

# Exhibit C

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Mr. Anthony T. Karachale  
Attorney at Law  
Horan | Lloyd  
92385 Carmel Rancho Road # 200  
Carmel, CA 93923

Re: Kelly M. Sweeney Property (Horan|Lloyd File 8029.06)

Dear Mr. Karachale,

Thank you for the opportunity to visit the Sweeney property and from my observations to consider the biological significance of recent earthwork near the top-of-bank of the Carmel River. In particular, I have studied the part of the property that lies between the top-of-bank and adjacent topside woodland which extends northward to the farm fence.

- The first question of me has been whether and to what degree recent pushing and piling of earth (into two adjacent piles) may have affected adversely onsite and adjacent biota.
- The map/overlay on the following page indicates topics relevant to this assessment. Briefly, (1) the approximate locations of the subject dirt piles; (2) distance of the farmyard fence to the house — to demonstrate compliance of CA Public Resources Code 4290, i.e., minimum clearance between habitable structures and flammable vegetation (natural cover); (3) approximate top-of-bank delineation.

Choice of CEQA Alternative Report format: The Biological Resource Assessment (BRA) and Biological Resource Full Report (BRFR) are intended and usually reserved for projects that involve larger areas, more varied and complex vegetation cover, and a few to many locally known populations of special status or listed taxa of plants and/or animals. The Limited Map Report applies to small, usually near fully developed and essentially simple sites. In between, use of a Biological Letter Report (BLR) is suited to reasonably modest properties of common terrain (may be surveyed in a single glance), and for which the biota is well known: in other words, the present Sweeney Property.

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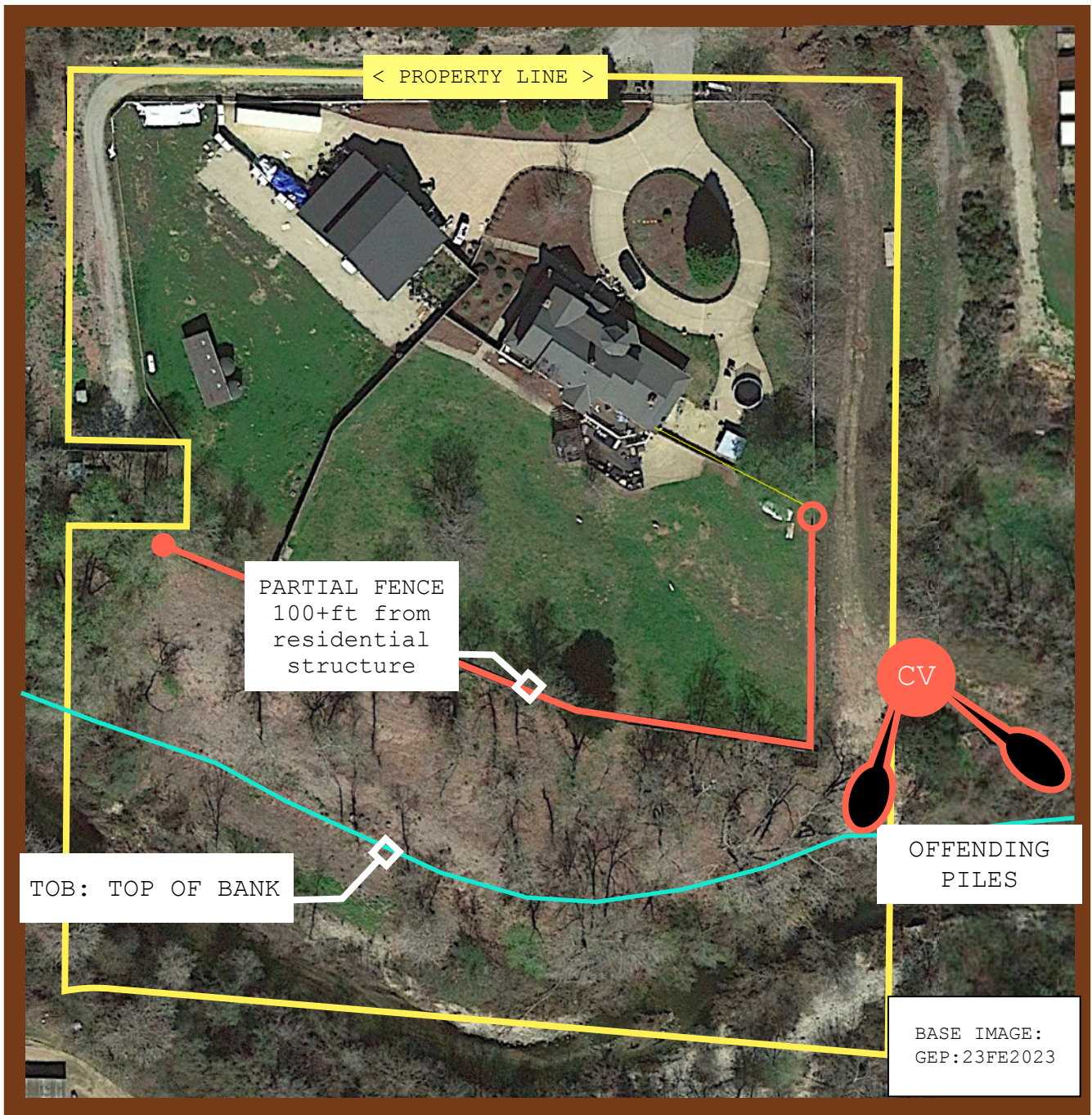


