

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> October 13, 2010 <b>Time:</b> 10:00 a.m.	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Coastal Development Permit to allow a voluntary wetland restoration project on approximately 40 acres of a 195 acre parcel. The restoration consists of restoring, improving and maintaining native plant and endangered habitat while reconnecting the Carneros Creek to its historic floodplain. Grading consists of 4,130 cubic yards of cut and 4,130 cubic yards of fill, all to be balanced on site.	
<b>Project Location:</b> 420 Hall Road, Royal Oaks	<b>APN:</b> 181-251-001-000
<b>Planning File Number:</b> PLN090095	<b>Owner:</b> Agriculture & Land-Based Training Association <b>Agent:</b> Denise Duffy & Associates
<b>Planning Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : “RDR/5 (CZ)” Rural Density Residential, 5 acres per unit (Coastal Zone)	
<b>CEQA Action:</b> Mitigated Negative Declaration per (CEQA) Guidelines Section 15070	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- 2) Approve PLN090095, based on the findings and evidence and subject to the conditions of approval (**Exhibit C1**); and
- 3) Adopt the Mitigation Monitoring and Reporting Program (**Exhibit C1**)

### PROJECT OVERVIEW:

The Agriculture and Land-Based Training Association (ALBA) is a non-profit organization who owns two ranches that serve as incubator farms for aspiring, predominately low-resource, Latino farmers. ALBA’s mission is to advance economic viability, social equity and ecological land management among limited-resource and aspiring farmers.

The Triple M Ranch Wetland Restoration Project is a voluntary restoration project proposed by ALBA to improve the quality and function of the habitats found on the Triple M Ranch. ALBA has outlined a specific set of goals to accomplish this objective, including improving and maintaining habitat for three federal and state protected amphibian species: California red-legged frog, Santa Cruz long-toed salamander, and California Tiger Salamander.

Project components proposed include excavation of accumulated sediments in existing wetlands to prolong the hydro-period and provide amphibian breeding ponds, creation of islands of terrestrial habitat that can be used by amphibians as refugia in larger wetland areas, and replanting of disturbed areas with a diversity of native species. Following construction, ALBA will monitor the project site and implement management techniques to ensure the success of the Restoration project in providing improved habitat conditions for these target species. See **Exhibit B** for further discussion.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ North County Fire Protection District
- √ Parks Department
- California Department of Fish & Game
- U.S. Fish and Wildlife
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA Planning, Environmental Health Bureau and Water Resources Agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the North County Land Use Advisory Committee (LUAC) for review on August 3, 2010. The committee liked the idea to restore wetlands; however, they were concerned with how the project would affect the neighboring property. They continued the item to August 17, 2010 so the applicant could address neighbors’ concerns. At the August 17, 2010 meeting, an extensive discussion took place between the Garcia family, ALBA and County staff. The goal of improving the creek’s water flow, mitigating some flooding and creating an expanded wetland seemed to be shared by all parties. ALBA stated that because the Garcia’s property’s elevation being higher than ALBA’s property, potential flooding should not impact them. However, the Garcia’s remained skeptical. Two motions by the Committee failed: 1) to approve the project as presented and 2) to deny the project. The final motion was moved to cancel any public hearings until a site visit was set up for all interested parties. Staff offered a site visit immediately after the meeting. Only ALBA’s representatives, County staff and a member of the public attended. See (**Exhibit B**) for further discussion of neighbor’s issues.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

/S/ Elizabeth Gonzales

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Elizabeth Gonzales, Associate Planner  
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September 1, 2010

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; California Department of Fish and Game; U.S. Fish and Wildlife Service; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Agriculture & Land-Based Training Association, Owner; Denise Duffy & Associates, Agent; Matt and Mark Garcia, Interested Parties; Planning File PLN090095.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ol style="list-style-type: none"> <li>1. Conditions of Approval and Mitigation Monitoring and Reporting Program</li> <li>2. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map</li> </ol>
	Exhibit D	Vicinity Map
	Exhibit E	North County Land Use Advisory Committee Minutes (LUAC)
	Exhibit F	Project Correspondence (Neighbor)
	Exhibit G	Response from ALBA to neighbor's letter
	Exhibit H	Mitigated Negative Declaration
	Exhibit I	Vegetation Management Plan
	Exhibit J	Comments on Mitigated Negative Declaration
	Exhibit K	Fall Creek Engineering letter dated November 30, 2009

This report was reviewed by Laura Lawrence, Planning Services Manager

## **EXHIBIT “B” DISCUSSION**

### **A. INTRODUCTION**

#### **Setting**

The property is located in the Coastal Zone of northern Monterey County and consists of a 195 acre farm surrounded by agricultural and rural residential land uses. The property is located approximately 1.5 miles southeast of the small community of Las Lomas. Hall Elementary School is located approximate .5 miles to the northwest, just east of Las Lomas. The project site has historically been used for agricultural purposes, with a small structure used for administrative purposes and training. The property is bisected by Carneros Creek, which provides riparian habitat on the property. The creek, in this area, serves as a transition from fluvial freshwater flows to estuarine associated with the Elkhorn Slough. With Carneros Creek running through the property, the property is located within Zone AE, the 100-year floodplain. A portion of the site is also located within the FEMA-defined Floodway. The Base Flood Elevation in this area is between 10 and 20 feet above sea level.

The parcel is zoned “RDR/5 (CZ)”, Rural Density Residential/5 acre minimum in the Coastal Zone. Although no structural development is proposed, the North County Land Use Plan (LUP) encourages resource dependent uses. Pursuant to Key Policy 2.3.1 of the North County LUP, The environmentally sensitive habitats of North County are unique, limited, and fragile resources of statewide significance, important to the enrichment of present and future generations of county residences and visitors; accordingly, they shall be protected, maintained and where possible, enhanced and restored.

