

Exhibit A

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DRAFT RESOLUTION

Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

SCUDDER PETER H & KAREN A TRS (PLN240367)

RESOLUTION NO. 25-051

Resolution by the County of Monterey Chief of Planning:

- 1) Finding the project qualifies for a Class 33 Categorical Exemption pursuant to Section 15333 of the CEQA Guidelines and that there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Restoration Permit to clear Code Enforcement Case No. 24CE00521 and allow restoration of approximately 12,000 square feet of Environmentally Sensitive Habitat Areas.

[PLN240367, Scudder Peter H & Karen A Trs, 531 Paradise Rd, Salinas, North County Land Use Plan (APN: 129-091-082-000)]

The SCUDDER PETER H & KAREN A TRS application (PLN240367) came on for an administrative hearing before the County of Monterey Chief of Planning on October 15, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, written testimony, and other evidence presented, the Chief of Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies, is feasible, and does not have the potential to endanger the public health, safety and welfare.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan;
 - North County Land Use Plan (North County LUP);
 - Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20); and
 - Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (North County CIP).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) Existing Condition. The subject parcel is approximately 11.76 acres and is located along Paradise Road in Salinas. The northern portion of the lot contains environmentally sensitive plants, including Hooker's manzanita, Pajaro manzanita, and brittle leaf manzanita. The

Applicant/Owner removed approximately 12,000 square feet of environmentally sensitive habitat area (ESHA) to create two 450-foot to 500-foot long, 30-foot-wide fire breaks, which were also used as a private equestrian trail. These areas were cleared by removing the sensitive manzanita species; no grading was conducted. Since the manzanita roots were left intact, the plants have already started resprouting. The southern portion of the property is developed with a single-family dwelling and detached accessory structures.

- c) Project Scope. The project consists of restoring an unpermitted vegetation removal that impacted environmentally sensitive habitat to its pre-violation condition. As previously mentioned, the manzanita root balls are still intact, and the Project Biologist has confirmed that the manzanita plants have started growing back on their own, with the exception of the northeast corner of the cleared area. Therefore, replanting through seed propagation and cuttings is recommended within this section of the property by the Project Biologist. The Project Biologist recommended monitoring of the replanted area and the regenerating areas to ensure the success criteria have been met and periodically removing any invasive species that may be introduced. A proposed and conditioned, the Restoration Plan (attached) includes a three-year monitoring program that includes success criteria to outline the expectations of regrowth noted within the annual monitoring reports prepared by the Project Biologist. The success criteria also address the percentage of expected vegetation cover, as well as the remedial actions to support regrowth aligned with the contingency measures. These reports shall be submitted to HCD-Planning for review and approval. At the end of the third year, the Project Biologist shall prepare and submit a Final Monitoring Report detailing the results of the annual monitoring and establish whether the success criteria detailed in the Restoration Plan have been met. If the success criteria are not met, the project biologist shall pursue the recommended appropriate measures addressed in the contingency measures to bring the project into compliance. See Condition No. 4.
- d) Allowed Use. The property is located at 531 Paradise Rd, Salinas (Assessor's Parcel Number APN: 129-091-082-000), within the North County Land Use Plan. The parcel is zoned Low Density Residential, 2.5 acres per unit in the coastal zone, or "LDR/2.5 (CZ)." The property is currently developed with a single-family dwelling and detached accessory structures. The granting of this Restoration Permit would restore the impacted environmentally sensitive habitat to its pre-violation condition. In accordance with Title 20 section 20.90.130, the Director of Planning is authorized to take actions deemed necessary or expedient to enforce and secure compliance with the provisions of Title 20, including ordering restoration of a site to its pre-violation state.
- e) Lot Legality. The subject property (11.76 acres) underwent a lot line adjustment in 1992. This adjustment was approved by the County under permit number LL 90092. The property is shown in its current size and configuration as the 11.76-acre lot on the Record of Survey found in Vol 17 of surveys, Page 127, filed on July 28, 1992, with the Monterey County Recorder's office. Therefore, the County recognizes the subject

property as a legal lot of record.

- f) Environmentally Sensitive Habitat Area (ESHA). As defined in the North County LUP, chaparral is an evergreen plant community of drought-adapted shrubs usually found on dry slopes and ridges. Chamise, toyon, scrub oak, ceonothus, and manzanita are characteristic species. The ESHA on the subject property is maritime chaparral made up of different manzanita species. The maritime chaparral along the north portion of this property is specified in the North County LUP Chapter 2.3, Policy 2.3.3A.2, as an uncommon, highly localized, and variable plant community that has been reduced in North County. The LUP requires that all chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself. In accordance with North County CIP section 20.144.040, a biological survey was prepared for this project (County of Monterey Library No. LIB250022). This survey identified three rare and sensitive manzanita species within the area of vegetation removal. The manzanita species combined create a sensitive maritime chaparral habitat. Successful implementation of the Restoration Plan will allow restoration of the manzanita habitat to its pre-violation state and ensure its long-term maintenance (North County LUP Policy 2.3.2.4).
- g) Staff conducted a site inspection on July 30th, 2025, to verify that the project on the subject parcel conforms to the plans, policies, and regulations discussed above.
- h) The application, restoration plan, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN240367.

