

SECTION 4 RESPONSES TO COMMENTS ON DRAFT REIR (DECEMBER 2004)

4.1 Introduction

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the County of Monterey as the lead agency evaluated the comments received on the Draft Recirculated EIR (State Clearinghouse No. 1995083033) for the September Ranch Subdivision Project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final REIR for the project in accordance with § 15132 of the State CEQA Guidelines.

The Draft Revised EIR (Draft REIR) was distributed for a 45-day public review period by the County of Monterey on December 30, 2004. The County used several methods to elicit comments on the Draft REIR. Copies of the Draft REIR document were distributed to state, regional, and local agencies, local libraries, and was available at the County Planning and Building Inspection Counter. The Draft REIR was also available in electronic form on the County's website.

Subsequent to the closure of the public review period for the Draft REIR, the County of Monterey prepared the Recirculated DREIR. Under CEQA Guidelines Section 15088.5(c) if a revision to an EIR is limited to a few chapters or portion of the EIR, the County need only circulate the chapters or portions that have been modified. The Recirculated DREIR included the recirculation of Section 4.3, Water Supply and Availability and Appendix C, Hydrogeologic Report (entire section recirculated), Section 4.9, Biological Resources (entire section recirculated), Section 5, Cumulative Impacts Water Supply and Biological Resources (only Water Supply and related Biological Resources portions affected; only those portions recirculated), Section 6, Alternatives (entire section recirculated, and Section 7, Other CEQA Considerations (entire section recirculated). The Recirculated DREIR was distributed for a 45-day public review period by the County of Monterey on February 15, 2006.

For those portions of the Draft REIR for the September Ranch Subdivision Project SCH No. 1995083033 (December 2004) that have been superseded by the Recirculated Portion of the Draft REIR for the September Ranch Subdivision Project SCH No. 199508033 (February 2006) this section refers to the "Recirculated DREIR" All other portions are cites as "Draft REIR."

4.2 Comment Letters and Responses

The comment letters and responses are provided on the following pages. Several of the comment letters contain comments on the same topic. To address these similar comments more efficiently, master responses to these comments are provided. These master responses are located in Section 2, Master Responses. Master Responses are coded as MR-1, MR-2, etc.; please see the Table of Contents for Section 3.

NOAA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 925
Santa Rosa, CA 95404-8528

April 26, 2005

In response reply to:
151422SWR05SR00220:JMA

Alana Knaster, Chief Assistant Director
Monterey County Planning and Building Inspection Department
2620 First Avenue
Marina, California 93933

Dear Ms. Knaster:

Thank you for the opportunity to comment on the Draft Revised Environmental Impact Report (DREIR) (dated December, 2004) for the September Ranch Subdivision Project received by NOAA's National Marine Fisheries Service (NMFS) on February 14, 2005. The DREIR concerns potential environmental impacts associated with the implementation and development of the September Ranch Subdivision project located in the Carmel Valley, Monterey County, California. The DREIR was prepared to comply with the California Environmental Quality Act (CEQA) and includes an evaluation of project impacts on biological resources, cultural resources, water quality, air quality, geology, and other issues.

The proposed project involves the subdivision of 891 acres into 94 market rate residential lots, 15 units of inclusionary housing, and a 20.2-acre lot for an existing equestrian facility; 782.8 acres are proposed as open space. Other appurtenant facilities and uses would include separate systems for the distribution of potable water, water tanks for fire suppression, a sewage collection and treatment system, wastewater treatment system, drainage system, internal road system, common open space, *et cetera*. Site improvements would require approximately 100,000 cubic yards of grading and tree removal. The project would require a waiver of County of Monterey regulations prohibiting development on slopes in excess of 30 percent to allow for construction of internal access roads.

The Carmel River contains populations of South-Central California Coast (S-CCC) Evolutionarily Significant Unit (ESU) steelhead trout (*Oncorhynchus mykiss*) listed as a threatened species on 18 August, 1997 (62 FR 43937), pursuant to the Federal Endangered Species Act (ESA) of 1973, as amended. Regulations deemed necessary and advisable for their conservation were adopted under section 4(d) of the ESA and went into effect on 8 September, 2000. The NMFS review of the DREIR is focused primarily on the adequacy of proposed alternatives and mitigations to protect S-CCC ESU steelhead throughout all stages of their life history.



-2-

The Carmel River aquifer is currently over-allocated such that the California State Water Resources Control Board (SWRCB Order 95-10) ordered the California-American Water Company (Cal-Am) to immediately desist diverting any water in excess of 14,106 acre feet (AF) from the Carmel River. Order 95-10 limits Carmel River diversions to 11,285 AF per year. The SWRCB designated the Carmel River as fully appropriated during the May 1 through December 31 period (SWRCB Order 98-08). The consequence of the excessive use of waters from the Carmel River and its aquifer is that surface flows do not reach the Carmel River lagoon in most years during the summer. Lack of adequate flows continues to result in yearly kills of juvenile S-CCC steelhead and extensive fish rescue efforts.

NOAA 1-1

The DREIR evaluates the availability of a water supply for the September Ranch Project along with the impact of using that water supply on other water rights holders and on the environment. The DREIR suggests the September Ranch parcel is located over an aquifer that has very limited hydrological connectivity to the adjacent Carmel Valley Aquifer. What hydrologic connectivity exists is referenced as "reject recharge" which consists of water moving from the September Ranch Aquifer to the Carmel Valley Aquifer. It is anticipated that water use for the proposed project will result in a water demand of 57.90 acre-feet of water per year from the September Ranch aquifer and the rate of recharge, even in drought years exceeds anticipated water usage. However, NMFS is concerned that during a prolonged drought period, under post-project conditions, the quantity of "reject recharge" will be reduced.

NOAA 1-2

Any additional reduction of flow into the Carmel River is of concern to NMFS. NMFS (2002) has provided recommendations regarding necessary flows in the Carmel River to protect steelhead. NMFS' recommendations were based on maintaining conditions to conserve and restore both surface and subterranean flows in the Carmel River. However, the restoration and protection of stream flows in this river can not be accomplished unless objective minimum standards are followed, including standards set outside of the low flow period. It appears the DREIR did not take into account NMFS' (2002) recommendations regarding the November through May period. The DREIR should explain how NMFS' bypass flow recommendations apply to the new proposed diversions and comport to our instream flow requirements.

NOAA 1-3

Additional reductions of flow into the Carmel Valley Aquifer will likely lead to additional significant adverse effects to S-CCC steelhead and exacerbate water quality/quantity conditions in a heavily over-allocated watershed. If "reject recharge" under post-project conditions results in further depletion of water in the Carmel Valley Aquifer and subsequently negatively affects S-CCC steelhead, NMFS advises that this is a significant adverse effect. In this situation a section 10 incidental take permit, pursuant to the ESA, would be required in order to authorize take of S-CCC steelhead or adverse modification to their proposed critical habitat. Please contact NMFS to ensure compliance with Federal ESA regulations.

NOAA 1-4

NOAA

-3-

Thank you for your cooperation in the matter. If you have questions or concerns regarding this letter, please contact Mr. Jonathan Ambrose of my staff at (707) 575-6091 or via email at jonathan.ambrose@noaa.gov.

Sincerely,



Dick Butler
Acting Santa Rosa Area Supervisor
Protected Resources Division

cc:

Kevan Urquhart, California Dept. Fish and Game, Monterey
David Berger, Monterey Peninsula Water Management Dist., Monterey
Jacob Martin, USFWS, Ventura

Literature Cited

National Marine Fisheries Service. 2002. Instream flow needs for steelhead in the Carmel River: Bypass flow recommendations for water supply projects using Carmel River waters. Southwest Region - Santa Rosa Field Office. June 3. 49 p.

4.2.1 Federal Agencies

NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION (NOAA)

Response to NOAA 1-1

Please see Recirculated Draft REIR, Section 4.3 and MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to NOAA 1-2

Please see Response to NOAA1-1. The water demand of the proposed project would be 57.21 AFY. Please see MR-17: Water Demands. The Recirculated Draft REIR evaluates the potential for reduced recharge to impact the CVA and the Carmel River. The potential for impacts during extended drought periods is specifically analyzed. Please see MR-18: Hydrology & Water Availability.

Response to NOAA 1-3

Please see MR-19: Significance Thresholds Regarding Water Supply & Availability, regarding the consistency of the proposed project with the analysis presented in the 2002 Report.

Response to NOAA 1-4

The Recirculated Draft REIR addresses the concerns outlined by NOAA Fisheries. Please refer to pages 4.9-14 to 4.9-17 of the Recirculated Draft REIR. Please see also MR-20: Aquatic Biological Resources and MR-18: Hydrology & Water Availability. NOAA Fisheries has stated that the primary value of the potentially affected reach of the Carmel River for steelhead is passage, and as demonstrated in the Recirculated Draft REIR, water use by the proposed project will not affect steelhead passage.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

Memorandum

Date: January 13, 2005
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 1995083033
September Ranch Subdivision Project

The Lead Agency has extended the review period for the above referenced project to February 28, 2005 to accommodate the review process. All other project information remains the same.

