



September 14, 2021

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Approval of Proposed Revisions to the Planning Division's Tree Mitigation Fund Distribution Program; Authorization for Resource Management Agency (RMA) Purchasing Agent to Execute Contracts for Each Project Award on Form Approved by County Counsel; Find that the Revisions to the Tree Mitigation Fund Distribution Program and Implementation of the Program are Categorically Exempt from the California Environmental Quality Act; and Authorization for the Auditor-Controller to Process the Necessary Accounting Transactions; All Supervisorial Districts. RECOMMENDATION NO. 5 REQUIRES 4/5TH VOTE**

**RECOMMENDED ACTIONS:**

1. **RECEIVE** staff presentation on the Planning Division's Proposed Tree Mitigation Fund Distribution Program;
2. **DETERMINE** that the proposed revisions to the Tree Mitigation Fund Distribution Program and implementation of the program as set forth in this Board letter are categorically exempt from environmental review pursuant to sections 15307 and 15308 of the California Environmental Quality Act (CEQA) Guidelines, and that no unusual circumstance or other exceptions set forth in CEQA Guidelines section 15300.2 preclude the applicability of these categorical exemptions;
3. **APPROVE** the Planning Division's proposed revisions to the Tree Mitigation Fund Distribution Program as set forth in this Board letter;
4. **AUTHORIZE** the RMA Purchasing Agent to execute contracts for each program award on a form approved by County Counsel; and

**5. AUTHORIZE** the Auditor-Controller to process the accounting transactions necessary to establish appropriations and unanticipated revenue as follows (requires 4/5<sup>th</sup> vote):

INCREASE	2910-2911	Services and Supplies	\$928,000
INCREASE	2910-2911	Licenses, Permits and Franchises	\$928,000

**FISCAL MANDATES/IMPACTS:**

Mandated:	No
Source of Funding:	Fees collected pursuant to Non-Coastal Zoning Ordinance Section 8107-25 Tree Protection Regulations and deposited in Account N942-808C
Funding Match Required:	None
Impact on Other Departments:	None

<b><u>Summary of Revenues and Costs:</u></b>	<b><u>FY 2021-22</u></b>	<b><u>FY 2022-23</u></b>
Revenues:	\$ 928,000	\$ -
Costs:		
Direct:	\$ 928,000	\$ -
Indirect-Department	\$ -	\$ -
Indirect Costs	\$ -	\$ -
	\$ 928,000	\$ -
Net Costs	\$ -	\$ -
Recovered Indirect Costs	\$ -	\$ -

<b>FY 2021-22 Budget Projection for RMA Planning – Division 2910</b>				
	Adopted Budget	Adjusted Budget	Project Actual	Estimated Savings/Deficit
Appropriations	\$8,039,367	\$8,039,367	\$8,039,367	\$ -
Revenue	\$4,304,214	\$4,304,214	\$4,304,214	\$ -
Net Cost	\$3,735,153	\$3,735,153	\$3,735,153	\$ -

**EXECUTIVE SUMMARY:**

This Board letter anticipates the next round of funding from the Planning Division's Tree Mitigation Fund Distribution Program. An overview is given of the Tree Mitigation Fund Distribution Program, and the outcomes from the first distribution round are summarized. Following is a discussion of changes proposed to the program to better serve the program objectives, for which approval is requested from your Board. The proposed changes are discussed in the context of the program requirements, and the preparations and expected steps for the next distribution round are described.

## **BACKGROUND:**

On February 25, 1992, the County of Ventura (County) Board of Supervisors adopted the Tree Protection Ordinance and the Tree Protection Guidelines (Exhibit 1). The Tree Protection Ordinance (Non-Coastal Zoning Ordinance (NCZO) Section 8107-25) provides a regulatory mechanism to help protect certain species of trees within Ventura County, while the Tree Protection Guidelines (referenced at NCZO Section 8107-25.9) further explain and implement the Ordinance.