- 2. FINDING: SITE SUITABILITY** – Following the restoration of the project site, the subject property shall be considered in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of the Monterey County Zoning Ordinance Title 20.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning and the North County Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication that the site is not suitable for the proposed restoration. Recommended conditions of approval have been incorporated.
 - b) Maritime Chaparral has been impacted by previous unpermitted activities. The following report has been prepared to fully restore the property and address this impact:
 - Restoration Plan (County of Monterey Library No. LIB250022) prepared by Pat Regan, Salinas, CA, September 2, 2025.The above-mentioned technical report was prepared by an outside consultant indicate that there are no physical or environmental constraints that would indicate that the site is not suitable for the proposed restoration. County staff has independently reviewed these reports and concurs with their conclusions.
 - c) Staff conducted a site inspection on July 30th, 2025, to verify that the

site is suitable for this use.

- d) The application, restoration plan, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN240367.

3. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the Restoration Plan will not under the circumstances of this 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 activity or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning and North County Fire Protection District. The respective agency has recommended conditions where appropriate to ensure the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The site is currently developed with an existing single-family dwelling and detached accessory structure. The proposed restoration project will not alter the existing utility connections and does not include any structural development.
 - c) Staff conducted a site inspection on July 30th, 2025, to verify that the site is suitable for this use.
 - d) A separate Coastal Development Permit or authorization from the State shall first be obtained to allow for future intensive fuel management activities that impact the properties' maritime chaparral.
 - e) The application, restoration plan, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN240367.

4. FINDING: VIOLATIONS - The subject property currently has a code enforcement violation. As a result of this action to restore the property to its pre-violation state, the subject property shall be partially considered in compliance with rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County Zoning Ordinance Title 20. Zoning violation abatement costs, if any, will be paid as a condition of approval within 30 days of this action.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of violations existing on the subject property.
 - b) This Restoration Plan has been reviewed and approved by the HCD Chief of Planning. The project consists of restoring approximately 12,000 square feet of removed sensitive manzanita species. The species are regrowing on their own, with the exception of the northeast corner of the cleared area, and therefore, replanting through seed propagation and cuttings is solely recommended within this section of the property by the Project Biologist. The report also mentions that, if necessary, 75-100 plants of each of the obligate manzanita species will be needed to restore this area. Subsequent monitoring efforts were recommended and

have been applied as Condition No. 4. Implementation of the prepared Restoration Plan will fully abate the existing Code Enforcement Case No. 24CE00521.

- c) Staff conducted a site inspection and researched County records to assess the violations on the subject property and how proposed activities would address them.
- d) The application, restoration plan, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN240367.

5. FINDING: CEQA (Exempt) - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15333 categorically exempts small habitat restoration projects less than 5 acres in size that restore and enhance protected plant species, provided the restoration does not result in significant impacts on protected species or their habitat, and there are no hazardous materials at or around the project site that need to be disturbed.
 - b) The proposed project includes the restoration of less than 5 acres of maritime chaparral habitat (protected plant species). As conditioned and proposed, the restoration project does not pose any significant impacts to endangered, rare, or threatened species or their habitat. No hazardous materials are known to exist at, or around, the project site, and no earth movement is proposed that could disturb such materials. The project will restore the chaparral habitat to its pre-violation state and will enhance the habitat value. Therefore, the project meets the Class 33 Categorical Exemption requirements.
 - c) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. Restoration of the project site to its pre-violation condition would not contribute to any potentially significant cumulative impact and will restore previously disturbed sensitive habitat. There are no unusual circumstances affecting the property or the proposed project that would create a reasonable possibility that implementation would have a significant effect on the property. The restoration project would not damage any scenic resources or resources of critical concern. The site is not known to be included on a list compiled pursuant to Section 65962.5, and there are no identified historical resources on the property that would be impacted by the execution of the project.
 - d) See Finding Nos. 1 and 2 and supporting evidence.
 - e) Staff did not identify any potential adverse impacts staff review of the development application.
 - f) The application, restoration plan, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed restoration are found in Project File PLN240367.

6. FINDING: PUBLIC ACCESS – The project 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 Local Coastal Program, and

- does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No public access is required as part of the project, as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires visual or physical public access (Figure 4, Public Access and Recreation, in the Moss Landing Community Plan, and Figure 6, Shoreline Access/Trails, in the North County Land Use Plan).
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240367.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Planning Commission. Title 20 section 21.80.040(A) states that the Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed.
 - b) California Coastal Commission. Pursuant to Title 20 section 20.86.080, the project is not appealable to the California Coastal Commission because the subject property is not located within 100 feet of a wetland or stream, 300 feet within a coastal bluff, or between the sea and first public road, and the project does not involve a condition use or constitute a major public works project.