#### **Project Description**

The project involves the enhancement, creation and restoration of several wetlands (approximately 1.5 acres in total) on a portion of the 195 acre property, which is located in northern Monterey County, in the Coastal Zone, southeast of the community of Las Lomas. The restoration area will be located on approximately 40 acres of the property. Approximately 24.6 acres will be disturbed by ground disturbance as a result of excavating (creating approximately 1.5 acres of wetlands), placement of fill to create upland refugia habitat and to level cultivated fields, the repair and installation of hydrological structures on farm roads, and for staging areas for equipment and materials.

The primary purposes of the project are to 1) improve water quality on the project site and within the watershed, 2) restore native plant communities to increase biodiversity and ecological integrity, as well as diversify habitat, 3) improve and maintain habitat for Threatened and Endangered species, 4) provide flood storage, 5) reconnect the Carneros Creek to its historic floodplain, and 6) collect research data on target state and federally listed species, particularly Santa Cruz long-toed salamander, California tiger salamander, and California red-legged frog in order to demonstrate the value of the project as a research opportunity.

Specific improvements include the following:

- ✚ Raise approximately 205 linear feet of Sill Road and install gated culverts at the wetland crossings to allow for controlled conveyance of water;
- ✚ Construct a new bridge and channel gate to replace an existing concrete culvert at the stream crossing;
- ✚ Plug existing drainage ditches to prolong water retention periods;
- ✚ Plant clusters of riparian trees and thin existing even-aged stands along Carneros Creek to diversify the habitat;
- ✚ Create a treatment wetland to enhance water quality

The property contains four wells. Two production wells are used for on-site agricultural use and are registered with the Pajaro Valley Water Management Agency. One well is used for a neighboring property and is used seasonally. This well is located in area 5 and will not be inundated by project. One well, located near the corner of Hall and Sill Roads, is proposed to be destroyed. Environmental Health Bureau has conditioned the project to abandon that well (Condition 8). Since the project is located outside of Zone 2C, an area of overdraft, the Environmental Health Bureau required confirmation that no ground pumping will occur for the project and wetlands will be filled by naturally occurring groundwater or surface flow (**Exhibit K**).

The project includes a Revegetation and Vegetation Management and Monitoring program. This program includes planting of native plants and control of other species to provide habitat for the protected species identified above. The program includes a monitoring component to ensure that habitat is improved and maintained and to ensure that open water is maintained in the wetland areas. Each wetland will be created or enhanced such that they provide a stretch of shallow, open water, vegetated deeper water, and dense vegetation in elevated areas around the ponds. The program has been developed in consultation with the California Department of Fish and Game, US Fish and Wildlife Service, Monterey County departments, and the Salinas Valley Mosquito Abatement District.

The proposed project is solely for the benefit of listed species and their habitats and the intent of the project is to improve hydrology and water quality and to increase the number and improve the quality of potential breeding sites for State and federally listed amphibians on the project site, and to implement a research and monitoring program. Therefore, this project is consistent with the objectives of the North County Land Use Plan.

## **LUAC**

The project was referred to the North County Land Use Advisory Committee (LUAC) for review on August 3, 2010. The committee liked the idea to restore wetlands; however, they were concerned with how the project would affect the neighboring property. They continued the item to August 17, 2010 so the applicant could address neighbors' concerns. At the August 17, 2010 meeting, an extensive discussion took place between the Garcia family, ALBA and County staff. The goal of improving the creek's water flow, mitigating some flooding and creating an expanded wetland seemed to be shared by all parties. ALBA stated that because the Garcia's

property's elevation being higher than ALBA's property, potential flooding should not impact them. However, the Garcia's remained skeptical. Two motions by the Committee failed: 1) to approve the project as presented and 2) to deny the project. The final motion was moved to cancel any public hearings until a site visit was set up for all interested parties. Staff offered a site visit immediately after the meeting. Only ALBA's representatives, County staff and a member of the public attended. See below for further details of neighbor's issues.

### **NEIGHBORS' CONCERNS:**

At the August 17, 2010 LUAC meeting, ALBA stated their hydrologist told them the project would not increase flooding but rather help maintain the present water flows without much change. Staff also recommended the neighbors contact Water Resources Agency to discuss the drainage plan. Water Resources Agency has confirmed that the drainage/grading plan has been reviewed and approved. They have conditioned the project to provide certification from a registered civil engineer that all site improvements have been constructed in accordance with the approved plan (Condition 13, Mitigation Measure #1). However, the neighbors are still not convinced that this project would not affect them negatively. Staff suggested they put their concerns in writing. **See Exhibit F.**

- The neighbors are concerned with the lifting of Sill Road and constructing a new bridge and channel gate underneath the road. The Carneros Creek runs through both properties and has been filling with debris during rainy seasons for many years. The neighbor has no issue with the lifting of the road itself, their concern is that ALBA will be dumping additional water onto their property.

ALBA has submitted a response to the neighbor's concerns. **(Exhibit G)**

- The proposed slide gates and the ford crossing are not intended to hold back the water more than existing conditions. Nor are they intended to divert the flow of the stream from existing conditions. Water will continue to pool on ALBA property and then flow at the area in the center of the road. The overflow built into the crossing permits high flows to overtop the road without damaging the structure. The water behind the slide gates on the ALBA property will rise to the same elevation as under existing conditions. The slide gates are intended to enable water levels to be lowered below where they are under existing conditions in the event that there is a problem with mosquitoes and bullfrogs (a non-native predator of endangered species occurring on site). It must be emphasized that bacterial contamination of Carneros Creek is not a reason for releasing water using the slide gates.
- The installation of the large culvert replaces an existing large culvert in the same location. If the sediment laden channel downstream of the proposed project were dredged again, then flow would occur through the proposed large culvert. ALBA does not own the section of the stream channel where this dredging would occur, therefore, the project does not attempt to address those issues.
- Recognizing that these are two important issues for the Garcia family, ALBA intends to continue to engage in conversation and rebuild neighbor relations to ensure that any future downstream channel dredging will be cooperatively achieved.

