# Exhibit B

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**THOMPSON**
**WILDLAND MANAGEMENT**
*Environmental Management & Conservation Services*
*International Society of Arboriculture* Certified Arborist # WE-7468A
*Department of Pesticide Regulation* Qualified Applicator Lic. #QL50949 B
Environmental & Arborist Assessments, Protection, Restoration, Monitoring & Reporting
Wildland Fire Property Protection, Fuel Reduction & Vegetation Management
Invasive Weed Control, and Habitat Restoration & Management
Soil Erosion & Sedimentation Control
Resource Ecologist

January 29, 2018

Mr. Ryan McNickle
209 Dundee Drive
Monterey, CA. 93940

Violation Location: 26425 Laureles Grade, Monterey. CA 93940
A.P.N: 416-051-005-000
Zoning: RDR/B-8-VS
Case Number: 17CE00378

Subject: Biological Impact Assessment for property located at 26425 Laureles Grade

The purpose of this report is to address a citation issued by the *Monterey County Resource Management Agency* regarding violations that have occurred on the property located at 26425 Laureles Grade in Monterey (APN: 416-051-005). Violations identified by the County that are addressed in this report include non-permitted grading operations (including on slopes in excess of 25%), soil disturbance that increases the potential for erosion problems and sediment runoff, and the non-permitted removal and impacts to oak trees on the property. The objective of the site evaluation and this report is to document and assess impacts to ecological resources associated with the previously mentioned violations and non-permitted activities. Additionally, this document provides recommendations and remediation measures that will assist in effectively restoring disturbed areas and protecting habitat and natural resources from further impacts associated with the site disturbance.

This report includes the following information: 1) A description of the site; 2) an assessment of grading and tree impacts; 3) and site restoration, tree mitigation, and erosion & sedimentation control recommendations. Where possible, the characteristics and conditions described below are depicted in the accompanying photographs located at the end of the report (refer to *Figures 1-15*). Additionally, restoration details are provided in *Exhibits 1-6* site plans.

It should be noted that the property owner accepts full responsibility for these non-permitted actions and is committed to correcting these violations that have been issued by the *Monterey County Resource Management Agency* (RMA). The property owner will promptly and diligently implement the appropriate site remediation and resource protection best management practices (BMP's) that are necessary to satisfy County conditions and restore the impacted areas of concern.

## I. **PROPERTY DESCRIPTION**

The subject property located at 26425 Laureles Grade in Monterey is approximately 4.12 acres in size and occurs in a vegetation community that primarily consist of mixed oak woodland and sagebrush scrub. This property is dominated by introduced and mature Monterey Pine (*Pinus radiata*) trees that are not naturally occurring (this parcel is located outside of the native coastal range of Monterey Pine trees), as well as with native Coast Live Oak (*Quercus agrifolia*) trees that are indigenous to the area. The upper west part of the parcel near the property entrance off of Laureles Grade is relatively flat and is dominated by larger upper-canopy Monterey Pine trees that were planted several decades ago (refer to *Figures 1-3*), while the lower mid to eastern portion of the parcel has a steeper east facing slope aspect that is dominated by mature mid-canopy Coast Live Oak trees and dense understory scrub type vegetation (refer to *Figures 4-15*).

Common understory scrub vegetation inhabiting the property primarily consist of indigenous Poison Oak (*Toxicodendron diversilobum*), California Sagebrush (*Artemisia californica*), Black Sage (*Salvia mellifera*), Coyote Bush (*Baccharis pilularis*), Toyon (*Heteromeles arbutifolia*) and Deer Weed (*Lotus scoparius*). Non-native understory vegetation that is fairly abundant and common on the property includes invasive French Broom (*Genista monspessulana*), various species of thistles (e.g., Bull Thistle), and exotic annual grasses (e.g., Ripgut Brome), all of which are degrading to habitat and increase hazardous wildland fire fuel loads.

Natural recruitment and regeneration of oak trees on the parcel appears to be occurring in levels that are sufficient for supporting and sustaining woodland health and character, and woodland pathogens and diseases appear to absent in levels that are detrimental to the health and viability of trees and habitat. Protected special status flora and fauna and/or sensitive habitat (e.g., aquatic resources, such as wetland and/or riparian habitat) were not observed nor are they known to occur on the subject property. For example, Hookers Manzanita (*Arctostaphylos hookeri*) is a protected special status specie that has the potential of occurring on the parcel and in surrounding areas; however, per the assessment, it is clear that manzanita does not inhabit the property and there is no evidence or indication that manzanita was impacted by non-permitted grading operations. *Environmentally Sensitive Habitat Areas* (ESHA's) are not occurring on this inland parcel that is primarily composed of oak woodland and scrub type vegetation communities that are very common and widespread throughout this region of Monterey County. Rare or

sensitive habitat is not occurring on the subject parcel. The most valuable habitat type occurring on this property is Coast Live Oak woodland (refer to attached photos, *Figures 4-15*), which was not significantly harmed or damaged by grading activities, exception being two Coast Live Oak trees that were removed without the necessary County permits. The two non-permitted tree removals was determined by the County's review and analysis of aerial photographic images, and is a number that the property owner and consulting arborist are not disputing. Other than a relatively small area of oak woodland habitat and the non-permitted removal of two oak trees (refer to *Figures 4-15* [*Figure 15* is an aerial image that identifies the location of the oaks that were removed, as well as surrounding woodland habitat]), high value habitat and sensitive resources were not significantly impacted by non-permitted grading operations.

It should be noted that nesting birds were not detected on the subject parcel and were not expected to be observed due to the property assessment being performed in the fall season, which is not within the normal nesting period. In Monterey County the nesting season may begin as early as February and continue through August, with peak nesting occurring in the spring season.

Man-made features on this undeveloped, but previously disturbed property are limited to a few trailers that are owned by the property owner (refer to *Figure 3*). Soils on the parcel appear to be stable and sufficient for supporting slope restoration and stabilization activities that are provided in this report, as well as with property development operations that are proposed for the subject parcel (refer to soils report that was prepared by *Soil Surveys Group, Inc*).

As stated in the *Monterey County RMA* issued citation, violations have occurred on the subject property. These infractions include non-permitted grading activities (including on slopes in excess of 25%) that have resulted in soil disturbance that increases erosion and sedimentation concerns, as well as impacts to native specie oak trees (i.e., the removal of two larger than 6 inch DBH Coast Live Oaks [*Quercus agrifolia*] trees). More specifically, grading was conducted to clearly identify and delineate a building site for the proposed home, as well as to create a few narrow dirt roads and paths that provide access to various parts of the property. These grading operations resulted in a steep and exposed fill slope below the proposed building pad/terrace and home construction site (refer to *Figures 4-7, 12 & 14*), as well as a few steep and exposed sections of road or paths that are at risk for erosion problems (refer to *Figures 3, 5 & 7-12*).

According to the property owner, recent non-permitted grading activities described above resulted in a total of approximately 35 cubic yards of displaced soil. The development of the building pad and terrace, which was primarily performed by the previous property owner prior to purchase by the current owner, involved the displacement of an estimated 100 cubic yards of soil and sub-grade material.