DECISION

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

- 1) Find that the project qualifies for a Class 33 Categorical Exemption pursuant to CEQA Guidelines Section 15333; and
- 2) Approving a Restoration Permit to clear Code Enforcement Case No. 24CE00521 and allow restoration of approximately 12,000 square feet of Environmentally Sensitive Habitat Areas.

PASSED AND ADOPTED this 15th day of October 2025.

Jacquelyn Nickerson, AICP
HCD Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE _____.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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 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. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

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County of Monterey HCD Planning

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

PLN240367

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Restoration Permit (PLN240367) allows restorations of an unpermitted fire break that impacted environmentally sensitive habitat. The property is located at 531 Paradise Rd, Salinas (Assessor's Parcel Number 129-091-082-000), North County Land Use Plan. This permit 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 of this 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Restoration Permit (Resolution Number _____) was approved by the Chief of Planning for Assessor's Parcel Number 129-091-082-000 on March 5, 2025. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PDSP001 - MONITORING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Applicant/Owner shall enter into an agreement with a qualified biologist to ensure that all restoration goals and objectives, maintenance, and recommendations of LIB250022 are adhered to. The first annual monitoring even will occur at the end of the first growing season following plan installation with annual monitoring visits conducted for two additional years. An Annual Monitoring Report will be submitted to the permitting agencies each following monitoring year. Monitoring Reports will present the findings of the annual field surveys relative to the performance standards in the monitoring plan. At the end of the three -year monitoring period, the Project Biologist will prepare a report that describes the results of the monitoring, initial and ongoing maintenance activities, evaluates the results of the qualitative sampling, and provides recommendations for on-going management of the area. The success criteria are as follows: 20% manzanita cover by the end of year 1, 40% manzanita cover by the end of year 2 and 90% manzanita cover by the end of year 3. If during the monitoring period installed native plants do not survive, the Project Biologist shall document such occurrence and replace the species appropriately within the next rainy season. If success criteria are met, the monitoring and maintenance period will be concluded, and ongoing maintenance recommendations are encouraged. If success criteria are not met, the Project biologist will contact HCD-Planning and recommend appropriate measures to the Applicant/Owner. The Applicant/Owner shall adhere to additional remediation measures.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Within 90 days after the issuance of this Restoration Permit, the Owner/Applicant shall submit to HCD-Planning a copy of a signed contract between the Owner/Applicant and a qualified biologist (Project Biologist) indicating that the Project Biologist will provide on-going monitoring and maintenance for three years.

At the end of the first growing season following plant installation, the Project Biologist shall prepare and submit the 1st year Monitoring Report to HCD-Planning for review and approval. This report shall include evidence of monitoring/site visits by the Project Biologist and detail the qualitative and quantitative data that has been collected to track the progress of the restoration efforts. The Applicant/Owner shall adhere to any maintenance recommendations/remediation of the 1st year Monitoring Report.

The 2 year report shall be submitted one year after the 1st report, the Project Biologist shall prepare and submit the 2nd year Monitoring Report to HCD-Planning for review and approval. The Applicant/Owner shall adhere to any maintenance recommendations/remediation of the 2nd year Monitoring Report.

The Project Biologist shall prepare and submit a Final Monitoring Report to HCD-Planning for review and approval 3 years. This Final Report shall detail the results of the annual monitoring, determines the health and vigor of installed plants, and describes the regeneration of invasive species, initial and ongoing maintenance activities, as well as the remediation activities which may need to occur. The Final Report shall establish whether the success criteria detailed in LIB250022 have been met.

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Sheryl Fox Attorney

May 19, 2025

Anthony Lombardo & Associates

144 W. Gabilan Street

Salinas, CA 93901

RE: Update and Spring regrowth monitoring on Scudder Administrative Citation Case # 24CEOO521

Violation Grading on slopes greater than 25%. Grading affecting sensitive habitat/removal of and damage to Maritime chaparral.

Sheryl,

I visited the Scudder property on May 5, 2025, to monitor the vegetation conditions on the slope above the Scudder home where vegetation was cut down in 2024. My primary purpose was to establish photo-points to establish a baseline for conditions on site that would be used on a quarterly basis to take updated photographs for the next several years. I chose fourteen separate locations to take photos from that provided opportunities to look (generally) North, South, East and West along the openings where vegetation was cut down on the site in 2024.

