County of Monterey issues the Master Permit for a five-year period (2027-2031). Only projects that can be implemented without causing new significant adverse effects to resources will be eligible for coverage under the Master Permit. Up to five projects shall be covered by the Master Permit per year, and all shall 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.

Program Practice Types

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, and 13) Wetland management. These Program Practice Types are fully explained and illustrated in Attachment A.

Process

Qualifying environmental enhancement projects implemented under the Master Permit shall be required to implement Programmatic General Conditions ("PGCs") as detailed in Table 1.

Table 1. Programmatic General Conditions

Air Quality - Dust Control Measures		**Programmatic General Conditions**
AQ-1	Water Active Construction Areas in Dry or Windy Conditions	Water all active construction areas at least twice daily as necessary and indicated by soil and air conditions.
AQ-2	Sweep Paved Roads	Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
AQ-3	Cover Trucks Hauling Loose Materials and Maintain Freeboard	Cover all trucks hauling soil, sand, and other loose materials off site or require all trucks hauling off site to maintain at least 2 feet of freeboard.
AQ-4	Cover or Stabilize Disturbed or Inactive Areas	All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, will be effectively stabilized for dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable protection measures.
AQ-5	Work Restrictions During High Winds	Prohibit all grading activities during periods of high wind (over 15 mph).
AQ-6	Limit Driving Speeds	Limit traffic speeds to 15 miles per hour.

Table 1. Programmatic General Conditions		
Archaeological, Historical, and Tribal Cultural Resources		**Programmatic General Conditions**
CUL-1	Tribal Consultation and Protection of Tribal Resources	Using the appropriate Monterey County Native American Contact List, the RCD will notify the identified Native American representatives in writing and provide details about the project location and project activities. For any Native American representatives that do not respond to the initial letter, follow-up communication, via phone call and email, will be undertaken. The goal is to identify potential impacts to Tribal cultural resources early in the project planning phase to avoid impacts to these resources (as defined in Public Resources Code Section 15064.5) to the maximum extent feasible -. Tribal cultural resources may include, but are not limited to, sites, features, landscapes, places, or objects of value to a Tribe.
CUL-2	Low Impact Project Cultural Resource Assessment	Low Impact Environmental Enhancement Streamlining Program ("EESP") projects are defined as meeting the following two criteria: 1. Ground-disturbing project elements are limited to no more than 4 inches (~10 cm) below current grade outside an existing agricultural field, or ground-disturbing project elements limited to no more than 12 inches (~30 cm) below current grade within an existing agricultural field; and 2. No heavy equipment is used (i.e., backhoe, skid steer, etc.); hand tools and foot traffic only will be used to implement all project elements. For EESP projects that meet the two criteria above, a cultural resource assessment will be completed for the area where all project activities will take place. The assessment will be completed by an archaeologically trained professional include the following at minimum: ▪ Background research o Conduct a non-confidential record search at the Northwest Information Center ("NWIC") o Review historical maps and aerial imagery o Review existing historic, ethnographic, and archaeological context of the project vicinity o Conduct a Sacred Lands File search with the Native American Heritage Commission ▪ Pedestrian survey o Conduct surface field reconnaissance covering the entire project area, conducted via systemic transects spaced 10 meters apart, or, for rugged terrain, a coverage strategy that targets all landforms that could reasonably support the formation of archaeological sites and built environment resources. ▪ Letter report of findings o Documentation should include all information gathered during background research and pedestrian surveys tasks, as well as any pertinent information gathered (and appropriate to share) during RCD's Tribal consultation (see CUL-1). If any cultural resources are identified during the assessment, the RCD will consult with a qualified archaeologist for next steps and implement CUL-4 and CUL-5 if the resource cannot be avoided.

Table 1. Programmatic General Conditions		
CUL-3	EESP Project Phase I Cultural Resource Inventory	For all EESP projects that do not meet the criteria as Low Impact projects, a Phase I Cultural Resource Inventory study will be completed for the area where all project activities will take place. The inventory will be completed by a qualified archaeologist that meets the Secretary of the Interior Standards and will include the following at minimum: ▪ Background research o Conduct a confidential record search at the NWIC o Review historical maps and aerial imagery o Review and, if needed, develop historic, ethnographic, and archaeological context of the project vicinity o Conduct a Sacred Lands File search with the Native American Heritage Commission o Conduct a desktop geoarchaeological sensitivity assessment for the project area ▪ Pedestrian survey o Conduct surface field reconnaissance covering the entire project area, conducted via systemic transects spaced 10 meters apart, or, for rugged terrain, a coverage strategy that targets all landforms that could reasonably support the formation of archaeological sites and built environment resources. ▪ Report of findings o Documentation will meet the Secretary of the Interior Standards and should include all information gathered during background research and pedestrian surveys tasks, as well as any pertinent information gathered (and appropriate to share) during RCD's Tribal consultation (see CUL-1).
CUL-4	Cultural Resource Extended Phase I Presence/Absence Testing	For all EESP projects that have positive Cultural Resource Assessments and positive or inconclusive Phase I Cultural Resource Inventories, and the cultural resource cannot be avoided through project re-designs, a small-scale presence/absence subsurface study will be completed by a qualified archaeologist that meets the Secretary of the Interior Standards and will include the following at minimum: ▪ Excavation of a series of Shovel Probes (~40-cm diameter hand-dug units) to the maximum depth of project impacts. Shovel probes should be spaced across the project area in a quantity sufficient to investigate the subsurface matrix of the project area (i.e., 50–75 feet apart). ▪ Report of findings o Documentation will meet the Secretary of the Interior Standards and should include all information gathered during the presence/absence testing, as well as any pertinent information gathered (an appropriate to share) during RCD's Tribal consultation (see CUL-1).
CUL-5	Cultural Resource Evaluation and Significance Study	For all EESP projects that have positive Extended Phase I Cultural Resource Inventories, and the cultural resource cannot be avoided through project re- designs, an Evaluation and Significance Study will be completed by a qualified archaeologist that meets the Secretary of the Interior Standards and will include the following at minimum: ▪ Develop a research design that details the pertinent historical context and outlines important research questions and data

Table 1. Programmatic General Conditions		
		requirements. ▪ Conduct fieldwork appropriate to the cultural resource (i.e., archaeological subsurface testing; or ethnographic interviews on site with Tribal members; or built environment field documentation) ▪ Conduct laboratory analysis and specialized studies on archaeological materials. ▪ Combine the data collected from the research design, fieldwork, and laboratory analysis to determine if the resource is a historical resource, or is a contributing element of an existing historical resource, meeting the established criteria for inclusion in the California Register of Historical Resources (CRHR) (CEQA Guidelines, Section 15064.5 [a]) ▪ Report of findings o Documentation will meet the Secretary of the Interior Standards and should include all information gathered during the study, as well as any pertinent information gathered (an appropriate to share) during RCD's Tribal consultation (see CUL-1). ▪ In accordance with CEQA, cultural resources within the Project Area that have the potential to be impacted by project activities and that cannot be avoided or that are encountered during EESP project implementation (i.e., not previously known) will be evaluated to determine if the resource is a historical resource, or is a contributing element of an existing historical resource, meeting the established criteria for inclusion in the CRHR (CEQA Guidelines, Section 15064.5 [a]).
CUL-6	Cultural Resources Treatment Plan	For all EESP projects that have cultural resources located within the project area that are determined eligible for listing on the CRHR, a Cultural Resources Treatment Plan (CRTP) will be developed and implemented to reduce the impacts of the Project to less than significant. The CRTP should be developed and implemented in consultation with the local Native American community and any other stakeholders to ensure their input. The CRTP should, at a minimum, include a detailed description of the project and its subsurface impacts; description of the environmental setting and precolonial/historic-era background; research questions and goals to be addressed by the investigation; detailed field strategy used to record and recover data from eligible resources; analytical methods; reporting requirements; curation plans; and appendices including site records, correspondence, artifact catalogs, etc.
CUL-7	Cultural Resource Training	Prior to any project activities commencing, the RCD Project Manager will administer a cultural resource sensitivity and awareness training on the protection of sensitive archaeological, historical, and Tribal cultural resources, to be presented to all construction crew members and site supervisors under the direct guidance of a qualified archeologist/cultural resource professional. The training will include details about the archaeological sensitivity of the general area, the legal requirements related to protecting cultural resources and maintaining confidentiality (consistent with AB 52 and Government Code Section 6254.10), a review of the kinds and types of artifacts and features that may be encountered, the importance of cultural resources to the Native American community, and the protocols to follow should cultural

Table 1. Programmatic General Conditions		
		resources be discovered during project construction.
CUL-8	Discovery of Cultural Resources	If previously unidentified cultural materials are unearthed during construction activities/installing a conservation practice, then it is CEQA policy that work be halted within a 75-foot radius of the find until a qualified archaeologist can evaluate the nature and significance of the find. If the find is determined to be significant, steps will be taken to protect the find from further damage or disruption. Additionally, an appropriate mitigation plan will be developed and implemented with the concurrence of the Lead Agencies and in consultation with local Native American representatives.
CUL-9	Discovery of Human Remains	In accordance with California PRC Sections 5097 and 7050.5, if, at any time, human remains are discovered, the County of Monterey Coroner, RCD Project Manager, and landowner will be notified immediately and all work on the project will temporarily halt. If the Coroner determines that the remains are likely to be Native American, the Native American Heritage Commission will be notified and will appoint a Most Likely Descendent (MLD) to provide recommendations for the disposition of the remains and work will not resume until they have made a recommendation to the landowner and RCD, for means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in California PRC 5097.98.
CUL-10	Confidentiality of Archaeological or Sacred Lands Sites	All information obtained from a Tribe will be kept confidential (consistent with the requirements of AB 52 and Government code Section 625.10) and RCD staff will not disclose the location of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act.
Paleontological Resources		**Programmatic General Conditions**
PALEO-1	Avoid or Document Paleontological Resources *County policy is to stop work within 50 meters	In the planning phase of EESP projects, RCD will review Stanford EarthWork's data resource map and confirm that project activities are located outside any previously identified paleontological resources boundaries. If a paleontological resource is discovered during construction, RCD will require the following: All ground-disturbing activities within 50 meters (165 feet) of the find will be temporarily halted but may be diverted to areas beyond 50 meters from the discovery and continue working.* RCD will notify a qualified paleontologist who will document the discovery, evaluate the potential resource, and assess the nature and significance of the find. Based on scientific value or uniqueness, the paleontologist may record the find and allow work to continue or recommend salvage and recovery of the material. The paleontologist will make recommendations for any necessary treatment that is consistent with currently accepted scientific practices.
Biological Resources		**Programmatic General Conditions**
BIO-1	Review and Survey Project-Specific Biological Resources	Conduct data review and reconnaissance-level survey during the planning and design process to determine if sensitive habitat or habitat for special-status plant and animal species is present within the project area.
BIO-2	Identify and Avoid or Minimize Impacts in Coastal Zone ESHAs	If Environmentally Sensitive Habitat Area (ESHA) is present and cannot be avoided during project activities, the RCD will include a mitigation plan with the Pre-Construction Notification ("PCN"),

Table 1. Programmatic General Conditions		
		outlining the proposed restoration project to fully mitigate loss of habitat. There will be no unauthorized ESHA removal.
BIO-3	Survey for Special-Status Plants and Wildlife	There will be no unauthorized "take" under ESA or CESA or unauthorized impacts to streams under Fish and Game Code 1600 allowed under the Program. If special-status species and/or their habitat is present and cannot be avoided during project activities, a qualified biologist will follow the survey requirements of USFWS and/or CDFW. Consultation with USFWS or NOAA for ESA, and CDFW for CESA or Fish and Game Code (FGC) Section 1600 or Section 1654 (Habitat and Restoration Enhancement Act, or HREA) compliance will be required if there is a potential for impact within USFWS, NOAA, or CDFW jurisdiction. If special-status species and/or their habitat is present and cannot be avoided during project activities, a qualified biologist will follow the pre-construction survey requirements of the appropriate state and federal agencies.
BIO-4	Comply with Required State and Federal Permits	Consultations with CDFW's CEQA, Lake and Streambed Alteration Agreement, and/or Cutting Green Tape divisions and USFWS will occur, at minimum, once per year to discuss all projects being considered for coverage under the Program. Prior to exercise of this Programmatic Permit, documentation will be submitted for each project to County of Monterey HCD Chief of Planning certifying that all required state and federal approvals have been obtained.
BIO-5	Incorporate State and Federal Permit Protection Measures	To comply with CESA, any "take" of State listed plants and animals 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), section 2800 (Natural Community Conservation Plan, or NCCP), section 2086 (Voluntary Local Program, or VLP), section 2089.2 (Safe Harbor), 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. Any required federal "take" authorization will be obtained through USFWS and NMFS in compliance with the ESA Section 10. Plans for individual projects and practices will incorporate all conditions and recommendations of the approvals mentioned above. All recommended methods to lessen "take" of protected plants, animals, and habitats, including avoidance, will be incorporated into the design of each practice or project completed under this permit.
BIO-6	Require Biological Resource Training for Workers	All crew members and contractors will receive training from a qualified biologist prior to beginning construction. The biologist will educate workers about the identification, potential presence, habitat requirements, legal protections, avoidance and minimization measures, and applicable protection measures for the species with the potential to occur in or immediately adjacent to the project site. Training attendance will be taken and documented. All workers shall be required to comply with the conditions of project approval, including implementation of protection measures and avoidance of sensitive areas.
BIO-7	Monitor for Sensitive Resources and/or Species	Where appropriate and based on project-specific requirements, a qualified biologist will perform site assessment at the beginning of each day and will monitor construction activities throughout the day in, or immediately adjacent to, sensitive resources and/or species habitat (including critical habitat as applicable), as necessary. The qualified biologist will confirm that all applicable protection measures are