As is evident on the site, the areas on the property that have been impacted and disturbed by grading operations are presently vulnerable to erosion and sedimentation problems. Consequently, the restoration measures and corrective action provided in this report (refer to following sections) will be promptly implemented to effectively address impacts associated with non-permitted grading and tree removal activities. The proper and effective execution of slope restoration and resource protection BMP's will serve to stabilize and restore disturbed and exposed areas, which will assist in reducing erosion and sedimentation concerns and resolving *RMA* issued violations.

## II. **REMEDIATION & RESTORATION RECOMMENDATIONS**

The following section provides recommendations and BMP's for stabilizing, restoring and protecting areas impacted by non-permitted grading activities that will assist in effectively addressing and resolving *Monterey County Planning Department & RMA* issued violations. The property owner, contractor and consultant will assist in providing guidance and instruction in determining the location and proper installation of BMP measures.

It should be noted that per the property owners discussions with the *Monterey County Planning Department*, areas that do not require restoration are the pre-existing building pad/terrace, the dirt road from Laureles Grade to the building terrace, and the dirt road going north that runs parallel to Laureles Grade (refer to corresponding Exhibits). These areas were previously disturbed and impacted prior to acquisition of property by the current owner. Areas to be restored include the fill slope located below the proposed building pad and terrace, a few narrow roads and paths also located below building pad, and the dirt road going south that runs parallel to Laureles Grade. Please refer to *Soils Surveys Group* report and corresponding Exhibits for restoration and erosion control recommendations.

<u>Tree Removal Impacts:</u>

The property owner and *Monterey County RMA* have indicated that two living Coast Live Oak (*Quercus agrifolia*) trees were removed without the necessary permits, which is based on analysis of aerial photographic images. There currently are no physical remnants of the two trees that were removed nor is there visual proof as to the precise size and overall health and condition of the subject trees at the time of removal; however according to the property owner and *Monterey County RMA* (and further supported by a *Google Earth* aerial image) these living trees appear to have been larger than 6 inch DBH at the time of removal. There currently is no evidence that additional trees were removed nor is there any indication that other oak trees were significantly damaged or harmed during non-permitted grading activities. As a result of the unauthorized removal of two oak trees, the property owner has agreed to plant ten (10) 5-gallon Coast Live Oak trees (refer to corresponding Exhibits for planting locations and *Figure 15* aerial image for

location of existing trees and woodland habitat) to mitigate impacts associated with non-permitted tree removal and disturbance to oak woodland habitat. These 10 replacement plantings shall survive a 2-year monitoring period to satisfy Monterey County mitigation requirements.

Monitoring & Maintenance:

Conduct routine monitoring of remediation site, and perform necessary maintenance, modifications and improvements of resource protection and restoration BMP's (e.g., erosion & sedimentation control and soil stabilization measures) to maximize success and achieve project goals and objectives. Additionally, the overall health and recovery status of impacted areas should be periodically evaluated to determine if any additional remedial action is necessary to improve restoration progress and to prevent potential problems and set backs attributed to previous site disturbance (e.g., slope destabilization, invasive weed development, tree stress and decline). Furthermore, during the wet season perform regular inspections of the site before, during and following significant rain events. If deficiencies are observed, such as erosion problems and sediment runoff, perform necessary maintenance and corrective action, report it to the appropriate authorities, and document corrective action with detailed photographs and field notes.

## III. CONCLUSION

In conclusion, the recommendations provided in this report address violations issued by the *Monterey County Planning Department & Resource Management Agency* for the property located at 26425 Laureles Grade in Monterey (APN: 416-051-005). The remediation measures provided in this report will assist in stabilizing and restoring areas impacted by non-permitted grading activities that will aid in supporting successful stabilization and restoration of the site. Additionally, resource protection measures (e.g., properly installed and positioned erosion & sedimentation control measures and exclusionary fencing) will be installed to protect and preserve surrounding resources and to prevent further impacts and disturbance to resources and habitat. Furthermore, in order to achieve a positive and desirable outcome it is important for the property owner to maintain contact with the appropriate *Monterey County Planning & RMA* authorities and to make certain County officials are aware of progress and corrective action being made.

Thank you and please let me know if you have any questions or need additional information.

Best regards,

_____ _____

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ISA Certified Arborist

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Date

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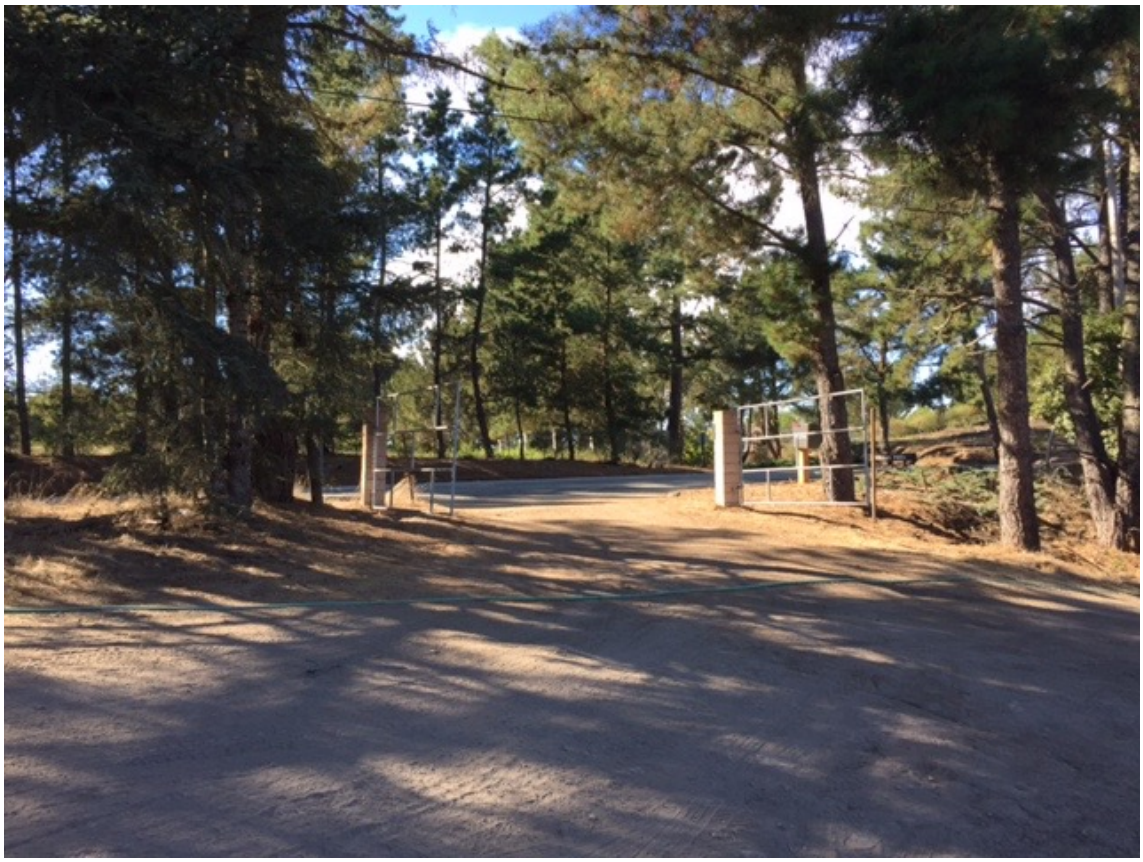

Figure 1. Entrance on west side of property along Laureles Grade is dominated by several mature and introduced Monterey Pine trees that were planted decades ago. Apply all-weather aggregate surface to entrance to prevent sediment tracking onto Laureles Grade roadway.