OPR 1-1

cc: Alana Knaster
Monterey County
2620 First Avenue
Monterey, CA 93933

Notice of Completion

Supplementary Document M

See NOTE BELOW

Mail to: State Clearinghouse, 1400 Tenth Street, Sac., CA 95814 916/445-0613

SCH # 1995083033

Project Title: September Ranch Subdivision
Lead Agency: County of Monterey, Planning and Building Inspection
Street Address: 2620 First Avenue
City: Marina Zip: 93933
Contact Person: Alana Knaster
Phone: 831-883-7626
County: Monterey

Project Location
County: Monterey City/Nearest Community: Carmel Valley
Cross Streets: Carmel Valley Road Zip Code: 93923 Total Acres: 891
Assessor's Parcel Nos.: 015-171-10; 015-71-12; 015-381-13; 015-381-14
Within 2.5 Miles: State Hwy #: 1 Waterways: Carmel River
Airports: n/a Railroads: N/A Schools: Carmel River School

Document Type
CEQA: [] NOP [] Supplement/Subsequent EIR NEPA: [] NOI Other: [] Joint Document
[] Neg Dec [] Draft EIR [] Draft EIS [] Final Document

Local Action Type
[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prerzone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division [] Other (Subdivision, Parcel Map, Tract Map, etc.)

Development Type
[] Residential: Units 100 Acres 891 [] Water Facilities: Type Mutual Water Supply Company MGD
[] Office: Sq. Ft. Acres [] Transportation Type
[] Commercial: Sq. Ft. Acres [] Mining: Mineral
[] Industrial: Sq. Ft. Acres [] Power Type Waits
[] Educational: [] Waste Treatment: Type Package Sewage Treatment Plant
[] Recreational: Equestrian Center [] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document
[] Aesthetic/Visual [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Air Quality [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Archeological/Historical [] Minerals [] Soil Erosion/Compaction/Grading [] Wildlife
[] Coastal Zone [] Noise [] Solid Waste [] Growth Inducing
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Land Use
[] Economic/Job [] Public Services/Facilities [] Traffic/Circulation [] Cumulative Effects
[] Fiscal [] Recreation/Parks [] Vegetation [] Other:

Present Land Use/Zoning/General Plan Use:
Rural Residential (5+ acres per unit) and Low Density Residential (1-5) acres per unit Zoning: RDR10-D-S; LDR2.5-D-S

Project Description: The proposed project involves the subdivision of 891 acres into 94 market-rate residential lots, 15 units of inclusionary housing, and a 20.2 acre lot for the existing equestrian facility; 782.8 acres is proposed as open space. Other appurtenant facilities and uses would include separate systems for the distribution of potable water, water tanks for fire suppression, a sewage collection and treatment system, wastewater treatment system, drainage system, internal road system, common open space, tract sales office and security gate.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 12-31-2001

SCH COMPLIANCE 2-14-2005

Extended Review

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 1995083033

Please forward late comments directly to the Lead Agency

AQMD/ABCD 70

(Resources: 111)

Project Sent to the following State Agencies

- X Resources
Boating & Waterways
Coastal Comm
Colorado Rvr Bd
X Conservation
X Fish & Game # 3
Delta Protection Comm
Forestry & Fire Prot
X Historic Preservation
X Parks & Rec
Reclamation Board
Buy Cons & Dev Comm
X DWR
OES (Emergency Svcs)
Bus Transp Hou
Aeronautics
X CHP
X Caltrans # 5
Trans Planning
X Housing & Comp Dev
Food & Agriculture
Health Services
State/Consumer Svcs
Genral Services
Cal EPA
ARB - Airport Projects
ARB - Transportation Projects
ARB - Major Industrial Projects
Integrated Waste Mgmt Bd
SWRCB: Clean Wtr Prog
SWRCB: Wtr Quality
SWRCB: Wtr Rights
X Reg. WQCB # 3
Toxic Sub Ctr-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Commission
X NARC
Public Utilities Comm
Santa Monica Mtns
X State Lands Comm
Tahoe Rgl Plan Agency
Other:



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

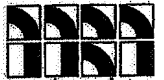
Memorandum

Date: January 18, 2005
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 1995083033
September Ranch Subdivision Project

The State Clearinghouse is forwarding the attached material from the Lead Agency regarding some additional information for the above-mentioned document. All other project information remains the same.

OPR 1-2

cc: Alana Knaster
Monterey County
2620 First Avenue
Monterey, CA 93933



Michael Brandman Associates

LETTER OF TRANSMITTAL

TO: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95812

DATE: January 17, 2005
JN:

SUBJECT: State Clearinghouse # 1995083033-September Ranch Subdivision Project Draft REIR

WE ARE FORWARDING VIA:

MAIL COURIER NEXT DAY SERVICE (CA Overnight)

STATUS

PRELIMINARY
 REVISED
 FINAL
 APPROVED

SENT FOR YOUR

REVIEW
 APPROVAL
 SIGNATURE
 USE/FILE

PLEASE NOTE

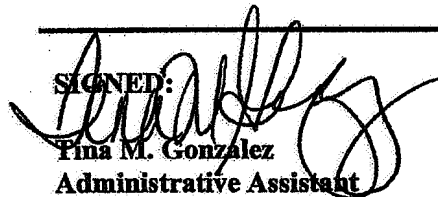
REVISIONS
 ADDITIONS
 COMMENTS

AS REQUESTED BY: Jason Brandman, Regional Manager

NO. OF COPIES: 1 **DESCRIPTION:** September Ranch Subdivision Project Draft REIR

COMMENTS: Attached is a revised page with additional language that was inadvertently absent from the Draft EIR. This information would have been included following page 3-1; hence it's numbering 3-1A. Please note that this information can also be found in Section 2, Executive Summary, the environmental topical sections throughout Section 4, and the IS/NOP in Appendix A, of the Draft EIR. Please forward to the reviewing agencies, as appropriate.

COPIES TO:

SIGNED:

Tina M. Gonzalez
Administrative Assistant

3.2.2 Project Features

As shown on Exhibit 3-3, the proposed project involves the subdivision of 891-acres into 94 market rate residential lots, 15 units of inclusionary housing (see Exhibit 3-4), and a 20.2-acre lot for the existing equestrian facility; 782.8-acres is proposed as open space. Other appurtenant facilities and uses would include separate systems for the distribution of potable water (e.g., wells and irrigation facilities), water tanks for fire suppression, a sewage collection and treatment system, waste water treatment system, drainage system, internal road system, common open space, tract sales office, and security gate. Site improvements would also require approximately 100,000 cubic yards of grading, and a tree removal permit.

The Carmel Valley Master Plan (CVMP) guides land use on the project site. The northerly portion of the property, which contains 494-acres, is designated by the CVMP as Rural Density Residential 5+ acres/unit and is zoned RDR/10-D-S (Rural Density Residential, 10-acres/Unit-Design Control-Site Control); the southern portion is designated Low Density Residential 5-1-acres/unit and is zoned LDR/2.5-D-S (Low Density Residential/2.5 Design Control-Site Control). The project is consistent with these CVMP and zoning ordinance designations for the site.

Circulation

Project implementation will result in the upgrade and extension of the existing roadway network to create access to the residential units (see Exhibit 3-3). More specifically, the road network will access Carmel Valley Road at one main location. The main entrance serving the 94 single-family residences is proposed opposite the intersection of Brookdale Drive and Carmel Valley Road. The present access to the equestrian facility from Carmel Valley Road would be eliminated and access provided via the main entrance and the internal road system.

Approximately 100,000 cubic yards of grading will be required to upgrade the existing onsite circulation system. Portions of the roadway systems will be graded in excess of 30 percent slopes. This grading would require a waiver (e.g., variance) of County regulations prohibiting development on slopes in excess of 30 percent to allow for the construction of the internal access roads.

The project will have one access road, September Ranch Road, which will connect with the fourth (north) leg at the existing Carmel Valley Road/Brookdale Drive intersection. There is an existing driveway in the vicinity of the equestrian center. Upon completion of the project, the driveway will serve as an emergency vehicle access. As discussed in Section 4.6 of this Draft REIR, channelization will be required for both the eastbound and westbound approaches of the intersection of Carmel Valley Road/Brookdale Drive/project access; additionally, a signal will be installed at this intersection.

Water

The proposed project property is located within the Carmel River watershed. The property has relied upon wells since the early 1930s as water availability is a critical problem in the Carmel Valley. In 1995, the State Water Resources Control Board (SWRCB) issued Order no. 95-10 which found that California American Water Company (Cal-Am), the primary supplier of water to the Monterey Peninsula, had diverted excess water from the Carmel River basins without a valid basis of right.