Table 1. Programmatic General Conditions		
		implemented during project construction.
BIO-8	Use Approved Biologist for Species Capture, Handling, and Translocation	Any Federal or State-listed Species capture, handling, and translocation will only be conducted by the NOAA Fisheries, USFWS, and/or CDFW-Approved Biologist(s) with permission to handle that species. This PGC shall be implemented in combination with BIO-3, BIO-4, and BIO-5.
BIO-9	Restrict Construction Hours	To minimize the potential for species mortality, all hauling activities will be restricted to daylight hours, defined as the hours after sunrise and before sunset.
BIO-10	Prevent Spread of Invasive Plants, Noxious Weeds, and Invasive Wildlife	The following actions will be taken to prevent the spread of invasive plants, noxious weeds, and invasive wildlife (e.g., New Zealand mudsnail): clean clothing, footwear, and equipment to be used on the project site prior to entering the project area; for all heavy equipment and vehicles traveling off road, pressure wash, if feasible; inspect all heavy equipment, vehicles, tools, or other treatment- related materials for sand, mud, or other signs that weed seeds or propagules could be present prior to use in the treatment area; stage equipment in bare areas where possible; identify significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by California Department of Food and Agriculture) during reconnaissance-level surveys and target them for removal during treatment activities; treat invasive plant biomass onsite to eliminate seeds and propagules. All invasive or noxious species removed manually or mechanically shall be disposed of at an appropriate location off-site. The facility shall be notified that the waste contains invasive or noxious species. Care shall be taken to cover loads properly to avoid the spread of invasive or noxious species during transport.
BIO-11	Prevent Spread of Aquatic Pathogens	The "Declining Amphibian Populations Task Force Fieldwork Code of Practice" will be implemented during any aquatic survey activity to prevent transfer of diseases through contaminated equipment or clothing.
BIO-12	Monitor or Fence for Wildlife Exclusion and Species Protection	Where appropriate, fencing and flagging will be used to minimize disturbance to environmentally sensitive areas and species habitat. Wildlife Exclusion Fencing may be installed between the active work area(s) and any suitable terrestrial habitat where species could enter the site. The use of and/or placement of Wildlife Exclusion Fencing may result in take of listed species and its use should only occur in consultation with CDFW and USFWS. When fencing is not practicable or advised by CDFW or USFWS due to project size, topography, soils, or other factors, monitoring by a qualified biologist during construction activities can be used to minimize impacts.
BIO -13	Establish Protective Buffers	Potential adverse effects from project-related noise should be avoided or minimized to the maximum extent practicable by implementing sufficient disturbance buffers between noise generating project activities and covered amphibian, bird, and mammal species habitat.
Building Permits Requirements		**Programmatic General Conditions**
BP-1	Obtain Separate Building Permit	A County building permit is needed for the installation/construction of any new bridge. Building permits will also be required for retaining walls greater than 4 ft in height and fences over 6 ft in height.
Coastal Commission Jurisdiction (i.e.,		**Programmatic General Conditions**

Table 1. Programmatic General Conditions		
State Tidelands) Restrictions		
CC-1	Obtain Approval for Work in State Tidelands	This Programmatic Permit does not apply to projects conducted within Coastal Commission retained coastal permitting jurisdiction (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, public trust lands, etc.). Any qualifying environmental enhancement projects in these areas, while encouraged, will require separate Coastal Commission approval.
Engineering Standards		**Programmatic General Conditions**
ES-1	Require Engineered Design for Projects Exceeding Grading Volume Threshold	Any project where the estimated grading volume exceeds 5,000 cy, will result in slopes steeper than 2:1 (horizontal:vertical), or includes a drainage structure over five square feet in flow area will be designed by a qualified civil engineer.
ES-2	Require Engineered Analysis for Projects on Sites with Potential Geologic or Soil Hazards	A geologist, geotechnical engineer or civil engineer will complete an analysis for grading activities or outlet of concentrated water on slopes over 25% (or 30% in the North County inland and coastal area plans), areas near cliffs or bluffs, areas with high landslide risk, high erosion hazard risk, high liquefaction risk, or elevated seismic risk.
ES-3	Require Design for 10-year Storm Event for Engineering Practices	At a minimum, all engineered practices will be designed or sized to prevent erosion from a 10-year storm event.
ES-4	Require Design by an Engineer for Engineering Practices	All engineered Conservation Practices require design by a qualified engineer (either a registered professional engineer or an engineer working under the NRCS State Engineer's Authority). Engineered Conservation Practices are indicated with an asterisk in the Exhibit B Practice Types List. All Conservation Practices under the Program are engineering practices except the following which do not require engineering design or planning: Restoration of Rare and Declining Habitat (643), Critical Area Planting (342), Upland Wildlife Habitat Management (645), Fence (382), Firebreak (394), Stream Habitat Improvement (395), and Wetland Wildlife Habitat (644).
ES-5	Require Hydrologic & Hydraulic Report for Impervious Area	Any project that results in over 2,500 sf of added or replaced impervious area will include a project-specific Hydrologic & Hydraulic (H&H) Report to quantify pre- and post-project peak stormwater runoff flow rates for the 10-year storm event, summarize the proposed stormwater management systems to mitigate the increase in peak flow rates, and demonstrate how stormwater runoff will be dispersed at non-erosive flow rates. If a project is within a Municipal Separate Storm Sewer System ("MS4") boundary, the H&H Report will follow the Stormwater Technical Guide for Low Impact Development (Cloak, 2015).
ES-6	Obtain NPDES Construction General Permit and Prepare Stormwater Pollution Prevention Plan for Required Projects	For projects over 1 acre in area of disturbance that do not fall under the agricultural exemption or are one of the 56 exempted NRCS conservation practices[1], RCD will confirm with Regional Water Quality Control Board ("RWQCB") whether a NPDES Construction General Permit and Stormwater Pollution Prevention Plan are required.
ES-7	Anchor Objects Installed in Floodplain	Objects installed in the flood zone that have the potential to float, such as tanks, will include mechanisms to prevent the migration of the objects during a flood.

[1] The Master Permit facilitates 13 authorized Program Practice Types consisting of 30 of the National Resource Conservation Service ("NRCS") conservation practice standards.

Table 1. Programmatic General Conditions		
ES-8	Complete Construction & Demolition Recycling Report	For projects that include demolition, the RCD will instruct the contractor to complete the County of Monterey Construction & Demolition Recycling Report and will retain a copy of the Report with the project file.
Erosion Control Standards		**Programmatic General Conditions**
EC-1	Limit Earthmoving Timeframe and Implement Erosion Control	Earthmoving activities will be completed prior to the onset of the rainy season, approximated as October 15, and not be initialized prior to the last rains, approximately April 15. Work beyond October 15 will be specifically authorized in advance by the participating regulatory agencies. All inactive areas (defined as a five-day period) will have all necessary soil stabilization practices in place two days after identification of inactivity and/or before a rain event, whichever comes first. All erosion control will meet specifications in County of Monterey Erosion Control Ordinance No. 2806 (Chapter 16.12) and an Erosion Control Plan will be provided to the Contractor.
EC-2	Complete Grading Activities During Dry Period	All excavation and grading activities will not be conducted during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch of rain in 24 hours (Predicted Rain Event). Effective erosion control, sediment control, and other protective measures will be installed no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities will resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the project site.
EC-3	Utilize Erosion Control Measures	Erosion control and sediment detention devices will be incorporated into the project design and implemented at the time of construction. These devices will be in place prior to October 15 and/or at the onset of rains, whichever occurs first, for the purposes of minimizing fine sediment and sediment/water slurry input to flowing water, and of detaining water to retain sediment on-site. These devices will be placed at all locations where the likelihood of sediment input exists. Sediment collected in these devices will be disposed of away from the collection site and outside riparian areas and flood hazard areas.
EC-4	Protect Disturbed Areas	All soil (except for soil in agricultural fields and on firebreaks) exposed as a result of construction or soil laid on top of rip rap will be mulched, revegetated by seeding, live planting, hydroseeding or otherwise protected to match pre- construction conditions or better. Seeding and planting will be completed prior to or shortly after the start of the rainy season.
EC-5	Review Erosion Control Measures at Project Site	The RCD will oversee project implementation to confirm all planned erosion control measures are in place immediately following completion of land disturbance activities or prior to forecasted rain events. The RCD will conduct annual monitoring to ensure the long-term outcomes have been achieved or propose corrective measures. Annual monitoring will continue and be reported in the Annual Report until erosion control measures are satisfactorily functioning.
Fire Prevention		**Programmatic General Conditions**
FP-1	Equip Engines with Spark Arrestors	All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.
FP-2	Maintain Fire Suppression	Work crews will have appropriate fire suppression equipment available

Table 1. Programmatic General Conditions		
	Equipment On-Site	at the work site.
FP-3	Restrict Location of Flammable Materials	Flammable materials will be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame. Portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more than 25 feet away from the work area).
Fort Ord Excavation		**Programmatic General Conditions**
FO-1	Notify the County Prior to Excavations at Former Fort Ord	RCD will notify County of Monterey HCD Chief of Planning about any excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the Former Fort Ord according to the guidelines in the Digging and Excavation on the Former Fort Ord Ordinance (Monterey County Code of Ordinances Chapter 16.10)
Hazardous Materials and Spill Prevention		**Programmatic General Conditions**
HAZ-1	Review Cortese List of Hazardous Materials Sites for Avoidance	During the project planning phase, the RCD will conduct a review of the "Cortese List" data resources to ensure that the project area is not located in any hazardous materials sites.
HAZ-2	Contain Equipment Storage, Maintenance, and Refueling at Least 100 Feet from Waterways	A contained area will be designated for equipment storage, short-term maintenance, and refueling. It will be located at least 100-feet from all water bodies, in a location where fluids or accidental discharges cannot flow into waterways. If site conditions (property size) make this 100-foot distance infeasible, these activities will occur at the maximum distance possible from aquatic areas, the Contractor will construct an impermeable containment feature (e.g., a Visqueen-covered earthen berm or gravel bag barrier) to prevent fluids, wash water or other pollutants from escaping the staging site and entering waters of the state or storm drains.
HAZ-3	Inspect and Cleanup Vehicle Leak	Vehicles will be inspected for leaks and repaired immediately. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings, and/or seals on construction equipment will be replaced. All mechanical equipment will be inspected daily to ensure there are no motor oil, transmission fluid, hydraulic fluid, and/or coolant leaks. All leaks will be repaired in the equipment staging area or other suitable location (away from watercourses) prior to resumption of construction activity. Leaks, drips, and other spills will be cleaned up immediately to avoid soil or groundwater contamination.
HAZ-4	Maintain and Wash Vehicles to Protect Environment	Major vehicle maintenance and washing will be done in a manner that protects the environment (at a minimum on a paved surface where all wash water, drippings, runoff, etc. is collected and properly disposed, and preferably offsite).
HAZ-5	Properly Dispose of Spent Fluid and Debris	All spent fluids (including motor oil, radiator coolant, and/or other fluids) and used vehicle batteries will be collected, stored, and recycled as hazardous waste off site. All construction debris and sediments (if sediments are not incorporated on site) will be properly disposed. Plans will indicate the approved disposal site.
HAZ-6	Utilize Dry Clean Up Methods	Dry cleanup methods (i.e., absorbent materials, cat litter, and/or rags) will be used whenever possible. If water is used, the minimal amount required to keep dust levels down is used. Spilled dry materials will be swept up immediately.

Table 1. Programmatic General Conditions		
HAZ-7	Prohibit Use of Hydraulic Fluids Containing Organophosphate Esters	Hydraulic fluids in mechanical equipment working within the active stream channel will not contain organophosphate esters.
HAZ-8	Properly Dispose of Trash and Construction Debris	During construction, the operator will not dump any trash and/or construction debris into any wetted channel; all trash and/or construction debris will be collected and properly disposed. During the project activities, all trash and food that may attract potential predators of salmonids (e.g., raccoons, piscivores, etc.) will be properly contained, removed from the work site, and disposed of daily.
HAZ-9	Maintain Spill-Related Measures Onsite for Steelhead	When working in and/or near South-Central California Coast steelhead-bearing streams, or their tributaries, oil absorbent and spill containment materials will be located on site when mechanical equipment is in operation. If a spill occurs, (1) no additional work will occur in-channel until mechanical equipment has been inspected and the leak has been repaired, (2) the spill has been contained, and (3) the CDFW and NOAA Fisheries are contacted to evaluate the impacts of the spill.
Revegetation of the Project Area and Removal of Non-native Plants		**Programmatic General Conditions**
VEG-1	Monitor Baseline Conditions for Non-Native Plants	Each specific project area disturbed by a project activity will be monitored for an increase in non-native plant cover. Non-native, invasive plants that have colonized the area or expanded will be removed using BMPs designed to prevent re- establishment, unless the site is adjacent to an established, existing infestation that cannot reasonably be prevented from spreading on to the site without constant removal efforts.
VEG-2	Restore Project Area to Pre-Construction Condition or Better	The project area vegetation will be restored to pre-construction condition or better (including as directed by project specific success criteria) and will be maintained until this goal and/or project specific success criteria have been met and plants have become established. Revegetation and non-native plant removal programs will be monitored for at least two years and until success criteria are reached. If information has been submitted by a qualified individual that demonstrates that certain characteristics of the site and/or the revegetation plan indicate that the revegetation may be established more quickly, and if success criteria are reached after shorter period of time, then a shorter period of monitoring may be adequate.
VEG-3	Revegetate Project Area with Native Plants	Revegetation plans will be completed based on site-specific requirements. Native plant assemblages appropriate to the specific geographic area of the County where the project is taking place will be the prioritized source of planting materials for revegetation. Plant materials will be sourced in order of the following preference, as available: 1. Plants salvaged from the site, plants propagated vegetatively from on-site plants or plants very close to the site, or plants grown from seed collected from the site or plants very close to the site. 2. Plant species that are native to the project site. Calscape and CalFlora are useful resources for determining native plant ranges. 3. Plant species that are native to the broader region (e.g.,