## **CEQA**

An Initial Study was prepared and concluded that the project would not result in significant impacts, and recommended that a Mitigated Negative Declaration be prepared. The Initial Study and Mitigated Negative Declaration were circulated for a 30-day public review period. To date, comments were received from the responsible agency (**Exhibit J**), no substantive issues were raised; however, we revised and added mitigations to amplify and clarify existing mitigations.

Their concern is that the ground-disturbing activities associated with the restoration and creation of habitat on the project site will have the potential to result in a “take” of State-listed species. The CDF&G supports the overall effort to improve habitat and assist in the recovery of State-listed species, and includes specific recommendations regarding the MND so that the document can support the CDF&G’s anticipated permitting of this project. They wanted it to clearly state that the Vegetation Management Plan could be used to demonstrate the value of the project as a research opportunity in support of CDF&G permitting.

The CDF&G Regional staff anticipates providing support for the Fully Protected Species Permit. The CDF&G believes that incidental “take” coverage for California Tiger Salamander (CTS) is also appropriate for this project. Pursuant to Fish and Game Code Section 2081 (b) with an Incidental Take permit, the Department believes that the California State Safe Harbor Agreement Program Act, pursuant to Sections 2089.2 et seq. of Fish and Game Code may be the more appropriate permitting pathway for CTS on this project.

A Safe Harbor Agreement is intended to encourage the voluntary management of lands to benefit listed species. Upon establishing baseline conditions on the site, land management would be established that increases species populations or their habitats, with an agreement by the landowner to avoid or minimize incidental “take” and not to reduce conditions to or below baseline. This project seems well suited for a Safe Harbor Agreement because the intent is to improve habitat conditions that offer a net conservation benefit to the listed species known to the site and its vicinity. Therefore, the County supports the issuance of a Safe Harbor Agreement.

Impacts addressed in the Initial Study include Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, and Noise. Impacts were found to be less than significant except for Air Quality and Biological Resources. Mitigation measures include Best Management Practices to maintain excessive dust shall be implemented by the grading contractor during construction. All required permits shall be obtained from the CDF&G and USF&W prior to beginning any construction. A qualified biologist shall conduct an Employee Education Program for the construction crew foreman and ALBA staff, conduct pre-construction surveys, inspect areas for SCTLS, CTS and CRLF prior to beginning daily work activities, and be on-site during initial grading and vegetation removal activities.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the PLANNING COMMISSION in and for the  
County of Monterey, State of California**

In the matter of the application of:

**AGRICULTURE & LAND-BASED TRAINING ASSOCIATION (PLN090095)  
RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- 2) Approve PLN090095, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**); and
- 3) Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)  
(PLN090095, Agriculture & Land-Based Training Association, 420 Hall Road, Royal Oaks, North County Land Use Plan (APN: 181-251-001-000)

**The Coastal Development Permit application (PLN090095) came on for public hearing before the Monterey County Planning Commission on October 13, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - North County Land Use Plan,
  - Monterey County Coastal Implementation Plan, Part 2
  - Monterey County Zoning Ordinance (Title 20)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) The property is located at 420 Hall Road, Royal Oaks (Assessor’s Parcel Number 181-251-001-000, North County Land Use Plan. The parcel is zoned “RDR/5 (CZ)” Rural Density Residential, 5 acres per unit (Coastal Zone), which allows development within 100 feet of mapped or field identified environmentally sensitive habitats. Therefore, the project is an allowed land use for this site.  
c) The parcel is zoned “RDR/5 (CZ)”, Rural Density Residential/5 acre

minimum in the Coastal Zone. Although no structural development is proposed, the North County Land Use Plan (LUP) encourages resource dependent uses. Pursuant to Key Policy 2.3.1 of the North County LUP, The environmentally sensitive habitats of North County are unique, limited, and fragile resources of statewide significance, important to the enrichment of present and future generations of county residences and visitors; accordingly, they shall be protected, maintained and where possible, enhanced and restored.

- d) The project consists of a voluntary restoration project to improve the quality and function for three federal and state project amphibian species: California red-legged frog, Santa Cruz long-toed salamander and the California tiger salamander found on the Triple M Ranch. To accomplish this, a specific set of goals include A Re-Vegetation and Vegetation Management and Monitoring Plan. The primary purposes of the project are to 1) improve water quality on the project site and within the watershed, 2) restore native plant communities to increase biodiversity and ecological integrity, as well as diversify habitat, 3) improve and maintain habitat for Threatened and Endangered species, 4) provide flood storage, 5) reconnect the Carneros Creek to its historic floodplain, and 6) collect research data on target state and federally listed species, particularly Santa Cruz long-toed salamander, California tiger salamander, and California red-legged frog in order to demonstrate the value of the project as a research opportunity.
- e) The proposed project is solely for the benefit of listed species and their habitats and the intent of the project is to improve hydrology and water quality and to increase the number and improve the quality of potential breeding sites for State and Federally listed amphibians on the project site, and to implement a research and monitoring program. Therefore, this project is consistent with the objectives of the North County Land Use Plan.
- f) The project planner conducted site inspections on June 11, 2009 and August 17, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was referred to the North County Land Use Advisory Committee (LUAC) for review on August 3, 2010. The committee liked the idea to restore wetlands; however, they were concerned with how the project would affect the neighboring property. They continued the item to August 17, 2010 so the applicant could address neighbors' concerns. At the August 17, 2010 meeting, an extensive discussion took place between the Garcia family, ALBA and County staff. The goal of improving the creek's water flow, mitigating some flooding and creating an expanded wetland seemed to be shared by all parties. ALBA stated that because the Garcia's property's elevation being higher than ALBA's property, potential flooding should not impact them. However, the Garcia's remained skeptical. Two motions by the Committee failed: 1) to approve the project as presented and 2) to deny the project. The final motion was moved to cancel any public hearings until a site visit was set up for all interested parties. Staff offered a site visit immediately after the meeting. Only ALBA's representatives, County staff and a member of the public attended.
- h) The neighbors are concerned with the lifting of Sill Road and