Notice of Completion

Supplementary Document #

Mail to: State Clearinghouse, 1400 Tenth Street, Sac., CA 95814 916/445-0613

See NOTE BELOW

SCH # 1995083033

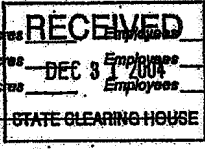
Project Title: September Ranch Subdivision
Lead Agency: County of Monterey, Planning and Building Inspection
Street Address: 2626 First Avenue
City: Marina Zip: 93933
Contact Person: Alane Knaster
Phone: 831-883-7528
County: Monterey

Project Location
County: Monterey City/Nearest Community: Carmel Valley
Cross Streets: Carmel Valley Road Zip Code: 93923 Total Acres: 891
Assessor's Parcel Nos.: 015-171-10; 015-71-12; 015-381-13; 015-381-14 Section: Twp Rang Base
Within 2.5 Miles: State Hwy #: 1 Waterways: Carmel River
Airports: n/a Railroads: N/A Schools: Carmel River School

Document Type
CEQA: [] NOP [] Supplement/Subsequent EIR NEPA: [] NOI Other: [] Joint Document
[] Neg Dep [] Draft EIR [] Draft EIS [] Final Document

Local Action Type
[] General Plan Update [] Specific Plan [X] Rezone [] Annexation
[X] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [X] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [X] Land Division [] Other
(Subdivision, Parcel Map, Tract Map, etc.)

Development Type
[] Residential: Units 109 Acres 891 [X] Water Facilities: Type Mutual Water Supply Company MGD
[] Office: Sq. Ft. Acres [] Mining: Type Mineral
[] Commercial: Sq. Ft. Acres [] Power: Type Wells
[] Industrial: Sq. Ft. Acres [X] Waste Treatment: Type Package Sewage Treatment Plant
[] Educational: [] Hazardous Waste: Type
[] Recreational: Equestrian Center [] Other:



Project Issues Discussed in Document
[] Aesthetic/Visual [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[] Air Quality [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[] Archeological/Historical [] Minerals [X] Soil Erosion/Compaction/Grading [X] Wildlife
[] Coastal Zone [X] Noise [X] Solid Waste [X] Growth Inducing
[] Drainage/Absorption [X] Population/Housing Balance [] Toxic/Hazardous [X] Land Use
[] Economic/Job [X] Public Services/Facilities [X] Traffic/Circulation [X] Cumulative Effects
[] Fiscal [X] Recreation/Parks [X] Vegetation [] Other:

Present Land Use/Zoning/General Plan Use:
Rural Residential (5+ acres per unit) and Low Density Residential (1-5 acres per unit) Zoning: RDR/10-D-8; LDR/2.5-D-8

Project Description: The proposed project involves the subdivision of 891 acres into 84 market-rate residential lots, 15 units of inclusionary housing, and a 20.2 acre lot for the existing equestrian facility; 782.8 acres is proposed as open space. Other appurtenant facilities and uses would include separate systems for the distribution of potable water, water tanks for fire suppression, a sewage collection and treatment system, wastewater treatment system, drainage system, internal road system, common open space, tract sales office and security gate.

State Clearinghouse Contact: (916) 445-0613
State Review Began: 12-31-2004
SCH COMPLIANCE: 2-18-2005

Extended Review
Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 1995083033
Please forward late comments directly to the Lead Agency

- Project Sent to the following State Agencies
[X] Resources
[X] Boating & Waterways
[X] Coastal Comm
[X] Colorado Rvr Bd
[X] Conservation
[X] Fish & Game # 3
[X] Delta Protection Comm
[X] Forestry & Fire Prot
[X] Historic Preservation
[X] Parks & Rec
[X] Reclamation Board
[X] Bay Cons & Dev Comm
[X] DWR
[X] OES (Emergency Svcs)
[X] Bus Transp Hou
[X] Aeronautics
[X] CHP
[X] Caltrans # 5
[X] Trans Planning
[X] Housing & Com Dev
[X] Food & Agriculture
[X] Health Services
State/Consumer Svcs
General Services
Cal EPA
ARB - Airport Projects
ARB - Transportation Projects
ARB - Major Industrial Projects
Integrated Waste Mgmt Bd
SWRCB: Clean Wtr Prog
[X] SWRCB: Wtr Quality
[X] SWRCB: Wtr Rights
[X] Reg. WQCB # 3
Toxic Sub Crj-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Commission
[X] NAHC
Public Utilities Comm
Santa Monica Mtns
[X] State Lands Comm
Tahoe Rgl Plan Agency

AQMD/ABCD 20

4.2.2 State Agencies

OFFICE OF PLANNING AND RESEARCH (OPR)

Response to OPR 1-1

This comment is noted and acknowledges the extension of the closing of the public review period for the Draft EIR. Responses to the attached letters have been provided within this document. No specific comments on the Draft EIR were provided; therefore, no further response is necessary.

Response to OPR 1-2

Comment is noted and it is acknowledged that the revised page 3-1A of the Draft REIR was distributed to the reviewing agencies on January 18, 2005. No specific comments on the Draft REIR were provided; therefore, no further response is necessary.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

February 1, 2005

MON-001-72.92
SCH# 1995083033

Alana Knaster
Monterey County Planning and Building Inspection
2620 First Avenue
Marina, CA 93933

Dear Ms. Knaster:

COMMENTS TO SEPTEMBER RANCH DRAFT REVISED ENVIRONMENTAL IMPACT REPORT

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts on transportation facilities.

1. Staff appreciates the opportunity to review the traffic and circulation study for the project; we generally concur with the study findings, and the various mitigation components of the study. DOT 1-1
2. We are concerned, however, with the language used to describe how the developer will pay traffic mitigation impact fees. Specifically, the Executive Summary mitigation measure 4.6-3 states that the developer will "contribute fair share fees, *as determined by the County* for CVMP Traffic Impact Fees." In 1992, the Board of Supervisors enacted the Carmel Valley Master Plan (CVMP) traffic mitigation fee ordinance to enable the County to fund improvements to Carmel Valley Road. The CVMP is the official traffic fee program in place for this portion of Monterey County. Therefore, the CVMP has already determined fees that should be collected, and are not open to negotiation by County officials. Based on the CVMP fee schedule effective June 30, 2004, the developer should be assessed for the market-rate homes as follows: DOT 1-2
 - \$1,785,248 (94 market-rate lots at \$18,992 per unit)

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Roger Barnes (D5); File
Andy Cook, TAMC
Ron Lundquist, Monterey DPW

DEPARTMENT OF TRANSPORTATION (DOT)

Response to DOT 1-1

Comment is noted. No specific comments on the Draft REIR were provided; therefore, no further response is necessary.

Response to DOT 1-2

This comment is noted and the applicant shall be assessed according to the appropriate Carmel Valley Master Plan fee schedule.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
SAN BENITO-MONTEREY UNIT**

2221 GARDEN ROAD
MONTEREY, CA 93940-5317
TELEPHONE: (831) 333-2600
FAX: (831) 333-2660



February 25, 2005

Alana Knaster
County of Monterey
Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933

Dear Alana Knaster:

Recently, the California Department of Forestry and Fire Protection (CDF) became aware of a document referred to as the Draft Revised Environmental Impact Report for the September Ranch Subdivision Project – December 2004 (State Clearinghouse #1885083033). This project attracted CDF's attention due to the possibility that the project may require one or more permits from CDF if one or both of the following takes place:

- 1 The project involves the conversion of timberland to a non-timberland use.
- 2 The project involves the commercial harvest of tree species recognized by the Board of Forestry.

If you need any further information, please contact Scott Rosikiewicz at the San Benito-Monterey Unit Headquarters.

Sincerely,

Sam Mazza
Unit Chief

By

Scott Rosikiewicz
VMP Coordinator

DFFP 1-1

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (DFFP)

Response to DFFP 1-1

The comment is noted. The project does not involve the conversion of timberland to non-timberland use and/or involve the commercial harvest of trees species as recognized by the Board of Forestry.



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

APR 13 2005

In Reply Refer
to:334:KDM:266.0

Alana Knaster
Monterey County Planning Department
2620 First Avenue
Marina, CA 93933

Dear Ms. Knaster:

DRAFT REVISED ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SEPTEMBER RANCH SUBDIVISION, STATE CLEARINGHOUSE NUMBER 1995083033 PC 95062, DECEMBER 2004

The Division of Water Rights (Division) obtained an extension to submit comments on the Draft EIR for the September Ranch Subdivision, due to circulation errors. The Draft EIR states that this project requires 57.21 acre-feet per annum (afa) of water. Potable water supplies will be provided via onsite wells in the September Ranch groundwater basin. It appears, however, that the Draft EIR could be used to support additional Carmel River diversions to serve the September Ranch subdivision. This issue should be clarified.