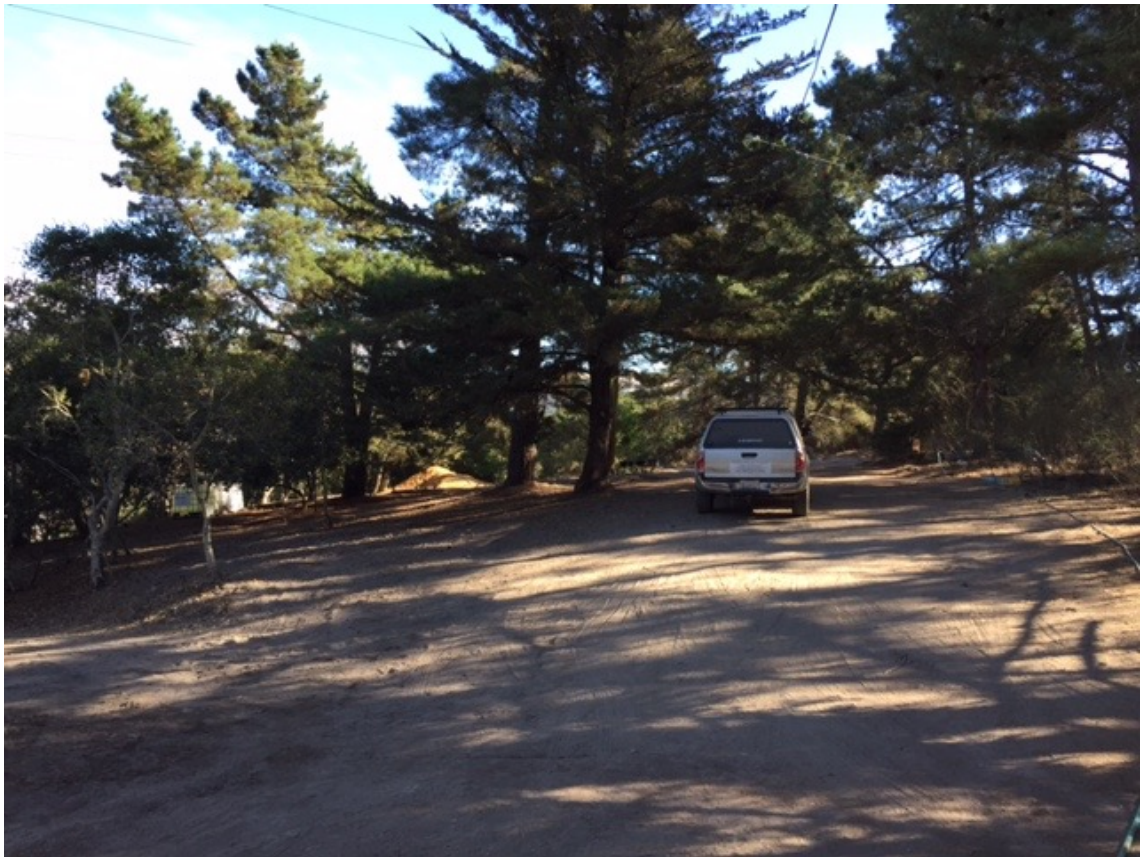

Figure 2. Disturbed area near entrance to property will have mulch applied to exposed areas that are relatively flat. Rice straw mulch and/or woodchip mulch soil protection (i.e., source protection) measures will assist in stabilizing exposed soil surfaces and reducing erosion concerns.

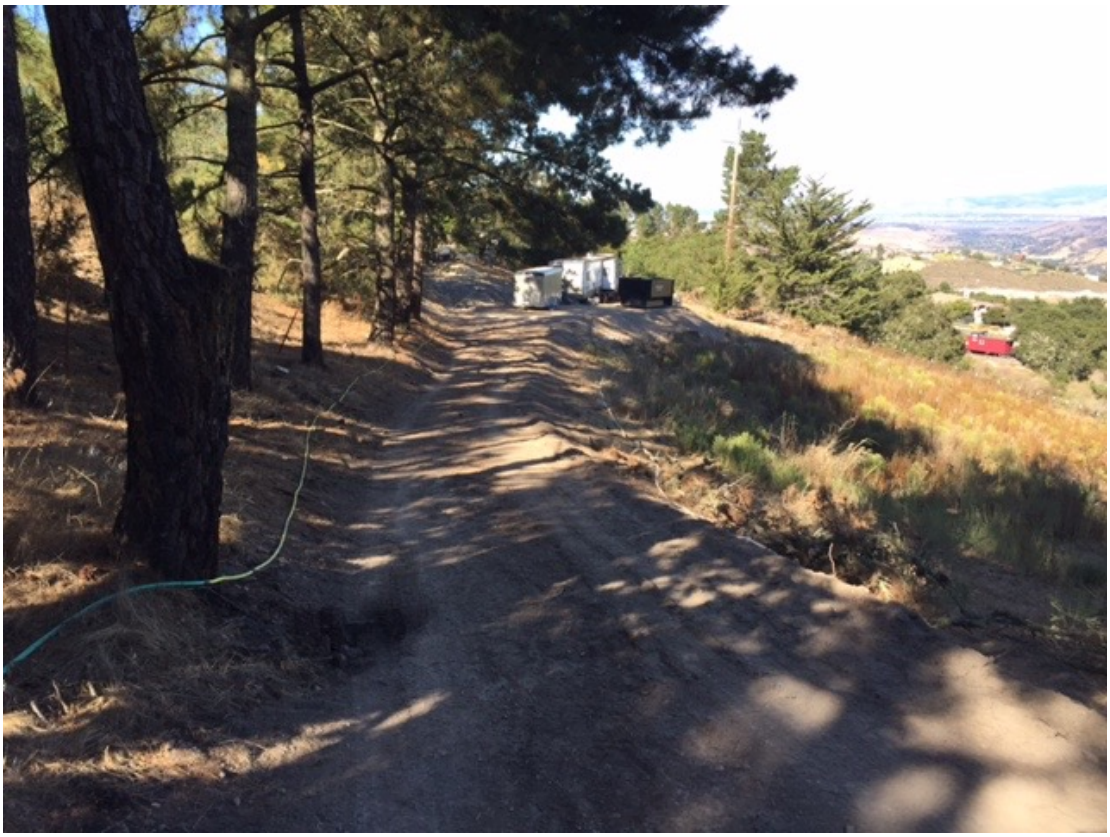

Figure 3. Graded road along upper west part of property provides access to a few trailers. It should be noted that a road existed here prior to the most recent non-permitted grading. Retain and winterize road and install silt fence along downslope perimeter of road and graded pad where trailers are located.