constructing a new bridge and channel gate underneath the road. The neighbor has no issue with the lifting of the road itself, their concern is that ALBA will be dumping additional water onto their property. ALBA has submitted a response to the neighbor's concerns. The proposed slide gates and the ford crossing are not intended to hold back the water more than existing conditions. Nor are they intended to divert the flow of the stream from existing conditions. The slide gates are intended to enable water levels to be lowered below where they are under existing conditions in the event that there is a problem with mosquitoes and bullfrogs (a non-native predator of endangered species occurring on site). It must be emphasized that bacterial contamination of Carneros Creek is not a reason for releasing water using the slide gates. Recognizing that the Garcia family has concerns, ALBA intends to continue to engage conversation and rebuild neighbor relations to ensure that any future downstream channel dredging will be cooperatively achieved.

- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090095.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by RMA Planning Department, Water Resources and Environmental Health Bureau have been incorporated.
  - b) Staff identified potential impacts to Biological Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
    - *“Biological Assessment” (LIB090301) prepared by Denise Duffy & Associates, Monterey CA, December 2008.*
    - *“Biological Resources Report” (LIB100281) prepared by Denise Duffy & Associates, Monterey, CA, November 2009.*
  - c) Staff conducted site inspections on June 11, 2009 and August 17, 2010 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090095.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for 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 use, 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 North County Fire Protection District, Parks Department, RMA- Planning Department, Public Works, Water Resources Agency and Environmental Health Bureau. The respective departments/agencies have recommended conditions, where appropriate, to ensure that 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 property contains four wells. Two production wells are used for on-site agricultural use and are registered with the Pajaro Valley Water Management Agency. One well is used for a neighboring property and is used seasonally. This well is located in area 5 and will not be inundated by project. One well, located near the corner of Hall and Sill Roads, is proposed to be destroyed. Environmental Health Bureau has conditioned the project to abandon that well (Condition 8). Since the project is located outside of Zone 2C, an area of overdraft, the Environmental Health Bureau required confirmation that no ground pumping will occur for the project and wetlands will be filled by naturally occurring groundwater or surface flow (**Exhibit K**).
- c) Preceding findings #1 and #2 and supporting evidence for PLN090095.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted site inspections on June 11, 2009 and August 17, 2010 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090095.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:** a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the

Planning Department and is hereby incorporated by reference (PLN090095).

- c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN090095).
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition #6**).
- e) The Draft Mitigated Negative Declaration (“MND”) for PLN090095 was prepared in accordance with CEQA and circulated for public review from July 28, 2010 through August 30, 2010 (SCH#: 2010071080). Issues that were analyzed in the Draft Mitigated Negative Declaration (“MND”) include aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology/water quality, and noise.
- f) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN090095) and are hereby incorporated herein by reference.
- g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- h) Impacts addressed in the Initial Study include Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, and Noise. Impacts were found to be less than significant except for Air Quality and Biological Resources. Mitigation measures include Best Management Practices to maintain excessive dust shall be implemented by the grading contractor during construction. All required permits shall be obtained from the CDF&G and USF&W prior to beginning any construction. A qualified biologist shall conduct an Employee Education Program for the construction crew foreman and ALBA staff, conduct pre-construction surveys, and inspect areas for Santa Cruz Long Toed Salamander (SCLTS), California Tiger Salamander (CTS) and California Red Legged Frog (CRLF) prior to

beginning daily work activities, and be on-site during initial grading and vegetation removal activities.

- i) The site supports biological resources. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- j) During the review period, the County received a comment from the responsible agency, the California Department of Fish and Game (CDF&G). Their concern is that the ground-disturbing activities associated with the restoration and creation of habitat on the project site will have the potential to result in a “take” of State-listed species. The CDF&G supports the overall effort to improve habitat and assist in the recovery of State-listed species, and includes specific recommendations regarding the MND so that the document can support the CDF&G’s anticipated permitting of this project. They wanted it to clearly state that the Vegetation Management Plan could be used to demonstrate the value of the project as a research opportunity in support of CDF&G permitting.
- k) The CDF&G Regional staff anticipates providing support for the Fully Protected Species Permit. The CDF&G believes that incidental “take” coverage for California Tiger Salamander (CTS) is also appropriate for this project. Pursuant to Fish and Game Code Section 2081 (b) with an Incidental Take permit, the Department believes that the California State Safe Harbor Agreement Program Act, pursuant to Sections 2089.2 et seq. of Fish and Game Code may be the more appropriate permitting pathway for CTS on this project.
- l) A Safe Harbor Agreement is intended to encourage the voluntary management of lands to benefit listed species. Upon establishing baseline conditions on the site, land management would be established that increases species populations or their habitats, with an agreement by the landowner to avoid or minimize incidental “take” and not to reduce conditions to or below baseline. This project seems well suited for a Safe Harbor Agreement because the intent is to result in improved habitat conditions that offer a net conservation benefit to the listed species known to the site and its vicinity. Therefore, the County supports the issuance of a Safe Harbor Agreement.
- m) The County has considered the comments received from the California Department of Fish & Game during the public review period. As a result, the County has revised conditions #17, 20, 21, 22, 24 and 26 to clarify and amplify the project description. Changes made were using no-disturbance buffers such as flagging in lieu of fencing and supporting that a “take” permit under the Safe Harbor Agreement is required from the CDF&G. Pursuant to CEQA Section 15073.5, recirculation is not required when new information is added to a mitigated negative declaration that only amplifies and clarifies existing mitigations.
- n) New mitigation measures (MM # 5, 8, 9, 10, 12 and 14) are

equivalent or more effective in mitigating or avoiding potential significant effects and it itself will not cause any potentially significant effect on the environment. A public hearing was held on the project on October 13, 2010 in which the deletion and substitution of the mitigation measures were addressed. The new mitigation measures are incorporated into project approval or made a condition of project approval.