SWRCB 1-1

Page 4.3-10 evaluates the water needs of riparian users in AQ3 and AQ4. In the past, many Carmel River subterranean stream diverters pumped so much water from the alluvium that the surface stream system went dry. This condition caused depletion of the steelhead resource. The draft EIR relies on an annual evaluation of the total inflows and outflows to the alluvium to reach a conclusion on whether there is sufficient water resource for the new, riparian use to serve September Ranch subdivision. This method of evaluation ignores: (a) monthly impacts of pumping on surface stream flows, (b) the effect of more intense summer water diversions on water availability, and (c) the fact that the method of diversion and use may be considered unreasonable if the new diversions diminish surface flows and create adverse impacts to steelhead. Accordingly, the draft EIR should evaluate whether the new additional riparian diversion will dewater the Carmel River surface stream locally in the vicinity of the well, and downstream, and on a monthly basis.

SWRCB 1-2

The single largest flaw in this method of analysis is that it negates the impacts of all other water diverters from the Carmel River. September Ranch has no ability to limit or restrict ongoing diversions by other parties, including the California-American Water Company. Therefore, these diversions should be considered in any evaluation of the impacts of additional diversion by September Ranch on Carmel River flows. The analysis should be revised to include data on all ongoing water diversions.

SWRCB 1-3

California Environmental Protection Agency

Alana Knaster

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Division staff notes that it is inappropriate to presume that water use occurs on a continuous, 12-month cycle. Irrigation use occurs during shortened time period. Accordingly, the riparian use figures should be prorated according to the type of ongoing water use and not evenly distributed.

SWRCB 1-4

On page 4.3-46, the draft EIR revisits the riparian rights on the Carmel River and restates the conclusion from page 4.3-10 regarding total water available as a result of pumping from the alluvial aquifer. The comment listed above regarding the method of analysis and the fact that groundwater diversions that result in diminution of surface stream flows may be an unreasonable method of diversion are also applicable here. Division staff particularly notes the reliance on the conclusion that there is sufficient water on aggregate in AQ3 and AQ4 to meet the needs of the riparian and pre-1914 appropriate rights. The aggregate analysis is not an adequate substitute for actual analysis of whether there is sufficient instream flow during summer months in dry or drought years.

SWRCB 1-5

The draft EIR evaluates the local groundwater availability in the September Ranch groundwater basin, but then shifts to the effects on diverters in the Carmel River. There is no explanation why this shift in evaluation is needed. Therefore, it appears that September Ranch intends to rely on diversions from the Carmel River to serve this project.

SWRCB 1-6

Page 4.3-44 relies on a comparison of current water use with project water use to conclude that the project will not operate in a wasteful manner. The baseline condition should be used for this comparison.

SWRCB 1-7

Page 4.9-16 states that the project will only withdraw water during the seven months outside of the low flow period of June 1 to October 31. Therefore, the report concludes that there are no impacts to steelhead. It is unclear how year-round domestic use can be served, absent continuous diversion of water. Therefore, it appears that the only method to mitigate for the projects impact on the Carmel River is to limit diversions solely to the September Ranch groundwater basin from June 1 to October 31 of each year. Carmel River water should not be used during this time period, unless the draft EIR evaluates the impacts of new Carmel River diversions on steelhead.

SWRCB 1-8

The draft EIR indicates that September Ranch overlies the September Ranch groundwater basin. Division staff notes that only a portion of the property overlies the groundwater basin that the production wells are located in. The remainder of September Ranch does not overlie the groundwater basin (see Exhibit 4.3-3 and 4.3-4a).

SWRCB 1-9

The water quality analysis on page 4.4-5 is based on well SR1. This well is not shown on exhibit 4.3-4a, which shows the location of all wells and borings. The well should be added to the drawing. Otherwise the reader cannot determine whether the well is situated near or within the Carmel River alluvial groundwater basin, or is providing typical data for the September Ranch groundwater basin.

SWRCB 1-10

The draft EIR should list groundwater drawdown elevations for the September Ranch groundwater basin at the end of fall, prior to the start of the rainy season. There may be insufficient water at specific well sites to fully serve the subdivision, particularly in dry years at prior to the start of the rainy season. The analysis relies on an annual assessment of the total

SWRCB 1-11

Alana Knaster

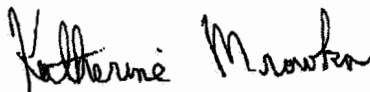
3

quantity of water in the groundwater basin. The water will be disbursed within the basin, and may not locally be available to specific wells. Accordingly, it appears that there is insufficient drought water supply.

SWRCB 1-11

I can be contacted at (916) 341-5363 if you have any questions regarding these comments.

Sincerely,



Katherine Mrowka, Chief
Watershed Unit #3

cc: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

STATE WATER RESOURCES CONTROL BOARD (SWRCB)

Response to SWRCB 1-1

The project does not propose additional Carmel River diversions. The EIR analyzes the potential for project demand to impact the Carmel River due to reduced recharge to the CVA. *It is noted that subsequent to the SWRCB comment letter, the County of Monterey issued a Recirculated Portion of the Draft REIR that addressed the SWRCB concerns outlined in this letter. Please see Recirculated Draft REIR, Sections 4.3 and 4.9; MR-18: Hydrology & Water Availability and MR-20 Aquatic Biological Resources.*

Response to SWRCB 1-2

The Recirculated Draft REIR concludes that the proposed project would not adversely impact steelhead. Please see Recirculated Draft REIR, Section 4.9. As noted in the Recirculated Draft REIR, water rights analysis is largely irrelevant to the potential for environmental impacts; however, a water rights analysis was included pursuant to judicial direction. In this regard, although it is reasonable for a water rights analysis to account for annual inflow and outflow, the environmental impacts analysis was conducted on a monthly basis to identify seasonal impacts as requested by the comment. Please see Recirculated Draft REIR, Sections 4.3 and 4.9 and MR-18: Hydrology & Water Availability.

Response to SWRCB 1-3

The impact analysis in the Recirculated Draft REIR accounted for all existing diversions as requested by the comment. Please see Recirculated Draft REIR, Sections 4.3 and 4.9 and MR-18: Hydrology & Water Availability.

Response to SWRCB 1-4

See Response to SWRCB 1-2. Potential impacts to biological resources were assessed based on gauge data of actual flows in the Carmel River, and therefore the analysis accounts for real-conditions-on-the-ground.

Response to SWRCB 1-5

The Recirculated Draft REIR, Section 4.9 and Appendix C, specifically analyzed stream flow in summer months in the dry/drought years. Please see Response to SWRCB 1-2; see also MR-18: Hydrology & Water Availability and MR-20: Aquatic Biological Resources.

Response to SWRCB 1-6

The project does not propose to rely on diversions from the Carmel River. The analysis accounts for the potential for the project to result in reduced recharge from the SRA to the CVA, and thence the potential to reduce flows in the Carmel River.

Response to SWRCB 1-7

The Recirculated Draft REIR relies on a baseline of 3 AFY to evaluate project impacts. See for example Section 4.3 and Appendix C.

Response to SWRCB1-8

The Recirculated Draft REIR clarified that the proposed project will withdraw water year-round, but will not result in adverse impacts to steelhead. Please see Recirculated Draft REIR, Section 4.9 and MR-20: Aquatic Biological Resources.

Response to SWRCB1-9

Comment noted. The extent of collocation between the CVA and SRA is thoroughly described in the Recirculated DREIR, Section 4.3 and Appendix C.

Response to SWRCB1-10

The location of well SR1 has been added to the appropriate exhibits.

Response to SWRCB1-11

The Recirculated Draft REIR Section 4.3 assesses whether the SRA has the capacity to serve the proposed project. As a matter of real conditions on the ground, it is noted that quantities in excess of those that would be required by the proposed project have been pumped from the SRA for 9 years, primarily (75%) during the summer months.

APR-22-2005 13:40

FISH & GAME

P. 02/08

State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94590
(707) 844-6500

April 22, 2005

Ms. Alana Knaster, Chief Assistant Director
Monterey County Planning and Building
Inspection Department
2620 1st Avenue
Marina, CA 93933
Via Fax (831) 384-3261

Dear Ms. Knaster:

September Ranch Subdivision Project
Draft Revised Environmental Impact Report
SCH 1995083033, Monterey County

Department of Fish and Game (DFG) personnel have reviewed the September Ranch Subdivision Draft Revised Environmental Impact Report (DREIR). The project is located in Carmel Valley approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road. It involves development of Assessor's Parcel Numbers 015-171-10, 015-171-12, 015-381-13 and 015-381-14. The project as proposed would occupy 891 acres to be subdivided into 94 residential lots, 15 units of inclusionary housing, and a 20.2-acre lot for the existing equestrian facility. Seven hundred eighty-two (782) acres are planned as open space. Other facilities and uses would include separate systems for the distribution of potable water, water tanks for fire suppression, a sewage collection and treatment system, wastewater treatment system, drainage system, internal road system, sales office and security gate.

The County has updated and recirculated the original 1995 Draft EIR. The project involves tree removal and would require approximately 100,000 cubic yards of grading. The project would also require a waiver of County regulations prohibiting development on slopes in excess of 30 percent to allow for construction of internal access roads.