FIGURE 1. Kelly M. Sweeney Property, Carmel Valley, CA. Explanation of labeled features: Partial backyard and paddock fence: Area that is partially captured by red-colored fenceline is maintained free of flammable material; and is consistent with CA PRC §4290. Area south of fence is partially natural open space. Two (2) “offending piles” signify the earth piles that will be remediated as part of the project. (Shown are approximate locations. See Figures 2 and 3). CV= camera view.

Area: ~ 5.02 ac. // . Coord. @ driveway entrance: 36.527632° lat | -121.848872° lon // Elev. 72 ft ASL

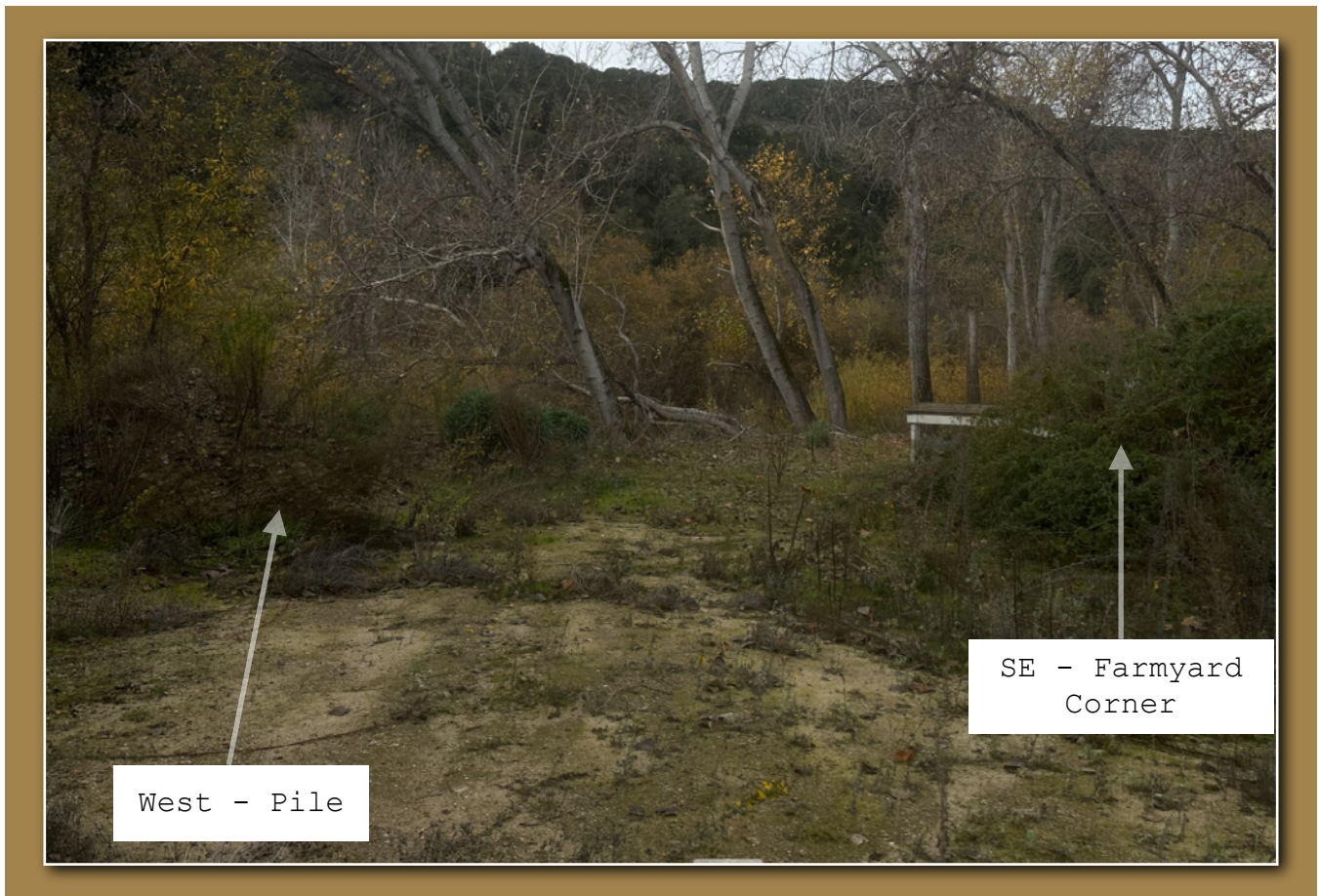


FIGURE 2. Observed on site: Two comparably sized and shaped mounds of earth that had been scraped and piled in place, in an area impacted by informal truck trail use and seasonal flood-wash, against woody growth associated with the river-side edge of the channel bank, 20 ft back from the top-of-bank. R growth of mixed native and nonnative forbs. More prominent though sparse plantlife growing on the mounds were, Coyotebush and Telegraph Weed. Apparently, or expectedly attracted and increased as a result of local ground-clearing, but not directly supported by the mounded earth, was a pioneering stand of Pride-of-Madeira. 28FE2024.



FIGURE 3. Observed, off-property but on the action site: *Looking SE (up-river) from the camera view location (CV) , ruderal vegetation growing well on the more open and sunlit of the two piles pile are Telegraph Weed, Coyotebush, and Pride-of-Madeira. 28FE2024.*

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### Past Action:

The two offending mounds of local ground materials (sandy and gravelly dirt) were compiled from onsite scraping and clearing with a small tractor and disposed to form the two piles. In *status quo*, the mounded dirt is not problematic, physically. However, the biological effect of the scraping and piling, and casting back onto the scarified ground surface will have created conditions selected by pioneering and invasive ruderal vegetation; in this case native Coyotebush (aggressive and weedy), and nonnative Telegraph Weed (native to SW California), and nonnative Pride-of-Madeira (native to the island of Madeira [Autonomous Region of Madeira, Portugal]).

Left alone, the Coyotebush and Pride-of-Madeira would demonstrate their capacity to expand away from the Action site and overtake an otherwise more diverse native flora that includes plants with a higher

habitat value for local wildlife. Further, Coyotebush has a high flammability rating, especially for spreading wildfire in brushland and woodland undergrowth.