“Protected Trees” are defined within the Tree Protection Ordinance and are subject to the Ordinance and Tree Protection Guidelines (Exhibit 2). All Oak trees (*Quercus sp.*) over 6.25 inches in circumference, Sycamore trees (*Platanus sp.*) over 9.5 inches in circumference and any species of tree over 90 inches in circumference are protected trees within the non-coastal unincorporated areas of Ventura County. Alder, California Ash, California Bay, Cottonwood, Elderberry, Big Cone Douglas Fir, White Fir, California Juniper, Bigleaf Maple, Pine, and California Walnut trees are protected trees in the Scenic Resource Protective Overlay Zone.

The Tree Protection Guidelines identify options available to those requiring a discretionary tree permit under the Ordinance to offset the loss of protected trees in Ventura County. These options include transplanting trees on or off site, reforestation, planting new trees, dedication of land in fee or through easements, and financial contributions. Since 1992, a number of permittees with projects subject to the Tree Protection Ordinance elected to mitigate for their removal of protected trees by making financial contributions, which the County collected and placed in a Tree Mitigation Fund trust account. This account also includes the County’s Oak Woodlands Mitigation Fund.

In 2013, this program was developed by the Ventura County Resource Management Agency (RMA), Planning Division for the distribution of current and future monies in the Tree Mitigation Fund trust account. The primary objective was to fund projects that resulted in newly planted protected trees in unincorporated Ventura County. The distribution program was approved by the Board of Supervisors on December 17, 2013.

On September 15, 2020, your Board adopted the 2040 General Plan which included the County’s Climate Action Plan (CAP) and programs intended to reduce Greenhouse Gas (GHG). Implementation of the CAP will be led by the County Executive Office’s Sustainability Division with oversight by the Sustainability Committee comprised of multiple County agencies including RMA, Public Works Agency, General Services Agency, and Ag Commissioner. Trees planted utilizing funds from the Tree Mitigation Fund Program help satisfy the General Plan Tree Planting Policy and Implementation Program (Program COS-H).

### **First Distribution Round**

When the Tree Mitigation Fund Distribution Program was first created, \$469,080 was available in the trust account. Of this amount, \$422,172 was made available for distribution, with the remaining 10% of the fund (\$46,908) retained to cover the County’s potential administrative costs in implementing the program. Between September 2013 and April 2014, the program and related materials were developed, including the initial

Request for Proposals and grant application. Following an unsuccessful initial Request for Proposals, the program materials were further revised, and a second funding Notice of Availability was released in July 2014. Four applications were received from the organizations which were later awarded funding: Tree People (formerly Mountains Restoration Trust), the Ojai Valley Land Conservancy, County Parks (within GSA), and Ventura Land Trust (formerly Ventura Hillside Conservancy). The total amount awarded was \$354,545, later revised to \$365,160 with a contract amendment for Ventura Land Trust, of which \$352,013 (96%) was spent and reimbursed by the County. Approximately \$51,000 was spent for staff to develop the program and related materials, review applications, initiate contracts and administer the program's first distribution round.

As a result of funding awarded to the four organizations above, approximately 2,700 trees were planted, of which 1,400 survived adverse conditions such as the Thomas Fire. The Ventura Land Trust's project at Big Rock Preserve near Casitas Springs involved the planting of 886 trees with community support, and the clearing of a significant amount of invasive species. The Ventura County Parks Department planted 138 trees at Dennison Park and Steckel Park east of Ojai, in addition to preserving and enhancing existing oak woodland habitat. The Ojai Valley Land Conservancy planted 228 trees as part of its Ventura River Preserve Oak Restoration Project, which also includes the active restoration of multiple, complementary habitat types, and is open to the public for recreational and educational uses. Finally, Tree People planted over 1,400 trees as part of its Potrero Creek Restoration Project, in partnership with the National Park Service Santa Monica Mountains National Recreation Area. This project involved the restoration of 24 acres at Rancho Sierra Vista Park in Newbury Park, and the planting of almost 3,000 additional shrubs, perennials, and grasses, in addition to the tree plantings mentioned above and the removal of non-native species. Most of the trees planted by these four organizations were coast live oaks, but valley oaks and sycamores were also planted in significant numbers.

