Exhibit E

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CEQA DISCUSSION:

Three comment letters included in **Exhibit D** are herein responded to and the responsive edits are explained.

1. Letter from RCD of Monterey County
   Paul Robins, Executive Director of RCD of Monterey County, wrote a comment letter within the comment period on the circulation of the public draft IS/MND in which he 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. Although there is a series of responsive PGCs in the RCD table included in the application for the EESP Master Permit, the Initial Study concluded that requiring a Phase 1 archaeological report without tribal cultural outreach on the specific site and no documentation produced by these steps as part of the PCN for County staff review would put County in a position of potentially approving inclusion of a project in the PCN set that County would, if fully informed as to the potential impacts, more likely decline to include in the EESP. The requested edit removes County's ability to review such documentation and removed the need for a County-qualified professional, so it was not found an acceptable edit. County must have Phase I reports prepared by qualified professionals who are vetted and included in the County consultant list. However, staff clarified that the required project-specific documentation is required to be attached to the PCN only for those projects which elevate to RCD of Monterey County's CUL-3 level (potential impacts). In this way, staff has met the comment letter's basic request for clarification to be provided for the monitoring action.
   Responsive edits are:

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.* CUL-3's Phase 1 report is not fully aligned with County's archaeological and tribal cultural resource requirements. Therefore, CUL-3 is modified to require documentation to include, though not be limited to, the following:. . .

Mitigation Measure CUL-1 Monitoring Action: 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.

2. Letter from California Department of Fish and Wildlife, Region 4 CEQA Support Team

Krista Tomlinson signed for CDFW and subsequent communications made it clear to staff that CDFW's Region 4 CEQA Support Team, including Evelyn Barajas-Perez, had been the source of the comments on the EESP IS/MND. Their comment letter 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 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 and the application name to address their overall concerns and their 12 specific comments.

Overall concern: include CDFW more specifically in the review of EESP projects, and be as specific as possible how the conservation practices would not impact listed species under CESA and/or unauthorized activities and impacts to stream protected by Fish and Game Code 1600.

Response to CDFW's overall concern included many edits were made to the following sections of the Description of Project and Environmental Setting, A. Description of Project:

Added to the first paragraph of "Introduction":

Only projects that can be implemented without causing new significant adverse effects to resources will be eligible for coverage under the Master Permit. Five projects would be covered by the Master Permit per year, and all would undergo a three-step-review process that includes the RCD, State and Federal agencies, and County of Monterey. 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.

Edits to the first paragraph of "Project Description":

> Only five projects would be covered by the Master Permit per year, with a ~~two~~three-step review process of the permitted activity to ensure the environmental enhancement meets the constraints of the Master Permit. The first review would be by RCD of Monterey County to determine that the project fits within the scope of the Master Permit and meets project-specific requirements and Programmatic General Conditions. The second step of the review process would include consultation and review by Federal and State regulatory agencies to ensure compliance with State and Federal environmental regulations (including but not limited to the California Environmental Quality Act (CEQA), California Endangered Species Act (CESA), Fish & Game Code Section 2050 et seq. and Section 1600 et seq., Endangered Species Act (ESA) Section 7 and Section 10, Migratory Bird Treaty Act, and Clean Water Act Section 10, 404 and 401). Then, RCD of Monterey County would propose all five projects with evidence that they have passed step 1 and 2 reviews for a final review and inclusion by HCD on an annual basis.

Edits to Project Description section after Table 1:

Table 2 identifies the limitations for each qualifying project; projects may, on a case-by-case basis, minorly exceed the dimensions shown in **Table 2**. These projects would, however, be subject to additional review by the County of Monterey, state and federal regulators, and RCD of Monterey County to determine whether they would result in additional environmental effects beyond those identified in this IS/MND.

Table 2, Limitations for Qualifying Projects, Project Type "Firebreak" marked with an asterisk and the following:

* The Firebreak project type is expected to be used in very limited circumstances to support restoration-focused burns and not fuels treatment projects. In Monterey County, fuelbreaks and other fuels treatment activities are permitted through existing mechanisms such as the California Vegetation Treatment Program (CalVTP), a Public Works program, or CalFire for prescribed burn permits; however, these permitting pathways do not cover grading activity or bare soil fire breaks. Although expected to be used rarely, the RCD has included coverage for bare soil firebreaks disturbing a minimum amount of soil solely to support controlled burns conducted for restoration purposes. Any such burns must be permitted by CalFire burn permit or local Air District smoke management permit and must undergo a separate CEQA review or qualify for an exemption prior to implementation. This program does not provide permit coverage for the prescribed burns themselves or for fire breaks that only support fuel reduction-focused burns.

