

**HEARING SUBMITTAL**  
**PLN160131 / Agenda No. 3**  
**Submitted via email 10/10/18**  
**Distributed at Hearing 10/11/18**

**From:** [Nicole Nedeff](#)  
**To:** [Novo, Mike x5176](#); [Strimling, Wendy x5430](#); [Onciano, Jacqueline x5193](#); [Swanson, Brandon xx5334](#); [Holm, Carl P. x5103](#); [Maciel Pantoja, Yolanda x6618](#); [McDougal, Melissa x5146](#); [Kevin Kahn](#); [Michael Watson](#); [katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov); [Dan Carl](#)  
**Subject:** CNPS-MB letter to the Zoning Administrator -- Oct. 11 agenda item ZA-18-065 (PLN160131 – PG&E)  
**Date:** Wednesday, October 10, 2018 8:54:32 PM  
**Attachments:** [PG&Epowerline.pdf](#)

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Hi Mike – Hope you and yours are well.

Please consider the attached letter from the Monterey Bay Chapter of CNPS regarding Thursday morning's Zoning Administrator Agenda Item for PG&E powerline work in Maritime Chaparral ESHA.

Thanks. Nikki

# California Native Plant Society

Monterey Bay Chapter, P.O. Box 221303, Carmel, CA 93922

October 10, 2018

VIA EMAIL TO: Mike X5176 Novo <novom@co.monterey.ca.us>; Wendy X5430 Strimling <strimlingw@co.monterey.ca.us>

Cc: Jacqueline X5193 Onciano <oncianoj@co.monterey.ca.us>; Brandon Xx5334 Swanson <swansonb@co.monterey.ca.us>; Carl P. X5103 Holm <holmcp@co.monterey.ca.us>; Yolanda Maciel Pantoja <macielpantojay@co.monterey.ca.us>; Melissa X5146 McDougal <mcdougalm@co.monterey.ca.us>; Kevin Kahn <kevin.kahn@coastal.ca.gov>; Michael Watson <michael.watson@coastal.ca.gov>; "katie.butler@coastal.ca.gov" <katie.butler@coastal.ca.gov>; Dan Carl <dan.carl@coastal.ca.gov>

Mike Novo, Zoning Administrator  
168 W. Alisal Street  
Salinas, CA 93901

SUBJECT: Meeting October 11, 2018, Agenda Item ZA 18-065, PLN 160131, PG&E Powerline Maintenance

Dear Mr. Novo:

It has come to the attention of the Monterey Bay Chapter of the California Native Plant Society that a Mitigated Negative Declaration has been prepared for a grading and vegetation removal project proposed in an area of Environmentally Sensitive Habitat in North Monterey County. The work proposed consists of grading on slopes in excess of 25% and the removal of special status plants for PG&E powerline maintenance on Assessor's Parcels 129-281-017, 129,281,007, 008 and 009.

The Monterey Bay Chapter of CNPS obtained the Initial Study and Staff Report for this project, however we were not able to review the 2016 Biological Report prepared by Arcadis U.S., Inc. As outlined in the Initial Study, the proposed mitigation to offset damage to Environmentally Sensitive Habitat Area, notably Central Maritime Chaparral and several special status plant species, seems inadequate for a project that involves substantial grading and vegetation removal in this rare natural community.

Sandy substrates in this region are notoriously erosive and mitigation must include soil stabilization measures that are monitored for an adequate amount of time. No proposed mitigation in the Initial Study addresses the issue of erosive soil stabilization.

The Initial Study includes a proposed mitigation for impacts to Biological Resources that mentions stockpiling topsoil and then replacing it and seeding with a "local native seed stock". What type of seed mix is recommended and how will germination and success criteria be maintained? Any sort of seed introduced into Central Maritime Chaparral ESHA must be carefully considered and sourced to maintain habitat integrity.

The Initial Study includes a proposed mitigation for impacts to Biological Resources that mentions salvaging 20 special status plants and replanting them. The success of transplanting shrubs found in rare Central Maritime Chaparral has not been documented. This mitigation measure is inappropriate and inadequate. Who will maintain the planting stock and what are the success criteria parameters? The 3 shrub species mentioned in the Initial Study include Parajo manzanita, Hooker's manzanita and Eastwood's goldenbush. These species are truly uncommon, and in particular, Eastwood's goldenbush (*Ericameria fasciculata*), is a CNPS Rank 1B.1 plant, indicating it is extremely rare and restricted in distribution. The ESHA habitat that supports these special status plant species should be avoided.