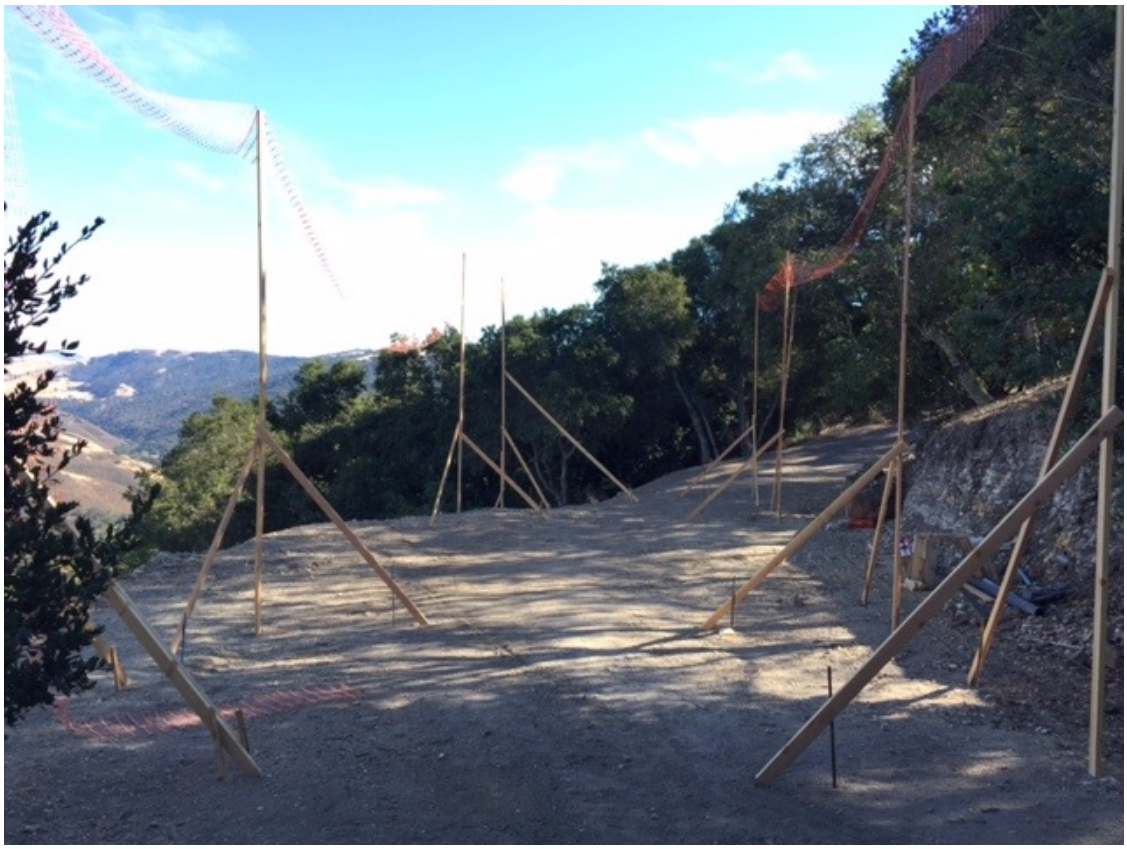

Figure 4. Building pad/terrace for proposed homesite. Retain, but apply woodchip or rice straw mulch to exposed flatter surfaces.

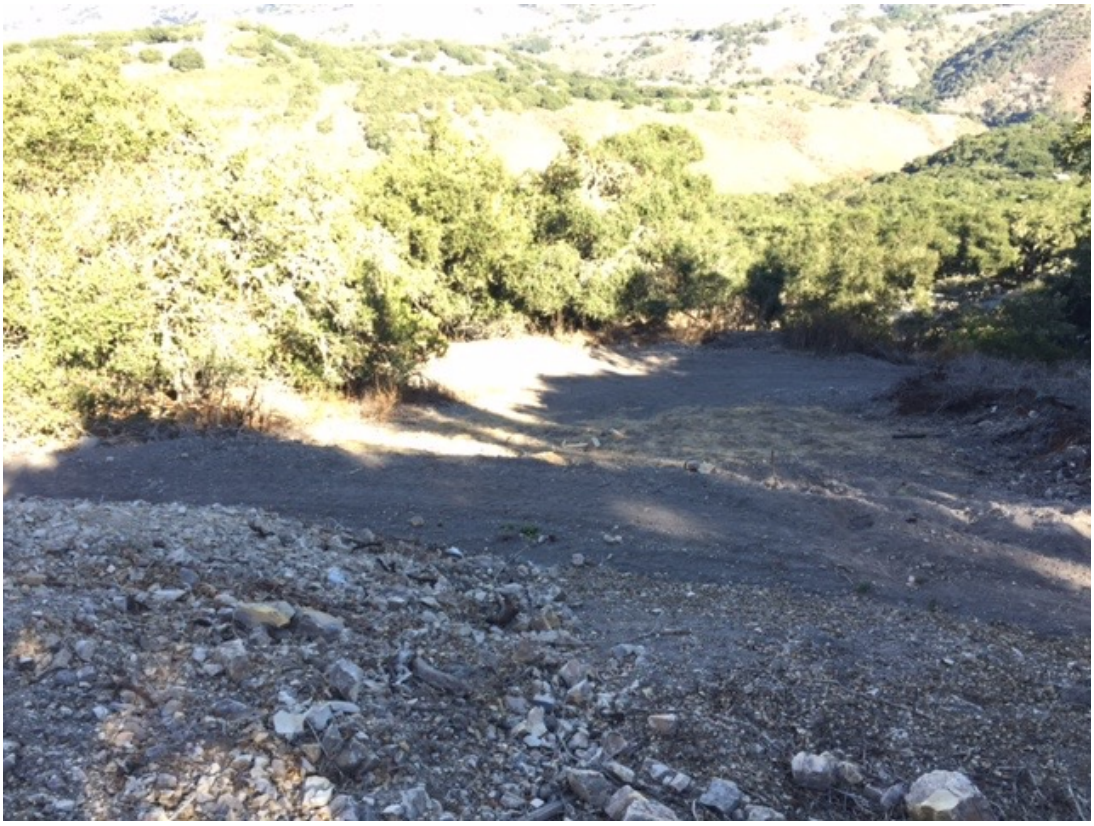

Figure 5. Steep and disturbed slope viewed from building pad seen in last photo is greater than 25% grade. A narrow road/path is located in mid slope and at bottom of slope. Properly shape and track roll slope prior to applying hydromulch and erosion control blankets. Also, install straw wattles (i.e., slope interruption measures) in upper and lower section of slope to assist in stabilizing and protecting impacted slope. The oak tree that was removed was located in foreground in lower center portion of photo.