- o) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.
- l) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

5. **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 Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 4 in the North County Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090095
  - e) The project planner conducted site inspections on June 11, 2009 and August 17, 2010.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.070 Monterey County Zoning Ordinance (Board of Supervisors).
  - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because development within 100 feet of environmentally sensitive habitat is permitted in the underlying zone as a conditional use and is considered nonexempt development.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- B. Approve PLN090095, Coastal Development Permit to allow a voluntary wetland restoration project on approximately 40 acres of a 195 acre parcel. The restoration consists of restoring, improving and maintaining native plant and endangered habitat while reconnecting the Carneros Creek to its historic floodplain. Grading consists of 4,130 cubic yards of cut and 4,130 cubic yards of fill, all to be balanced on site, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

**PASSED AND ADOPTED** this 13th day of October, 2010 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Secretary to the Planning commission

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION \_\_\_\_\_ - EXHIBIT 1  
 Monterey County Resource Management Agency  
 Planning Department  
 Condition Compliance and/or Mitigation Monitoring  
 Reporting Plan**

**Project Name:** Agriculture & Land Based Training/Triple M. Ranch  
**File No:** PLN090095 **APNs:** 181-251-001-000  
**Approved by:** Planning Commission **Date:** October 13, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Coastal Development Permit (PLN090095) allows for a voluntary wetland restoration project on approximately 40 acres of a 195 acre parcel. The restoration consists of restoring, improving and maintaining native plant and endangered habitat while reconnecting the Carneros Creek to its historic floodplain to include grading consisting of 4,130 cubic yards of cut and 4,130 cubic yards of fill, all to be	Adhere to conditions and uses specified in the permit.  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 the RMA - Planning Department.	Owner/ Applicant  RMA - Planning	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		balanced on site. The property is located at 420 Hall Road, Royal Oaks (Assessor's Parcel Number 181-251-001-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. <b>(RMA-Planning Department)</b>	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.	WRA  RMA - Planning		
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the <b>Planning Commission</b> for Assessor's Parcel Number 181-251-001-000 on October 13, 2010. The permit was granted subject to <b>32</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on October 13, 2013 unless use of the property or actual construction has begun within this period. <b>(RMA - Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	

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4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits or use of the property, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b>	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.  If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
6.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>Health Department Environmental Health Bureau</b>						
8.		<p><b>EHSP001 - ABANDONED WELL – AREA 1 (NON STANDARD)</b></p> <p>Destroy the existing abandoned well located adjacent to Hall and Sill Roads. The well shall be destroyed according to the standards found in State of California Department of Water Resources Bulletin 74-81 and all its supplements in addition to Chapter 15.08 of the Monterey County Code.</p> <p>The location of this well is noted on the Fall Creek Engineering, Inc. <u>Overall Site Improvement Plan</u>, dated August 2009, Sheet C2.0, Area 1. <b>(Environmental Health)</b></p>	<p>Prior to destruction of the well, a permit for the destruction of the well shall be obtained from the Environmental Health Bureau by a CA licensed well contractor. After destruction, submit the Well Completion (Destruction) Report to the Environmental Health Bureau.</p>	CA Licensed Well Contractor/ Applicant	Prior to issuance of a grading or building permit.	
9.		<p><b>EHSP002 - NO PUMPING OF GROUNDWATER (NON STANDARD)</b></p> <p>Per the Fall Creek Engineering, Inc. letter report from the applicant’s registered civil engineer dated November 30, 2009 (Item #3), the project shall not result in groundwater pumping. <b>(Environmental Health)</b></p>	<p>The applicant shall comply with their registered civil engineers letter report from Fall Creek Engineering, Inc. This document is dated November 30, 2009 and states:</p> <p>“No groundwater pumping will occur for the above referenced project. The wetlands will be filled by naturally occurring groundwater or surface flow.”</p>	CA Licensed Engineer /Owner/ Applicant	Continuous / On-going	

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
<b>Monterey County Water Resources Agency</b>						
10.		<b>WRASP001 - GRADING PLAN (NON-STANDARD)</b> A grading plan shall be prepared by a registered civil engineer or licensed surveyor to reflect the proposed cross-sections and hydraulic conditions identified in the <i>Floodway Analysis for the Triple M Ranch Wetland Restoration Project</i> prepared by Fall Creek Engineering, dated 10/22/2009. The grading plan shall be submitted to the Water Resources Agency for review and approval. <b>(Water Resources Agency)</b>	Submit the grading plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading permits	WRA
11.		<b>WRASP002 - FLOODPLAIN RECORDATION (NON-STANDARD)</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." <b>(Water Resources Agency)</b>	Submit a recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading permits	WRA
12.		<b>WRASP003 - COMPLETION CERTIFICATION (NON-STANDARD)</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer that all site improvements have been constructed in accordance with the approved grading plan. <b>(Water Resources Agency)</b>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer, certifying compliance with the approved site improvement plan.	Owner/ Applicant	Prior to final inspection	WRA
<b>Mitigation Measures</b>						