Please reconsider the proposed mitigations described in the Initial Study - they will not reduce Biological Impacts to Less Than Significant in the ESHA impacted by this project.

Sincerely,

*s/s Nicole Nedeff*

Nicole Nedeff  
President



Dedicated to the preservation of California native flora



HEARING SUBMITTAL  
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**From:** [Molly Erickson](#)  
**To:** [Novo, Mike x5176](#); [Strimling, Wendy x5430](#)  
**Cc:** [Onciano, Jacqueline x5193](#); [Swanson, Brandon xx5334](#); [Holm, Carl P. x5103](#); [Maciel Pantoja, Yolanda x6618](#); [McDougal, Melissa x5146](#); [Kevin Kahn](#); [Michael Watson](#); [katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov); [Dan Carl](#)  
**Subject:** FANS letter to the Zoning Administrator -- Oct. 11 agenda item ZA-18-065 (PLN160131 – PG&E)  
**Date:** Wednesday, October 10, 2018 8:22:40 PM  
**Attachments:** [18.10.10.SE.ltr.obo.FANS.to.ZA.p.pdf](#)

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Mr. Novo:

Please see attached letter sent to you on behalf of Friends, Artists and Neighbors of Elkhorn Slough (FANS) on an item on the October 11 agenda of the Zoning Administrator. Please review it carefully before you act on the PG&E application. FANS asks you to continue the item for several important and material reasons described in the letter. Thank you.

*Ms. McDougal, Ms. Pantoja, and Mr. Swanson:*

*The other members of the ZA review body are not identified on the published ZA agenda. Please ensure that this letter is provided as soon as possible to those members, as well as the acting ZA if it is not Mr. Novo. Thank you.*

Molly

Molly Erickson  
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October 10, 2018

Via Email

Mike Novo, Zoning Administrator  
County of Monterey

Re: Request to continue Oct. 11 item ZA-18-065 (PLN160131 – PG&E)

Dear Mr. Novo:

This office represents Friends, Artists and Neighbors of Elkhorn Slough. FANS respectfully requests that you continue the item on PLN160131 .

1. The Biological Assessment on which the County Initial Study and MND rely is not available to the public. It is not on Accela and not attached to the IS, or the MND, or the staff report to the ZA.
2. The cumulative impacts on ESHA, including maritime chaparral and oaks, have not been adequately investigated or analyzed or mitigated.

The missing biological report is described as a "Biological Assessment (LIB160813) prepared by Arcadis, Walnut Creek, California, August 2, 2016." It is important because the project's primary impacts are on ESHA. FANS has documented the lack of availability of the biological report. I am familiar with the County Accela program and have downloaded and reviewed every document for the project posted on Accela. The documents do not include the biological report. (See attached Ex. A.) I also tried looking it up under the "LIB" number and got no results. FANS wants to see it and be able to provide comments on it. The project application is also not on Accela, nor is the referenced "Site Specific Erosion and Sediment Control Plan, dated October 5, 2016, prepared by Arcadis." These documents are part of the evidence cited in the draft ZA resolution and should be available for public review before you act.

The so-called "mitigations" for the potentially significant impacts on ESHA have not been made conditions of approval by the County or adopted as CEQA mitigations. They are ineffective and of no weight because there is no requirement that the applicant implement them and no way for the County to enforce them.

Other significant problems with the County review of this project include.

- The County MND and the initial study claim the project is to "meet Federal minimum vertical clearance" standards, but do not identify the standards.
- When I asked County Planning Services Manager Brandon Swanson and project planner Craig Smith what the Federal standards were, they did not

know. They had relied on the PG&E's representation in preparing the IS, MND, and staff report. They had not done any independent verification.