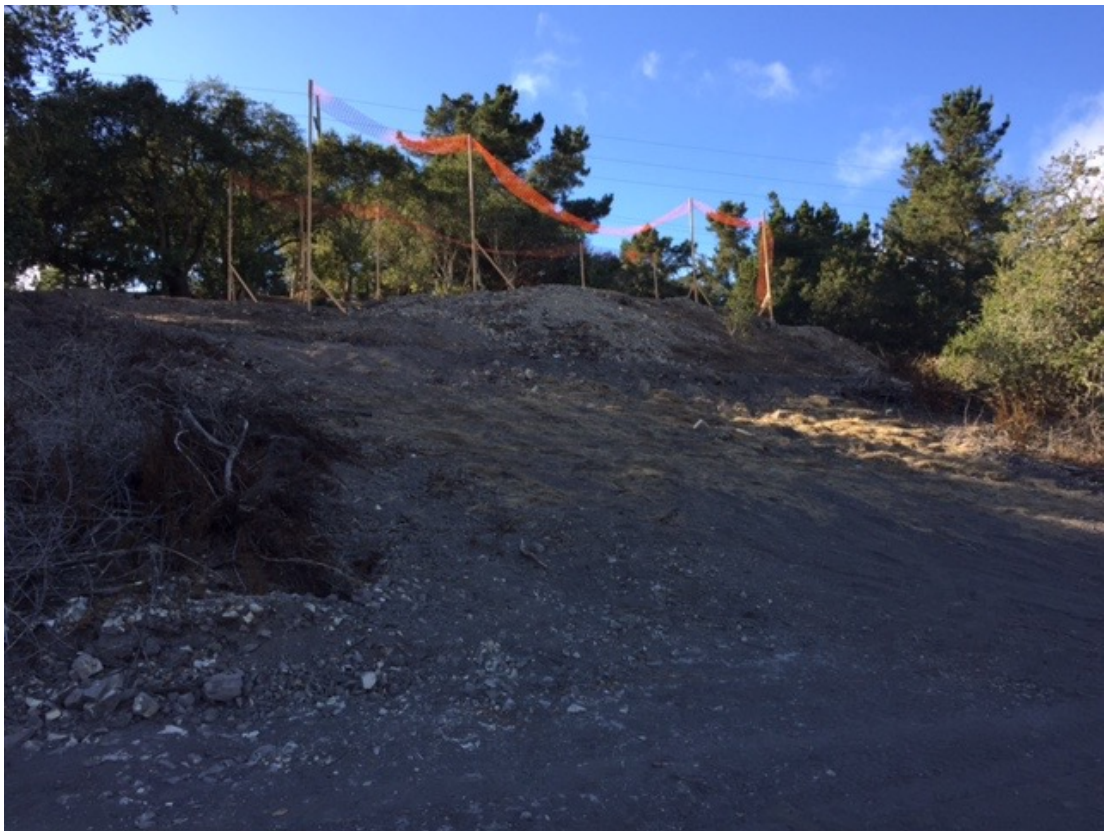

Figure 6. Another view of disturbed and exposed slope below proposed homesite that needs to be stabilized and restored. Oak that was removed was located near top of slope (center portion of photo).

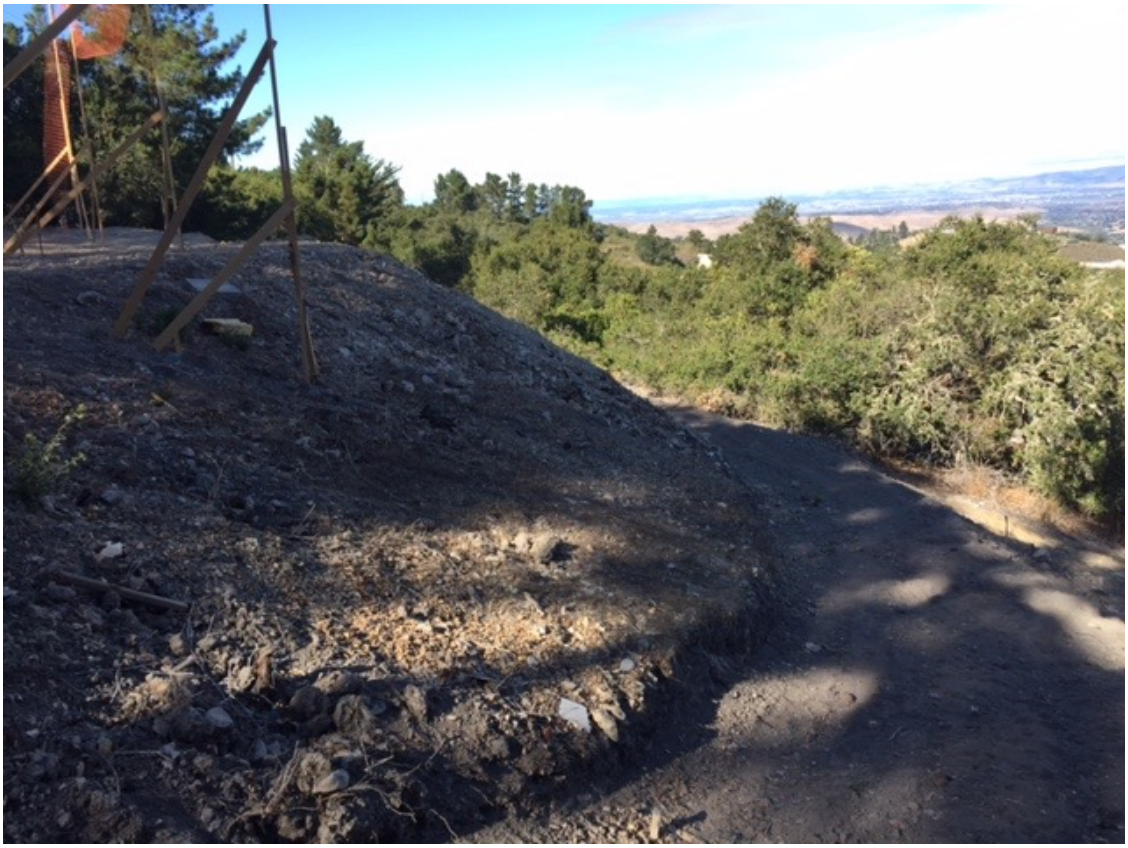

Figure 7. Another view of upper portion of disturbed slope below proposed home building site and narrow road/path that also needs to be restored and/or outsloped. Upon completion of slope shaping and track rolling operations apply native seed mix and erosion control blankets.