Table 1. Programmatic General Conditions		
		California Central Coast) 4. Non-native, non-invasive plant species if preferences 1-3 are infeasible *and* the project is not a restoration project type (e.g. sterile re-green wheat or cover crops such as legumes). Natural recruitment is also allowed, in conjunction with erosion control, invasive plant control, and ensuring the site is properly revegetated. Plants rated as invasive by Cal- IPC or designated as noxious weeds by California Department of Food and Agriculture are prohibited from use (see Exhibit E for the full list of prohibited species).
VEG-4	Prevent Use of Contaminated Plant Materials	Plant materials used for revegetation should be grown using phytosanitary BMPs to protect against introduction of *Phytophthora ramorum* (the pathogen that causes sudden oak death). Plants and seeds used in revegetation should not have been treated with neonicotinoids or other persistent insecticides that can kill or harm insects at the project site. Native plant materials that are grown at or delivered from a nursery will be closely inspected for disease and pests prior to use.
VEG-5	Prevent Spread of Plant Pathogens	When working in sensitive natural communities, riparian habitats, or oak woodlands that are at risk from plant pathogens, the following measures should be taken: Clean and sanitize vehicles, equipment, footwear, and clothing; minimize soil disturbance; minimize soil and plant material movement; and clean soil and debris from equipment and sanitize tools.
VEG-6	Monitor Revegetation	Inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil will be conducted by a qualified resource professional until vegetation is established and the project is functioning as intended, and success criteria have been met. Revegetation success will be documented in the Annual Report provided to the County each year. If the vegetative plantings are not becoming well established, an adaptive management plan that provides erosion control and habitat value at least equivalent to that which existed on the site prior to the project, and which considers cost and feasibility, will be implemented.
Least Environmentally Damaging Action		**Programmatic General Conditions**
LEDA-1	Minimize Project Footprint	Where there are various possible points of access, approaches/designs, etc. use of the least environmentally damaging actions will be required (e.g., removing the least amount of vegetation possible, placing the least amount fill possible, etc.) unless there are extenuating circumstances as approved by the County.
LEDA-2	Avoid Sensitive Habitats and Species	Whenever possible, conservation practices will be located to fully avoid negative resource impacts, including impacts on potential habitats of sensitive species identified during site evaluations or discovered subsequently. In some cases, short- term disturbance to potential habitat may be necessary to prevent further degradation of the site and to improve habitat for the species of concern.
LEDA-3	Minimize Ground Disturbance and Vegetation Removal in ESHAs	In environmentally sensitive habitat areas ("ESHAs"), actions that minimize ground disturbance and/or native vegetation removal will be applied.
LEDA-4	Follow Conditions in State and Federal Agreements/Permits	In situations where ground disturbance and/or vegetation removal in such areas cannot be avoided, all conditions specified in the agreements/permits of the participating State and/or Federal resource

Table 1. Programmatic General Conditions		
		agencies will be followed to minimize negative impacts to State and/or federally listed animals and plants and their habitats during implementation of the conservation practices.
Limitations on Construction Equipment		**Programmatic General Conditions**
CE-1	Prevent Petroleum Release into Waterways	The RCD will ensure that the use and/or storage of petroleum-powered equipment will be accomplished in a manner to prevent the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. See SWFP for additional protection measures.
CE-2	Limit Work in Flowing or Standing Water	Heavy equipment will not be used in flowing or standing water, except to cross a stream or pond to access the work site. In fish-bearing streams or their tributaries, if it is necessary to repeatedly cross the stream (i.e., more than once prior to and once following completion of construction activities) with heavy equipment to access a work site, a temporary culvert crossing with clean gravel backfill, or other appropriate temporary crossing structure will be installed and utilized.
CE-3	Use Existing Ingress or Egress Points	When possible, RCD will use existing ingress or egress points and/or perform work from the top of the creek banks.
CE-4	Avoid Heavy Equipment Use in Cobbled Substrate	Use of heavy equipment will be avoided in a channel bottom with rocky or cobbled substrate. If access to the work site requires heavy equipment to travel on a rocky or cobbled substrate, a rubber tire loader/backhoe is the preferred vehicle. Only if this option has been determined infeasible will the use of tracked vehicles be allowed. The amount of time this equipment is stationed, working, or traveling within the creek bed will be minimized.
CE-5	Stage Equipment Away from Wetlands	No staging will occur in or directly adjacent to wetlands.
CE-6	Utilize Rubber Tired Vehicles in Wetlands	If it is not feasible to completely avoid movement of construction vehicles through wetlands, whenever possible rubber-tired vehicles will be used or a protective mat will be laid down prior to moving across these areas.
Limitations on Earthmoving and Vegetation Removal		**Programmatic General Conditions**
EM-1	Minimize Ground Disturbance and Vegetation Removal	Disturbance to existing grades and vegetation will be limited to the actual site of the conservation project and necessary access routes. Existing access routes and staging areas should be utilized as much as possible and placement of temporary access routes, staging areas, and other facilities will avoid and limit disturbance to habitat as much as possible.
EM-2	Minimize Impact to Vista Points	Vistas from public roads and vista points will be protected by avoiding or minimizing disruption of landforms and aesthetic character caused by grading operations and/or vegetation.
EM-3	Limit Finished Grade Slopes	Finished grades will not be steeper than 2:1 side slopes unless pre-construction condition is so steep that site conditions prohibit a 2:1 slope on the final grade or until slopes have been analyzed by an engineer.
EM-4	Minimize Disturbance to Native Vegetation	Disturbance of native shrubs, woody perennials or tree removal on the streambank or stream channel will be avoided or minimized to the fullest possible extent.

Table 1. Programmatic General Conditions		
EM-5	Tree Removal and Replacement	If trees over 6-inch dbh (diameter at breast height) are to be removed, they will be replaced at least a 1:1 ratio and maintained and monitored for two to three years or until established. If more than three native trees 6-inch or greater (dbh) trees (excluding diseased, dying, or hazardous trees) need to be removed within the same year, a qualified forest health or resource professional must recommend appropriate restoration measures. If native riparian vegetation is disturbed, it will be replaced with the same native species or another suitable native species.
EM-6	Avoid Thinning of Riparian Stands	As much as possible, project activities will avoid thinning out stands of riparian vegetation to minimize potential for increased cowbird predation and minimize loss of canopy cover.
EM-7	Wetland Delineations	If potential wetlands are identified in the project area, wetland delineations will be performed during the site evaluation stage of planning to assist in avoiding impacts to wetlands. The methodology for conducting delineations under the proposed program has been developed in coordination with the U.S. Army Corps of Engineers.[2] For potential wetlands in the Coastal Zone, the Coastal Commission's definition of a wetland will be used to avoid potential impacts.[3]
Limitations on Herbicide Use		**Programmatic General Conditions**
HL-1	Use Herbicide According to Registered Label Conditions	Where it is necessary to use herbicides to control established stands of non-native plants or to control the invasion of non-native plants into restoration plantings, the herbicides must be applied according to registered label conditions.
HL-2	Prohibit Leaching into Waterways	Herbicides must be applied directly to plants and may not be spread upon any water or where they can leach into waterways in subsequent rains.
HL-3	Utilize Aquatic-approved Herbicides Near Waterways	When herbicides are used to control non-native species near waterways, an approved herbicide that is safe to use in or near aquatic habitats will be utilized.
Limitations on Work in Streams, Wetlands, Floodplains, and Permanently Ponded Areas		**Programmatic General Conditions**
SWFP-1	Isolate Work Area from Flowing Water	If it is necessary to conduct work in or near a live stream, the minimum area necessary to perform construction activities will be isolated from flowing water to prevent sedimentation and turbidity. In those specific cases where it is deemed necessary to work in a flowing stream/creek, all the flowing water will be temporarily diverted around the work site to maintain downstream flows during construction.
SWFP-2	Install Coffer Dams	Any temporary dam or other artificial obstruction constructed will only be built from materials such as clean gravel which will cause little or no siltation. Coffer dams and any stream diversion systems will remain in place and functional throughout the construction period. If the coffer

[2] The U.S. Army Corps of Engineers defines a wetland as areas that are inundated or saturate by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

[3] The Coastal Commission considers a wetland to be any area that is wet enough long enough to support a preponderance of hydrophytic vegetation or to result in soil that is predominantly hydric. In other words, only one of the three primary indicators of wetlands need be demonstrated for an area to be identified as a wetland (California Code of Regulations, Section 13577).

Table 1. Programmatic General Conditions		
		dams and/or stream diversion fail, they will be repaired immediately. When construction is completed, the flow diversion structure will be removed as soon as possible in a manner that will allow flow to resume with the least disturbance to the substrate.
SWFP -3	Provide Diversion/Dewatering	If dewatering is required, the area to be dewatered will encompass the minimum area necessary to perform construction activities. The project engineer will provide a dewatering plan with a description of the proposed dewatering structures and appropriate BMPs for the installation, operation, maintenance, and removal of those structures. The period of dewatering/diversion will extend only for the minimum amount of time needed to perform the restoration activity. When gravity-fed dewatering is not feasible and pumping is necessary to dewater a work site, a temporary siltation basin and/or silt bags may be required to prevent sediment from reentering the wetted channel. Silt fences or mechanisms to avoid sediment input to the flowing channel will be installed adjacent to flowing water. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that will allow flow to resume with the least disturbance to the substrate.
SWFP-4	Exclude Fish and Aquatic Species from Diversion Structures	Fish and other aquatic species will be excluded from occupying the area to be dewatered by blocking the stream channel above and below with fine-meshed block nets or screens, based on the site conditions and in accordance with the appropriate mesh size specified for the species present.
SWFP-5	Obtain NOAA Approval for Work in Fish-Bearing Streams[4]	If dewatering in a fish-bearing (aka steelhead-bearing) stream is proposed, the RCD will obtain a NOAA approval or any other applicable permits. Dewatering activities will be supervised by an approved biologist. Given the potential adverse effects of dewatering on salmonid populations, in some instances and with NOAA approval, large wood may be installed within the active stream channel without dewatering and with other applicable agency approval. An approved biologist will be on-site during all activities to monitor for direct mortalities and/or adverse impacts to water quality.
SWFP-6	Restrict Materials for Instream Structures	No creosote-treated timbers will be used for instream structures. No gabions will be used in fish-bearing streams. In non-fish-bearing streams they may be used above the high-water mark only. If used, all concrete will be allowed to completely cure for a minimum of 30 days before being exposed to stream water or water that may enter the stream, or all concrete will be coated with a CDFW- approved concrete sealant. If sealant is used, water will be excluded from the site until the sealant is dry.
SWFP-7	Prevent Sediment Loading into Waterways	The implementation and maintenance of projects will not result in sediment delivery to a clean bottom of stream channel. A "clean" bottom is characterized by natural stream substrate (cobbles, gravel, and small stones or similar to background conditions). If the substrate of a seasonal pond, creek, stream or water body is altered during work activities and the alteration is not the goal of the practice being implemented (i.e., channel stabilization), it will be returned to approximate pre-construction conditions after the work is completed,

[4] A "fish-bearing stream" is defined as a stream located within the designated critical habitat of South Central California Coast steelhead.

Table 1. Programmatic General Conditions		
		unless other agencies request that other measures be implemented.
SWFP-8	Keep Project Areas Clean	All debris, sediment, rubbish, vegetation, and/or other material removed from the channel banks, channel bottom, and/or sediment basins will be removed to a location where they will not re-enter the waters of the state. All petroleum products, chemicals, silt, fine soils, and/or any substance or material deleterious to fish, plant, or bird life will not be allowed to pass into or be placed where it can pass into the waters.
SWFP-9	Limit Work in Existing Wetlands to Wetland Enhancement	Existing wetlands will only be disturbed when that disturbance is part of a project that will enhance the value of the wetland. When possible, disturbance and compaction will be limited by use of a single identified access route.
SWFP-10	Prohibit Diversion of Water out of Watershed	No project will divert water flow from one watershed into another.
SWFP-11	Prohibit More than 1 ft Increase in Base Flood Elevation in FEMA Designated Areas	Any fill moved and/or placed within the one-hundred-year floodplain will be accomplished in a manner to ensure that the flood capacity of the stream is not altered (i.e., downstream properties would not be threatened by a higher likelihood of flooding). No fill will be placed in the floodplain unless it is accompanied by an analysis (by a Registered Civil Engineer) showing that there will be no rise greater than 1 foot in the base flood elevation and no off-site impact (see ENG-3). Such fill includes footings, supports, approaches, and other elements of bridges that are below the base flood elevation (BFE), as well as materials placed to protect those elements, such as riprap or concrete aprons.
SWFP-12	Prohibit Significant Risk of Loss, Injury or Death	Projects carried out under the Programmatic Permit will not expose people or structures to a significant risk of loss, injury or death. Practices that include impoundment of water will be limited in size (embankment height and volume) and designed to meet geo-technical and engineering standards and regulations.
Temporal Limits on Construction		**Programmatic General Conditions**
TL-1	Limit General Construction Timeframe	The timing of project construction will take into consideration wildlife usage in the project area. The construction season for activities carried out under the proposed Program will be limited to between April 15 and October 15. Exceptions and/or further restrictions are included in TL-2, TL-3, and TL-4.
TL-2	Limit Construction Timeframe in Upland Habitats	Revegetation may continue in upland habitats throughout the year. For invasive species removal in upland habitat, work may continue throughout the year if no known protected species occurrences are documented within the past two years or if protocol level surveys are conducted and no species are found.
TL-3	Limit Construction Timeframe in Riparian Habitat	In riparian habitat, invasive species removal may occur between October 15 and May 30, when rain conditions allow and if no known protected species occurrences are documented within the past two years or if protocol level surveys are conducted and no such species are found. During the wet season, these activities will be completed by non-mechanized hand tools. Herbicide application will be carefully applied during non-windy days with no rain forecasted within 3-5 days. All soils will be stabilized before a predicted rain event.
TL-4	Limit Construction Timeframe Near Nesting Bird Habitat	If working within 200 feet of established riparian vegetation (or other special status bird potential nesting habitats) and/or if constructing a

Table 1. Programmatic General Conditions		
		sediment and/or water control basin, work may not begin until after August 1. If construction must occur prior to August 1st, during this period, a qualified biologist will conduct pre- construction surveys for bird nests or bird nesting activity in the project area. If an active nest is observed, the project proponent may establish one of the following: Establish a temporary, species-appropriate buffer around the nest, modify the treatment in the vicinity of an active nest to avoid disturbance of active nests, or defer the timing of treatment in the portion(s) of the treatment site that could disturb the active nest. Trees with visible raptor nests, whether occupied or not, will be retained.
Vernal Pool Restrictions		**Programmatic General Conditions**
VP-1	Prohibit Work in Vernal Pools	No work will be allowed in vernal pools under the Program.