A secondary purpose for the May visit was to search for species that could potentially occur on site that would not have been in flower or above ground during my original October 29, 2024, survey. Those species are the federally threatened Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) and the federally endangered Yadon's rein orchid (*Piperia yadonii*) as well as the California Rare plant rank list 1B.1 Eastwood's goldenbush (*Ericameria fasciculata*). *Chorizanthe pungens* variety *pungens* is a small spreading annual that occurs in sandy openings in the maritime chaparral and flowers from March to August with its peak bloom in May. I did not see any *Chorizanthe* anywhere on the property. *Piperia yadonii* is a true orchid that expresses strap-like foliage as early as December and blooms from early May into August. I did not find any *Piperia* anywhere on the property. *Ericameria fasciculata* is a small shrub with fine needle-like leaves that can have some flowers on it almost every month of the year but reach full bloom in July and August. Oddly it was not a plant I expected to find in flower on May 5 but stumbled over a few plants of it as I wandered uphill away from the masticated areas while simply taking in the views. The foliage is unique among maritime chaparral plants and provided confirmation



Figure 1: Eastwood's goldenbush with Pajaro manzanita in upper NW corner of property.

of the species. The three small plants are uphill of the highest masticated area in the NW corner of the property and were not impacted by the mastication project.

Regrowth survey results

The cleared path from the House starts at about 335 feet and runs NW uphill along the west side of the property to the top NW corner at about 440-foot elevation. Photo points 1,2,3, and 4, from south to North are along this axis. A side path running east NE turns off from the main path at about 410 feet and angles eventually up to the NE corner at about 470-foot elevation. Photo points 5, 6 7 and 10 are along this section. From this corner it drops down along the eastern property line to the SE where it terminates at about 430 feet along the property line. Photo points 8 and 9 are found on this side. Lastly, a parallel path continues to the west SW on a level pitch until dropping off to the south near the west end. Photo points 11, 12, 13 and 14 are located along this stretch.

My general findings were that revegetation of the cut down or cleared area is occurring naturally in all but an area in the NE portion of the property. A variety of evergreen shrubs are crown spouting from burls or root crowns including *Arctostaphylos crustacea* ssp. *crustacea* (Brittle leaf manzanita), *Frangula californica* (California coffee berry), *Heteromeles arbutifolia* (Toyon), *Garrya elliptica* (Coast silk tassel), *Lepechinia calycina* (Pitcher sage) and *Salvia mellifera* (Black sage), throughout the rest of the property. Seedlings of (in descending order of abundance) *Anaphilis margaritacea* (Pearly everlasting), *Diplacus aurantiacus* (Sticky monkeyflower), *Salvia mellifera*, *Ceanothus rigidus* (Monterey ceanothus), *Arctostaphylos pajaroensis* (Pajaro manzanita- see photo on page 7) and *Arctostaphylos hookeri* ssp *hookeri* (Hooker's manzanita) were observed in the remaining openings as well.

Figure 2: Small seedling of Pajaro manzanita (or hybrid) in middle of cleared area at NE corner.



The remaining vegetation surrounding the area in the upper NE portion where revegetation was sparse is dominated by two of the three species of manzanita found on the property, Hooker's manzanita, and Pajaro manzanita. These species do not form burls and if they are cut low enough, do not resprout from ground level. They are "obligate seeders" that drop a lot of seed that lays dormant for years and typically only germinates in significant quantities after fire or other major soil disruption. I found two small seedlings of Pajaro manzanita (or a hybrid between the Pajaro and the brittle leaf manzanita) in this area but very little else. It is my theory that this area was so thoroughly dominated by the non-burl



Figure 3: View looking West from upper NE corner of property at least vegetated area within mastication zone.

forming manzanitas that it will take longer for the revegetation to occur, whether by seedlings of the Hooker's and Pajaro manzanita's or by migration of other plants from seed or root suckers into the now open soil. You can see in the photo above that the natural grade was unchanged and clearly not graded and that finely ground woody plant material is densely covering the sandy soil. This creates perfect nooks and crannies for seeds to get down in and be protected from birds and desiccation by wind and sun. I believe it will hasten the recovery of this area if we collect and spread seeds of some of the other woody shrubs on the property into this area in the fall of 2025 and 2026.

During my first visit to the site last fall I did not notice that there appeared to be a short section of the pathway that was graded at some time in the past to create a level area running horizontally across the slope. It is about 50-70 feet long and downhill to the west from the area in the photo above. It does not appear to be anywhere close to one-hundred cubic yards, so would not have required a grading permit, but it did have minor impacts on the maritime chaparral. This area is revegetating on its own with a variety of annual, perennial, and woody shrubs from seed and crown sprouting. Based on my careful observation of the entire pathway up and down the west and east boundaries and horizontally through the middle and upper portion of the site, I will revise my plan to include more introduction seeds into areas like that shown in Figure #2 during the months of October and November of 2025 and in 2026 and continue to monitor the natural regeneration from root systems and recruitment of species already existing in the seedbank.

Figure 4: View looking West NW at an area that had some grading prior to vegetation mastication in 2024.



The following are photos taken from each of the fourteen photo points on the property.





Figure 5: **Photo point #1** looking south down pathway between eucalyptus grove on right and oak/pine/chaparral on left.

Figure 6: **Photo point #1** looking north uphill into mostly chaparral. large *Arctostaphylos crustacea* crown sprouting in trail.





Figure 7: **Photo point #2** looking east at pathway running horizontal across slope. *Eucalyptus* seedling in middle.