Next, new paragraph added immediately after Table 2:

RCD of Monterey County has an established tier system for their conservation practices that organizes the practices based on the complexity of the project and its potential for impacts that relate directly to the regulatory requirements. See **Attachment A** for full discussion of the project types listed in Table 2, and **Attachment A-1** for RCD of Monterey County's table expressing their three tiers. Attachment A-1 demonstrates how RCD of Monterey County would approach the second level pre-construction review and input from regulating agencies.

Added to the end of the next paragraph about how Programmatic General Conditions (PGCs) are selected by RCD of Monterey County to ensure the project's potential impacts are minimized:

If any new impacts are identified in relation to a project that are beyond those identified in this IS/MND, cumulatively or otherwise, the project will be excluded from inclusion under the Master Permit.

Edits to the following PGNs listed in Table 3:

BIO-2 -- 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"), outlining the proposed restoration project to <u>fully</u> mitigate loss of habitat. <u>There will be no unauthorized ESHA removal.</u>

BIO-3 -- <u>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.</u> 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 -- <u>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.</u> Prior to exercise of this Programmatic Restoration 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 -- 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.

The clarification edits above and the following edits made to BIO-8 PGC in the IS and the EESP address the CDFW concerns:

BIO-8 -- 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 PGCs BIO-3, BIO-4, and BIO-5.

SWFP-1 through SWFP-10 were written as part of the EESP PGCs to capture how RCD of Monterey County will ensure the conservation practices would not cause harm or negatively impact streams protected by Fish and Game Code 1600. No changes to that section of the PCGs were identified.

Also, the MND's Mitigation Measure BIO-1 was edited to ensure the concern CDFW raised is addressed through clear steps for RCD of Monterey to inform and include the regulating agencies, in addition to consultations:

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.

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.
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.

Mitigation Measure BIO-1 Monitoring Action: 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 1-4 of 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. ~~to the County of Monterey HCD Chief of Planning for review and approval.~~

Further edits to the IS to address CDFW's concern that they are not specified as part of project design and review in the EESP were made in *Section II. Description of Project*, Section B. Planning and Oversight Process.

First Paragraph:

The RCD of Monterey County would be responsible for reviewing all projects under the Master Permit to ensure that each project meets the minimum standards identified above. The RCD of Monterey County would utilize technical knowledge along with support from NRCS staff to address natural resource concerns as part of project design, and maintain and improve economic viability of agricultural properties. Specifically, the RCD of Monterey County would provide

scientific and technical support to facilitate project planning and implementation. The projects under the Master Permit would be designed and constructed under the oversight of the RCD of Monterey County with regulatory agency input and, where necessary, separate permitting, and incorporate the minimum Programmatic General Conditions (PGCs listed in Table 3) that mitigate any potential impacts by design. RCD of Monterey County shall relate PGCs to projects and review the ability of the project as designed and conditioned for consistency with the policies and zoning outlined in Table 4 Titles 14, 16, 18, 20 and 21. Ffollowing the Program Planning Process described in **Table 5**, Tthe RCD of Monterey County's approach to planning is adapted from the NRCS planning process. The would planning process would consist of 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).

Elaborate edits were made to Table 5. Program Planning Process to indicate that the project design team would include state and federal agencies in the early stages of project design and also follow document the State and Federal Permitting process and results in the PCNs to County.

The last paragraph of this section include the following edits:

Throughout steps 1-6 of the planning process, the RCD of Monterey County would identify potential environmental effects associated with the project proposal to identify all short-term, long-term, and cumulative effects both on- and off-site. If a significant adverse environmental effect is expected to result from a project, the RCD of Monterey County would work with the property owner to develop a plan that would reduce potential significant adverse impacts to less than significant, with or without mitigations. The RCD will consult with all state and federal agencies to ensure that all permits are obtained and that projects result in no adverse impacts. The PCN would identify conditions and mitigation measures that RCD would apply to a project. If a plan that would reduce potentially significant impacts to less than significant is not possible, the project would not be eligible for coverage under the Master Permit.

Between RCD of Monterey County Oversight Process and County of Monterey Oversight Process, which were also clarified, a new section of text was added:

State and Federal Agency Oversight

Early in the project development and design process, the RCD will consult with applicable state and federal regulatory agencies that have jurisdiction over natural resources that may be impacted by the project. All projects, regardless of type, size, or location will be required to consult with and obtain any required permits from State and Federal regulatory agencies, including California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and National Oceanic and Atmospheric Administration (NOAA) Fisheries. This ensures that each regulatory agency has an opportunity to determine if the project requires permits or additional protection measures. State and federal permits will be obtained separately through each agency's established traditional permitting processes. The types of permits or approvals may vary and may include programmatic or individual permits or authorizations. A description of agency jurisdiction and a summary of permitting mechanisms are provided below in Attachment A-1. All projects must consult with the appropriate regulatory agencies and comply with state and federal regulations.

