

**MONTEREY COUNTY BOARD OF SUPERVISORS**

<b>MEETING:</b> September 22, 2009 @ 1:30 PM		<b>AGENDA NO:</b>
<b>SUBJECT:</b> Public hearing to:		
<ul style="list-style-type: none"> <li>a. Adopt a resolution adopting the Monterey County Voluntary Oak Woodland Stewardship Guidelines which shall serve as the County’s oak woodlands management plan for purposes of the State’s Oak Woodlands Conservation Program.</li> <li>b. Direct staff to forward the Board Resolution adopting the Monterey County Voluntary Oak Woodland Stewardship Guidelines to the State Wildlife Conservation Board.</li> <li>c. Authorize RMA – Planning Director to certify that Oak Woodlands Conservation Program proposals are consistent with the Monterey County Voluntary Oak Woodland Stewardship Guidelines.</li> <li>d. Direct staff to return to the Board with an amendment to the Master Fee Resolution to establish a fee to cover staff costs for certification of proposals.</li> </ul>		
(PD061171/Monterey County Voluntary Oak Woodland Stewardship Guidelines, County-wide		
<b>Project Location:</b>	County-wide	<b>APN:</b> All
<b>Planning Number:</b>	PD061171	<b>Name:</b> Monterey County
<b>Plan Area:</b>	County-wide	<b>Flagged and Staked:</b> No
<b>Zoning Designation:</b>	All	
<b>CEQA Action:</b>	Categorically Exempt according to CEQA Guidelines, Section 15307, Actions taken by Regulatory Agencies for Protection of Natural Resources	
<b>DEPARTMENT:</b> RMA – Planning Department		

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Adopt a resolution adopting the Monterey County Voluntary Oak Woodland Stewardship Guidelines which shall serve as the County’s oak woodlands management plan for purposes of the State’s Oak Woodlands Conservation Program.
- b. Direct staff to forward the Board Resolution adopting the Monterey County Voluntary Oak Woodlands Stewardship Guidelines to the State Wildlife Conservation Board.
- c. Authorize RMA – Planning Director to certify that Oak Woodlands Conservation Program proposals are consistent with the Monterey County Voluntary Oak Woodland Stewardship Guidelines.
- d. Direct staff to return to the Board with an amendment to the Master Fee Resolution to establish a fee to cover staff costs for certification of proposals.

**SUMMARY:**

On January 8, 2008 the Board of Supervisors directed staff to prepare an Oak Woodlands Management Plan for adoption by resolution for submission to the State Wildlife Conservation Board. State law requires the County to adopt an oak woodlands management plan as a prerequisite for landowners, local government entities and districts, and non-profit organizations to apply for state grants for the preservation of oak woodlands. The State Wildlife Conservation Board administers the Oak Woodlands Conservation Fund, and 80% of the grants it awards must be spent on the purchase of conservation easements, restoration and enhancement projects, long-term leases to protect oak woodlands, and cost-sharing incentive payments to private landowners who enter into long-term agreements. The Monterey County Voluntary Oak Woodland Stewardship Guidelines (Guidelines) would serve as the County’s Oak Woodlands Management Plan. State law requires that grant applications obtain certification by the County that their proposals are consistent with the County’s Oak Woodlands Management Plan.

**DISCUSSION:**

Detailed discussion is provided in Exhibit A.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project and those that are checked (“✓”) have reviewed and provided comments:

✓	Cal Fire Protection District
✓	Agricultural Commissioners Office
✓	Monterey County Regional Parks District
✓	Parks Department

The project was reviewed at the Agricultural Advisory Meeting on January 22, 2009. Members voted unanimously to forward the guidelines to the Planning Commission with comments. The Planning Commission recommended that the Board of Supervisors adopt the draft Guidelines on July 29, 2009 (Exhibit C).

**FINANCING:**

Staff time is estimated to be an average three hours (\$150 per hour, application fee \$450) for staff review for certification of proposals. Staff requests direction to return to the Board with an amendment to the Master Fee Resolution to establish a fee to cover staff costs for certification of proposals.

Prepared by:

Approved by:

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September 11, 2009

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Mike Novo, RMA-Planning Director