The outcomes of the expenditures of the four conservation organizations awarded funding are summarized in the Table 1 below. These outcomes do not lend themselves to an exact comparison, as the nature of the projects undertaken by these organizations varied, and different obstacles were encountered. For example, Ventura Land Trust lost 449 of 886 trees that were planted due to the Thomas Fire; their survivorship rate would have otherwise been above 70%. Likewise, for the Ojai Valley Land Conservancy, all of their surviving trees are trees that were replanted after the Thomas Fire destroyed the original plantings. Other obstacles encountered included vandalism, drought and the loss of volunteers due to the COVID-19 pandemic. The projects varied in location, water availability, the types of trees planted, and conservation objectives. While the total number of surviving trees is known, the health and heights of these trees were not consistently reported or quantified across the projects. More consistent reporting of these attributes is intended for the next distribution round, as discussed further below.

**Table 1: First Funding Distribution Round Outcomes**

<b>Awarded Organization</b>	<b>Amount Awarded</b>	<b>Amount Reimbursed</b>	<b>Trees Planted</b>	<b>Trees Surviving</b>	<b>Cost per Planted Tree</b>	<b>Cost per Surviving Tree</b>	<b>Project Admin. Costs</b>
<b>Tree People</b>	\$94,468	\$94,468	1,450	800 (55%)	\$65.15	\$118.09	\$28,748 (30%)
<b>Ojai Valley Land Conservancy</b>	\$98,997	\$98,782	228	202 (89%)	\$434.20	\$490.08	\$10,774 (11%)
<b>County Parks</b>	\$74,000	\$61,360	138	112 (81%)	\$444.64	\$547.86	\$14,241 (19%)
<b>Ventura Land Trust</b>	\$97,695	\$97,403	886	282 (29%)	\$109.94	\$345.40	\$9,732 (10%)
<b>Total</b>	\$365,160	\$352,013	2,702	1,396 (52%)	\$130.28	\$252.16	\$63,495 (18%)

Administrative costs are self-reported in these organizations' reimbursement requests, and are often categorized under the expense category "project administration", but are categorized here as any expenses also incurred for planning, coordination, monitoring or reporting. The number of reimbursement requests submitted over the 2015 – 2021 time period varied, from two to 11. Reimbursement requests also varied in level of detail, timing and consistency of expense reporting. All organizations were required to submit status reports on the trees that were planted along with their reimbursement requests, but these also varied in frequency and level of detail. The new online invoice/reporting form developed for the next funding distribution round is intended to standardize this information, and allow greater ease and consistency of reporting.

#### Current Distribution Round

The amount currently available in the County's Tree Mitigation Fund trust account is \$958,591 (as of 7/22/2021). Approximately \$794,000 of this amount came from contributions made to mitigate the development of subdivisions within Lake Sherwood, including \$571,000 from LSR Limited Partnership and \$145,000 from Sherwood Development Company. These contributions were made after the first funding round occurred. Planning staff consider it unlikely that in the future the Tree Mitigation Fund will receive such large contributions over a similar time period. Most of the current mitigation obligations within the Lake Sherwood development have been met, and the

areas within subdivisions that have not yet been developed are not, generally, within heavily wooded areas.

Organizations awarded in the previous funding distribution round have satisfied the terms of their contracts, and those contracts have been closed out. For the current distribution round, your Board has expressed interest in the possibility of using some program funds to support monarch habitat restoration. A proposed revision of the Tree Mitigation Fund Distribution Program to address this, while conforming to the Program's overall objective and other applicable regulations, is discussed further below.