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

Early consultation will be initiated with Central Coast RWQCB for Clean Water Act (CWA) Section 401 and nonpoint source pollution (NPDES) compliance for discharge in Waters of the State and the USACE for Section 404 of CWA and Section 10 of Rivers and Harbors Act compliance for discharge to Waters of US. If a federal nexus with USFWS and NOAA Fisheries for ESA Section 7 exists for the permitting process, USFWS and NOAA will be the lead agencies for Section 106 and ESA compliance. For projects where there is no federal nexus and "take" of federally protected wildlife has a potential to occur, any required federal "take" authorization will be obtained directly through USFWS and NOAA Fisheries under ESA Section 10. USACE and NOAA will also be the lead agency for Section 106 NHPA compliance if a federal authorization is issued for the project. For more details, see the second table in Attachment A-1.

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

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

Comment 1. The proposed BIO-3 PGC lacks the necessary specificity and enforceability to meet avoidance, minimization in an actionable and enforceable way.

Responsive edits were made to BIO-3 to address comment 1:

BIO-3 -- 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.

Comment 2, CDFW does not concur with BIO-4 language that documentation submitted for each project to County of Monterey Chief of Planning is sufficient for compliance with required State and Federal Permits. CDFW recommends that there be a specific mechanism within the review process where CDFW could provide project-specific input.

Responses to comment 2 were in the form of edits to identify the specific mechanisms within the review process. Edits were made to *Section II. Description of Project,* Section A. Description of Project, and Section B. Planning and Oversight Process, as shown above. Responsive edits were also made to Table 5. Program Planning Process to include CDFW in the process:

Table 5. Program Planning Process

Step	Planning Step	Results
1	Consultation	Project design team (RCD and other specialists) ~~I~~identify resource problems with the client (i.e. land owner or manager)~~and other specialists~~.
2	Determine Objectives	~~Identify,~~Project design team agrees on and document client's objectives.
3	Inventory Resources	Project design team ~~C~~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 evaluation to determine if a resource is significantly impaired. RCD coordinates with state and federal agencies for sensitive habitat considerations.
5	Formulate Range of Design Solutions	All significantly impaired resources are itemized. Practices (Attachment A and A-1) 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.

Table 5. Program Planning Process

Step	Planning Step	Results
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 ~~problems~~.
7	Client Determines Course of Action	RCD team ~~R~~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 ~~P~~prepares conservation plan and specifications and routes the PCN, with documentation 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 ~~and with on-site technical support, if needed~~.
9	Evaluate Plan Results	RCD ~~E~~evaluates the effectiveness of a plan and makes adjustments, as needed.

Comment 3, BIO-5, Incorporate State and Federal Permit Protection Measures, requests more specific reference to the required authorizations to comply with CESA, section 2800, section 2086, section 2089.2, or section 1654.

Responsive edit to comment 3 include the clarifications made to *Section II. Description of Project,* Section A. Description of Project, as listed above. Specifically, the State and Federal Permit requirements were added to several of the Biological PCGs and substantial new text discussing the interface of RCD of Monterey County with State and Federal permitting authorities was added. Furthermore, a responsive edit was made to PGC BIO-5 both in the IS and the EESP:

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.

Comment 4, BIO-8, Use Approved Biologist for Species Capture, Handling, and Translocation. CDFW is concerned that the measure could be interpreted to mean that project specific take of listed species in the form of species capture, handling, and/or translocation could be authorized by individuals possessing only a 2081(a) permit for research purposes.

Response to comment 4, included adding a sentence to PCG BIO-8 in the IS and the EESP, as shown below, and a responsive edit to Mitigation Measure BIO-1, Documentation, 2. State and Federal Permits:

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.

Mitigation Measure BIO-1

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.

Comment 5, BIO-12, Monitor or Fence for Wildlife Exclusion and Species Protection. CDFW pointed out that 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.

Responsive edits were made for comment 5, within PGC BIO-12 made in the IS and in the EESP clarifies that regulating agencies would be consulted whenever wildlife exclusion fencing is installed:

BIO-12 -- Where appropriate, fencing and flagging will be used to minimize disturbance to environmentally sensitive areas and species habitat. Wildlife Exclusion Fencing ~~will~~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.