RCD shall 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, the RCD shall 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). As necessary, the RCD shall apply appropriate Conditions of Approval and Mitigation Measures identified in the County's adopted Mitigated Negative Declaration.

RCD shall approach the appropriate regulating agencies for pre-construction review and input. Agencies that RCD consult with include California Dept. of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (Wildlife Service), and NOAA Fisheries. CDFW and Wildlife Service would be consulted on the project design, potential for impact, and regulatory requirements on projects with practice types 1 through 11: Restoration of Rare and Declining Habitat, Critical Area Planting, Upland Wildlife Habitat Management, Road Improvement, Relocation, or Decommissioning, Lined Waterway, Underground Outlet, Water and Sediment Control Basin, Bioreactor, Infiltration Basin, Firebreaks and Grade Stabilization Structure. RWQCB, USACE, and NOAA Fisheries as well as CDFW and Wildlife Service would be consulted on project design, potential for impact, and regulatory requirements on projects with practice types 1 through 11 and 12) Stream Habitat Improvement, and 13) Wetland Management.

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, building permits 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.

Table 2. Program Planning Process		
Step	**Planning Step**	**Results**
1	Consultation	Project design team (RCD and other specialists) identify resource problems with the client (i.e. land owner or manager).
2	Determine Objectives	Project design team agrees on and document client's objectives.
3	Inventory Resources	Project design team completes an inventory to evaluate quantitative or qualitative data in several resources categories: soils, water, air, plants, animals, energy, and human. Inventory begins with site visits and desktop-level analysis and will be followed by site-specific surveys as needed.
4	Analyze Resource Data	For each of the resource problems or concerns identified, project design team consults quality criteria and completes baseline

Table 2. Program Planning Process		
Step	**Planning Step**	**Results**
		evaluation to determine if a resource is significantly impaired. RCD coordinates with state and federal agencies for sensitive habitat considerations. RCD alerts the HCD Program Lead of the Assessor Parcel Numbers (APN) of potential project locations. HCD-Planning shall review the properties for the existence active code violations, if the properties are locations with viewshed protection policies and codes, and if there is historic public use or trust rights in the Coastal Zone. If there are violations, HCD-Planning shall communicate whether those violations may block project eligibility. If the projects are located in Visually Sensitive District, protected viewsheds, Big Sur Critical Viewshed, or D District, HCD-Planning shall convey the location-specific criteria for visual impact determination. If County Plans describe a property as within an area with existing public use, HCD-Planning shall alert RCD that the project shall be analyzed for potential to impact public use and shall not be included in the Program if it has potential to impact public access.
5	Formulate Range of Design Solutions	All significantly impaired resources are itemized. Practices (Attachment A) which could be used to treat each impaired resource are evaluated for anticipated negative or positive effects. RCD coordinates with state and federal agencies on design solutions, if a possibility of consultation is indicated during step 4.
6	Evaluate Range of Design Solutions	Groups of practices that result in a significant positive improvement in all resource problem categories are identified as the preferred design solution. Other groups of practices are also listed as potential options or alternative actions on the condition that they do not result in a negative effect on resources.
7	Client Determines Course of Action	RCD team recommend selecting a system of optimal conservation practices to maximize resource protection and enhancement to the client, and if the client agrees to proceed, RCD prepares conservation plan and specifications and routes the PCN, with documentation and Cumulative Impact Evaluation Memorandum ("Memo"), to regulatory agencies for cumulative review. Then, RCD routes PCN set, Memo, and evidence that regulatory agencies have reviewed, to County.
8	Client Implements Plan	Once all permits have been obtained and PCN review is completed by County, projects are implemented according to recommended design, standards, and specifications, with RCD technical support and oversight. Practices are implemented according to the recommended design, standards, and specifications.
9	Evaluate Plan Results	RCD evaluates the effectiveness of a plan and project implementation and makes adjustments, as needed.

In order to implement a project under the Master Permit, the RCD shall 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 minimum content of PCN is indicated in Attachment B. Note that Attachment B is an

implementation document that may be updated by County and RCD between Master Permit years to improve the Program.

After deeming each PCN complete, the RCD shall 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 shall document these cumulative findings in the form of a Cumulative Impact Evaluation Memorandum ("Memo") that summarizes 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. (Attachment C is RCD's draft Memo template. As with Attachment B, this is an implementation document that may be updated.) 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 all Programmatic conditions and requirements.

County of Monterey HCD office shall support the EESP by reviewing and authorizing each proposed project's eligibility for processing under the Master Permit. The County review would entail the review of PCNs, the Memo, and supporting documents, as well as County records. RCD would submit all PCNs 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 Conditions of Approval/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.

County shall 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 will timely authorize 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 shall 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 shall submit annual reports to the Chief of Planning to document compliance with applicable PGCs/Program Conditions of Approval/MMs and status of project implementation. The reports shall describe the status of all environmental enhancement projects carried out under the Master Permit. The annual reports provide County with the opportunity to review the status and progress of projects implemented under the Master Permit and determine whether further clarification or minor modifications are necessary to meet the objectives and terms of the Master Permit. The annual reports shall discuss the NRCS measures for success on conservation practice types implemented as part of EESP Projects, and report on outcomes.

Program Practice Types Eligible Under the RCD of Monterey County Environmental Enhancement Streamlining Program (EESP) for a Master Permit, with Allowed Dimensions and Project-Specific Conditions

NOTE: Numbers in parentheses indicate the practice number code as referenced in the *NRCS Field Office Technical Guide.* NRCS conservation practices with an asterisk (*) require engineering design. Program Practice Types are numbered 1 through 13 and include the NRCS conservation practice types.

Projects proposed through this Certification may on a case-by-case basis exceed the dimensions shown in this table upon written approval by the County and all other agencies with jurisdiction over that project.

There are thirteen (13) Program Practice Types covered under the EESP Master Permit. Numbers in parentheses indicate the NRCS conservation practice numerical codes (as referenced in the *NRCS Field Office Technical Guide*) that are included under each Program Practice Types. For a given project, one or more NRCS conservation practice types may be applicable with several different Program Practice Types being implemented. Program Practice Types with a single number in parentheses next to them indicate that there is only one NRCS conservation practice (and code) for that Program Practice Type. The Program Practice Type limitations indicated in the table are only for projects that initially require a County Permit (coastal development, grading, encroachment, tree removal permit, etc.) and do not apply to projects that otherwise would not require a County permit. Projects proposed through this Certification may on a case-by-case basis exceed the dimensions shown in this table upon written approval by Housing and Community Development (HCD). Projects implemented through the EESP Permit will adhere to the Programmatic General Conditions appropriate to the site and type of project. Timing, Tools, and Materials for Program Practice Types are included below for general descriptive purposes and are not intended to
be exhaustive or prohibitive.

GENERAL WATERSHED PROGRAM PRACTICE TYPES
Program Practice Types 1 & 2 can be implemented throughout the watershed (upland, riparian, wetland, and streambank/beds). These Program Practice Types restore habitat and protect water quality. **Timing:** Non-vegetative erosion control measures should be put in place prior to the first measurable rain event of the rainy season. Revegetation is most likely to be successful when completed early in the rainy season, which typically lasts from October-April, but is highly variable year-to-year. Seeding should be completed prior to or shortly after the start of the rainy season, typically from October-December. Planting cuttings or container stock should be completed between the start of the rainy season and April 1 of the following calendar year unless plants are supplemented by irrigation. **Tools and Materials:** Herbicides, loppers, chainsaws, mowers, excavators, augers; Filter fabric fence, non-synthetic fiber rolls, weed-free straw mulch and/or other erosion control methods; Native erosion control seed mix, native plants or site-specific plant species; Sterile (non-reseeding), non-native, non-invasive grass mix.
1 – Restoration of Rare and Declining Habitat (643)

Before Arundo Treatment

After Arundo Treatment

The Restoration of Rare and Declining Habitat Program Practice Type restores and manages rare or declining native vegetated communities and associated wildlife species.

The Program Practice Types is used in upland or aquatic habitats degraded by human activity in order to provide habitat for rare and declining wildlife species by restoring native plant communities, increasing native plant community diversity, and managing unique or declining native habitats. Activities include mowing in potentially sensitive habitat or removal of non-native invasive plants by hand or with the use of machinery. Where appropriate and required, non-native invasive plants and regrowth may be treated with an appropriate herbicide. If introduction of native plants is incorporated into the plan, the selection of the plants will be based on local conditions and adjacent sites. Plant introduction may be accomplished through broadcasting seed or live planting. Hand-watering or a temporary irrigation system may be employed to help plants establish.

Although vegetation restoration or management on its own does not typically require a County permit, the Restoration of Rare and Declining Habitat (643) practice is being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that require a County grading permit, projects removing more than three native mature trees that require a tree removal permit, or projects within the County right-of-way that require an encroachment permit.

Additional Conditions:

- Plant species selected for revegetation will be based on site-specific conditions.
- Where hand and mechanical removal are ineffective at controlling or eradicating weeds, herbicides may be used.
- Where vegetation removal results in bare soil, the site will be monitored to ensure soil is stabilized through reseeding or additional erosion control measures prior to first rain event following restoration.
- Where temporary irrigation is required to establish vegetative growth, the site will be monitored for signs of erosion from overwatering.

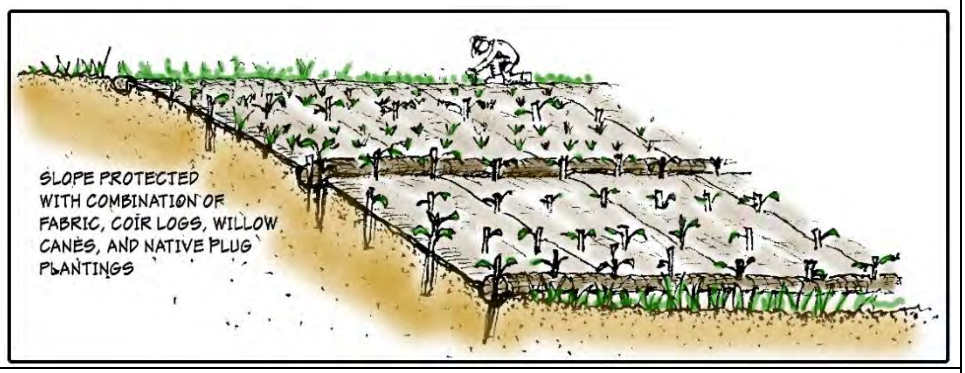
Environmental Benefits:

- Restores native plant communities and improves habitat for fish and wildlife species dependent on them.
- May create and/or enhance essential habitat features for threatened or endangered terrestrial and aquatic species.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Grading Depth
5 ac	1,500 cy	5 ft

2 – Critical Area Planting (342)



Erosion control fabric and coir logs to stabilize hillslope

The Critical Area Planting Program Practice Type includes planting and seeding vegetation such as trees, shrubs, and grasses, on disturbed areas for erosion control purposes.

The Program Practice Type stabilizes the soil, reduces damage from sediment and runoff to downstream areas, and improves wildlife habitat and visual resources. Native and sterile non-native seed can be used to stabilize soil, particularly after other practices have been implemented. This Program Practice Type can also be used to revegetate degraded sites such as gullies and streambanks, and for post-construction revegetation activities. Hand-watering or an irrigation system may be employed until plants become well-established.

Although vegetation restoration/management or erosion control on its own does not typically require a County permit, the Critical Area Planting (342) practice is being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that require a County grading permit.

Additional Conditions:

- Plants selected for revegetation will be based on site-specific conditions.
- Native plants characteristic of the local habitat type are the preferred alternative.
- When used for post-construction revegetation, area will be restored to pre-construction conditions or better.
- Pursuant to erosion control methods, a filter fabric fence, fiber rolls, straw mulch and/or other erosion control methods will also be used if needed when installing or maintaining this practice above the bankfull elevation if needed to stabilize the soil before plants germinate and/or become well-established.
- The site will be monitored to ensure soil is stabilized through revegetation or additional erosion control measures prior to first rain event following restoration.
- Where temporary irrigation is required to establish vegetative growth, site will be monitored for signs of erosion from overwatering.

Environmental Benefits:

- Established vegetation provides habitat for wildlife and stabilizes soil and streambanks.
- Vegetation encourages the deposition of sediment on upland sites, reducing the amount of soil and nutrients washed into surface waters.
- Vegetation may take up more of the nutrients in the soil, reducing the amount that can be leached into groundwater.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
5 ac	1,500 cy	1 ft

UPLAND WATERSHED PROGRAM PRACTICE TYPES

Program Practice Types 3-10 are typically, but not always, installed in uplands. These Program Practice Types reduce delivery of sediment to downstream properties, channels, and streams, improve habitat and water quality, reduce soil loss and benefit groundwater recharge.