Figure 8: **Photo point #2** Looking South SE down slope toward *Eucalyptus* grove.





Figure 9: **Photo point #3** Looking South from open area occupied by many seedlings of chaparral species.

Figure 10: Two seedlings of *Arctostaphylos pajaricensis* in shredded manzanita wood at **Photo point #3**.





Figure 11: **Photo point #4** looking north near top of property where shrub mastication stopped. Many seedlings of diverse group of species present.

Figure 12: **Photo point #4** looking NW at termination point of mastication work. new seedlings blending in to mature and senescent.





Figure 13: **Photo point #5** looking East NE through area that received light grading sometime prior to mastication work.

Figure 14: **Photo point #5** looking west toward Eucalyptus grove. many shrub and perennial seedlings in openings.





Figure 15: **Photo point #6** looking downslope to the west. Only a few seedlings and few suckers found here.

Figure 16: **Photo point #6** Looking up slope to the east through area dominated by *Arctostaphylos hookeri* on left and *Arctostaphylos pajaricensis* on right. Only two seedlings found in this area so far.





Figure 17: **Photo point #7** looking South along eastern property line. Some crown sprouting *A. crustacea* and a couple *A. pajaroensis* in this area, but lots of open space.

Figure 18: **Photo point #7** looking west NW to high point of property. Few seedlings or suckers here.





Figure 19: **Photo Point #8** looking north along eastern edge of mastication work. Some good germination and crown sprouting.

Figure 20: **Photo Point #8** looking east at property boundary line. Good mix of crown sprouting and seed germination.





Figure 21: **Photo point #9.** View looking south down slope near eastern property line. Chaparral transitioning to Pine and Oak woodland.

Figure 22: Near **Photo point #9** *Rosa spithamea* (Coast ground rose) in understory of Pine Woodland.





Figure 23: **Photo point #10** Looking north toward property highpoint. Area dominated by *A. hookeri* on left and *A. pajaroensis* on right with *Frangula californica* (California coffeeberry) and *Garrya elliptica*. (Coast silk tassel)

Figure 24: **Photo point #10** looking west across upper slope. Crown sprouting *Lepechinia calycina* and *Arctostaphylos crustacea* and seedlings of *Salvia mellifera* (Black sage) and *Diplacus aurantiacus* (Sticky monkeyflower)





Figure 25: **Photo point #11** looking SW on upper portion of ridge. Good crown sprouting

Figure 26: **Photo point #12** Looking west along high point of mastication trail. Scattered seedlings and several crown sprouting shrubs.





Figure 27: **Photo point #13** looking west along upper ridge. Crown sprouting *Arctostaphylos crustacea*, *Lepechinia calycina*, *Acmispon glaber* (Deerweed) and *Crocanthemum scoparium* (rush rose)

Figure 28. **Photo point #14** looking downslope to the west. lots of crown sprouting.



Sheryl Fox Attorney
Anthony Lombardo & Associates
144 W. Gabilan Street
Salinas, CA 93901

September 2, 2025

RE: Scudder Administrative Citation Case # 24CEOO521

Violation

Grading on slopes greater than 25%

Grading affecting sensitive habitat/removal of and damage to Maritime chaparral.

Sheryl,

Thank you for meeting and showing me around the Scudder property on October 28. As discussed on site, Monterey County has red-tagged Mr. Scudder for several violations. My purpose for visiting the site and walking it with you was to assess the veracity or extent of the accusation that he graded a roadway through the upper area of his property that is primarily vegetated with central maritime chaparral. It is my understanding that Mr. Scudder contracted with Mike Bleck of Bleck Fire prevention to clear a fire break through the upper slopes of his property utilizing a masticator to chip and shred plant material in a swath through the dense vegetation. Mastication is a tool being used in increasing frequency to temporarily clear overgrown shrublands and forest understory, thus reducing flammable fuel “ladders” and creating temporary gaps in the vegetative cover. One of its primary advantages is that it reduces fuel loads while maintaining healthy, fully intact root systems. This mastication project cut a temporary linear gap through the vegetation that was intended to serve as a fuel break, even though it “looks” from the aerial image like a graded road.

As the violation citation describes, Maritime chaparral is an uncommon, highly localized, and variable plant community. Invariably it is dominated by one or more species of manzanita or Ceanothus. Specifically, here in Monterey County it is called Central maritime chaparral and is further defined and named by the specific dominant plant species, typically the primary manzanita species. On the Scudder property we are looking at Pajaro manzanita chaparral. This plant community is dominated by *Arctostaphylos pajaroensis* with Chamise (*Adenostoma fasciculatum*), brittle leaf manzanita (*Arctostaphylos crustacea* ssp. *crustacea*), Hooker’s manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), Coyote brush (*Baccharis pilularis*), Monterey ceanothus (*Ceanothus rigidus*), pitcher sage (*Lepechinia calycina*), Sticky monkeyflower (*Diplacus aurantiacus*), California coffee berry (*Frangula californica*), Toyon (*Heteromeles arbutifolia*), Deerweed (*Acmispon glaber*), Silver bush lupine (*Lupinus chamissonis*), Black sage (*Salvia mellifera*), Eastwoods golden bush (*Ericameria fasciculata*) and the ever present poison oak (*Toxicodendron diversilobum*). Several groups of Coast Live oaks (*Quercus agrifolia* var. *agrifolia*) near the bottom of the slope are signs of the advance and slow transition to oak woodland.