Comment 6, VEG-3, Revegetate Project Area with Native Plants. CDFW expressed that all revegetation efforts for the restoration projects that are part of the EESP should be done establishing appropriate native assemblages of plants.

Response to comment 6: County staff discussed the types of projects where the fourth option described in VEG-3 would be implemented. RCD of Monterey clarified that option 4 revegetation would only be sought in types of EESP that are not restoration of native vegetation, but stabilization efforts for erosion control where there would be likely additional impacts, such as road improvement, sediment control basin, or bioreactor installation. Any project of restoration type (restoration of rare and declining habitat, critical area planting, upland wildlife habitat management, lined waterway, stream habitat improvement, or wetland management) would not be replanted with option 4 non-native, non-invasive plants. Clarifying edits were made to VEG-3 in the IS and in the EESP:

> 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., California Central Coast)
>
> 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).

Comment 7, LEDA-4, Follow Conditions in State and Federal Agreements/Permits. CDFW requests clarification of the intent of the Master Permit as to the classification of projects as restoration vs. projects within the Program that may involve ground disturbance and/or vegetation removal.

Response to comment 7: RCD of Monterey County changed the name of the Master Permit from "Programmatic Restoration Permit" to the Environmental Enhancement Streamlining Program, as a Programmatic Permit, to clarify that not all the project types that are under the umbrella of the EESP are habitat, stream or slope restorations, yet all the project types will enhance the County environment. The projects are solutions for environmental issues experienced by landholders in the County jurisdiction, like the parallel program in Santa Cruz County. The IS concluded that the EESP mitigates for potential impacts by design, in large part. In the few scenarios where the EESP PGC do not align with HCD-Planning's normal conditions of approval for potential impact mitigation, the MND recommended mitigation measures to augment the

PGC. As mitigated, there is no potential impact on environmental resources. Rather than edit LEDA-4, County clarified the planning process and pre-construction notification procedure as discussed in *Section II. Description of Project*. The clarifications, listed above in response to CDFW's overall concern, address comment 7.

Comment 8, Limitations for Projects that can apply for the Master Permit, expressed that the EESP structure was not clearly rigorous. CDFW recommended that limitations be committed to so Table 2's stated dimensions and limitations are not bypassed.

Response to comment 8: Many edits were made to pre-construction notification procedure as discussed in *Section II. Description of Project*, listed above in response to CDFW's overall concern, address comment 8 and the EESP structure is more clearly rigorous. A section of the discussion of Table 2 was added, as written below, and **Attachment A-1** was added to the IS and the EESP to clarify how the regulatory agencies would have an opportunity to opine that a given project would not qualify for the EESP, and to list the documentation that a PCN would require and that County would exclude any project with potential for regulatory agency involvement that does not demonstrate such involvement.

RCD of Monterey County has an established tier system for their conservation practices that organizes the practices based on the complexity of the project and its potential for impacts that relate directly to the regulatory requirements. See **Attachment A** for full discussion of the project types listed in Table 2, and **Attachment A-1** for RCD of Monterey County's table expressing their three tiers. Attachment A-1 demonstrates how RCD of Monterey County would approach the second level pre-construction review and input from regulating agencies.

Another responsive edit for comment 8 was made to the introductory text for Table 2, as follows. With all the clarifying edits outlined above, the recommendation expressed in CDFW's eighth comment is fully followed, and there would not be an opportunity for limitations to the scale of EESP projects to be bypassed.

Table 2 identifies the limitations for each qualifying project; projects may, on a case-by-case basis, minorly exceed the dimensions shown in **Table 2**. These projects would, however, be subject to additional review by the County of Monterey, state and federal regulators, and RCD of Monterey County to determine whether they would result in additional environmental effects beyond those identified in this IS/MND.

Comment 9, Potential for significant impacts. CDFW requested the CEQA document be programmatic and then each project be a tiered project with project-specific measures for avoidance, minimization, and mitigation applied to the project with subsequent review by trustee and responsible agencies and the public.

Response to comment 9: Attachment A-1 was prepared and clarifying edits were made to the planning process and agency oversight sections, as described above, to ensure the inclusion of agencies whenever and wherever appropriate in the EESP. A clarifying edit was also made specifically to address comment 8, a sentence was added to the IS's introductory text for Table 3, RCD of Monterey County PGCs, shown below:

If any new impacts are identified in relation to a project that are beyond those identified in this IS/MND, cumulatively or otherwise, the project will be excluded from inclusion under the Master Permit.