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
13.	1	<p><b><u>Mitigation Measure #1:</u></b>  The following notes shall be included on all grading permit plans and in the contract with the grading contractor, and shall be implemented by the grading contractor:</p> <ul style="list-style-type: none"> <li>✚ Apply water to all excavated or graded areas to prevent excessive dust.</li> <li>✚ Cover all material transported off-site to prevent excessive dust release</li> <li>✚ Maintain two feet of freeboard for all material transported off-site</li> <li>✚ Limit construction impacts to levels within Air District thresholds of significance. Submit a construction program that demonstrates that thresholds will not be exceeded by either limiting the amount of disturbed area per day or by providing construction and erosion management techniques that reduce emissions.</li> <li>✚ Limit on-site construction vehicle speeds to 15 miles per hour</li> <li>✚ Clean loose soil from construction vehicles before exiting the site</li> <li>✚ Maintain all construction vehicle internal combustion engines according to manufacturer's specifications</li> <li>✚ All diesel equipment shall comply with applicable State (Air Resources Board) regulations</li> <li>✚ All equipment shall comply with the State Anti-Idling Rule, Title 13, California Code of Regulations, Section 2485(c)(1)</li> </ul> <p><b>(RMA- Planning Department)</b></p>	<p><b><u>Monitoring Action #1:</u></b>  A copy of a signed agreement between the applicant and grading contractor stating that the contractor agrees to these notes shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p>	Applicant/ Owner	Prior to issuance of grading permit.	