The three manzanita species on site are evenly distributed, each dominating in different locations based on slope. The upper part of the property is primarily Hooker’s manzanita on the old sandstone

ridge, whereas Pajaro manzanita mixes in there and becomes dominant in the midlevel and gives way to more of the brittle leaf manzanita near the bottom. The Hooker's and Pajaro manzanita are considered rare and while neither is protected by the US or California Endangered species act, they are given the highest rating of rarity other than state or federal listing, by the California Rare Plant Inventory. The Monterey ceanothus (*Ceanothus rigidus*) is also considered rare by the Inventory, but not to the level of automatic protection under the California Native Plant Act. Several plants which *could* be in this plant community but were not seen during my visit¹, are covered by one or the other ESA's including two federally listed ones; Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) is federally listed as threatened, and Yadon's rein orchid (*Piperia yadonii*) is listed as endangered. Eastwoods goldenbush (*Ericameria fasciculata*) is another rare species that could occur on site and would possibly have still been in flower. I did not find any on site.

Interestingly, despite the invasion of Blue Gum Eucalyptus trees along the west side of the property, the remainder was surprisingly "clean" with few nonnative species in the "fire break." This is significant because it means there has been little disturbance or introduction of nonnative seed which is most frequently brought in by machinery tires or blades. North Monterey County maritime chaparral stands are notoriously easily invaded by Pampas grass and ice plant and Genista. This site will heal quicker because of not having those species already present in the soil.



conducted as part of a regrowth monitoring survey and conformed absence of all but the *Ericameria fasciculata*. See May 19, 2025: Update and Spring regrowth monitoring on Scudder Administrative Citation Case # 24CEO0521

Regarding the specific Violations cited – Grading on a slope greater than 25% and grading affecting sensitive habitat/removal of and damage to Maritime chaparral, I walked every section of the cleared areas that are plainly visible in the aerial on page 2, and while I saw cut branches and the tops of root crowns in the “firebreak” I did not see evidence of root systems (root balls) being removed from the ground and I did not see piles of sand or soil resulting from grading and moving. There was no grade change between the “firebreak” and the dense shrubbery on either side of it. It appears that the work that was done cut off top growth at the ground level and root systems were left intact in the ground. While technically it was “removal” of maritime chaparral top growth, it was a disturbance that the species in maritime chaparral positively respond to quickly and assertively. This plant community is adapted to a long sporadic fire regime and when burned responds in two different ways depending on the species. Some plants like the brittle leaf manzanita and Chamise, coffeeberry, Toyon and Pitcher sage will rapidly send up new shoots from a thick burl or root mass that has stored energy in the root system for just such an occurrence. Others, like Hooker’s manzanita and Pajaro manzanita which we refer to as obligate seeders, only increase from seedling germination. Other smaller shrubs and perennials like sticky monkeyflower and smaller annuals like the Monterey spineflower respond by germinating hundreds or even thousands of seeds that have been laying in dormancy in the leaf litter for years or decades waiting for exposure to the light.

The cutting down of these plants without removing the root systems causes some of these plants to respond as if they had burned by fire. The removal of the canopy cover and exposure of the root crowns has already begun the sprouting of new shoots from a broad



range of species on site. Missing from the equation for the two

obligate seeding manzanita species and ceanothus species is the intense heat and smoke from brush fire that stimulates the germination of their seed. When

rains are abundant in the winter following fire events it will typically yield a carpet of new seedlings from Shrubs, perennials, and annuals in the subsequent spring. The rainy season of 2024-2025 (October 24 to September 25) has proven to be a lower-than-average rainfall year and many early germinating plants have either gone dormant early or did not survive their first summer. In lieu of intense heat and smoke, several seasons of movement in the sandy soil even as subtle as wind or moistening and drying during foggy days, or erosion and movement downslope can soften the seed coat and eventually stimulate the germination of these “obligate seeder” species, but not to the same level of density as fire would.

If left alone this “firebreak” would fill back in with a healthy mix of maritime chaparral species over several years and the firebreak could be unrecognizable in as little as 5 years. There is one caveat, while the exposure of the seed bank of the Hooker’s and the Pajaro manzanita will likely cause some sporadic germination, these two species are best stimulated by the heat and smoke of brush fire to soften the seed coat and stimulate germination. It is likely that the areas where the Hookers and Pajaro manzanita plants were cut to the ground will become dominated by other shrubs including the brittle leaf manzanita and toyon and pitcher sage until such a time as any seedlings that do sprout can compete for light and space in the plant mix. These two species are abundant along both sides of the cleared “firebreak” so there will be no significant reduction of their coverage on the site, but their survival technique in absence of fire will not be as abundant and widespread at those species that quickly respond by crown sprouting. The Brittle leaf manzanita is already crown sprouting in the firebreak in many locations like the photo at left here.