- The initial study did not identify the on-the-ground circumstances and how the circumstances compared with the Federal standards.
- The County planners did not know the on-the-ground circumstances.
- The initial study does not disclose other PG&E projects in north County. There are other projects that have been controversial, which I told the planners, including one on Long Valley Road in the vicinity of the PLN160131 project. The planners did not know this information, and had not investigated and considered it before preparing the IS/MND. The IS/MND did not adequately address the cumulative impacts on ESHA.
- The MND circulated by the County did not disclose that the project is in the coastal zone or even the general area where the project is located, which is North County Coastal. It is no wonder no comments were made – because the public was not adequately informed of the project location, which would have alerted FANS and other interested members of the public to take a closer look.
- The MND failed to disclose the proposed development on slopes over 25%. It only mentioned the grading.
- The Zoning Administrator agenda does not accurately describe this item because it fails to disclose the general location<sup>1</sup> and the applicable area plan, which is the North County LUP. The failure to disclose that this project is in the Coastal Zone is a significant omission. The ZA agenda description is not consistent with the other items, which include area plans and locations.
- The County planners had a different version of the MND, with different text than the one provided to the public. And the version of the MND that is attached to the staff report to the ZA is different from the one circulated to the public. The documents show different primary APNs and describe the project differently.

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<sup>1</sup> "Elkhorn Highlands" is not a commonly used location description and is not adequate in any event. To make matters worse, the County notice of completion described the project as near "Watsonville" and the cross streets of "Strawberry Canyon Rd. / Brink Cliff Terrace." Other County documents refer to "Royal Oaks," and still others give no location description at all other than one or more street addresses that are not commonly recognized by the public.

Mike Novo, Zoning Administrator  
October 10, 2018  
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- The proposed ZA resolution is not consistent with the staff report and IS/MND. For example, the IS/MND lists four parcels but the proposed resolution lists only three parcels; the resolution refers to a Coastal Development Permit instead of a combined development permit; etc.

Request: The County should continue this item until it is properly noticed, and the biological assessment and other documents have been made available to the public, the so-called "mitigations" have been made effective and meaningful to actually address the project's harm to ESHA, and the initial study contains an adequate and accurate investigation, analysis and mitigation of cumulative impacts.

My clients ask the County to do more productive and more professional work. It would save time and money for everyone, and would allow better public participation. The County has a duty to do this work accurately and adequately. It did not.

Very truly yours,

STAMP | ERICKSON

*Molly Erickson*

Molly Erickson

Exhibit A: printout of County Accela website – which shows there is no availability of the biological report, the erosion report, or the project application

cc: Wendy Strimling, County Counsel's office  
Coastal Commission staff, Central Coast office

Oct. 10, 2018 leetter to Mike Novo, Exh. A, p. 1

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PLN160131



Search by permit number, parcel or address in the box to the right.

Permit Number PLN160131:  
Discretionary  
Current Permit Status: Complete

Record Info Conditions 5

A notice was added to this record on 10/03/2018.  
Condition: PD033 -RESTORATION NATURAL MATERIALS Severity: Notice  
Total Conditions: 5 (Notice: 5)

View Condition

Attachments

The maximum file size allowed is 100 MB.  
html;htm;mht;mhtml are disallowed file types to upload.

Name	Category	Size	Description
<a href="#">VICMAP_ESTRADA_PLN160131_092616.pdf</a>	Map	463.47 KB	
<a href="#">IDR_EHB_PLN160131_101316.pdf</a>	Other Agency Comment	16.68 KB	
<a href="#">MINUTES_LUAC_NOCO_041818.pdf</a>	Other	1.17 MB	
<a href="#">LET_STAFF_PLN160131_041418.pdf</a>	Correspondence	137.90 KB	MEMO TO NORTH COUNTY LUAC
<a href="#">PLANS_SITE_PLAN_PLN160131_092116.pdf</a>	Plans	1.91 MB	PLANS HAVE TO MATCH 24X36 HARD COPY
<a href="#">PHOTOS_STAFF_PLN160131_062018.pptx</a>	Photos	15.92 MB	PHOTOS FROM SITE VISIT
<a href="#">ENVIRODOCS_PLN160131_090418.pdf</a>	Environmental Document	27.22 MB	INITIAL STUDY INCLUDING NOTICE OF COI NEGATIVE DECLARATION & NOTICE OF INT
<a href="#">FORM_F_PLN160131.pdf</a>	Environmental Document	86.81 KB	SUMMARY FOR ELECTRONIC DOCUMENT S
<a href="#">LET_LINDQUIST_PLN160131_022818.pdf</a>	Correspondence	197.68 KB	CONFIRMATION OF BIOLOGY ASSESSMENT



Oct. 10, 2018 leetter to Mike Novo, Exh. A, p. 2

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PLN160131 

Search by permit number, parcel or address in the box to the right.

Permit Number PLN160131:  
Discretionary  
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File Number	Type	Project Name	Created Date	View
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