### **DISCUSSION:**

Based on the results from the last funding distribution round, and in consultation with our funding recipients, Planning staff are proposing the following amendments to the Tree Mitigation Fund Distribution Program. Each of these proposed amendments are discussed in detail below:

- Maximum grant awards will be increased from \$99,000 to \$199,000 each;
- County-owned properties within incorporated areas will be eligible for funding;
- Administrative costs will be capped at 10% of project funding;
- All trees must be planted within the first year of project initiation;
- The minimum monitoring period will be reduced from seven to five years;
- Protected Tree species other than oaks and sycamores may be planted outside Scenic Resource Protection Overlay zones;
- An organization is no longer required to have membership of at least 500 individuals and/or businesses to be eligible for funding;
- An organization must have owned and/or managed natural resource/open space property (at least 50 acres in area) for at least three years to be eligible for funding; and
- Selection criteria for project proposals will include points for demonstration of water availability.

These proposed program revisions emerged from a series of discussions with Planning staff and management. Feedback was also solicited from the organizations which were previously awarded funding, and the feedback received has been supportive of these revisions. These proposed revisions are discussed further below in the context of the entirety of the program requirements.

In addition, a new standardized form was developed which organizations can access through the County's Citizen Access system to submit invoices and report on the status of every tree planted. This form and its online access are intended to allow greater ease, thoroughness and consistency of reporting. Planning staff expects this standardized form will reduce time spent on administering program contracts.

Interested organizations will have an opportunity to comment on the new standardized invoice and reporting form prior to its use.

For organizations interested in program funding, the funding Notice of Availability will include such details as the program's eligibility and reporting requirements, required proposal content, proposal evaluation criteria, selection timelines and the County's conditions of proposal submittal. A Notice of Availability application will also be prepared by the Planning Division and provided to interested organizations. Subject to the Planning Director's determination, the Notice of Availability and application may be modified, without changing the program requirements outlined in this Board letter. Interested organizations will also have an opportunity to comment on the draft Notice of Availability.

Finally, changes are being proposed to the selection criteria of the Tree Mitigation Fund Distribution Program to encourage restoration of monarch butterfly habitat as an additional ecological benefit of tree planting projects. These changes are discussed further in the Selection Criteria and Procedures section below. The following sections discuss the components of the Tree Mitigation Fund Distribution Program and the requirements for each. If not otherwise noted, program requirements are unchanged from the last funding distribution round.

### **Eligible Projects**

In order to ensure the long-term survival of planted trees, the Planning Division developed the following project eligibility requirements:

#### **1. Project Types:**

Projects shall include the planting and maintenance of newly planted trees.

#### **2. Tree Types:**

Only tree species listed as Protected Trees (Exhibit 2) shall be planted. Formerly, it was required that tree species be planted which are specifically listed as Protected Trees within the zone where they were planted. Outside the Scenic Resource Protection Overlay zone (SRP) (Exhibit 3), only oak and sycamore trees are listed as Protected Trees. As shown in Exhibit 2, more species are listed as Protected Trees within the SRP overlay zone. It is proposed for the next distribution round that organizations be allowed to plant this broader set of Protected Trees at any project location. However, the planting of oaks and sycamores will still be preferred outside of the SRP overlay zone, as expressed in the Notice of Availability.

All projects shall comply with County ordinances, including provisions stating that existing historical<sup>1</sup> and heritage<sup>2</sup> trees located within a project site shall not be harmed or removed during a tree planting or habitat restoration process.

### 3. Project Location:

Eligible projects shall be located in the following areas:

- a. Within the geographic boundary of unincorporated Ventura County, or County-owned properties within incorporated areas; and
- b. Land where the long-term survival and protection of the trees is assured, which includes the following: (a) publicly owned land; (b) land owned by a conservation organization; or (c) privately-owned land protected from development by a conservation easement; and
- c. Land that is actively maintained by a group that meets the definition of an eligible organization; and
- d. Unless located within a public park or land controlled by a public agency, land with a habitat classification that supports the survival of the trees as follows: (a) Riparian habitat; (b) Valley oak woodland; or (c) Foothill oak woodland habitat (see map, Exhibit 4). Land which does not have one of these habitat classifications, but which would otherwise be expected to support a high survivorship rate of planted trees, may still be eligible for consideration.