### Present Action w/ Recommendations:

Whereas the past action so described presents conditions that are attractive to establishment of a rural and invasive vegetation, the methods to unwind the action and its adverse results are straightforward and readily doable. As regards the present and actively spreading Pride-of-Madeira, which is present on and around both of the offending piles, direct removal, if complete, should be effective.

#### *Pile Demolition and Removal; Plant Toxicity.*

Recapturing the dirt, which is gravel-laden and heavy, is fundamentally simple. That is to say, when attempted by a person other than the writer. The owner's alternatives include removing the piles to a trucked or drawn container, using either or both a small (48-inch) tractor and shovel; or several shovels.

More important, in terms of *biological effect*, the dirt should not be disposed of, even incidentally cast, onto the "natural open space" of the property, or adjacent areas with exception of inside the fenced farmyard (backyard and paddocks) and front yard, for example onto the easement that runs along the east edge of the owner's property. This caution is to emphasize the capacity of the ruderal vegetation to "escape" again by issuance of viable sprigs, clippings, and seeds. The surest remediation would be to haul the dirt to the Marina landfill, but which may require a chemical-lab safety analysis before receipt.

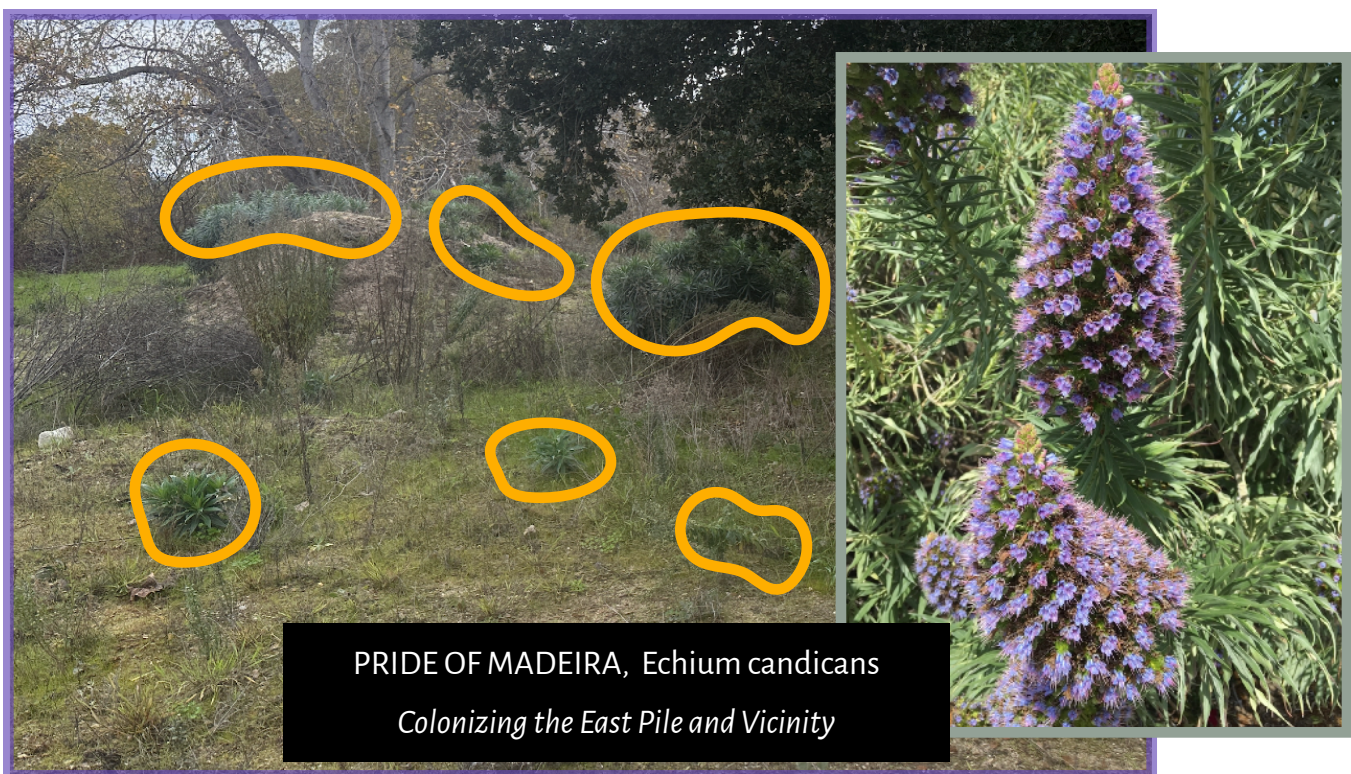


FIGURE 4. (caption)

Furthermore, Pride-of-Madeira is toxic to highly toxic when ingested by humans, dogs, cats, and horses. The plant should not be allowed to grow past initial sprouting — when it should be removed — in the paddocks. It should not be allowed to grow, whether ornamentally or as a weed where children are at risk from collecting the attractive flowers (see Figure 4, below).

#### *Reinstating Native Vegetation.*

Provided appropriate site preparation (mowing and raking) and selection and installation of the correct plant materials, whether by seeding and/or rhizomatous planting area after soil removal, reinstating or bettering native should be successful; follow-up weeding also is expected and recommended.

- a. The following five (5) species would be well-placed on the subject sites and are recommended for this particular mitigation..

- California Coffeeberry, *Frangula californica*
- California Lilac, *Ceanothus thyrsiflorus*
- Deergrass, *Muhlenbergia rigens*
- California Melic Grass, *Melica californica*
- California Sagewort, *Artemisia douglasiana*