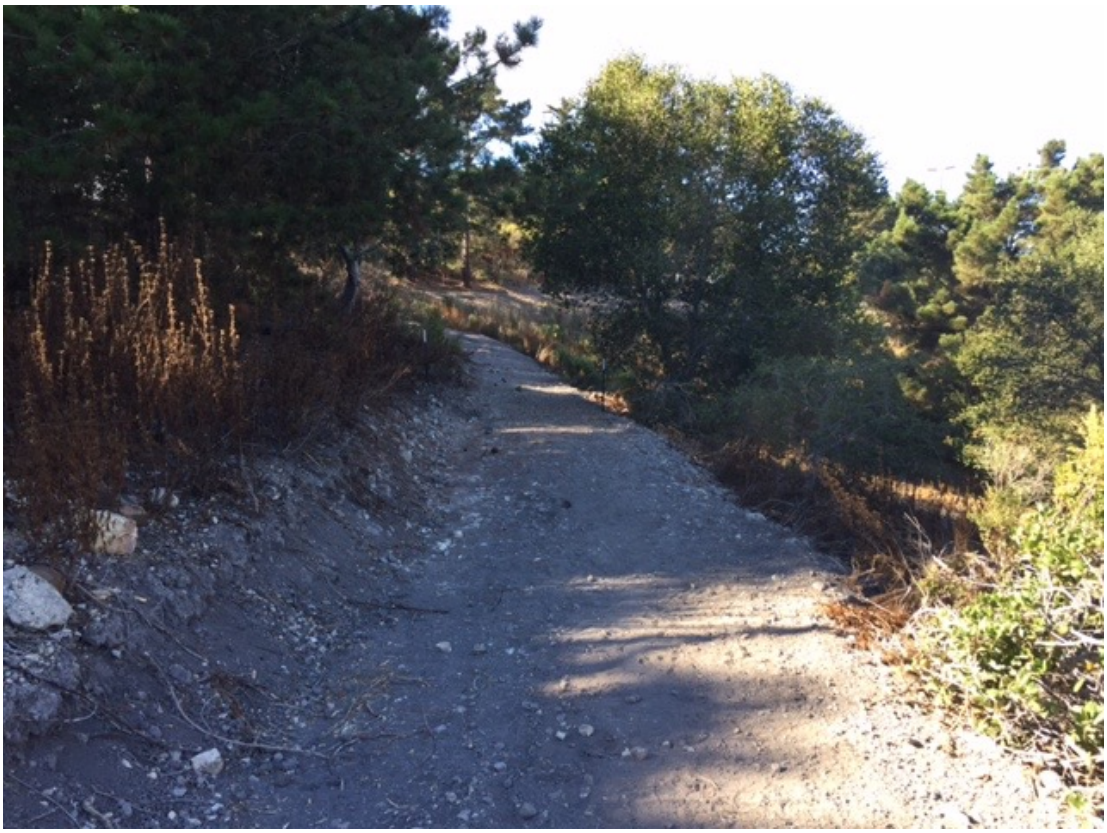

Figure 8. Outslope narrow road/path and install earthen or sand bag water bars every 50 feet to divert concentrated runoff off of exposed soil surfaces. Also apply native seed mix and rice straw or woodchip mulch to protect and stabilize exposed soil surfaces.

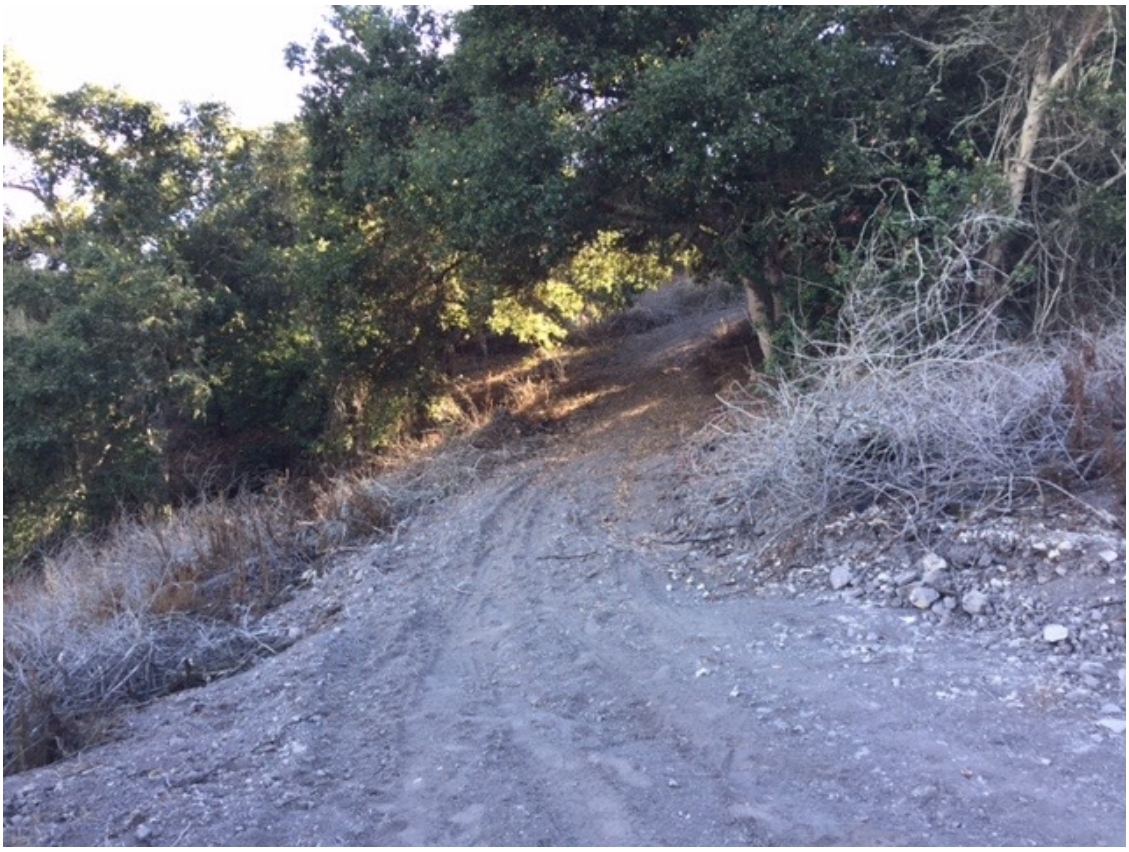

Figure 9. Vertically track roll exposed soil surfaces followed by the application of native seed mix (preferably via hydromulch) and erosion control blankets (e.g., jute net should be sufficient).

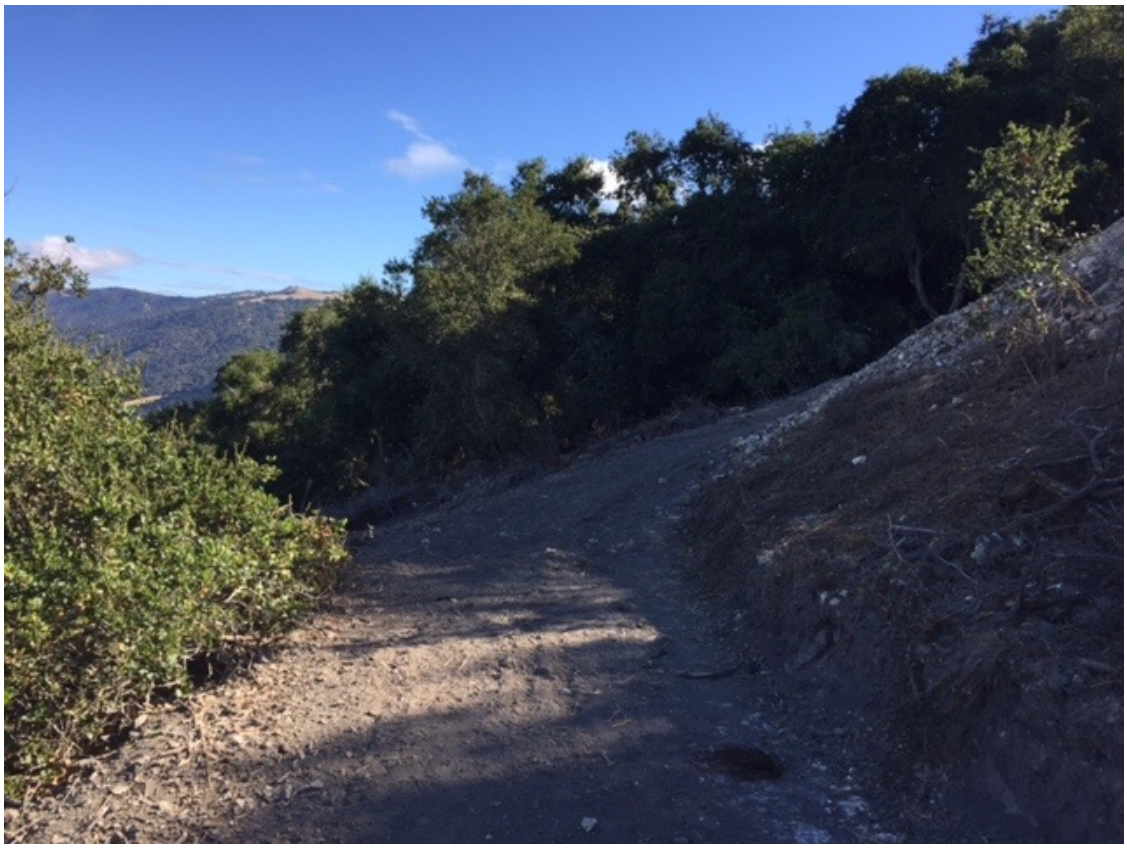

Figure 10. Shape and outslope narrow road/path into surrounding slope prior to applying and installing soil stabilization measures. Retain small oak sapling visible near right edge of photo.