### 4. Project Initiation and Reporting Requirements:

- a. Trees must be planted within the first year of project initiation. Formerly, trees were allowed to be planted within three years for projects that require time to propagate trees. One year is believed to be a reasonable amount of time for an organization to initiate planting.
- b. All projects shall include a tree maintenance and monitoring plan. Formerly, that plan was required to include a minimum seven-year establishment period following the planting of trees. It is proposed that the establishment and monitoring period following the planting of protected trees be revised from seven to five years.

Five years is generally considered sufficient time for newly-planted trees to reach a phase of self-sufficiency. The County's Tree Protection Regulations state that altered or removed trees may either be offset on a one-for-one basis, or trees may be removed and transplanted if they're properly cared for and survive for at

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<sup>1</sup> Historical Tree: Any tree or group of trees identified by the County or City as a landmark, or identified on the Federal or California Historic Resources Inventory to be of historical or cultural significance, or identified as contributing to a site or structure of historical or cultural significance (NCZO Sec. 8107-25.2).

<sup>2</sup> Heritage Tree: Any species of tree with a single trunk of ninety (90) or more inches in girth or with multiple trunks, two of which collectively measure seventy-two (72) inches in girth or more. In addition, species with naturally thin trunks when full grown (such as Washington Palms), species with naturally large trunks at an early age (such as some date palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls) must be at least sixty feet tall or 75 years old to be considered as a heritage tree (NCZO Sec. 8107-25.2).



least five years. The monitoring period was formerly set at seven years to comply with the State "Oak Woodlands Conservation Act" (FGC Article 3.5) and Public Resources Code Sec. 21083.4, which require a seven year maintenance period for trees planted as part of a project to mitigate the loss of oak woodlands.

Contributions made to the County's Oak Woodlands Mitigation Fund are part of the larger Tree Mitigation Fund. However, the County is not obligated to monitor a tree planting project for seven years if the project objectives do not specifically include the restoration of oak woodlands.

- c. Newly planted trees should have a minimum 70% survival rate after five years. If the survival rate is less than 70% after five years, replacement plantings should occur until the 70% survival rate for a five-year establishment period is met. If an organization achieves the 70% survival rate and all project objectives, their project may be terminated early, and the project success may be factored into the selection of organizations for future distribution rounds. Likewise, if an organization does not meet the 70% survival rate, or implement an alternate planting strategy with a comparable total number of successful trees, then continued funding may be restricted, or the organization may be scored lower in future applications for funding. Consideration will be given to projects facing exceptionally adverse conditions for planting and maintenance if those projects also include other habitat restoration benefits.

#### 5. Project Costs:

Proposals may range in cost from \$35,000 to \$199,000. Formerly, the maximum project cost was \$99,000. It is proposed that this be increased to \$199,000. A higher available grant award is appropriate due to the quantity of funds currently available, previous projects utilizing the maximum award amount, the opportunity for larger projects to achieve economies of scale, and feedback that a larger funding amount could indeed be utilized for larger projects.

It is also proposed that administrative costs be capped at 10% of total project costs. Administrative costs will be classified as expenses incurred for such purposes as planning, monitoring, reporting, coordination, and related staff time, and the Notice of Availability will have specific guidance to that effect. The previously awarded organizations with the most comprehensive and consistent reporting of expenses had administrative costs at or close to 10% of project costs. Organization feedback has also indicated that 10% is a reasonable amount for administrative costs, and this amount is in line with other tree planting program guidance.