- b. Refer to writer for planting and seeding, including site preparation strategy; also seedling irrigation and care. For budget and shopping purposes , the area of affected ground surface for planting and seeding is approximately 800 ft<sup>2</sup>.

For the grasses, if not in containers, the potted or tubed starters should be estimated at 1 item per 2 ft<sup>2</sup>. Grasses by seed should be estimated at 7 lbs per acre , or 2 lbs for the 800 ft<sup>2</sup> (not in proportion).

- c. Fertilizers should not be added to the planting area; fertilizers benefit weedy invaders and other competitors, and should be avoided.

### Summation & Opinion:

Frankly, the position that the owner has found herself in by okaying the scuffing around near the bank of Carmel River, and compiling the scraped and gathered soil into two piles is not uncommon along the Carmel River, or streamside locations throughout Monterey County. Nor is the responsibility and position of the County under such circumstances. A vital key to resolving the situation is the direct and open communication between the principal parties that are involved. In this case, Ms. Sweeney and staff of the Monterey County HCD .

To both parties, and in particular to Ms. Sweeney who is my client, I will stand by the preceding recommendation of a plan and its specifics for the nominal level of site remediation. Clean up the site of piled and loose cast dirt, carefully spread in the farmyard or dispose of the collected dirt offsite, then set about a straightforward planting and seeding project over the encompassed  $\pm 800$  ft<sup>2</sup> of scraped, graded, and tracked ground.

Again, thank you for the opportunity to weigh in this interesting project. I wish all of the folks involved a workable and mutually satisfying outcome.

Jeff

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Jeffrey B. Froke, Ph.D.

- ➔ Carl William Buchheister Fellowship, *American Bird Conservation*, National Audubon Society
- ➔ John and Frances Loeb Fellowship *for Advanced Environmental Studies*, Harvard University
- ➔ Emeritus, American Ornithological Society
  
- ➔ B.S., M.S., *Wildlife Biology and Management*, Humboldt State University
- ➔ Ph.D., *Landscape Ecology and Zoogeography*, University of California, Los Angeles
  
- ➔ UC San Diego, Scripps Institute of Oceanography, *intercampus doctoral study, deep sea ecology*.
- ➔ Note: 2024 marks my 50th year working as a practicing wildlife biologist and ecologist.



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