Conserving California's Wildlife Since 1870

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Terrestrial Resources

The DREIR contains a habitat map and a description of existing habitats, including those proposed to be altered and/or removed. The DREIR also contains a breakdown of the acreage of habitats to be impacted, but is lacking on identifying locations where significant sensitive plant resources have been found. In a March 9, 2005 meeting between DFG staff and project proponents, more detailed information on plant locations on a habitat map was provided to address apparent omissions from the DREIR. Much of this information is reported to have been included in the 1995 EIR. Abundant open space has been designated in the Exhibit 3-3 Site Plan in the DREIR, but much of it is on steep grades that may not be suitable as mitigation for threatened or endangered species potentially found on-site.

CDFG 1-1

The document indicates a 3:1 mitigation ratio for planting trees (oaks or pines) as well as a 3:1 ratio for acres of habitat impacted which is acceptable to DFG.

CDFG 1-2

Replacement trees should be monitored annually by a qualified botanist and replaced as necessary to achieve the final desired goal. An annual report should be provided to DFG. Several places in the DREIR, starting with the Executive Summary page 2-17, mitigation measure 4.9-2 in regard to determining replacement planting success of trees planted requires "Monitoring of tree plantings for five years or until 70 percent are successful." Language such as this often does not contribute to success as in the first year compliance could be achieved and then all the trees could quite possibly die after that. The language should read, "The plantings should be monitored annually for a period of 5 years. At least 70 percent of the plantings shall be established/surviving by five years or monitoring (and replacement) shall continue until compliance is achieved."

CDFG 1-3

Our last letter (March 2003) regarding the "Notice of Preparation and Intent to Recirculate the DEIR" indicated that the following sensitive plant species should be surveyed:

CDFG 1-4

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Common Name	Scientific Name	Status
Carmel Valley bush mallow	(<i>Malacothamnus palmari</i> var. <i>arachnoidea</i>)	CNPS 1B
Carmel Valley malacothrix	(<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>)	CNPS 1B
Congdon's tarplant	(<i>Hemizonia parryi</i>)	CNPS 1B
Eastwood's goldenbush	(<i>Ericameria fasciculata</i>)	CNPS 1B
Hooker's manzanita	(<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>)	CNPS 1B
Hutchinson's larkspur	(<i>Delphinium hutchinsoniae</i>)	CNPS 1B
Kellog's horkelia	(<i>Horkelia cuneata</i> ssp.)	CNPS 1B
Monterey spineflower	(<i>Chorizanthe pungens</i> var. <i>pungens</i>)	FT, CNPS 1B
Monterey manzanita	(<i>Artostaphylos montereyensis</i>)	CNPS 1B
Monterey pine	(<i>Pinus radiata</i>)	CNPS 1B
Pacific Grove clover	(<i>Trifolium polydon</i>)	SR
Yadon's rein orchid	(<i>Piperia yadonii</i>)	FE
Central maritime chaparral	(Sensitive plant community)	

Codes:

- FT
- FE
- CNPS 1B
- SR
- SE

- Federally listed as Threatened
- Federally listed as Endangered
- California Native Plant Society - List 1B
- State listed as Rare
- State listed as Endangered

The DREIR has addressed most of these species plus some not listed here. However, the DREIR indicates that Monterey spineflower, Eastwood's goldenbush, and Hooker's and Monterey manzanitas have not been surveyed. In that same March meeting with project proponents, it was brought up that the reason these species were not surveyed for is that no suitable habitat exists on site. In regard to the population of Pacific Grove clover mentioned on page 4-15, section 4.2.1, project proponents further explained that in fact surveys had been conducted for this species. Documentation provided to us during the March meeting substantiates this claim and states that although several clover species were found on the project site, Pacific Grove clover was not one of them.

At the March 9, 2005 meeting DFG recommended removing parcels 30-58 that are near Jack's Peak and adding them to open space as a condition of approval. The reason for this

CDFG 1-4
 CONT.

CDFG 1-5

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recommendation is that steep areas (much of the current proposed set-aside) do not mitigate all habitat needs. Many of the proposed development sites occur on the level or slightly angled ridge top land that exists on the site. Project proponents indicated that removing these parcels and placing them in open space was acceptable to them.

CDFG 1-5
CONT.

In the DREIR, there is mention of Yadon's piperia and that there is an anecdotal report that 65 plants were found in the vicinity south of Jack's Peak but that exact location records were not kept. The more intact, mature forest areas like those of the project near the Jack's Peak boundary (parcels 30-58) do not occur elsewhere on the property, are likely piperia habitat, and should be protected. Removal of Monterey pines and oaks in this area would be difficult to mitigate elsewhere on the project site. The California Environmental Quality Act (CEQA) dictates that, whenever possible, avoidance is the preferred course of action, and it is appropriate here. This area provides a needed buffer between the proposed September Ranch, Monterra and Jack's Peak Park. Buffers play an important role in aiding wildlife movement between the coast and interior foothill areas.

CDFG 1-6

It would be advantageous to cluster development toward the front (south side) of the property where there is more exotic French broom and disturbance and room for enhancement work. DFG supports mitigation measure 4.9-1 on page 4.9-22 which lists several use restrictions to help minimize impacts to existing resources.

CDFG 1-7

Aquatic Resources

Federally endangered Southern steelhead (*Oncorhynchus mykiss irideus*) and the California red-legged frog (*Rana aurora draytonii*), which is listed as Federally threatened/State species of special concern, are known to occur in the Carmel River and throughout its watershed in appropriate habitats. The DREIR contains an analysis of potential direct and cumulative impacts to steelhead, California red-legged frog, and other species of concern from water use by this subdivision and the resulting effect on aquatic habitats of the Carmel River and Carmel River watershed.

CDFG 1-8

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The DEIR states that the project will only pump the groundwater aquifer for 7 (November 1 through May 31) of the 12 months of the year, in order to avoid diminishing flows in the Carmel River during the period of June 1 through October 31, where NOAA has recommended no further diversions be allowed for the protection of steelhead. However, SWRCB Order 98-08 says the Carmel River is fully appropriated for the period of May 1 through December 31 of each year, which is a period of eight months of the year. Therefore, the project could only claim to have no effect on diminishing the already fully appropriated flows of the Carmel River via reduced groundwater recharge, only if it pumps for four months of the year, January 1 through April 30. Regardless of which groundwater pumping period is used (7 or 4 months) how does the project intend to meet the demand the rest of the year, without an off-stream storage component of approximately 23.84 acre-feet (AF) to as much as 38.14 AF, in order to supply the average monthly demand of 4.77 AF per month the project is predicted to use during periods when it supposedly will not be pumping groundwater?

CFG 1-9

DFG also notes that even if this sub-basin is geologically somewhat separated from the Carmel River's flood plain and underflow by a small shallow bedrock sill, this watershed still contributes to the maintenance of flows in the Carmel River, and tapping it will diminish flows in the already severely overdrafted lower Carmel River basin. Thus, new wells that tap any of the watersheds tributary to the Carmel River will diminish the Carmel River surface and underflow to some degree. So we do not agree with the determination of Kennedy/Jenks Consultants that the development will have no significant impact on the maintenance of flows in the lower Carmel River, and thus its threatened steelhead resource. All such new developments that tap aquifers that are tributary to the surface or underflow of the mainstem Carmel River will have gradually increasing cumulative impacts on the habitat of the lower Carmel River, including the water quality of its lagoon, where steelhead rear when the lower river is artificially dewatered by existing pumping for municipal water deliveries.

CDFG 1-10

The DEIR needs to make specific calculations to conclusively demonstrate how much the 4.77 AF per month, or 57.21 AF per year of increased groundwater pumping would diminish flows

CDFG 1-11

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in the Carmel River both seasonally and year-round, especially in normal, below normal, or drought water years. The DREIR needs to make specific calculations to show whether the project's new groundwater pumping will reduce flows in the Carmel River below the guidelines recommended in the NOAA Technical Report (*Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, June 3, 2002), either during a four- or seven-month pumping season. The DREIR should attempt to calculate how much the new groundwater pumping will increase the degree to which the Carmel River's wetted front dries back each year. The DREIR acknowledges that it will diminish recharge to the mainstem Carmel River's aquifer, so the aforementioned impacts must occur to some degree, yet they have not been quantitatively presented or addressed in the DREIR.

CDFG 1-11
 CONT.

To fully evaluate the probable impacts of the project, the DREIR needs to include an operations plan for the proposed water distribution system. This plan should include descriptions of the number, type, and location of wells used to produce water for the project, and how much each well will produce each month. Such an operations plan was included in the prior FEIR, but was excluded from this DREIR.

CDFG 1-12

DFG requests that deed restrictions be placed on the lots in this development to prevent individual owners from drilling any further wells on any part of their property, beyond the ones authorized in this DREIR. Without this restriction, all of the groundwater use calculations and impact assumptions made in the DREIR will be rendered moot through further groundwater development by individual landowners. DFG believes these additional protections and restrictions are necessary, since the County does not require CEQA review for "cumulative impacts" of new individual well permits granted within the Carmel Valley aquifer, treating them as simply ministerial.