This report was prepared with assistance by Taven Kinison Brown, Planning Services Manager and reviewed by Mike Novo, RMA-Planning Director

cc: Front Counter Copy; Board of Supervisor’s (30); Wendy Strimling, County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; Park District, Monterey County Regional Parks District, Bob Taylor, Cal Fire Protection District; Jonathan Pangburn, Cal Fire, Robin Hameline, Cypress, Carmel Highlands, and Pebble Beach Fire District; Mike Caplin; Julie Engel, Sierra Club Mary Ann Mathews, California Native Plant Society; Bob Roach and Dawn Mathes, Agricultural Commissioner’s Office; Donna Meyers, Big Sur Land Trust; Laura Smith, The Nature Conservancy, Brian Rianda, Ag Land Trust; Andy Mills, Rangeland Coalition; Kevin Contreras, Elkhorn Slough Foundation; Tim Jensen Monterey Peninsula Regional Parks District, Dave Lutes, Parks Department; Scott Hennessey, Joe Morris, Central Coast Rangeland Coalition; Scott Violini, Cattlemen’s Assn.; Amy White, LandWatch; Bob Perkins, Monterey County Farm Bureau; Rhonda Motil, Monterey County Vintners and Growers Assn., Paul Robins, Resource Conservation District; Kelly Cuffe and Katie Morange, California Coastal Commission; Jan Mitchell, Prunedale Neighbors Assn.; Tom Carvey, Common Ground; Richard Smith; Darrell Boyle; Dale Ellis, Lombardo & Gilles, Christie Campbell, Fenton & Keller; Brian Finegan; Randy Meyenberg, Noland Hamerly; Molly Erickson, Stamp & Stamp; Alana Knaster; Mike Novo; Carl Holm; Taven Kinison Brown, Planning Services Manager; Project File

Attachments: Exhibit A Discussion of Proposed Project  
Exhibit B Board Resolution and Monterey County Voluntary Oak Woodland Stewardship Guidelines  
Exhibit C Planning Commission Resolution No. 09039

## **EXHIBIT A DISCUSSION**

### **I. RECOMMENDATION**

Staff recommends that the Board adopt the Monterey County Voluntary Oak Woodland Stewardship Guidelines (Guidelines) by resolution to serve as the County's Oak Woodlands Management Plan for submission to the State Wildlife Conservation Board.

### **II. BACKGROUND**

On February 11, April 8, and July 29, 2009, the Planning Commission discussed and commented on the draft Guidelines and on July 29<sup>th</sup>, recommended that the Board adopt the Guidelines. Staff has incorporated the Planning Commission and the public comments into the Guidelines. Attached are the "Monterey County Voluntary Oak Woodland Stewardship Guidelines" (Exhibit B).

On January 8, 2008, the Monterey County Board of Supervisors directed the RMA- Planning Department to move forward on two separate endeavors:

1. Prepare an Oak Woodlands Management Plan for approval by the Board of Supervisors and for submission to the Wildlife Conservation Board. An approved Plan would allow local government entities including the County, landowners and non-profit land trusts to be eligible to apply for funds for the preservation of oak woodlands primarily through the establishment of conservation easements.
2. Develop options for applicants to mitigate impacts to oak woodlands to satisfy State requirements under the California Environmental Quality Act. (Exemptions include agricultural land use and affordable housing.)

The action before the Board will satisfy the first directive. Following action on the Oak Woodlands Management Plan/Stewardship Guidelines staff will develop and propose options to mitigate impacts to oak woodlands under CEQA (Public Resources Code Section 21083.4, Conversion of Oak Woodlands) and present recommendations to the Planning Commission and the Board of Supervisors for revisions to policies and ordinances to incorporate oak woodlands conservation requirements.

#### **Oak Woodlands Conservation Act of 2001**

For landowners, governmental entities, resource districts, and non-profit organizations to participate in the State Oak Woodlands Conservation Program (OWCP), enacted by the Oak Woodlands Conservation Act of 2001, and apply for funds for voluntary oak woodland conservation, the Board of Supervisors must adopt an "Oak Woodlands Management Plan" by resolution that meets the State program requirements. The Oak Woodlands Conservation Act requires that 80% of funds be used for the purchase of conservation easements, restoration projects, and long-term landowner agreements. Twenty percent of the funds can be used for public education, outreach and technical assistance projects.

The voluntary Oak Woodlands Conservation Program promotes the conservation of privately owned oak woodlands; however, the easement acquisition part of the program is not designed to accept applications directly from private landowners. Under the State law oak woodlands conservation easements purchased with the grant funds must be held by a governmental entity, nonprofit land conservation organization such as a land trust, or certain native American tribes. State Fish and Game Code Section 1366(f) requires that prior to a grant applicant submitting a

proposal to the State Wildlife Conservation Board for consideration, the County must certify that the grant proposal is consistent with the County Oak Woodlands Management Plan. In addition, to qualify for a grant, the proposal cannot be one required to satisfy a condition imposed upon the landowner by any lease, permit, or other entitlement issued by a public agency, including a mitigation under the California Environmental Quality Act. The Guidelines also provide criteria for project proposals, extensive resource information, and step-by-step information for applicants for the OWCP submittal process.

### **III. CONCLUSION**

The Board of Supervisors' adoption by resolution of the Monterey County Voluntary Oak Woodland Stewardship Guidelines, will enable landowners, local government entities, districts and conservation organizations in Monterey County an opportunity to obtain funding from the Oak Woodlands Conservation Program for oak woodland conservation, primarily through private conservations easements and public education and outreach.