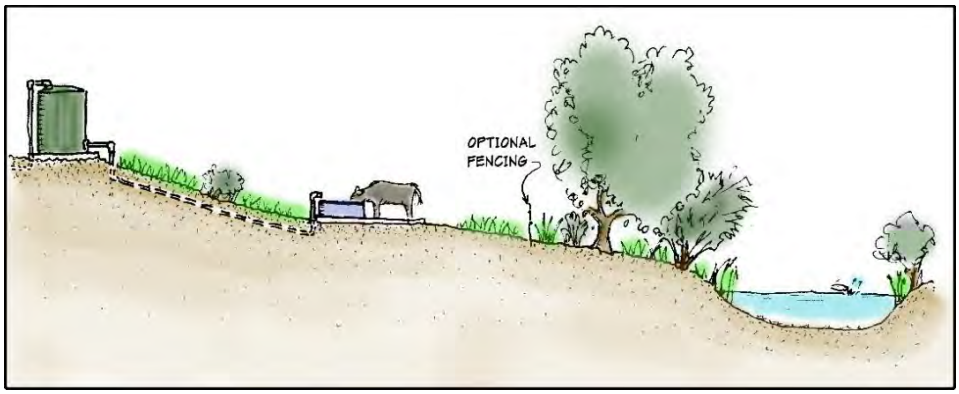
Timing: April 15 to October 15

Tools and Materials: Fencing (barbed/smooth or woven wire, electric, wooden, metal, silt/poly exclusionary), pipe (metal (steel, ductile iron) or plastic (polyvinyl chloride (PVC), High Density Poly Ethylene (HDPE), etc.), metal, plastic and concrete water tanks and troughs, plumbing appurtenances (fittings, valves, booster pumps, pressure tanks, etc.), roller (as needed for asphalt on rebuilt road), asphalt, concrete, woodchips, Excavator, backhoe, skid steer, concrete, rock protection, sand or gravel bags, native seed mix, native plants, sterile non-reseeding (if non-native) grass mix.

3 – Upland Wildlife Habitat Management

Includes NRCS Conservation Practices:

- Upland Wildlife Habitat Management (645)
- Fence (382)
- Livestock Pipeline (516)*
- Watering Facility (614)*
- Obstruction Removal (500)*



Installation of livestock pipeline and watering facility to provide cattle with water source after drinking access was restricted by fence installation for pond restoration

The NRCS conservation practices included under the Upland Wildlife Habitat Management Program Practice Type manage upland habitats to reduce the impact of domestic livestock on rangeland and enhance upland habitat and improve connectivity within the landscape for wildlife.

These practices are used to improve sensitive habitats by fencing off and restricting access to riparian areas or installing practices that promote sustainable grazing distribution. Restricting access of horses or livestock to waterways or waterbodies through fence installation can result in restricting their access to drinking water, therefore, this practice also includes installation of a water tank or trough and necessary pipeline from an existing water source to the points of use. Habitat improvement may also be achieved by removing obstructions, such as buildings, structures, vegetation, debris or garbage.

Although fences under 6 ft in height or livestock pipelines do not typically require a County permit, the Fence (382) and Livestock Pipeline (516) practices are being included under the Program for Coastal Development Permit coverage

in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that would typically require a County grading permit.

The Upland Wildlife Habitat Management Program Practice Type may include the following NRCS conservation practices:

- Upland Wildlife Habitat Management (645): This practice is intended to improve upland wildlife habitat through managing habitats and connectivity within the landscape for wildlife.

- Fence (382): Fencing includes both digging/trenching for post holes and installation of above-ground fencing and could be incorporated into a grazing program, protect revegetated areas, or restrict access to otherwise sensitive riparian areas.

- Livestock Pipeline (516): Livestock pipelines will convey water from an existing source to an existing or proposed tank or trough to provide a water source for livestock that have been restricted from accessing water in sensitive areas. Pipelines may be buried or installed on the surface and will be placed only in or on soils suitable for the type of material selected. Buried pipelines will be installed using traditional open-cut construction methods, although horizontal drilling may be used where appropriate.

- Watering Facility (614): Installation of a watering facility storage tank or water trough can include minor grading, shaping, and construction of a stable surface or pad beneath the facility. It will be located where there is an existing water source that is adequate in quantity and quality and where soils and topography are suitable for a facility. Troughs will be fitted with escape ramps so small animals do not get trapped.

- Obstruction Removal (500): Removal and disposal of buildings, structures, or other debris, including vegetation management, removal of garbage (cars, appliances or items that are anthropogenic, obsolete, or non-functioning structures or buildings that are not natural to the ecosystem).

Additional Conditions:

- No new water source will be developed or constructed under this practice.
- If crossing a stream channel, pipeline and fence will be installed and maintained only when a streambed is dry or dewatered.
- Trenching for pipe installation is expected to be shallow (less than 3') but in rare occasions may be deeper (up to 10') to allow for gravity flow.
- In the rare circumstance that trenches must be dewatered (i.e., because of unanticipated seepage into the trench), a pump will be used to dewater the trench and water will be pumped to a detention area outside of the channel.
- Fences will be located and installed to meet appropriate local wildlife and land management needs. Separate permits must be obtained from County of Monterey for fencing over 6 ft. in height.
- Obstruction removal in a waterway is covered under Program Practice Type 12 - Stream Habitat Improvement.
- Fences that cross into floodplains or flood zones will be analyzed by an engineer for free passage of reasonably expected large woody material, debris, and rock migration as well as impacts to the 100-year base flood elevation.
- Fence posts set in concrete will not be set with wet concrete in waterways or aquatic habitat.
- Water storage tanks will be less than 5,000 gallons and have a height-to-diameter ratio of less than 2.
- The drainage from foundations and drains for water storage tanks and watering troughs will dispersed to the landscape in stabilized areas so runoff will not become erosive.

Environmental Benefits:

- Reduces bank erosion, sediment yield, and manure entering watercourses.
- Improves grazing and land use management in sensitive habitats.
- Restores and enhances essential habitat features for threatened or endangered species.

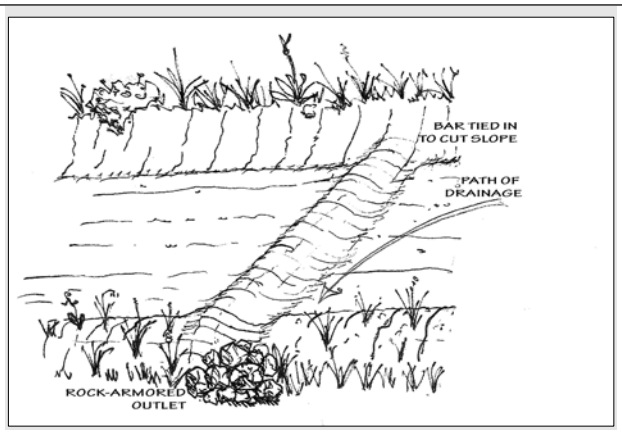
Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
5 ac	1,500 cy	10 ft

4 – Road Improvement, Relocation, or Closure

Includes NRCS Conservation Practices:

- Access Road (560)*
- Trails and Walkways (575)*
- Road, Trail, Landing Closures & Treatment (654)*



Road improvement showing rolling dip or water bar to divert path of drainage to rock-armored outlet

The Road Improvement, Relocation or Closure Program Practice Type includes practices that are intended to make improvements to existing roads to provide access for property management while controlling runoff to prevent erosion and maintain or improve water quality.

Activities in this Program Practice Type may include surface grading to effectively manage stormwater, installing drainage features such as water bars or rolling dips and roadside ditches, or culverts to safely redirect water before it can concentrate and lead to erosion.

Although some of the trails and road decommissioning do not typically require a County permit, the Trails and Walkways (575) and Road, Trail, Landing Closures & Treatment (654) NRCS conservation practices are being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that would require a County grading permit.

The Road Improvement, Relocation, or Closure Program Practice Type may include the following NRCS conservation practices:

- Access Roads (560): This practice is intended to improve drainage conditions on existing vehicular roads. The road or sections of a road may be graded to create an outsloped cross-slope to reduce the potential for stormwater runoff to concentrate on the road surface. This practice also includes improved ditches or ditch-relief drainage for in-sloped roads. Water bars or rolling dips may be proposed as stand-alone improvements to safely redirect water off the road before it can concentrate and lead to erosion of the surface or gully formation. To address chronic sediment loading, the inclusion of surface treatment will be considered where preference is given to permeable surfaces (gravel, permeable pavers, etc.) over paved, impervious surfaces such as asphalt. This practice may also be used for new, improvement of, or removal of culverts from non-fish bearing streams associated with access road improvements. If a road is highly eroded or the repair will not address chronic erosion, a new alignment for that segment of the road may be proposed.

- Trails and Walkways (575): A trail or walkway may be maintained on decommissioned roads to allow for access, management, maintenance, and monitoring.

- Road, Trail, Landing Closures & Treatment (654): Road decommissioning will only occur on roads that do not provide ingress/egress for structures, fire department, or public access. A project may include closing a road if the road is no longer needed and can be returned to a productive state by reestablishing plants and habitat, reconnecting wildlife habitat and migration corridors including streams and riparian areas, and controlling non-native/invasive species. Decommissioning may be accomplished through the removal of culverts, inside ditches and other road infrastructure, outsloping the road, downing brush and woody material, blocking the entrance, and revegetation.

Additional Conditions:

- All road projects will confirm if County and fire department road requirements apply.
- No new roads associated with development or construction will be constructed under this practice.
- A new segment of road may be proposed if repairing the existing segment does not address the erosion or runoff issues AND if the new segment is sited such that no sensitive resources are negatively impacted.
- Ditch relief culverts that discharge onto slopes over 30% require additional measures to ensure slope stability.
- Road improvements may involve multiple installations spread out over the project area.
- Where possible, the design storm for culverts will be the 10-year, 24-hour storm but for intermittent, single-purpose roads may be the 2-year, 24-hour storm.
- Culvert design will an analysis of larger storm events and overtopping flows will be directed to safe, stable routes.
- Projects including work near a drainage channel (e.g., culvert removal and installation, etc.) will be timed for the late summer months when the site is expected to be driest. The engineer will provide a temporary construction diversion and dewatering where needed.
- Preference will be given to low-impact options such as vegetative cover for road surfaces or turf-reinforced mat for stabilizing areas that receive concentrated stormwater.

Environmental Benefits:

- Treatments to restore vegetative cover, natural topography, and surface hydrology will reduce erosion from roads and sediment load to streams and waterways.
- Improves habitat for fish and other aquatic species.
- Increases rate of infiltration and decreases surface runoff.

Guides:

- Road Improvements are modeled in the *Handbook for Forest and Ranch Roads: A Guide for planning, designing, construction, reconstructing, maintaining, and closing wildland road*s (Weaver and Hagens, 2014), and *Central Coast Private Road Maintenance Guide* (Central Coast RCDs, 2013).

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
5 ac	7,500 cy	2-10 ft

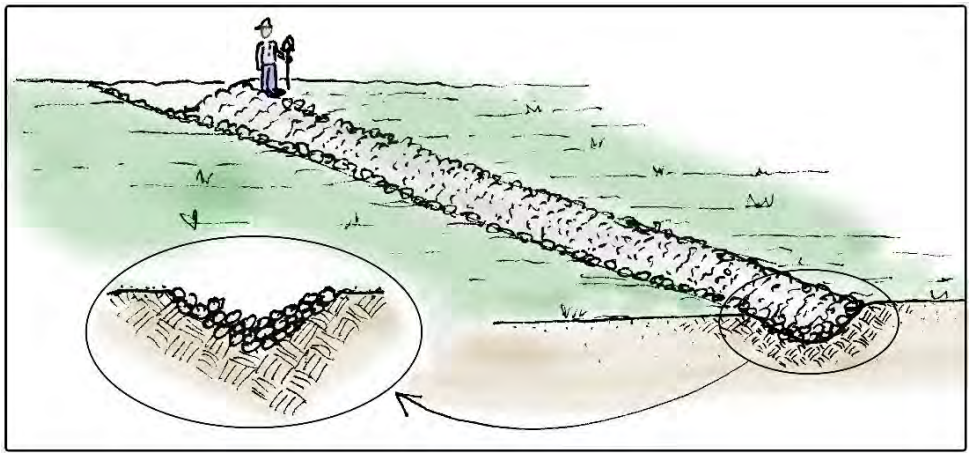
5 – Lined Waterway

Includes NRCS Conservation Practices:

- Lined Waterway or Outlet (468)*
- Grassed Waterway (412)*
- Diversion (362)*

Turf-Reinforced Mat-Lined Waterway

Rock-Lined Waterway



Lined waterways may be lined with rock, geotextiles, or grass

The Lined Waterway Program Practice Type includes NRCS conservation practices that construct channels (rock-lined, geotextile-lined, or grass) to slow and safely convey excessive surface flow.

This is an upland Program Practice Type that is primarily installed to break up concentrations of water on long slopes, reduce soil loss from surface flow, divert water away from active gullies or critically eroding areas, and reduce sediment delivery downstream. This practice will be designed to avoid creation of unstable conditions up- or downstream and is often used to deliver water to a sediment basin or a flat, vegetated area where flow velocities are slowed before discharging into a stream or channel. The Lined Waterway Program Practice Type may include the following NRCS conservation practices:

- Lined Waterway or Outlet (468): Lined waterways are graded channels that have an erosion-resistant lining of concrete, rock, synthetic turf reinforcements, or other material.

- Grassed Waterway (412): Grassed waterways are graded channels that have dense vegetation to convey surface water at a non-erosive velocity using broad and shallow cross sections.

- Diversion (362): A diversion is a graded channel constructed across the slope to break up concentrated water flow on long slopes.

Additional Conditions:

- Practices will have a safe and stable outlet that conveys runoff to a point where outflow will not cause damage.
- Practices will not involve the diversion of water from a waterway or redirection of flow to a different waterway or subwatershed.
- Practices will not result in the conversion of a wetland by changing the hydrology.