CDFG 1-13

Conclusion

After review of supplementary information that has been provided to DFG and the additional pine and oak woodland the project proponent has agreed to add to open space, as well as the rigorous land use restrictions proposed in the DREIR, we concur

CDFG 1-14

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that potential terrestrial resource impacts can be mitigated to a less-than-significant level. However, the analyses of groundwater pumping impacts in the document are insufficient to demonstrate that there will be no cumulative impact to the mainstem Carmel River's flows or wetted area during the dry season of each year, and we have suggested some ways that the magnitude of these impacts could be better illustrated in the DREIR.

CDFG 1-14
CONT.

Thank you for the opportunity to comment on this project. If you have further questions, please contact Mr. Jeff Cann, Associate Wildlife Biologist, at (831) 649-7194 for terrestrial questions; or Mr. Kevan Urquhart, Senior Fisheries Biologist, at (831) 649-2882 for aquatic questions.

Sincerely,



Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse
Post Office Box 3044
Sacramento, CA 95812-3044
Via fax (916) 323-3018

Tony Lombardo
Lombardo & Gilles
Post Office Box 2119
Salinas, CA 93902-2119

Joyce Ambrosius
NOAA Fisheries
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

David Pereksta
U. S. Fish and Wildlife Service
293 Portola Road, Suite B
Ventura, CA 93003-7726

TOTAL P.08

CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

Response to CDFG 1-1

The comment is noted that during the March 9, 2005 meeting between CDFG and project proponents, CDFG was provided more detailed plant and habitat locations information. It is noted that CDFG has commented that much of the open space is on steep grades not suitable for mitigation for threatened or endangered species onsite. Please refer to the Recirculated Draft REIR, Section 4.9.

Response to CDFG 1-2

The comment is noted; please refer to the Recirculated Draft REIR, Section 4.9.

Response to CDFG 1-3

Please refer to Response to CDFG 1-2.

Response to CDFG 1-4

Please refer to Response to CDFG 1-2.

Response to CDFG 1-5

Please refer to Response to CDFG 2-6. Additionally, the County has included in their Draft Conditions of Approval, a condition which specifically prohibits ridge top development that states, "Any parcel where ridgeline development cannot be avoided shall be eliminated from the Final Map."

Response to CDFG 1-6

Please refer to Response to CDFG 1-2.

Response to CDFG 1-7

Comment is noted that CDFG supports Mitigation Measure 4.9-1.

Response to CDFG 1-8

Please refer to the Recirculated Draft REIR, Sections 4.9 and 5.0.

Response to CDFG 1-9

Please see Response to SOCR 1-162; MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to CDFG 1-10

Please refer to the Recirculated Draft REIR, Sections 4.3, 4.9 and 5.0. The Recirculated Draft REIR acknowledges that the project may result in reduced flows in the Carmel River, but that even under a

worst-case scenario; such reduction is less than significant and will not affect steelhead. Please see MR-18: Hydrology & Water Availability and MR-20: Aquatic Biological Resources.

Response to CDFG 1-11

The Recirculated Draft REIR contains the analysis requested in the comment. Please see Section 4.9 of the Recirculated Draft REIR. Please see also MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to CDFG 1-12

Please see Response to SOCR 1-69.

Response to CDFG 1-13

The REIR proposes mitigation measures to cap water use at or below 57.21 AFY. Please see MR-17: Water Demands.

Response to CDFG 1-14

CDFG's comment that terrestrial resource impacts are mitigated to less than significant is acknowledged and is consistent with the Recirculated Draft REIR conclusions. The Recirculated DREIR presented additional analysis in response to CDFG's comment regarding water use, please see **Sections 4.3, 4.9 and 5.0** of the Recirculated Draft REIR and MR-20: Aquatic Biological Resources.



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

24580 Silver Cloud Court • Monterey, California 93940 • 831/847-9411 • FAX 831/647-8501

January 19, 2005

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Alana Knaster
Chief Assistant Director
Monterey County Planning and Building Inspection
2620 First Avenue
Marina, CA 93933

SUBJECT: REVISED DEIR FOR SEPTEMBER RANCH SUBDIVISION

Dear Ms. Knaster:

Staff has reviewed the referenced document and has the following comments:

1. Page 4.7-2, Table 4.7-1. The annual State PM_{2.5} standard of 12 ug/m³ should be listed. The North Central Coast Air Basin is an attainment area for this standard. MBUAPCD 1-1
2. Page 4.7-4, Table 4.-7-2. For ozone and PM₁₀, it is unclear if the table reference data from the nearby Carmel Valley air monitoring station or from the Salinas Valley Station. Regarding data from the Carmel Valley station, there have been no violations of the State or federal ozone standards between 1999 and 2003. There was one violation of 57 ug/m³ of the State PM₁₀ standard on 9/27/99. This violation was attributed to the Los Padres National Forest fires. MBUAPCD 1-2
3. Page 4.7-5. The most current State Plan is the 2004 AQMP. MBUAPCD 1-3
4. Page 4.7-9. Reference to 550 lbs/day of CO should be deleted since that threshold only applies to stationary sources, not indirect sources. MBUAPCD 1-4

Thank you for the opportunity to review the document. Please do not hesitate to call if you have any questions.

Sincerely,

Douglas Quetin
Air Pollution Control Officer

4.2.3 Regional Agencies

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (MBUAPCD)

Response to MBUAPCD 1-1

Table 4.7-1 has been revised to include the annual State $PM_{2.5}$ standard of 12 ug/m^3 . It is noted that the North Central Air Basin is in attainment for this air standard.

Response to MBUAPCD 1-2

The emission levels for ozone and PM_{10} were obtained from data gathered at the Carmel Valley station; however, since emission levels for nitrogen dioxide, carbon monoxide, and $PM_{2.5}$ are not monitored at the Carmel Valley station, emission levels for these pollutants was obtained from data gathered at the Salinas station. It is noted that there have been no violations of either the State or federal ozone standards between 1999 and 2003 (see Table 4.7-2 on page 4.7-4 of the Draft REIR). As noted on page 4.7-4, there has been a violation of the State PM_{10} standard, which was likely associated with the Los Padres National Forest wild fires, which is not considered representative of normal ambient conditions in the project area.

Response to MBUAPCD 1-3

It is noted that the most current State Plan is the 2004 Air Quality Management Plan (AQMP); however, the Air Quality Assessment prepared for the proposed project was completed in October 2003, prior to the approval and implementation of the 2004 AQMP.

Response to MBUAPCD 1-4

The comment is noted and the reference to the 550 pounds per day threshold has been deleted from the second sentence of the third paragraph on page 4.7-9 of the Draft REIR. This revision is included in Section 6, Errata.



RECEIVED
BY ASK. DATE 3-1-05

monterey peninsula regional park district

60 Garden Court, Suite 325 • Monterey, California 93940-5341

February 28, 2005

Alana Knaster, Chief Assistant Director
Monterey County Planning & Building Department
Post Office Box 1208
Salinas, California 93902

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Re: PC95062 REIR Comments

Dear Ms. Knaster:

The Monterey Peninsula Regional Park District (The Park District) is a special district subdivision of the State of California with the mission and purpose to acquire and protect open space and its inherent public trust values and resources for the 150,000 residents of Monterey County's Greater Monterey Peninsula, Carmel Valley, Cachagua, Del Monte Forest, and Big Sur communities.

The Park District has been quite active in preserving open space in the predominantly rural Carmel Valley area and has acquired nearly 10,000 acres to date. The Park District continues to receive strong support for additional open space in Carmel Valley and the peninsula and is always interested in projects that involve the loss of large tracts of undeveloped land that could otherwise fill a growing demand for open space. It is of particular concern when potential new open space is adjacent to existing public parkland, as is the case with the subject project proposal.

The Park District appreciates the opportunity to comment on the December 2004 REIR and is limiting its comments, as per its mission, to the issues of parks, open space, and aesthetics. The lack of more extensive comments does not imply approval of other parts of the REIR or the project as proposed.

1. **LAND USE:** The REIR concludes that the project is bordered by more or less "urbanized" land that is similar in build-out to the proposed project. This however is not the entire case. The project is bordered by the undeveloped 850-acre Jacks Peak County Park and is in very close proximity to the undeveloped 650-acre Druid Hills Ranch and the agricultural open space of Earthbound Farms just across Carmel Valley Road. These facts lend support to a reduced density project more in keeping with the "rural" nature of the surrounding land use.
2. The project proposes building envelopes along the boundary of Jacks Peak County Park without any significant buffer of open space to separate the project's development use from the opposite undeveloped open space use of the park. The project should be reduced to provide for a land use buffer between these two opposing land uses.

MPRPD 1-1

MPRPD 1-2

C:\Tjensen\PLANNING\Lower Valley\September Ranch\2005 REIR Comments.doc12:45 PM2/28/2005

3. **Aesthetics:** The Park District is the owner of 4300-acres of open space formerly known as the Fish Ranch. A primary public trust value of this superlative regional park is its views of the surrounding area. Public investment in this property is \$37 million.