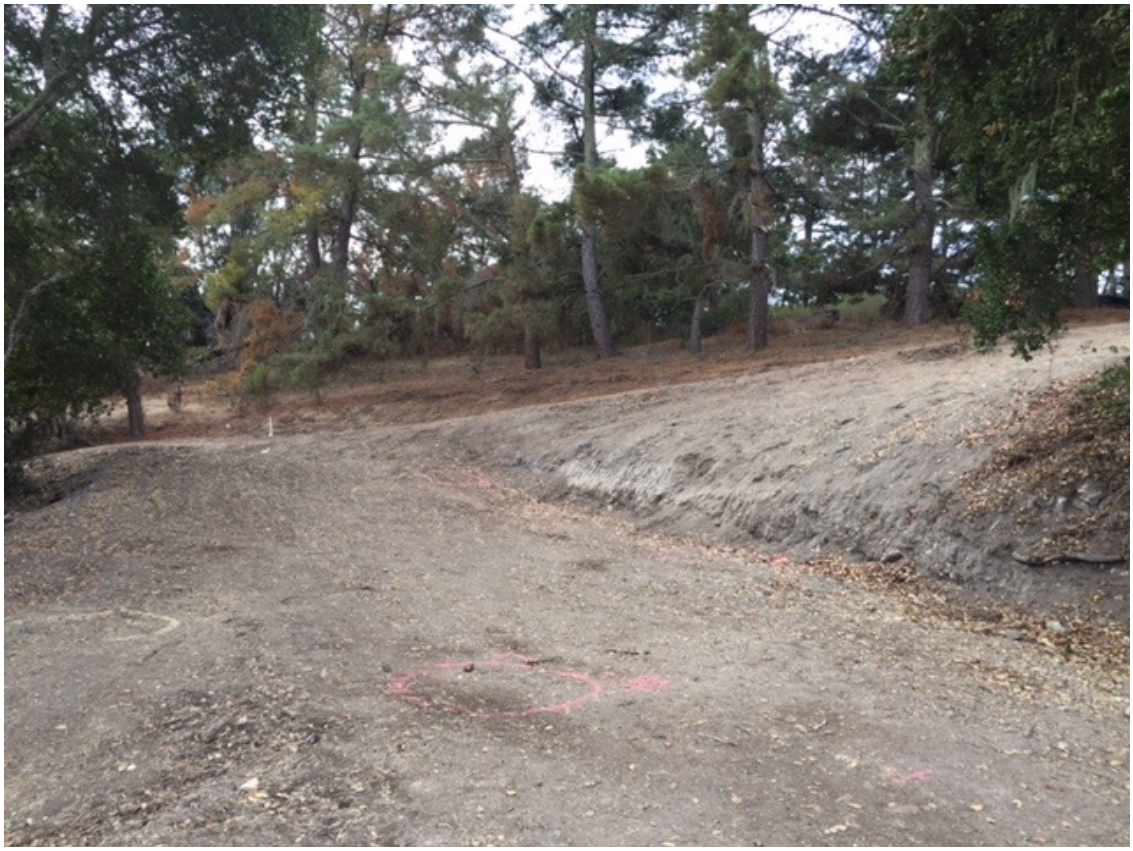

Figure 11. Install rice straw or wood chip mulch in foreground (i.e., flatter areas) and erosion control blankets (e.g., jute net) and straw wattles on steeper slopes (e.g., right of center) to stabilize exposed soil surfaces and prevent erosion problems.

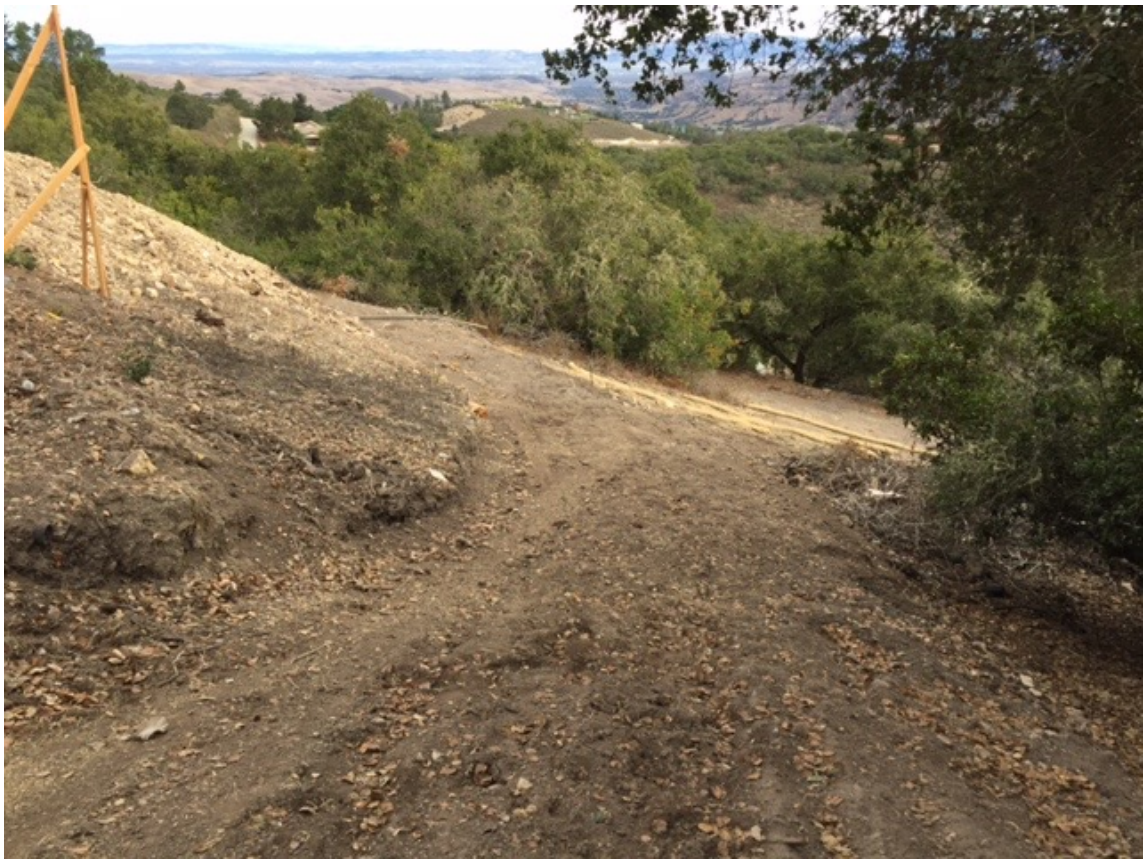

Figure 12. Restore lower road/path and apply native seed mix and soil stabilization measures to exposed slope. As of late, straw wattles have been installed toward lower section of slope (right of center).