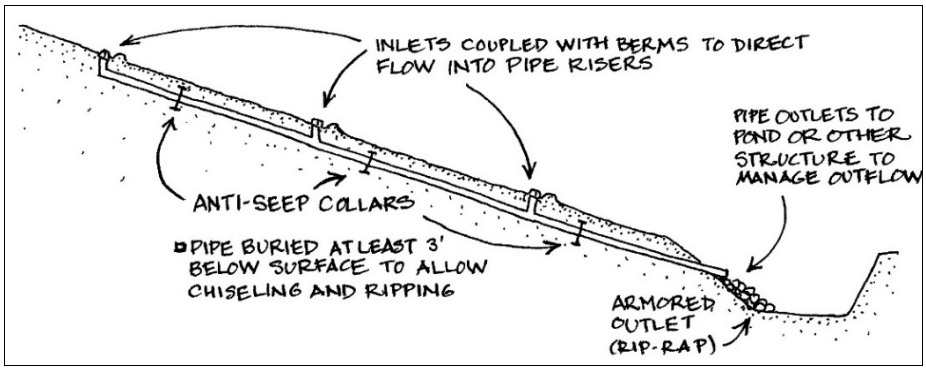
Environmental Benefits:

- Reduces the amount of sediment and related pollutants delivered to streams, riparian and wetlands areas.
- Prevents or slows gully formation.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
2 ac	2,000 cy	6 ft

6 – Underground Outlet (620)*



Buried pipe to safely convey concentrated flow through field

The Underground Outlet Program Practice Type includes installation of an underground conduit (pipe) to collect excess surface water and convey it to a suitable outlet to reduce erosion and the delivery of sediment-laden pollutants, and flooding. Flow is typically conveyed to a sediment basin or stabilized outlet.

Components of underground outlets, including inlet collection boxes and conduit junction boxes, will be designed with sufficient size to allow efficient maintenance and cleaning operations. The pipes will typically be installed using traditional open-cut construction methods, and the trench width will be wide enough to allow proper installation. The underground outlet installation depth will be determined based on the site conditions including surface slope and land use above the pipes (e.g., pipes should be installed a minimum of 36" or more beneath disced and tilled fields).

Although installation of an underground outlet on its own may not typically require a County permit for small grading volumes, the Underground Outlet (620) NRCS conservation practice is being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that require a County grading permit.

Additional Conditions:

- Each underground outlet will have a safe and stable outlet that conveys water to a point where outflow will not cause damage.
- Location, size, and number of inlets are determined to collect excess runoff and prevent erosive surface flow.

Environmental Benefits:

- Prevent or repair sheet and rill erosion and prevent sediment from entering waterways.

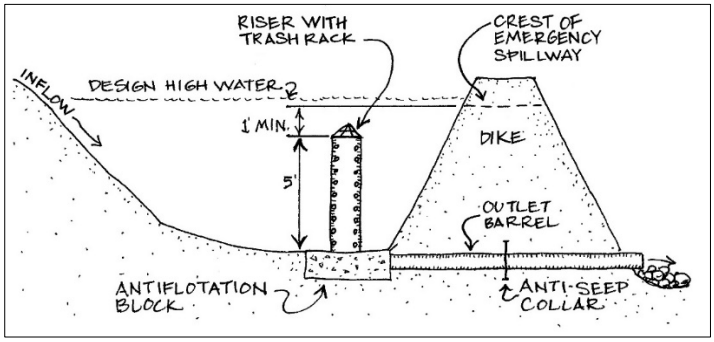
Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
0.5 ac	1,000 cy	10 ft

7 – Water and Sediment Control Basin

Includes NRCS Conservation Practices:

- Water and Sediment Control Basin (638)*
- Sediment Basin (350)*



Sediment basin capturing stormwater runoff

The Water and Sediment Control Basin Program Practice Type includes construction of excavated basins with or without embankments that collect and detain sediment-laden stormwater and irrigation tailwater. These basins reduce undesirable deposition on bottomlands and in streams or other waterbodies.

This upland Program Practice Type reduces the peak flow of stormwater runoff, traps and stores sediment, and improves the quality of stormwater where erosion is already occurring or has potential to occur, and for which measures to address the source are insufficient. Basins are generally located at the base of agricultural fields and adjacent to natural drainages or riparian areas. Basins are designed with sufficient capacity to release water more slowly than the stormwater runoff flows into the basin while maintaining at least 6" of freeboard. A riser pipe controls the release rate of water through perforations, the number, size, and spacing of which vary to reduce peak flow rates for design storm events. Basins typically include a trapezoidal spillway at least 6" above the perforated riser that may be lined to reduce erosion potential when activated in larger storm events. The practice does not treat the source of sediment but provides a barrier to reduce degradation of surface water downstream.

Additional Conditions:

- Water and sediment control basins will not be constructed in a stream channel or other permanent waterbody.
- The design outlets will prevent scouring at discharge points.
- Basins are typically excavated into the soil but may include an embankment. Embankments that impound over 3 ft of water require additional analysis and are only installed when they present a low risk to downstream areas.
- Periodic removal of sediment will be required as part of a maintenance plan.

Environmental Benefits:

- Water and sediment control basins will trap sediment, sediment associated materials, and other debris and prevent undesirable deposition on bottomlands and in waterways and streams.
- May increase the amount of water infiltrating and increase groundwater recharge.
- May reduce downstream flooding.

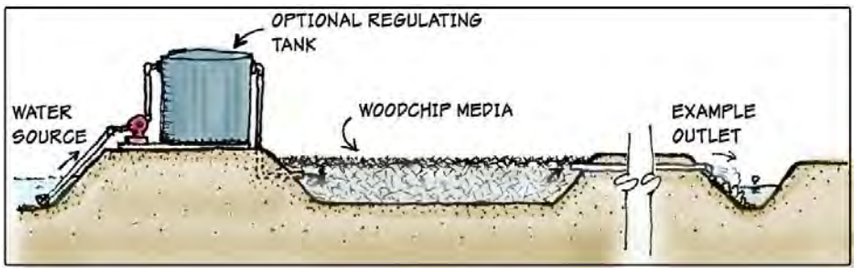
Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
3 ac	10,000 cy	20 ft

8 – Bioreactor

Includes NRCS Conservation Practices:

- Bioreactor (605)*
- Watering Facility (614)*



Bioreactor system with woodchip media

The Bioreactor Program Practice Type includes installation of biological treatment systems that use a carbon source to reduce nitrate or other contaminants in surface and subsurface water and improve water quality downstream.

This Program Practice Type improves water quality from agricultural production through construction and installation of a biological treatment system and its components, including the bioreactor and a watering facility, e.g., water holding tank. The systems are typically installed near tile drain sumps or ditches and convey the agricultural water through a carbon-rich environment (such as woodchips or other media with an injected carbon source).

The Bioreactor Program Practice Type may include the following NRCS conservation practices:

- Bioreactor (605): A bioreactor is an excavated basin filled with media to create an environment that promotes the growth of beneficial bacteria that consume nitrogen and reduce the concentration of nitrate downstream.

- Water Facility (614): Tanks (watering facilities) may be installed adjacent to the bioreactor to increase the treatment system capacity by providing storage and increasing water temperatures.

Additional Conditions:

- The design of outlets will prevent scouring at discharge points.
- Surface flow will be diverted away from the system.
- If a tank or above-ground containment structure is included for temporary storage, the design engineer will demonstrate that tanks do not pose a safety hazard.
- Bioreactors are typically excavated into the soil but may include an embankment. Embankments that impound over 3 ft of water require additional analysis and are only installed when they present a low risk to downstream areas.
- The system will be designed such that it does not produce nuisance odors.
- Periodic removal of sediment and replacement of wood chips will be required as part of a maintenance plan.
- Water storage tanks will be less than 5,000 gallons and have a height-to-diameter ratio of less than 2.
- The drainage from foundations and drains for water storage tanks and watering troughs will dispersed to the landscape in stabilized areas so runoff will not become erosive.

Environmental Benefits:

- Reduces concentration of nitrate or other contaminants in surface and subsurface water.
- May reduce downstream flooding.

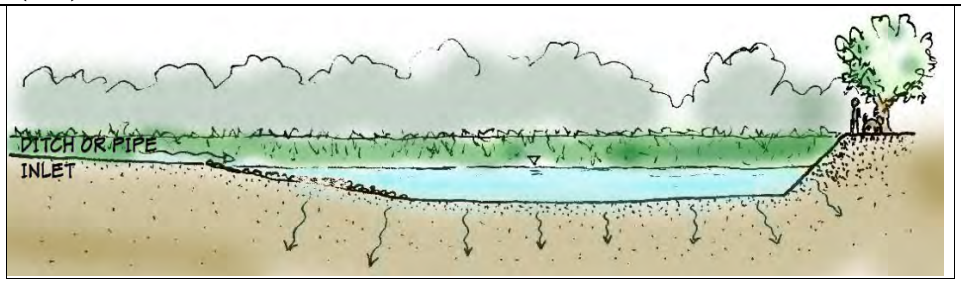
Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
1 ac	4,000 cy	10 ft

9 – Infiltration Basin

Includes NRCS Conservation Practice:

- Groundwater Recharge (815)*



Infiltration basin recharging groundwater

The Infiltration Basins Program Practice Type includes construction of impoundments with a permeable base to collect stormwater runoff and increase the potential to move water down through the soil towards groundwater.

The Program Practice Type increases infiltration of stormwater runoff through the underlying soil layers and could potentially provide groundwater recharge. Basins are designed to collect and infiltrate water that is free from potentially-clogging sediment, as well as pesticides and nutrients that pose a threat to groundwater. Projects may include collecting runoff from agriculture fields that utilize plastic such as greenhouses or hoop houses where the runoff is typically free from sediment and has low-to-zero levels of pesticides and nutrients. Runoff from other types of agricultural fields will have non-threatening levels of sediment, nutrients, and pesticides prior to entering the infiltration basin, and therefore the project may include a Water and Sediment Control Basin (638), Bioreactor (605), or another form of treatment such as a packaged treatment system or biochar system upstream from the infiltration basin. The infiltration basin will also have a stable overflow outlet to allow excess runoff from larger design storm events to pass through the basin. The Program Practice Type also includes installing observation wells near the basin to monitor groundwater levels. Typical observation wells are small-diameter (less than 12”) borings with a perforated pipe surrounded by clean, washed drain rock up- gradient and down-gradient from the infiltration basin to monitor changes in groundwater levels and quality.

Additional Conditions:

- The bottom of the basin will be at least 10 feet from the highest expected water table.
- The basin will be designed with sufficient capacity for the designed storm event and allow for non-erosive and safe conveyance of flow.
- Infiltration basins are typically excavated into the soil, but some basins may include an embankment. Embankments that impound over 3 ft of water require additional analysis and are only installed when they present a low risk to downstream areas.
- Practices will have a safe and stable outlet that conveys runoff to a point where outflow will not cause damage.
- Practices will not involve the diversion of water from a waterway or redirection of flow to a different waterway or subwatershed.
- Periodic removal of sediments and ripping of the basin will be required as part of a maintenance plan.
- The source water will be characterized and compared to background water quality of the local aquifer so that no water will be infiltrated that could exacerbate existing groundwater quality issues.
- One upgradient and two downgradient observation wells will be installed and monitored for water level and contaminants. Permits for observation/monitoring wells will be obtained separately through County of Monterey Environmental Health Bureau.

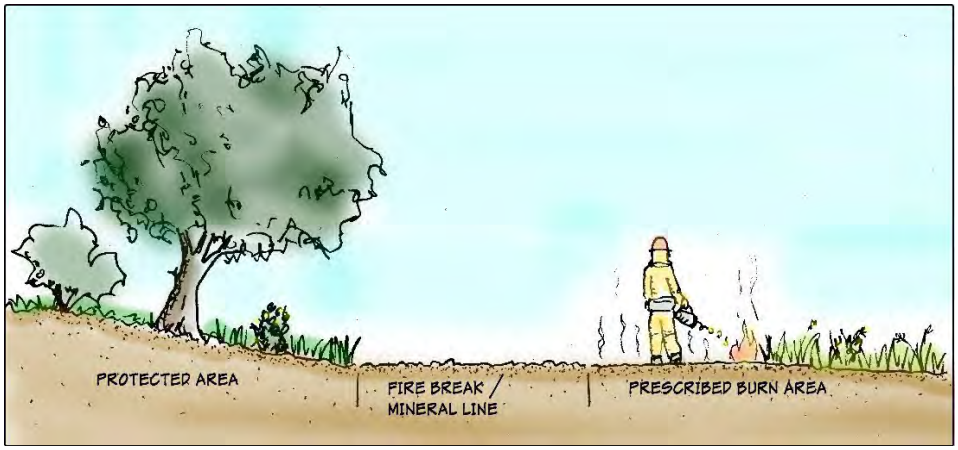
Environmental Benefits:

- Increased percolation of water into the soil matrix and potential groundwater recharge.
- May reduce downstream flooding.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
3 ac	10,000 cy	30 ft

10 – Firebreak (394)



Fire break (bare ground fuel break) to contain prescribed burn

The Firebreak Program Practice Type includes a temporary strip of bare land to contain prescribed burns for restoration purposes only. Firebreaks under this program create a defensible barrier prior to a prescribed burn to control invasive plants, improve rangeland, or wildlife habitat. Firebreaks are typically 15 ft wide and tie into existing features such as roads, rocky ground, mowed areas, etc. The depth of the scrape is likely around 2 inches but is typically not expected to be greater than 6 inches.

The RCD will not be implementing any wildfire fuels treatment, i.e. vegetation management (mechanical or manual) or prescribed burns, under the Master Permit. Those wildfire fuels reduction activities are covered under other permitting mechanisms, including the Board of Forestry California Vegetation Treatment Program (CalVTP), County of Monterey Public Works Program, or CalFire or local Air District for prescribed burns. The above-mentioned permitting mechanisms, however, do not provide permit coverage for any grading activities, such as those associated with a bare soil firebreak. As such, this Program Practice Type is intended for use in very limited circumstances and has been included because it was identified as a gap and potential permit need should a bare soil firebreak be needed to contain a prescribed burn.