Aesthetics are a proper subject of study in an EIR to assess the impact of a project, including analysis of view shed impacts (CEQA §§21060.5, 21100, subd. (d)). The Park District requested in the scoping phase of the REIR that an analysis of viewshed impacts to Palo Corona Regional Park be included. The Park District's review failed to identify where this was conducted. To reduce the level of permanent viewshed impact to generations of visitors to Palo Corona Regional Park the project should be reduced to a level compatible with the rural character of the valley and well screened.

MPRPD 1-3

A photo of the subject property and the "rural" and undeveloped nature of the surrounding lands, including Jacks Peak County Park, is attached.

The Park District urges the County to refrain from amending the General Plan to accommodate the intensified development as proposed. If approved as submitted, the project has the potential to encourage further urban development in the predominantly rural open space areas of Carmel Valley.

MPRPD 1-4

A reduced density project will serve the community by better conforming to the character, rural land use, and parkland viewshed uniqueness of the area.

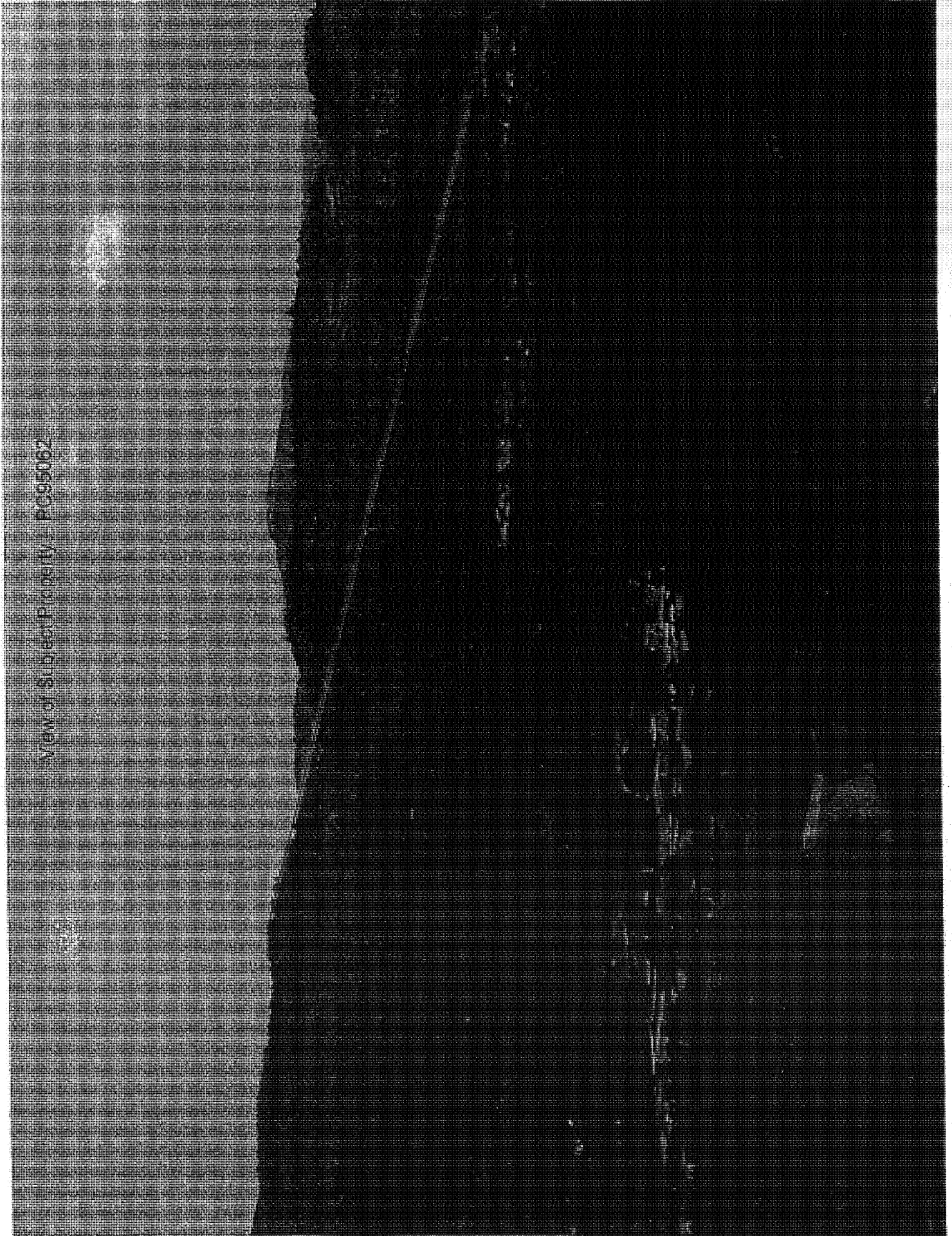
If the County has any further questions, please do not hesitate to contact me.

Sincerely,



JOSEPH DONOFRIO
General Manager

Attachment 1: View of Subject Property – PC95062



View of Subject Property PC95062

MONTEREY PENINSULA REGIONAL PARKS DISTRICT (MPRPD)

Response to MPRPD 1-1

As noted on page 4.1-1 of the Draft REIR, the project site is bounded on the south by Brookdale Drive residential subdivision, on the west by the senior community of Del Mesa Carmel, and on the east and northeast by the approved, yet not fully developed 54-lot Canada Woods and Monterra Ranch. The proposed project is similar in nature, scale, and density to these existing and/or future residential subdivisions. Jacks Peak Regional Park does border a portion of the northern boundary of the project site. No lots are sited directly adjacent to the park and the applicant previously granted five acres of property adjacent to Jacks Peak Regional Park to the County of Monterey. Additionally, 87.9 percent of the project site will remain as open space. Moreover, as stated on page 4.11-13 of the Draft REIR, “in an effort to ensure the overall visual quality of the site is maintained, a visual field survey of the site and adjacent areas was conducted to assess the existing visual character of the property from key vantage points. This included the siting of lots through staking and flagging in an effort to identify the location of the final building envelopes to minimize potential viewshed impacts. More specifically, siting of these lots was established by taking into consideration topography and elevations in relation to public vantage points and transportation routes.” The retention of the majority of the project site as open space and the particular siting of the building envelopes will assist in retaining the rural open space character of Jacks Peak Regional Park.

Reduced Density Alternatives were examined in Section 6 of the Draft REIR and in the Recirculated Draft REIR. During the decision process, the County of Monterey Board of Supervisors will have the opportunity to examine each of the alternatives discussed in Section 6 of the Draft REIR and the Recirculated Draft REIR in relation to the proposed project. Please refer also to Response MPRPD 1-4.

Response to MPRPD 1-2

Please see Response to MPRPD 1-1.

Response to MPRPD 1-3

County staff conducted a field visit with a representative of the District to ascertain whether there were any significant visual impacts. It appears as if September Ranch could be visible from the newly created Park; however, there is a huge expanse within the Valley and Coast that is visible from the Park especially at high elevations. CEQA examines whether there would be a significant impact and the County has concluded that there would not be a significant impact. Per Response to Comment MPRPD 1-1, the siting of the lots as well as the significant amount of land dedicated open space addresses overall visual quality of the site with respect to views from off-site.

Additionally, the County of Monterey Draft Condition of Approval states that, “Any parcel where ridge development cannot be avoided shall be eliminated from the Final Map.” Such a condition further reduces aesthetic impacts. Lastly, please see Response to MR-14

Response to MPRPD 1-4

The County Board of Supervisors will examine the proposed project in relation to the alternatives evaluated in the Draft REIR and Recirculated Draft REIR Section 6.0, including a reduced density alternative (see Section 6.2 of the Draft REIR) prior to making a final determination of project approval.

As discussed in Section 4.1, Land Use and Planning of the Draft REIR, the policies of the Carmel Valley Master Plan (CVMP) guide the allowable density within the project site and surrounding area. As identified in Section 4.1 of the Draft REIR, development under the CVMP land use designation allows for a maximum of 208 units onsite and development under the CVMP slope density formula allows for the development of 269 units. The CVMP indicates that the maximum allowable density of a parcel is the lesser of the CVMP land use designation and the slope density formula; therefore, the maximum allowable density of the project site is 208 units, 99 units greater than proposed. Additionally, as with all development in the CVMP area, the proposed project and future projects are subject to the CVMP allocation system. The CVMP allocation system establishes a 20-year total of 1,310 existing and newly created lots. Thus, project implementation could not encourage further urban development beyond that established in the CVMP.