To reiterate my observations: the site where the vegetation was cut down is highly sensitive, rare Pajaro manzanita chaparral. The work that was done to cut down the various shrubs to create the network of fire breaks on the property does not appear to have included grading or soil movement. Many plants that were cut down have already started to crown sprout and begin the recovery of the Maritime chaparral plant community in these cut down areas. No doubt, more plants will sprout from seed in the next several years after sufficient rainy seasons. Far from permanently damaging or harming the Pajaro manzanita chaparral, the cut down is a benefit that will invigorate the plant community and stimulate new growth and diversity of species in the overall canopy cover. As stated previously, this site, if left alone and unmanipulated for the next 3-5 years will restore itself to a complete canopy cover of native plant species. It bears watching and monitoring through the next couple years year,

but I do not think that a restoration plan consisting of seeding or planting new plants² will be as effective in restoring the vegetative cover as leaving things alone will do.

There is one area in the far NE corner of the property that has not shown much in the way of seedling recruitment or crown sprouting in the first year after the mastication. It is an area that foot trails have passed through consistently for at least 50 years which would explain some of the lack of regeneration, but the two primary reasons that the area has not yet started significant revegetation are the dominant species that were/are in the area and to a lesser extent the less than average rainfall of the last year. Surrounding the open area in the top NE corner the dominant species is *Arctostaphylos hookeri* which forms almost pure large swaths over a large area in the upper portion of the property. In the early summer of 2025, two seedlings of *A. hookeri* were observed in the masticated area near the top of the most barren area. Virtually no other plants – not annuals or perennials or shrubs were found with them. Downslope to SW there are patches of crown sprouters like the chamise and the pitcher sage but few and far between.

Restoring the masticated areas to pre-violation state

As previously mentioned, the one primary area that may require supplemental -man-aided restoration is in the upper northeastern corner of the lot. (See aerial of site on Page 10 with low to non-vegetated area indicated in red boundary) This section of the report is primarily addressing that area.

To ensure the successful natural regrowth of the masticated firebreak, the site should receive no further manmade manipulation or maintenance activity for a minimum of three years, (except for the occasional removal of nonnative seedlings). A minimum impact foot path (much like those seen in aerial imagery from the last 50 plus years) can be maintained through the area to monitor and gain access to all points of observation of the re-growth, but no motorized vehicles should be used. No additional native vegetation will be removed, but maintaining the access footpath by repeated use will be a necessary compromise.

Monitoring of regrowth

A Monterey County Approved Biologist/Botanist should visit in February, May, August, and November of each year to inspect the fire break, take photos from established photo points, (see attached aerial with photo-point locations) and take notes on species diversity, growth rate and canopy cover. During these monitoring visits, one active remedial measure to take will be to carefully remove any weed seedlings that have germinated in the open areas of the

² Nursery grown plants, even if planted at the ideal time in late fall or early winter will still require a minimum of 18 months of supplemental irrigation and protection from herbivory. Getting water to new plants will be at best very difficult and labor intensive.

firebreak pathway. This will best be done by the biologist as they are discovered during monitoring and will keep weed invasion from getting established in the still open soil between the native shrubs.

At the end of each calendar year, the Biologist will prepare and submit a report to the Monterey County Housing and Community Development Planning Services department. This report will summarize the year's monitoring visits and include an estimate of the overall vegetative cover, including percentage that is native, within 8 different locations chosen for the reference photos, an estimate of overall growth through the year and recommendations for remedial activities such as weed maintenance, and the potential need for additional planting. Because the regrowth, particularly seedling recruitment, is entirely dependent on sufficient rainfall, the annual report will include rainfall amounts for the year and analysis of the impact on the crown sprouting and seedling growth on site. Based on all these factors, the biologist *may* recommend supplemental water, planting and or seeding of several of the native species found on site.

Monitoring visits and reporting	2025	2026	2027	2028
February		X	X	X
May		X	X	X
August		X	X	
November	X	X	X	
Annual report	December	December	December	

Success Criteria

Year 1 - 25% total vegetative cover in the areas that were masticated and a minimum 90% native species within that cover.

Year 2 - 30% vegetative cover of the areas that were masticated and 90% of the total cover being native species.

Year 3 - 50% total vegetative cover in the areas that were masticated with a minimum of 95% native species cover.

If Success criteria for year 3 are met, the site will be considered successfully restored and no further monitoring will be necessary.

If success criteria are not met after year one or in subsequent years, the biologist will recommend remedial actions to increase the cover of native species and/or reduce the cover of nonnative species.