#### **Eligible Organizations**

For an organization to be eligible for funding from the Tree Mitigation Fund Distribution Program, the following criteria must be met:

1. The organization must be either a (a) local public agency based in Ventura County, or a (b) private non-profit organization chartered under the US Code, Title 26, Part 501(c)3, that engages in the preservation and protection of land in its natural, scenic, historical recreational and/or open space condition;

2. If the organization is a private non-profit organization, then it must be either a statewide, national or international organization, or a local community-based organization. Formerly, it was required that this organization have a membership of at least 500 individuals and/or businesses; it is proposed that this membership requirement be removed. The intention of this requirement was to ensure that applicant organizations possess the institutional capacity to administer a successful tree planting program. However, the definition of “membership” is somewhat ambiguous, and if an organization meets the other eligibility criteria of this section, their capacity will have been otherwise demonstrated.
3. The organization must have owned and/or managed natural resource/open space property, at least 50 acres in area, for at least three years. Formerly, it was required that this period be at least one year. It is proposed that this period of owning and/or managing natural resource/open space property be extended to three years.
4. The organization must have the institutional, legal and economic ability to maintain the property where the trees are proposed to be planted and where other proposed project activities would occur, such as habitat restoration.

### **Selection Criteria and Procedures**

Each response to the funding Notice of Availability will be reviewed by Planning Division staff against the eligibility requirements described above. All eligible projects will then be reviewed by a three-person panel using the selection criteria listed below. The selection panel will include the following persons: (1) a senior arborist from a non-participating state/federal agency, (2) the Planning Division staff biologist, and (3) a staff member from another Ventura County agency with experience relevant to evaluation of grant proposals (previously this was the Program Management Analyst for the County Executive Office). The panel will review each proposal and score and rank them based on the criteria listed below using a 100 point system. Once the proposal rating process is complete, the review panel will submit its recommendations to the RMA Director for funding awards consistent with the panel's findings.

1. The objective of the Tree Mitigation Fund Distribution Plan is to plant and maintain Protected Trees. The following selection criteria are based on meeting that objective (maximum total 70 points):
  - a. Number of new trees proposed to be planted, which will be compared to the requested funding. A ratio for # trees/\$ funding will be used, and higher ratios will receive more points (maximum of 20 points);
  - b. Quality and level of detail provided for the proposed maintenance program (maximum of 15 points);
  - c. The applicant's track record for similar types of projects (tree planting, habitat maintenance and monitoring programs) as well as the qualifications and credentials (e.g., degrees and certification) of staff that will be responsible for preparing the planting plan, preparing/conducting the maintenance program, and establishing performance measures (maximum of 15 points);

- d. The general quality of the proposal (e.g., content, organization, clarity, etc.) (maximum of 10 points);
- e. The expected availability of water for irrigation, and the quality and size of the land/property that will support the number and type of trees to be planted. Demonstration of adequate water availability, especially suitable reclaimed water, will receive more points. Examples of land quality include soil types and supportive habitat. Examples of size factors include adequate land to sustain root systems, size of buffer from surrounding land uses, etc. (maximum of 10 points);

(In order to receive funding, a proposal must obtain a total of 50 points or more for this item.)

- 2. The project provides one or more of the following additional benefits (maximum of 30 points):
  - a. Public access is provided to the project site;
  - b. Oak woodland restoration that qualifies as such under the Oak Woodlands Conservation Act (a ratio of program funding should be directed to oak woodland restoration projects equal to the ratio of the Oak Woodlands Mitigation Fund relative to the larger Tree Mitigation Fund);
  - c. Other habitat preservation and/or restoration benefits.

Projects that include habitat preservation and restoration benefits would receive additional points because such projects implement the adopted Tree Protection Guidelines, which includes the following objective: "general preservation, regeneration and maintenance of protected trees and significant habitat".