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14.	2	<p><b><u>Mitigation Measure #2:</u></b>  Prior to construction activities, the project proponent shall retain a qualified biologist. ALBA shall submit a signed contract to the County prior to the issuance of any grading permit or vegetation clearance activities. The contract will include language demonstrating that a qualified biologist will be retained to be on-site during initial grading and vegetation removal activities and to fulfill the requirements of all the biological mitigation measures required of this project.</p> <p>The biologist shall conduct an Employee Education Program for the construction crew foreman and ALBA staff. The biologist shall meet with the construction crew foreman and ABLA staff at the project site at the onset of construction to educate the foreman and staff on the following: 1) a review of the project boundaries; 2) the special-status species that may be present, their habitat, and proper identification; 3) the specific mitigation measures that will be incorporated into the construction effort; 4) the general provisions and protections afforded by the Service and the DFG; and 5) and the proper procedures if a special-status animal is encountered within the project site. The construction foreman is responsible for making sure that all personnel that will be onsite, including all new workers and subcontractors, review the Worker’s Education Training Program materials. All personnel must sign and date their review of the Worker’s Education Training Program materials prior to working on the site. The sign-in sheet must be maintained on-site by the construction foreman and presented upon request.  <b>(RMA- Planning Department)</b></p>	<p><b><u>Monitoring Action #2:</u></b>  A copy of a signed agreement between a qualified biologist and the applicant stating that “the biologist will be retained to be on-site during initial grading and vegetation removal activities and to fulfill the requirements of all the biological mitigation measures required of this project” shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p>	Applicant/ Owner	Prior to issuance of grading/building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
15.	3	<p><b><u>Mitigation Measure #3:</u></b>  A qualified biologist shall be on-site during initial grading and vegetation removal activities to identify any special-status species encountered. If special-status species are identified prior to or during construction activities, the biologist has the authority to stop the project until the individual wildlife species has left the site. If the individual does not leave the site within a reasonable amount of time, the biologist shall contact the California Department of Fish and Game (DFG) for guidance. Project activities shall not resume until the individual leaves the site or authorization is received from DFG to resume activities. <b>(RMA- Planning Department)</b></p>	<p><b><u>Monitoring Action #3:</u></b>  A copy of a signed agreement between the applicant and the qualified biologist stating “If special-status species are identified prior to or during construction activities, the biologist shall contact the RMA-Planning Department along with the CDF&amp;G” shall be submitted to the RMA Planning Department prior to issuance of grading/building permits.</p>	Applicant/ Qualified biologist	Prior to issuance of grading/building permits.	
16.	4	<p><b><u>Mitigation Measure #4:</u></b>  A qualified biologist shall conduct pre-construction surveys for Monterey dusky footed woodrat nests within the project area and in a buffer zone located 100 feet around the area of disturbance. The survey(s) shall be conducted no more than three days prior to construction or vegetation clearance. All woodrat nests shall be flagged for avoidance of direct construction impacts, where feasible. Any active nests outside of grading or vegetation removal areas shall be avoided and protected during project activities with a minimum 25 foot buffer. Nests that cannot be avoided shall be manually deconstructed prior to land clearing activities to allow animals to escape harm and to reestablish territories for the next breeding season. DFG shall be contacted to determine the appropriate methods for dismantling. These methods typically include dismantling by hand, which allows any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2 – 3 weeks before a</p>	<p><b><u>Monitoring Action #4:</u></b>  A copy of the pre-construction Monterey dusk footed woodrat nest survey prepared by the qualified biologist shall be submitted to the RMA Planning Department prior to issuance of grading/building permits.</p>	Applicant/ Qualified biologist	Prior to issuance of grading/building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		recheck to verify that young are capable of independent survival before proceeding with nest dismantling. ALBA shall submit evidence to the County of Monterey in the form of a letter report with supporting photographic evidence demonstrating compliance with this measure prior to the initiation of construction activities. <b>(RMA- Planning Department)</b>				
17.	5	<b><u>Mitigation Measure #5:</u></b> Construction activities that may affect white-tailed kite, short-eared owl, nesting raptors, and other protected avian species (including tricolored blackbird and California horned lark) can be timed to avoid the nesting season. Specifically, vegetation removal can be scheduled after September 1 and before January 31. If vegetation removal is to be conducted outside of this period, pre-construction surveys shall be conducted for these species within 300 feet of proposed construction activities. Pre-construction surveys shall be conducted no more than 14 days prior to the start of construction. If short-eared owl, white-tailed kite, nesting raptors, or other nesting birds are identified during the pre-construction surveys, DFG shall be contacted and an appropriate <u>no-disturbance buffer (i.e. flagging)</u> shall be established within which no construction activities or disturbance shall take place (generally 300 feet in all directions for raptors; other protected avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist in consultation with DFG. ALBA shall submit evidence to the County of Monterey in the form of a letter report demonstrating compliance with this measure prior to the initiation of construction activities. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #5:</u></b> Applicant shall submit evidence to the RMA – Planning Department in the form of a letter report demonstrating compliance with this measure prior to the initiation of construction activities prior to issuance of grading/building permits.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
18.	6	<b><u>Mitigation Measure #6:</u></b> Prior to use of heavy equipment and surface-disturbing activities, the work area shall be cleared under the direction of a qualified biologist. Vegetation shall initially be removed by hand (including brush cutters, weed whackers, and chainsaws). Piles of woody debris shall be cleared by hand. Larger debris will only be moved after being inspected by the project biologist. If SCLTS, CTS, or CRLF are observed during vegetation and debris removal activities, the project biologist shall stop work and contact applicable state and federal agencies for guidance and permits. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #6:</u></b> A copy of a signed agreement between the applicant and the biologist that vegetation shall initially be removed by hand after being inspected shall be submitted to the RMA – Planning Department prior to issuance of grading/building permits.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
19.	7	<b><u>Mitigation Measure #7:</u></b> Before work activities begin each day, the project biologist shall inspect the area to look for SCLTS, CTS and CRLF. If any of these species are observed during vegetation and debris removal activities, the project biologist shall stop work and contact the US Fish and Wildlife Service.	<b><u>Monitoring Action #7:</u></b> A copy of a signed agreement between the applicant and the biologist stating that the biologist shall inspect the area to look for SCLTS, CTS and CRLF shall be submitted to the RMA- Planning Department.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
20.	8.	<b><u>Mitigation Measure #8:</u></b> If <del>silt fencing</del> <u>flagging</u> is required per erosion control best management practices or for any other reason, only high-quality <del>silt fencing</del> <u>flagging</u> (as agreed to by the biologist prior to installation) shall be used and efforts shall be made to install it in a way that does not inhibit movement of SCLTS, CTS or CRLF. Openings shall be created approximately every 100 feet. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #8:</u></b> A copy of a signed agreement between the applicant and the biologist stating that the qualified biologist shall determine what type of flagging shall be used so that it does not inhibit movement of SCLTS, CTS or CRLF shall be submitted to the RMA- Planning Department.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
21.	9	<p><b><u>Mitigation Measure #9:</u></b>  Prior to the issuance of any grading permit, the project applicant shall submit evidence to the County of Monterey documenting that US Fish and Wildlife Service, as well as the <u>California Department of Fish &amp; Game (CDFG)</u>, have been consulted regarding the potential take of any state or federally listed species. <del>The applicants shall obtain all necessary permits or take all actions required by those agencies.</del> <u>The CDFG Regional staff anticipates providing support for the Fully Protected Species Permit. The CDFG believes that incidental “take” coverage for CTS is also appropriate for this project. Pursuant to Fish and Game Code Section 2081 (b) with an Incidental Take permit, the Department believes that the California State Safe Harbor Agreement Program Act, pursuant to Sections 2089.2 et seq. of Fish and Game Code may be the more appropriate permitting pathway for CTS on this project.</u> Any changes to the project components as a result of such consultation or permits shall be communicated immediately, prior to implementation, to the County of Monterey. If necessary, permit amendments may be required if the changes are not in conformance with the original permit.  . (RMA- Planning Department)</p>	<p><b><u>Monitoring Action #9:</u></b>  The applicant shall submit evidence to the RMA – Planning Department documenting that US Fish and Wildlife Service, as well as DFG, have been consulted regarding the potential take of any state or federally listed species. The applicant shall obtain all necessary permits or take all actions required by those agencies prior to the issuance of any grading/building permits.</p>	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
22.	10	<p><b><u>Mitigation Measure #10:</u></b>  The Pajaro Manzanita individual within the project site shall be protected during construction. This includes the use of exclusionary <u>no-disturbance buffers such as fencing and/or flagging</u> of the individual to ensure avoidance, as recommended by the project biologist. A biological monitor shall supervise the installation of the protection and remain on-site during the initial grading activities and vegetation removal. After these activities are completed, the biological monitor shall check at</p>	<p><b><u>Monitoring Action #10:</u></b>  A copy of a signed agreement between the applicant and the biologist stating that the individual Pajaro Manzanita shall be protected during construction and monitored. The agreement shall be submitted to the RMA-Planning Department.</p>	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	