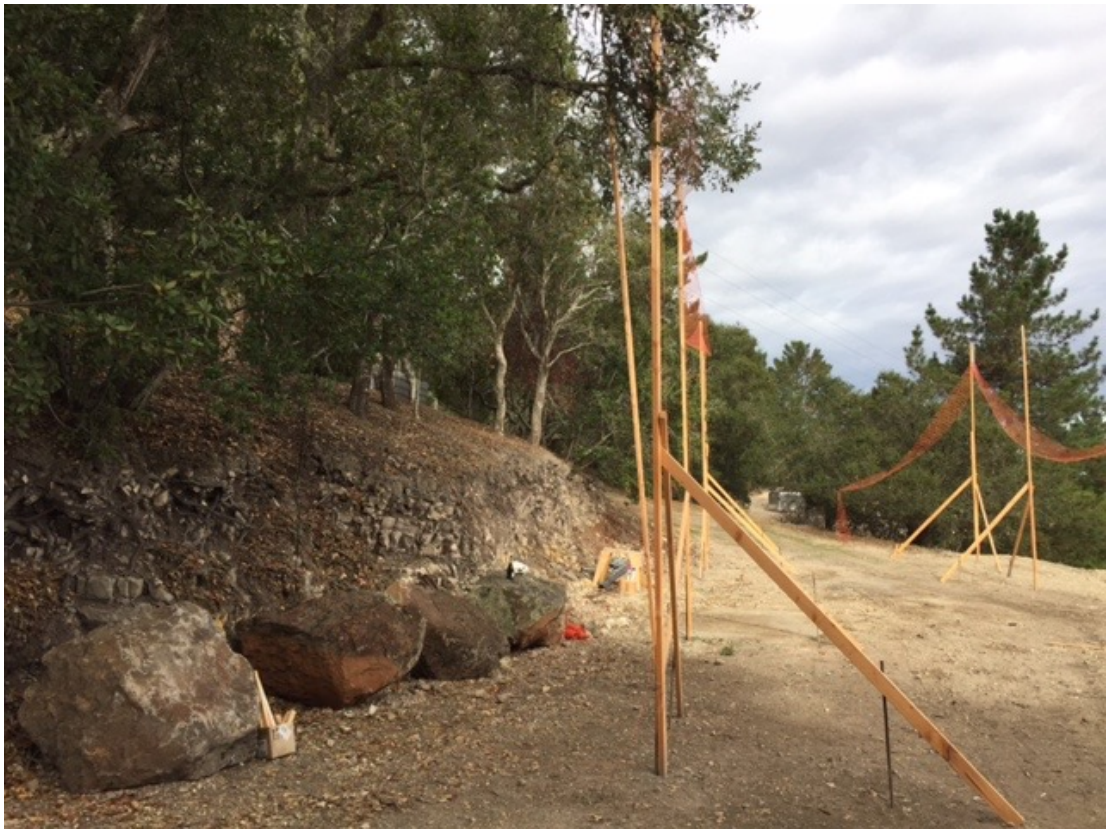

Figure 13. Proposed building pad and site was developed by previous property owner. Relatively immature oak trees located above cut slope are in generally good health and condition and have adapted to the grade change that occurred several years ago. Retain cut slope and building pad/terrace. Install root preservation measures on cut slope (refer to arborist report).

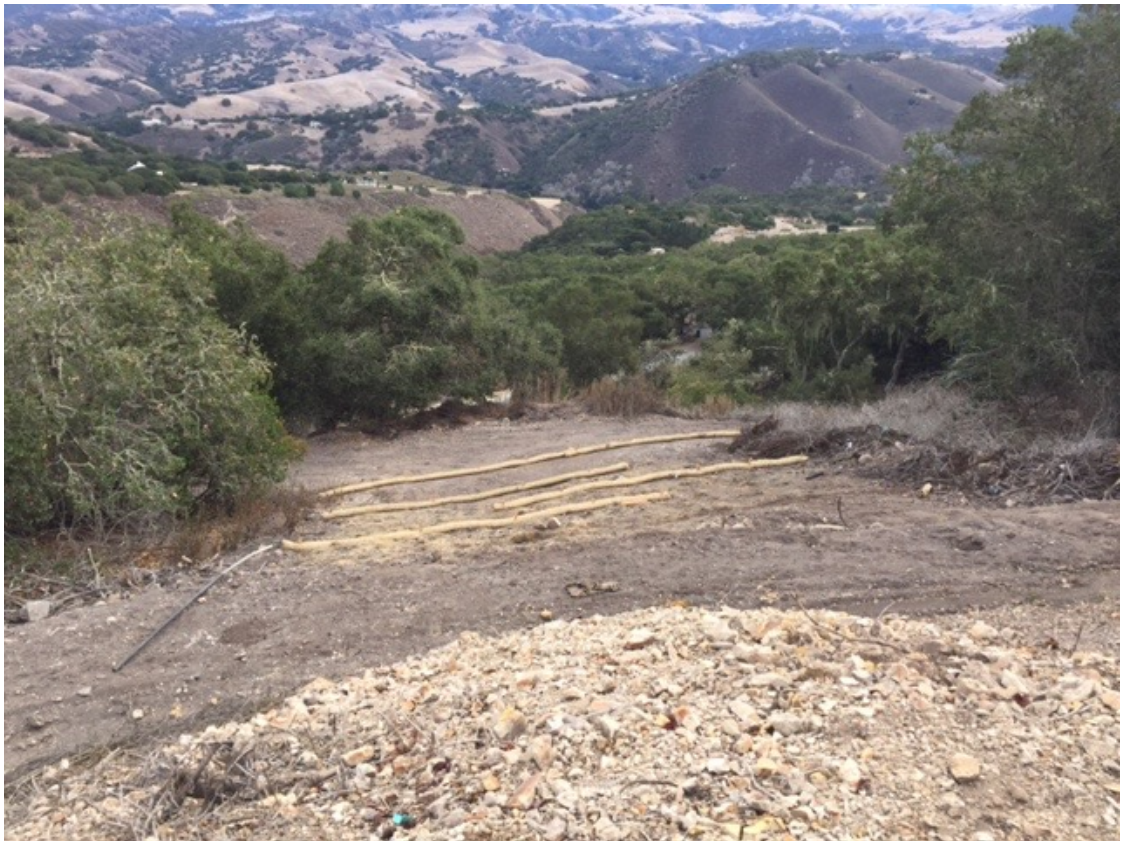

Figure 14. Straw wattles have recently been installed in lower section of slope. Additional erosion and sedimentation control and slope stabilization BMP's provided in this report should be implemented.

Figure 15. Two mature Coast Live Oak trees that were removed are circled in photo. Numerous other trees visible in aerial image have not been removed or impacted. Per a recent assessment, surrounding oak woodland habitat is still intact and has not been significantly impacted or compromised.

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