Altogether, County finds that the potential for significant impacts are fully addressed in the *mitigation by EESP design:*

- within each project design,
- project development including consultations with regulatory agencies,
- through programmatic application of PGCs and mitigation measures, specifically to each project, and
- through clear and comprehensive interagency communication prior to County's inclusion of any proposed project in the EESP, attached to the PCN.

Comment 10. Potential for additional environmental review. CDFW comments that each project should have independent CEQA review.

Response to comment 10. There is no need for each project to be reviewed with a stand-alone MND. With the clarifying edits to the EESP, such as those within the Project Description and Attachment A-1, it is clarified that no project which does not have appropriate permitting from regulatory agencies would be included, and the only permitting that the EESP covers is the County's permits. Further edits in these sections outline the timing and clear opportunity for regulatory agencies as well as County to recommend a project be removed from the project set for any given year. The EESP is an appropriate mechanism to streamline local permitting for environmental enhancement projects improves the environment in County.

Comment 11, potential for cumulative impacts. CDFW recommended a scientifically sound cumulative impacts analysis be included in the CEQA document from which "future proposed projects undertaken can be tiered."

Response to comment 11: There are several edits to the IS/MND that clarify how robust the EESP will be as to cumulative impact review. It is difficult to write a section about cumulatively considerable impacts when the exact location matched with exact type of project is known. Therefore, in 1-4 of Mitigation Measure BIO-1, a Cumulative Impact Evaluation is introduced that would be routed each year to regulatory agencies and, through the Public Records Act, any interested party. HCD will require 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 when staff review the annual project inclusion request (edits shown above). Lastly, the Mandatory Findings Impact (b) section was edited to signal the importance of these edits to mitigation measure BIO-1, as follows:

The Master Permit would not result in a cumulatively considerable adverse environmental effect when considered with past, present, and reasonably foreseeable future projects planned in Monterey County. Rather, the project would have cumulatively net beneficial impact since the Master Permit would facilitate environmental enhancement projects and the potential for cumulative impacts would be reviewed annually (see updated mitigation measure BIO-1). While projects facilitated under the Master Permit could occur simultaneously, the RCD of Monterey County would review, design, and implement projects to ensure impacts remain less than significant. Through the planning process (see *Section II. Description of Project*), PGCs, BMPs,

and mitigation measures (e.g., **Mitigation Measure BIO-1** and **Mitigation Measure TRAFFIC-1**), qualifying projects, even when constructed simultaneously, would have a less than significant impact and operation would have a cumulative net benefit.

Comment 12, availability of other programs, comment by CDFW that CDFW has a “Cutting the Green Tape” program, and that County should consider setting up a “Voluntary Local Program (VLP)” for farmers and ranchers. CDFW would authorize the VLP and the involved partners would have coverage for avoidance and minimization to impacts to covered candidate, threatened or endangered species classified as potential take during routine and ongoing agricultural activities. Staff found the comment does not provide specific direction that was not already considered in the development of the EESP. RCD of Monterey County would utilize the “Cutting the Green Tape” program for state permits in every case allowable, and that information would be part of a project PCN to the County. The VLP is too narrow for what RCD of Monterey County has applied for in the proposed EESP. However, if the EESP is denied by County decision makers, they may pursue the narrower program. The equivalent to the EESP has been a successful program in Santa Cruz County, and RCD of Monterey County is applying the same breadth and principals to streamline local permitting of agricultural, rangeland, and other environmentally enhancing projects.

CDFW offered three more recommendations:

Environmental data acquired through the EESP be uploaded to the California Natural Diversity Database, Filing fees for the Master Permit should be paid to CDFW upon filing of the Notice of Determination, and sensitive species monitoring protocols can be found at CDFW’s website.

These comments were noted, and no edits were needed.

HCD staff met with CDFW and U.S. Fish and Wildlife Service (USFWS) staff on October 30, 2023. In the meeting, staff explained how RCD of Monterey County was editing the application for the EESP to explicitly state how they would interface with the appropriate offices in CDFW and USFWS during project development. Staff offered to increase the explanation of the regulatory environment in the IS by editing the Project Description section, and, depending on the edits made by RCD of Monterey County, edit the tables and attachments of the IS/MND. Finally, staff shared that there seemed to be a misunderstanding as to what permits were allowed by the EESP. The permits are only Use Permits, Administrative Permits, Coastal Development Permits, Coastal Administrative Permits, grading permits, construction permits, and encroachment permits issued by County of Monterey. Once that was understood, staff felt that the program could proceed to Planning Commission with clarifying edits to the documents.