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		least once per week, until the construction is completed, that the protective measure remain intact and that construction work is maintained within the limits of construction. ALBA shall submit evidence to the County of Monterey prior to the issuance of the any grading permit. <b>(RMA- Planning Department)</b>				
23.	11	<b><u>Mitigation Measure #11:</u></b> All post construction management activities shall be completed in accordance with the management recommendations and avoidance measures contained in the <i>Vegetation Management Plan and Habitat Enhancement for Federal and State Listed Amphibian Species</i> (Vegetation Monitoring and Pond Management Plan). All monitoring data shall be archived based on the specifications contained in these plans and shall be made available to the regulatory agencies within 30 days of any request. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #11:</u></b> A copy of a signed agreement between the applicant and the biologist stating that all post construction management activities shall be completed in accordance with the management recommendations and avoidance measures contained in the <i>Vegetation Management Plan and Habitat Enhancement for Federal and State Listed Amphibian Species</i> (Vegetation Monitoring and Pond Management Plan) and shall be submitted to the RMA-Planning Department.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
24.	12	<b><u>Mitigation Measure #12:</u></b> Larval surveys shall be conducted by a qualified biologist who holds the appropriate permits for USFWS and DFG during the monitoring period as outlined in the Management Plan <u>specifically monitoring existing and created ponds for potential occupation by listed species.</u> Activities associated with larval surveys shall be permitted prior to the initiation of surveys under the project-specific authorization required by those permits and not as a component of this project. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #12:</u></b> A copy of a signed agreement between the applicant and the biologist stating that larval surveys shall be conducted by a qualified biologist who holds the appropriate permits for USFWS and DFG during the monitoring period as outlined in the Management Plan and shall be submitted to the RMA-Planning Department.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	

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25.	13	<b><u>Mitigation Measure #13:</u></b> The project shall comply with Section 1602 of the Fish and Game Code. In doing so, a Streambed Alteration Agreement Permit shall be obtained from DFG prior to the initiation of construction in those areas. All requirements of the permit shall be followed. Prior to the initiation of construction in the applicable areas, ALBA shall obtain the permit and provide a copy to the County of Monterey. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #13:</u></b> The applicant shall submit a copy of the Streambed Alteration Agreement Permit obtained from DFG prior to the initiation of construction in those areas and submitted to the RMA – Planning Department prior to issuance of grading/building permits.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
26.	14	<b><u>Mitigation Measure #14:</u></b> All ground disturbing activities shall be confined to the period from June 15 to October 15. The grading limit line shall be marked in the field with <u>no-disturbance buffers such as flagging or temporary fencing</u> . ALBA shall submit evidence to the County of Monterey in the form of photographic evidence demonstrating compliance with this measure prior to the initiation of construction activities. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #14:</u></b> The applicant shall submit evidence to the RMA- Planning Department in the form of photographic evidence demonstrating compliance with this measure prior to the issuance of any grading/building permits.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
27.	15	<b><u>Mitigation Measure #15:</u></b> Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer or erosion control specialist, and shall utilize standard erosion control and slope stabilization measures in satisfaction of Monterey County erosion control requirements to minimize erosion of slopes and sedimentation to native vegetation areas. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #15:</u></b> A copy of a signed agreement between the applicant and a qualified hydrologist stating that they will utilize standard erosion control and slope stabilization measures in satisfaction of Monterey County erosion control requirements to minimize erosion of slopes and sedimentation to native vegetation areas. This agreement shall be submitted to the RMA- Planning Department.	Applicant/ Owner	Prior to issuance of grading/ building permits.	

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28.	16	<b><u>Mitigation Measure #16:</u></b> Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations, as determined by the project biologist. Trees and vegetation not planned for removal or trimming shall be protected during construction to the maximum extent. Measures may include the use of exclusionary flagging of herbaceous and shrubby vegetation and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. ALBA shall submit evidence to the County of Monterey in the form of photographic evidence demonstrating compliance with this measure prior to the issuance of any grading permit. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #16:</u></b> Applicant shall submit evidence of tree/vegetation protection to the RMA – Planning Department in the form of photographic evidence demonstrating compliance with this measure prior to the issuance of any grading permit.	Applicant/ Owner	Prior to issuance of grading/ building permits.	
29.	17	<b><u>Mitigation Measure #17:</u></b> A biological monitor shall supervise the installation of protective flagging and shall monitor the maintenance of the flagging (and other protective measures) during each of their monitoring visits as describe in the above mitigation measures. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #17:</u></b> A signed agreement between the applicant and qualified biologist stating that a biological monitor shall supervise the installation of protective flagging and shall monitor the maintenance during each of their monitoring visits. A copy of the signed agreement shall be submitted to the RMA- Planning Department.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
30.	18	<b><u>Mitigation Measure #18:</u></b> No fueling or maintenance of equipment shall take place in the riparian or wetland habitat areas. Mechanical equipment shall be serviced in designated staging areas located outside of these habitats. Water from equipment washing or concrete wash down shall be prevented from entering these habitats and shall only occur where approved by the project biologist. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #18:</u></b> A signed agreement between the applicant and qualified biologist stating that a qualified biologist shall monitor that no fueling or maintenance of equipment shall take place in the riparian or wetland habitat areas and that all mechanical equipment be serviced in designated staging areas	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	

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			located outside of these habitats. A copy of the signed agreement shall be submitted to the RMA- Planning Department.			
31.	19	<b><u>Mitigation Measure #19:</u></b> The project applicant and all workers shall comply with Section 401 and 404 of the Clean Water Act. Permits, if any shall be obtained from the US Army Corps of Engineers and Regional Water Quality Control Board, as applicable and necessary, prior to the initiation of construction or prior to vegetation removal. All requirements of any permits shall be followed. Prior to the issuance of any grading permit, ALBA shall obtain the necessary permits and provide a copy to the County of Monterey demonstrating compliance with this measure. <b>(RMA- Planning Department)</b>	<b><u>Monitoring Action #13:</u></b> The applicant shall submit a copy of the Section 401 and 404 of the Clean Water Act. Permits, if any shall be obtained from the US Army Corps of Engineers and Regional Water Quality Control Board, as applicable and necessary, prior to the initiation of construction or prior to vegetation removal. prior to the initiation of construction and submitted to the RMA – Planning Department prior to issuance of grading/building permits.	Applicant/ qualified biologist	Prior to issuance of grading/ building permits.	
32.	20	<b><u>Mitigation Measure #20:</u></b> 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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. <b>(RMA- Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.	Owner/ Applicant/ Archaeologist	Ongoing	

**END OF CONDITIONS**

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