Contingency measures in case of not achieving success criteria

If after the second full year since the mastication (late 2026) there is still less than 30% overall vegetative cover, the biologist will begin a propagation plan offsite to increase the number of the two obligate seeding manzanita species³. Seed propagation of these two species is challenging, unpredictable and slow in nursery culture. To produce additional plants for revegetating the most barren areas in the upper NE portion of site and provide fillers in other low cover areas, cuttings of the two rare manzanita species (*Arctostaphylos hookeri* ssp. *hookeri* and *Arctostaphylos pajaroensis*) will be taken between late November and mid-January and grown out in a nursery into 6" leach tube containers and planted out on site in the remaining open spaces in the following November. Cuttings will be taken from many plants throughout the property to increase the level of genetic variation in the clones that root and survive.

If necessary, the maximum quantity needed for the whole of the firebreak pathway would be 75-100 plants of each of the obligate seeding manzanita species. This is more than is actually needed but the inevitable loss in the nursery or from herbivory or desiccation in the ground requires planning for over planting initially. They should be planted with no more than 8' clearance between them and existing plants or other newly planted plants. The Hookers manzanita is primarily found in the upper (Northerly) reaches of the slope and would be best planted primarily in that northeastern area. The Pajaro manzanita is more widespread on the whole slope and can be planted randomly throughout the masticated area wherever there are large gaps. The plants grown in the 6" leach tubes will be small at planting time but will have root systems that will be at least 6 inches long and if planted properly and irrigated appropriately prior and subsequent to planting, should have excellent potential for survival. Plant installation will occur after the first rain has fallen early in the season and when more rain is projected. The Leach tubes or stubby cells are easily planted out using a dibble designed to create a hole that is the same size of the container - [Grower Supplies - PD7 - Stubby Cell Dibble - Stuewe & Sons](#) - . Seedling planting locations and spacing will be determined in the field by the Project Biologist, but will be done in a natural looking "random" pattern

After planting, small basins 6-8 inches wide by 3-4 inches high, should be created around each plant to trap and hold and let rainfall and supplemental irrigation penetrate deeply into the root zone. The entire root mass of the new plant should be kept covered but no soil placed against the stem or trunk of the plant. The plants should be monitored and watered (if no rainfall has occurred within the last 7 days) on a weekly basis through the first 5 months after planting. For the second half of the first year, watering can be reduced to a one time a month basis to retain vigor. To minimize impacts and avoid having to run a long-distance

³ *Arctostaphylos hookeri* and *A. pajaroensis* were represented by a total of 3 seedlings in the entire masticated area on the Scudder property in May of 2025. See May 19, 2025, report on regrowth and photopoint establishment

water line, water can be carried in buckets or watering cans and applied in small amounts into the basins around each plant.

Survivors after year one (project year 3) will be mulched in late Autumn with shredded manzanita wood and leaf litter in a ring much like a Christmas tree blanket in a circle 12-18' around each plant and no less than 3" deep. Again, covering the root mass entirely but not making contact with the trunk of the plant.

Monitoring the survival of the new plants will continue on a monthly basis through the rainy season into May and then every other month through the next two years. Success criteria will focus on survival for the first year and overall vegetative cover of each plant through years two and three.

Table 2 Restoration plants for filling barren areas of mastication impacts

Species	Common name	Container size	Quantity	Planting area
<i>Arctostaphylos hookeri</i> <i>ssp. hookeri</i>	Hookers' manzanita	6" stubby leach cone	100	Upper East side
<i>Arctostaphylos pajaricensis</i>	Pajaro manzanita	6" stubby leach cone	100	Upper East side and throughout

Success criteria for entire period Natural regrowth and restoration planting period

Overall vegetative cover

Year 1 – 25% of restoration area occupied by vegetation

Year 2 – 30% of restoration area occupied by vegetation

Final – 50% of restoration area occupied by vegetation

Native Plant cover (including both planted and “volunteer” native plants)

Year 1 – 90% of total vegetative cover from native species

Year 2 – 90% of vegetative cover from native species.

Final - 95% of vegetative cover from native species

Survival of container grown plants (if success criteria above are not met)

Year 1 (project year 3) - 75% survival of container grown plants

Year 2 (project year 4) – 70% survival of container grown plants

Final (project year 5) - 60% survival of container grown plants (It is assumed that “survivors in year 3 will have gained in canopy cover significantly to offset any mortality losses)

Failure to meet criteria for success in the first or second year will trigger the requirement for additional planting as specified in Contingency measures above and/or weed eradication in the subsequent year. Failure to meet Final success criteria will trigger a requirement for additional planting and/or weed eradication and an additional year of monitoring or until all success criteria are met.



531 Paradise Road

Red outlined section is the least vegetated section of the mapped forest. One year after work was completed, there are seedlings and cover sprouting. Birds coming in to various densities throughout the entire network of mapped trails. The only place where there are visible no plants is in the hammerhead at the top right (NE) portion of the site.

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