Additional Conditions:

- Firebreaks in steeper terrain will include erosion control measures based on soils, slope, and adjacent vegetation.
- Firebreaks where the topsoil and vegetation have been scraped take longer to rehabilitate. If vegetation hasn't regrown within one year of the burn, seeding and revegetation will be included and will be monitored until returned to pre-construction conditions.
- Plants for revegetation of the firebreak will be selected based upon site-specific conditions.
- Native plants characteristic of the local habitat type will be the preferred alternative.
- The practice area and volume of grading apply only to the firebreak. The burn area is not included in the area of practice.
- A maximum depth limit of 2 feet is included for the Firebreak Program Practice Type in the unlikely chance there is a circumstance requiring a greater depth.
- The prescribed burning activities will be permitted with applicable agencies separately from this program through a CalFire burn permit or local Air District smoke management permit, and would undergo a separate CEQA review.
- Although expected to be used rarely, the RCD has included coverage for bare soil firebreaks solely to support controlled broadcast burns conducted for restoration purposes.

Environmental Benefits:

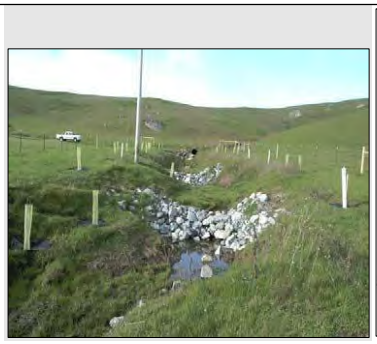
- Remove unwanted vegetation that degrades wildlife habitat.
- Reduce woody vegetation and risk of uncontrolled/catastrophic wildfire.

Limitations:

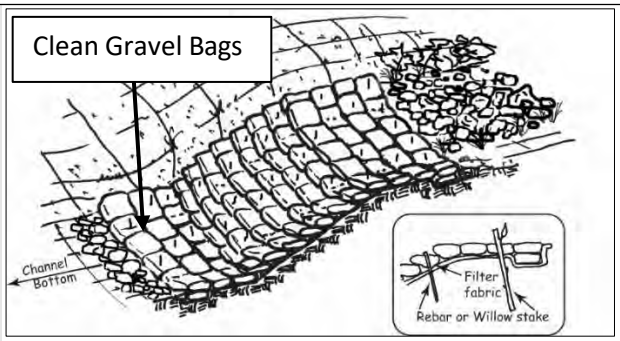
Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
2 ac	2,000 cy	2 ft

11 – Grade Stabilization Structure (410)*

Before



After



Installation of a structure and/or grading in a gully to control the grade and prevent head cutting to protect downstream water quality.

The Grade Stabilization Structure Program Practice Type includes regrading and/or installing structures in a gully to reduce the erosive impacts of concentrated water and repair or slow the growth of gullies. This practice refers to rock, timber, or vegetative structures, such as a brush mattress, placed to slow water velocities above, below or in the structure. This practice also involves earthmoving to reshape the area impacted by the gully.

Additional Conditions:

- No structures will be installed in fish-bearing streams.

Environmental Benefits:

- Decrease the yield of sediment and improve downstream water quality.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
1.5 ac	1,000 cy	20 ft

RIPARIAN AND INSTREAM PROGRAM PRACTICE TYPES

Program Practice Type 12 is installed in riparian and in-stream habitats to improve habitat for wildlife species and for grade control and head cutting reduction.

Timing: June 15* To October 15

Tools and Materials: Loader, bulldozer (as needed), crane (as needed to lift bridge in place), drilling equipment (as needed for drilled piers), excavator, backhoe/skid steer, rock screen, haul trucks, roller (as needed for asphalt on rebuilt road), and compaction equipment (sheepsfoot roller or equivalent, as needed), native erosion control seed mix, native plants, fiber rolls, D-blocks, boulders, rock slope protection, engineered streambed materials, logs, concrete, asphalt

**Approval start date in riparian and instream habitat is dependent on requirements from regulatory agencies with jurisdiction over those waterways.*

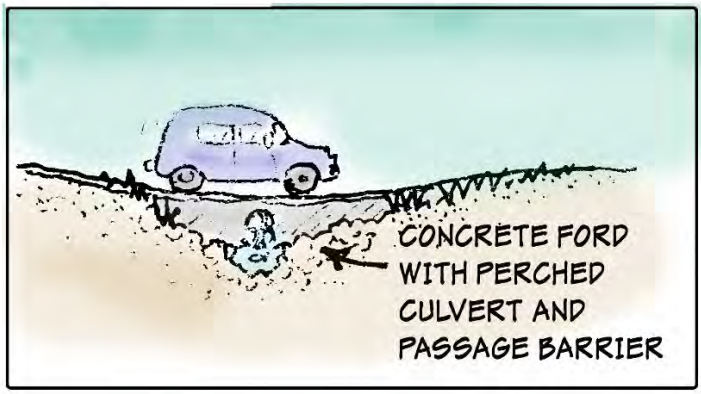
12 – Stream Habitat Improvement

Includes NRCS Conservation Practices:

- Stream Habitat Improvement (395)*
- Aquatic Organism Passage (396)*
- Streambank Protection (580)*
- Stream Crossing (578)*
- Channel Bed Stabilization (584)*

Before fish passage barrier removal

After fish passage barrier removal



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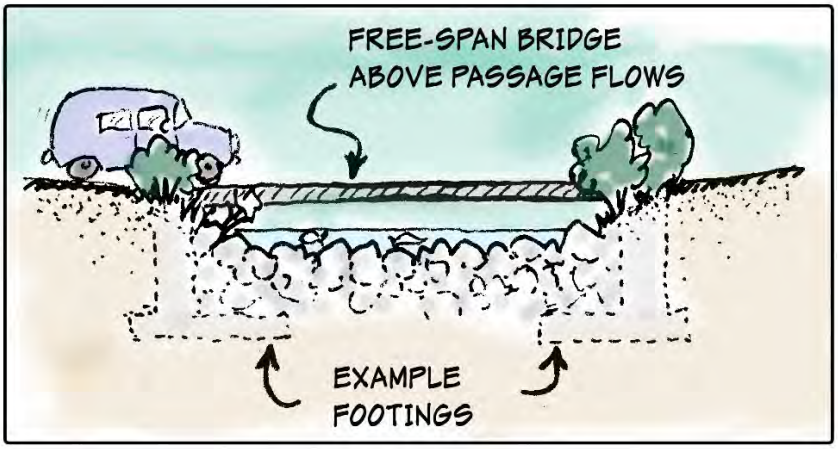


The Stream Habitat Improvement Program Practice Type is used to improve, enhance or create aquatic or riparian habitat for fish and other aquatic organisms by providing shade, controlling sediment, restoring pool and riffle stream characteristics, and improving passage and stream function. Aquatic habitat improvements will be based on an assessment of watershed, stream, and riparian conditions, including a site-specific assessment of erosion sources, local hydrology, channel morphology, geomorphic setting, aquatic species presence, riparian and floodplain conditions, and any habitat limitations such as water quantity and quality, food supply, and restriction of up- and downstream movement of aquatic species. Emphasis will be on establishing an ecologically self-sustaining stream-riparian system, improving floodplain- to-channel connectivity, and enhancing wetland and off-channel habitats consistent with the local climate and hydrology of the stream. The activities will be designed to work within the context of the watershed, including accounting of upland land uses and management that may adversely affect aquatic and riparian functions.

Although stream habitat improvement (e.g., revegetation or placement of woody debris) on its own may not typically require a County permit, the Stream Habitat Improvement (395) practice is being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that would require a County grading permit.

The Stream Habitat Improvement Program Practice Type may include the following NRCS conservation practices:

- Stream Habitat Improvement (395): This practice includes activities that enhance aquatic habitat for fish and other aquatic organisms by providing shade, controlling sediment, and restoring pool and riffle stream characteristics. Activities may also include adding habitat features such as spawning substrates or structural elements like boulder

clusters for step pools, root wads, large woody structures, summer rearing pools, overhead cover, and other elements that result in stream complexity.

- Aquatic Organism Passage (396): This practice includes removing hardened crossings, culverts, logjams, dams, weirs, etc. that limit fish or other aquatic organism passage and gravel and wood recruitment. It addresses functional and physical conditions in channels to improve target species' population status by restoring access to spawning, rearing, and foraging habitat.

- Streambank Protection (580): Streambank protection treatments are used to stabilize and protect banks of natural or constructed channels along streams, lakes, or estuaries against scour and erosion to prevent the resultant offsite or downstream effects of sedimentation and improve the stream corridor for fish and wildlife habitat. The protection treatment will be designed to maintain or improve flow capacity. Typical activities include regrading steepened or undercut slopes or installing bio-engineered slope stabilization solutions. Rock will only be used in circumstances where there is a threat to infrastructure, structures, etc. with approval from the agencies.

- Stream Crossing (578): This practice replaces a crossing (culvert, bridge or other structure) where an in-stream barrier has been removed. At a minimum, passage structures will be designed and evaluated for hydraulic performance and structural integrity at bankfull discharge and 2-year peak flow events.

- Channel Bed Stabilization (584): This practice is applied when an imbalance in a stream system causes damage to the bed, and the channel is experiencing unsustainable aggradation or downcutting that cannot be effectively controlled by modifying vegetation, protecting banks, or installing upland water control measures. The practice includes installing suitable structures or plantings to stabilize the bed of a channel to maintain or alter the bed elevation or gradient, modify sediment transport or deposition, or manage surface water and groundwater levels in floodplains and riparian areas. In some situations, this practice can be used to remove sediment (in non-fish bearing streams) to improve biological functioning of the stream and restore channel capacity.

Additional Conditions:

- For streambank protection and channel bed stabilization, "bioengineered" solutions using vegetation and soft materials (as opposed to concrete and rip rap, for example) are the preferred options where conditions are favorable for their use.
- Activities will occur during the driest conditions of the summer months.
- Dewatering may be required for some projects to isolate the work area using temporary structures such as cofferdams and the pumping of water around the worksite to maintain flows downstream.
- Given the potential adverse effects of dewatering on salmonid populations, in some instances large wood will be installed within the active stream channel without dewatering. Such actions will be approved by appropriate state and federal agencies, and an approved biologist will be on-site during all activities to monitor for direct mortalities.
- Sediment removal from a stream may only occur when the stream is not flowing and does not have standing water.
- Sediment removal will occur as a one-time practice (not repeated maintenance) and sediment will not be stored in wetlands or waterways (including floodplains and floodways).
- No chemically-treated timbers will be used for channel stabilization structures or other instream structures.
- Applications of rip rap will be backfilled with soil and planted with native vegetation representative of the species and density to pre-construction condition.
- Stream crossings will be designed to allow the passage of reasonably foreseeable flood risks including bedload and potential debris.
- When a project involves the replacement of a fish passage barrier with a bridge, bridge plans will be designed by a structural engineer, and soil information will be supplied to the County by a civil engineer or geotechnical engineer. A building permit will be obtained from the County for a bridge project.

Environmental Benefits:

- Banks of streams and water bodies are protected by vegetation to reduce sediment loads causing downstream damage and water quality impairments.
- Improved and stabilized streambed and banks for fish and wildlife habitat.
- Protect adjacent land from erosion damage and downstream land from potential increased sediment loads.
- Enhances/creates essential habitat for steelhead and other aquatic species.
- Potentially reduces downstream flooding.

Guides:

- Projects will be designed and implemented in accordance with the California Department of Fish and Wildlife's *California Salmonid Stream Habitat and Restoration Manual*.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
5 ac	7,500 cy	25 ft

WETLAND PROGRAM PRACTICE TYPE

Program Practice Type 13 is installed to improve existing wetlands or create new wetlands for increased hydraulic function or improved habitat for wildlife species.

Timing: June 15* and October 15

Tools and Materials: Excavators, backhoe/skid steer, water truck, native seed mix and plants, rock, clay or sodium bentonite, corrugated metal and plastic pipe for culverts and pre-fabricated fiberglass or concrete, wooden, or metal water control structures.

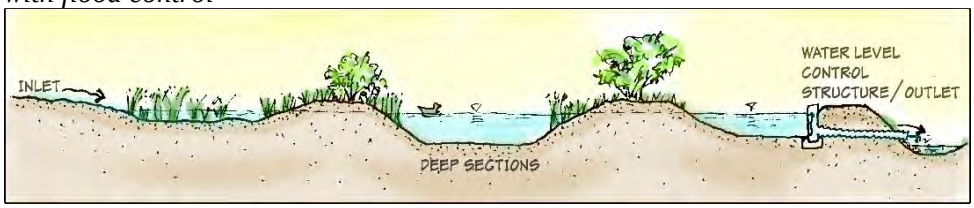
**Approval start date in wetland habitat is dependent on requirements from regulatory agencies with jurisdiction over those wetlands.*

13 – Wetland Management

Includes NRCS Conservation Practices:

- Wetland Restoration (657)*
- Wetland Creation (658)*
- Wetland Enhancement (659)*
- Structure for Water Control (587)*
- Wetland Wildlife Habitat (644)

Castroville slough multi-benefit wetland that receives agricultural runoff, provides habitat, and helps with flood control



Wetland with water level control structure

The wetland practices restore and enhance wetlands conditions similar to those that existed prior to disturbance, degradation or altered hydrologic conditions, or create a new wetland for increased hydraulic function or wildlife habitat.

Although the enhancement of wetland wildlife habitat on its own may not typically require a County permit, the Wetland Wildlife Habitat (644) practice is being included under the Program for Coastal Development Permit coverage in the Coastal Zone and/or for projects that involve over 100cy of soil displacement that would typically require a County grading permit.

The Wetland Management Program Practice Type may include the following NRCS conservation practices:

- Wetland Restoration (657): This practice applies to projects where wetland hydrology is restored by converting abandoned land (possibly abandoned agricultural land) to a depressional wetland by excavating and redistributing soils in the wetland area and modifying levees or berms to return water to the site.
- Wetland Creation (658): This practice applies to an area where surface runoff may be intercepted and ponded in an excavated depression to provide increased hydrology for floodwater storage, water quality improvements or for wildlife habitat.
- Wetland Enhancement (659): This practice applies to former or degraded wetland areas that are planned to be enhanced beyond the existing conditions. Activities may include grading in multiple areas throughout the project site to increase the depth and duration of surface hydrology. Project may include moving soil or deepening existing wetlands and swales. Other enhancement activities will improve habitat for wetland-dependent wildlife requiring additional hydrology for all or portions of their life cycles.
- Structure for Water Control (587): These are structures such as gates, flashboard risers, or culverts installed in pipes or open channels to control the velocity or direction of the water or maintain a desired water surface elevation.
- Wetland Wildlife Habitat Management (644): This practice applies to wetlands requiring adaptive management such as cutting of vegetation limbs that impede access of birds into nests, maintenance of desirable plant communities, repairing/replacing damaged fences or wildlife structures, cleaning of debris around wildlife structures, creation of small mounds, and adjusting wetland water levels to meet specific shorebird, waterfowl, mammal, fish, reptile, or amphibian habitat needs. Water levels may be lowered via pumping or adjustment of water level control structure.