It is proposed that specificity be added to the above selection criteria points awarded for habitat preservation and restoration benefits, to specifically encourage the restoration of monarch habitat for this funding distribution round. Projects that restore habitats for *special status species* (as defined in General Plan) shall be prioritized when awarding these points, and particular species may be prioritized during different funding cycles, depending on need. Due to the acute need and the interest expressed by your Board in supporting western monarch butterfly recovery and habitat restoration (including the policy adopted by your Board April 27, 2021), for the next distribution round this shall be the highest priority.

- 3. For projects proposing monarch habitat restoration (as part of a larger project where the planting of protected trees is the primary objective), the following requirements are proposed to ensure quality, comprehensive habitat restoration:
  - a. The restoration site is located within or immediately adjacent to one or more of the following:
    - US Fish and Wildlife Designated Critical Habitat;
    - Habitat within or adjacent to areas occupied by special status species;
    - Environmentally Sensitive Habitat Areas (ESHA); or

- Areas designated for conservation through a policy or planning document adopted by a federal, state, or County natural resource agency or a County-approved conservation organization.
- b. The County must be provided with a monarch roost habitat assessment and roost restoration plan conducted for the site. Relevant conservation recommendations shall be followed in the course of protected tree planting and monarch habitat restoration, regarding such factors as wind protection, dappled sunlight and native, insecticide-free nectar sources.

### **Project Implementation**

Once projects are selected for funding, the funding contracts will be executed by RMA's Purchasing Agent on a form approved by County Counsel. The Planning Division will utilize the distribution program outlined in this document for current and future funding distribution rounds of the Tree Mitigation Fund. Each time the fund reaches a level where a reasonable number of projects can be funded, another distribution round will be conducted and projects selected. The eligibility requirements and selection criteria used for the future distribution of funds will remain as outlined in this document. Should further changes to the Distribution Program become warranted, those proposed changes will be brought back to the Board for review and approval.

The current amount in the Tree Mitigation Fund trust account is \$958,000. It is expected that administrative costs will be less for this funding distribution round, due to much of the program and its related materials and procedures being already established. In addition, organizations previously awarded funding have discussed lessons learned from their project evaluations which should improve project effectiveness if any of those organizations were to be awarded funding again. The development of the standardized invoice/reporting form is also expected to improve the efficiency of this program. Therefore, with total staff administrative costs expected to be \$30,000 or less, approximately \$928,000 in program funds are proposed for distribution. As mentioned, when the funding Notice of Availability is prepared for release shortly following approval of the program revisions, interested organizations will have an opportunity to comment on the new reporting form and draft Notice of Availability.

### **ENVIRONMENTAL REVIEW:**

Planning Division staff has determined, and recommends that your Board find, that the adoption of the proposed resolution, including implementation of the Tree Mitigation Fund Distribution Program, is exempt from CEQA pursuant to CEQA Guidelines section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) as an action taken by a regulatory agency, as authorized by state or local ordinance, "to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment."

Planning Division staff has also determined, and recommends that your Board find, that the adoption of the proposed resolution, including implementation of the Tree Mitigation Fund Distribution Program, is exempt from CEQA pursuant to CEQA Guidelines section

15308 (Actions by Regulatory Agencies for Protection of the Environment) as an action taken by a regulatory agency, as authorized by state or local ordinance, "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

Planning Division staff has determined that no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 preclude use of these categorical exemptions.

This board letter was reviewed by the County Counsel's Office, the Auditor Controller's Office and the County Executive Office. If you have any questions regarding this item, please contact me at (805) 654-2481 or by email at [Dave.Ward@ventura.org](mailto:Dave.Ward@ventura.org). You may also contact Winston Wright, Permit Administration Manager, at (805) 654-2468 or by email at [Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org).



DAVE WARD, AICP  
Planning Director

#### **EXHIBITS**

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|-----------|--|
| Exhibit 1 | Tree Protection Guidelines             |
| Exhibit 2 | Protected Tree Species List            |
| Exhibit 3 | Scenic Resource Protection Overlay Map |
| Exhibit 4 | Habitat Map                            |