Additional Conditions:

- Activities will seek to emulate the functions of undisturbed conditions and will not result in significant loss of vegetation or disturbance which would negatively impact species' habitat, cover, food, etc.
- Practices will have a safe and stable outlet that conveys runoff to a point where outflow will not cause damage.
- Practices will not involve the diversion of water from a waterway or redirection of flow to a different waterway or subwatershed.
- Projects that include an embankment that impounds over 3 ft of water require additional analysis and are only installed when they present a low risk to downstream areas.
- No floodway will be impeded, and base flood elevations should not be elevated more than 12" from modifying existing berms or levees.
- Once constructed, the maintenance of the practice(s) is allowable, including management of water levels and a wide range of vegetation management activities to maintain or improve the vegetative composition on a site.

Environmental Benefits:

- Restores, enhances and creates wetlands to improve habitat for wildlife species.
- Improves ecosystem functions lost from land use and/or climate change.
- May increase the amount of water infiltrating and contribute to groundwater recharge.
- May reduce downstream flooding.

Limitations:

Area of Practice	Volume of Grading (cut and fill)	Maximum Depth
18 ac	30,000 cy	10 ft

ATTACHMENT B

Notification and Communication Procedures for the RCD of Monterey County Environmental Enhancement Streamlining Program (EESP) Master Permit

Pre-Construction Notification:

The RCD will provide an electronic Pre-Construction Notification (PCN) for each project to County of Monterey HCD-Planning by May 1st of each year.

All PCNs will include the following information:

- Project identification and location, including a map with key features and site constraints (such as wells or septic systems within 200ft of the limit of work).
- Conservation Plans (visual map or illustration showing area of treatment activities) or engineering design plans (if applicable).
- Nature of work and description of project need.
- Project construction timeline.
- Photos of the project area and immediate surroundings annotated to describe the project area and any applicable site features.
- Environmental setting – surrounding habitat, adjacent land use, land use planning area, zoning designation, etc.
- When native vegetation will be removed and revegetation will occur, a visual assessment of dominant native shrubs and trees, approximate species diversity and approximate coverage; and information about the plant species to be used for revegetation.
- If the project includes removal of native, 6-inch or greater diameter native trees (excluding dead, dying or hazardous trees with arborist tree removal waiver form, as needed), provide recommended restoration measures including number and tree species planted to mitigate the removed trees.
- Potential presence of listed species (i.e., indication that CNDDB map has been consulted for species) (checkbox).
    - Information on special status species/habitat present in relation to the work area, potential impacts to special status species/habitat, and all applicable environmental protection and mitigation measures.
- Indication that the appropriate paleontological and cultural resource investigation and tribal consultation (included in Exhibit A) has been completed (checkbox).
- Indication that the County GIS Parcel Report has been consulted to determine if the project is located in a Visually Sensitive district or corridor, the Big Sur Critical Viewshed, or a Design Control district. (checkbox for type).
    - If any of these are indicated, the PCN will demonstrate that the RCD planner has

completed a site-appropriate visual analysis of the project and whether or not the project's proposed structures, roads, or grading will negatively impact public views, temporarily or permanently.

- Indication that the project has potential to impact public access in the Coastal Zone and what modifications, consultations with California Coastal Commission, or other measures are taken to ensure there are no adverse impacts to public access.
- Indication that the County FEMA map has been consulted to determine if the project is located in a FEMA identified flood hazard area (checkbox).
    - If a project has potential to impact a floodway or floodplain, the PCN will indicate that a qualified individual or registered civil engineer has completed an analysis indicating that the project will not decrease floodwater storage, modify floodwater conveyance, increase the base flood elevation, or otherwise create an adverse impact either on the site or upstream or downstream of the site (checkbox).
- List of Program Practice Types and NRCS conservation practices to be installed.
    - Indication whether the project includes in-stream work and those practices that potentially directly or indirectly impact fish-bearing streams.
    - Description of any proposed wetland disturbance, including description of how project/practice will increase functional capacity of the wetland, and a description of the wetland delineation methodology.
    - Description of work in riparian area (checkbox)
- The volume of any proposed grading, including the offsite location to which the fill will be exported (if location is not a municipal landfill).
- Where grading exceeds 5,000 cubic yards, that plans have been designed and signed by a qualified engineer practicing in accordance with the standards of the State of California (checkbox). Engineering design plans will also be submitted.
    - The compaction requirements and finished maximum cut and fill slopes, as applicable.
- For all other NRCS conservation practice types requiring a qualified individual or Registered Civil Engineer (RCE) review/approval, as indicated in Exhibit B (i.e., for NRCS conservation practices designated with asterisks in Exhibit B), certification that an RCE has reviewed, analyzed, and/or designed the project (checkbox).
- Indication if the project area is within a County right-of-way (checkbox).
- Certification that site is not on the Cortese list of hazardous materials sites (checkbox).
- Indication that landowner access consent has been obtained for the project site and any properties that must be crossed to implement the project (checkbox).
- Proposed strategies for implementation of CEQA mitigation measures as specified in the Initial Study and Mitigated Negative Declaration for the EESP and applicable information regarding CEQA mitigation monitoring.
- Description of the criteria that will be used to measure success for each project, and the time frame to be used to monitor the identified success criteria.

- Construction Management Information
- Hours of operation
- Truck routes
- Estimated number of truck trips
- Number of construction workers
- Map showing the staging and parking location

All PCNs will include a cover sheet signed by the RCD certifying that each proposed project meets the criteria to qualify under the Environmental Enhancement Streamlining Program.

Additional Materials:

RCD will provide the PCNs as well as a Cumulative Evaluation Memorandum ("Memo") to the regulatory agencies. The Memo will assess all the projects for the year and previous years across the County's geography, as well as any other major projects adjacent to RCD's watershed improvements that could create a cumulative impact on a given watershed. The Memo will flag if any potential cumulative impact is possible and recommend project modifications in timing or intensity to avoid cumulative impacts. RCD shall attach the Memo and any responses from regulatory agencies to the PCN packet. RCD shall also attach the reports that were developed in the planning of each project for HCD staff review.

Review of Preliminary PCN and Issuance of Final PCN:

HCD-Planning will provide comments or recommended revisions within 30 working days of receipt of a PCN. If County staff determines there are projects that require further review and/or modification to meet the criteria established by the Program, the County will contact the RCD to discuss those specific projects and resolve the outstanding issues. During these discussions, if the County determines that additional protection measures or other project revisions are required, they will work with the RCD to determine how these measures/revisions will be incorporated into the project. The County and RCD will attempt to achieve resolution of outstanding concerns within 30 days of the receipt of the Preliminary PCN. Following discussions with the County and other participating agencies, the RCD will send a revised PCN (Final PCN) to the County and other participating agencies, incorporating any revisions necessary to meet the criteria established by the Master Permit that resulted from the County's review of the Preliminary PCN. If no communication is received that indicates a Preliminary PCN does not qualify for the EESP, that PCN becomes final and work may proceed within the estimated timeline provided on the PCN.

Winter Grading Approvals: Every attempt will be made to finish all grading and to install erosion control measures prior to October 15. Any additional grading work beyond October 15 must be pre-approved by HCD and all regulatory agencies permitting the project.

Annual Report: By March 1 of each year, the RCD will submit a status report for review to the County in the form an end-of-the-season Annual Report documenting all projects. The Annual Report will list currently active projects, and describe each project's purpose, area affected, environmental enhancements accomplished, amounts/volumes of yardage and cut/fill, finish

slopes, etc. It will also list conservation benefits and any net gains in wetlands and riparian areas, describe actions taken to avoid adverse effects to and enhance habitat of listed species, and provide photo documentation of before and after site conditions.

Mitigation Monitoring Program: The PCN and/or the Annual Report will include documentation of progress made towards implementation of each of the Program's mitigations as specified in the CEQA Initial Study and Mitigated Negative Declaration for the Program, including listing any additional actions that may be needed to fully implement the CEQA mitigations and meet success criteria, with proposed strategies for ensuring that such actions are taken in the upcoming or following year. For all situations where mitigation measures are not being sufficiently implemented and/or success criteria are not being met in a timely manner, the Annual Report will provide recommended remediation measures (and an implementation schedule for them) designed to meet mitigation targets and/or individual project success criteria. The County and/or the participating agencies may require additional and/or different changes as necessary to ensure that the projects continue to meet the criteria of the Master Permit.

ATTACHMENT C

(TEMPLATE)

Date: [Date]
To: [Agency Reviewer, Permitting Agency]
From: Paul Robins, Executive Director
Organization: Resource Conservation District of Monterey County (RCDMC)
Subject: Cumulative Impact Evaluation – Environmental Enhancement Streamlining Program Master Permit (EESP Permit) YEAR [#]

Purpose

Per Monterey County's requirements for the Environmental Enhancement Permit Streamlining Program ("Program"), this memorandum accompanies the Pre-Construction Notifications (PCNs) for five proposed environmental enhancement projects submitted under the program in [Year]. Its purpose is to confirm that all required state and federal environmental permits for each project are being obtained, that all regulations are being adhered to, and to document RCDMC's finding that implementation of these projects will not result in new significant cumulative environmental impacts—either when considered individually, collectively or in combination with prior projects approved under the Environmental Enhancement Streamlining Program Master Permit (EESP Permit). The information included in these PCNs aligns with the permit application documents that your agency has already received during the project consultation.

PCNs for each of the current year's projects are attached. Completed project documentation (including designs, detailed maps, technical reports, etc.) can be provided upon request. RCDMC will provide a cross-year summary in subsequent years 2, 3, 4 and 5 documenting the cumulative impacts analysis of currently proposed projects in conjunction with the prior year's projects.

Cumulative Impact Evaluation

The RCD reviewed the combined projects for potential cumulative impacts by assessing:

1. **Project Type and Cumulative Size**. Total project area and intensity of disturbance.
2. **Location and Place**. Geographic setting, habitat type, and jurisdictional boundaries in cumulative acres.
3. **Affected Resources**. Air, biological (terrestrial and aquatic), soil, water, tribal, cultural, and other environmental resources.
4. **Proximity to Other Projects**. Spatial overlap or adjacent to current and past projects covered under Master Permit.

5. **Special Status Species**. Presence of, or potential effects on, state- or federally-listed species and their habitat.

6. **Avoidance and Minimization Measures, Mitigation Measures and regulatory controls applied to reduce specific potential impacts.** RCDMC reviewed the avoidance and minimization measures and/or mitigation measures that RCDMC is applying to each individual project, as well as legal requirements such as MBARD daily emissions regulations. If similar impacts have triggered the need for measures on more than one PCN in a year, a certified engineer, County approved biologist, geologist, hydrologist or other technical expert reviews the potential for combined impacts and adjusts the timing or design of one or more PCN to ensure cumulative effects are avoided. Their evaluation memorandum, if needed, is attached.

Based on this review, RCDMC concludes that:

- The five projects are geographically appropriate or sufficiently separated to avoid overlapping disturbance to any given resource.
- Projects when evaluated together by location, abundance, frequency and proximity to one another, do not have potential to adversely affect air quality, biological resources including special status species or critical habitat, waterways, historical, cultural or tribal resources.
- No special status species or habitats will experience on-site or off-site compounded adverse impacts when considering these projects together or in conjunction with previously implemented projects.

Conclusion

RCDMC certifies that all five projects presented in [Year] have obtained or are obtaining the necessary environmental permits from relevant state and federal agencies and that the cumulative impact analysis summarized under Table 1 and supporting memorandum documents that there are not significant combined or incremental impacts on-site or off-site. These projects are consistent with the objectives of the Program and are recommended for approval under the EESP Permit.

Please let me know if you would like to receive copies of any specific project documentation or if you have any other questions or concerns.

Sincerely,

Paul Robins
Executive Director
Resource Conservation District of Monterey County

744-A LaGuardia St.
Salinas, CA 93905
paul.robins@rcdmonterey.org

Attachments:

A. Project Summary Table

B. Project Location Map (*Up to five current projects and previous years projects labeled by year*)

C. [YEAR] Pre-Construction Notifications

ATTACHMENT A: Project Summary Table

Project ID / Name and YEAR	Watershed/ Subwatershed & Lat/Long Coordinates	Primary Activity / Purpose	Project Dimensions	State & Federal Permits Received (Status/ Permit No.)	Special Status Species Considerations	Avoidance and Minimization Measures, Mitigation Measures, and Regulatory Controls applied to reduce specific potential impacts	Cumulative Impact Finding & Rationale

Permit acronyms and term definitions:

1. CDFW LSAA = California Dept. of Fish and Wildlife Lake and Streambed Alteration Agreement;
2. RWQCB = Regional Water Quality Control Board;
3. USACE = U.S. Army Corps of Engineers;
4. USFWS = U.S. Fish and Wildlife Service
5. NMFS = National Marine Fisheries Service
6. BO = Biological Opinion
7. CCC = California Coastal Commission.
8. X = Consultation Completed; No Permit Necessary
9. NA = Determined not applicable to project
10. "Cumulative Impact Finding" is based on RCD review of size, location, resource type, and proximity to other EESP projects.

ATTACHMENT B: Project Location Map

(*Up to five current projects and previous years projects labeled by ID and year*)

ATTACHMENT C:

[YEAR] Pre-Construction Notifications