RECEIVED

BY ASK

DATE 2-28-05



Carmel Area Wastewater District

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Ray von Dohren
General Manager

Mark S. Scheiter
Superintendent

Robert R. Wellington
Legal Counsel

February 7, 2005

Board of Directors

William R. Englander

Robert Kohn

Joyce S. Stevens

Charlotte F. Townsend

Ken White

Ms. Alana Knaster
Monterey County Planning Department
Coastal Office
2620 First Avenue
Marina, CA 93933

Re: Comments on DEIR for September Ranch Subdivision
Project

Dear Ms. Knaster

The District has reviewed the subject DEIR section related to Wastewater Treatment and disposal. The District's NPDES permit allows the District to discharge up to 3.00 million gallons per day of treated wastewater. The present flow from the treatment plant is about 1.7 million gallons per day. Therefore there is adequate treatment capacity for both the expected average dry weather wastewater flow from September Ranch estimated to be 32,400 gallons per day and capacity for the estimated peak flow of 42,120 gallons per day. Moreover the District's sewer system in the vicinity of the proposed development has adequate capacity to serve the proposed project.

CAWD 1-1

The District believes the best method of serving this proposed project is via a sewer system to the District's facilities. On site treatment adds another treatment plant in Carmel Valley that provides the potential for additional contaminated ground water and certainly adds unnecessary treatment and disposal costs when adequate facilities are already available. For these reasons the District opposes onsite wastewater treatment.

CAWD 1-2

It is also believed that onsite water recycling will not be any more effective than what the District provides now and

will provide in the future. The District produces approximately 2,000 acre feet of wastewater effluent annually. At present, about 700 acre feet of that total is recycled for use on the golf courses in Del Monte Forest. The District is presently working on a plan to use another 100 acre feet annually to irrigate the riparian forest adjacent to the District's treatment plant. Plans are underway to make that a permanent project such that any additional tertiary water available during the summer months could be discharged into the new riparian forest. In addition, the CAWD/PBCSD Reclamation Project is being expanded. By 2005, the total water use for the golf courses in Del Monte Forest will increase to approximately 1,100 acre feet.

The first part of that project, which is the rehabilitation of Forest Lake, will begin construction within 90 days. The second part, which is the design of an advanced treatment plant, is presently under way. A pilot microfiltration/reverse osmosis treatment plant began operation last month. Forest Lake will go on line in the fall of 2005. The advanced treatment plant will go on line in 2007. By the fall of 2005 at least half of the District's effluent will be recycled. With the additional water to the riparian forest that total will be even higher. The ultimate goal is to recycle all of the District's effluent.

Specifically for the September Ranch Project if the total expected annual wastewater flow is 36.4 acre-feet, the District would recycle at least half of that amount or 18.2 acre-feet.

Very truly yours,

CARMEL AREA WASTEWATER DISTRICT



Ray von Dohren
General Manager

RvD/faw

CAWD 1-2
CONT

CARMEL AREA WASTEWATER DISTRICT (CAWD)

Response to CAWD 1-1

The comment is noted and it is acknowledged that CAWD has indicated that it has adequate treatment capacity for both the expected average dry weather and peak wastewater flow from the September Ranch project. Additionally, it is noted that CAWD has facilities within the vicinity of the proposed project, which would be able to serve the proposed project.

Response to CAWD 1-2

The comment is noted. At the time of the preparation of the Draft REIR, there was no determination on whether the proposed project would be served via an onsite package treatment plant or through a connection to the CAWD. Therefore, the Draft REIR examined the potential project impacts related to either system. However, since the release of the Draft REIR for public review, a determination has been made that the proposed project will connect to the existing CAWD sewer facilities.

**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

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March 18, 2005

Alana Knaster, Chief Assistant Director
Monterey County Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933

Subject: Comments on Draft Revised Environmental Impact Report for September Ranch Subdivision Project

Dear Ms. Knaster:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on the Draft Revised Environmental Impact Report (REIR) for the September Ranch Subdivision Project, which was prepared for Monterey County by Michael Brandman Associates and is dated December 2004. The District is responsible for the integrated management of water resources within its boundaries, which include the project area. The District provided comments on the original Notice of Preparation (NOP) for the EIR for the September Ranch Subdivision Project (EIR #95-05) on September 14, 1995 (**Enclosure 1**), the Draft EIR on December 15, 1997 (**Enclosure 2**), and the NOP for the REIR on March 21, 2003 (**Enclosure 3**). These previous comments are provided here for reference purposes. Our comments on the Draft REIR for the September Ranch Subdivision Project are provided below.

Page 3.1, Paragraph 5: This paragraph ends with a description of "Old Thacker", a "driveway that leads into the quarry area". The next paragraph on page 3-2 begins with "Subsequently" and goes on to describe that Cal-Am was ordered to substantially limit its diversions. Given this non sequitur, it appears that a portion of the text describing the *Project Characteristics* has been omitted. This section of the Draft REIR should be reviewed and revised for correctness and completeness.

MPWMD 1-1

Page 3.2, Paragraph 2: This paragraph indicates that MPWMD requested that a small mutual water system independent of the Cal-Am water system provide potable water for the proposed September Ranch Project. As explained in our December 15, 1997 letter regarding the Draft EIR for the September Ranch Project (page 3, item 9), the District did not request that a mutual water system independent of Cal-Am provide potable water to the September Ranch Project. More accurately, because of limitations on production from the Cal-Am system imposed as part of SWRCB Order 95-10, the District recommended that the project applicant consider alternative modes of water supply that could include a private or mutual water supply company.

MPWMD 1-2

Comments on Draft REIR for September Ranch

March 18, 2005

Page 2

Page 4.2-5, Paragraph 4: The sixth sentence describes the southern trace of the Hatton Canyon Fault that crosses the September Ranch Terrace as "... a northwest trending normal fault with Quaternary displacement". However, information in Appendix B: Geotechnical Investigations (page 11 and cross sections on Plates 6 and 7) indicates the fault dips steeply (80 degrees) to the south with the south side relatively upthrown, which would be a reverse fault. This discrepancy should be clarified.

MPWMD 1-3

Page 4.3-1, Paragraph 5: In the synopsis of the conclusions reached by Kennedy/Jenks Consultants (KJC) regarding water supply and availability for the September Ranch Project, it is stated that "the project will have a less than significant effect on the adjacent Carmel Valley Aquifer (CVA) in relation to the significant water resources within the CVA". This conclusion, which seems to rely on a comparison of the relatively small amount of annual water demand attributable to the project with the larger amount of water available in the adjacent CVA, is questionable. In assessing impacts, the key determinant is whether or not the project, i.e., an increase in annual water demand of 54.21 acre-feet per year (AFY), will cause a significant effect on the environment, i.e., surface and ground water resources available in the adjacent CVA and dependent resources such as the Carmel River steelhead population, over time. It is not a matter of comparing a small amount with a large amount. This is especially important in a river system in which the public trust resources are being adversely affected by existing diversions (SWRCB Order 95-10) and that has been designated as fully appropriated during the May 1 through December 31 period (SWRCB Order 98-08). This issue is discussed further in the comments below.

MPWMD 1-4

Page 4.3-2, Paragraph 2: The text states that the SWRCB "concluded that the groundwater in the Carmel Valley Aquifer (CVA) below and surrounding the Carmel River was not properly classified as groundwater, but rather as underflow of the Carmel River and, thus, subject to the surface water rights system (SWRCB Order No. WR 95-10, [July 6, 1995])". Technically, the SWRCB in Order 95-10 found that "downstream of RM 15 of the Carmel River, the aquifer underlying and closely paralleling the surface water course of the Carmel River is water flowing in a subterranean stream and subject to the jurisdiction of the SWRCB" (page 38). The SWRCB did not make any finding whether or not the groundwater in the CVA was "underflow" of the Carmel River. In either case, diversion and use of groundwater in the CVA is subject to the jurisdiction of the SWRCB. The reference to "underflow" in this context is not accurate and should be corrected here and at other locations in the document to avoid confusion.

MPWMD 1-5

Page 4.3-6, Paragraph 2: The text states that SWRCB Order 95-10 "allows Cal-Am to divert a maximum of 14,106 AFA from the Carmel River until unlawful diversions from the Carmel River are ended". This statement is inaccurate. Order 95-10 directed Cal-Am to immediately cease and desist diverting any water in excess of 14,106 AFY from the Carmel River (Ordering Paragraph 1, page 40) and required Cal-Am to divert no more than 11,990 AFY in Water Year 1996 and 11,285 AFY in each subsequent water year (Ordering Paragraph 3(b), pages 40-41).

MPWMD 1-6

Page 4.3-11, Paragraph 1: The text indicates that KJC concluded that "any reduction in rejected flow (spillage) from the SRA will not have significant effect on the Carmel River and its underlying aquifer". This conclusion is based primarily on a comparison of the average annual aggregate

MPWMD 1-7

Comments on Draft REIR for September Ranch
 March 18, 2005
 Page 3

difference between inflow and outflow in subunits AQ3 and AQ4 of the CVA during normal and dry periods with the estimated riparian and pre-1914 appropriative water rights for AQ3 and AQ4. As discussed above, the assessment of impacts should address effects from the project over time, with special attention to dry periods. Rather than using average annual values that tend to mask effects, the analysis should focus on the cumulative effect of specific annual values during dry periods.

For example, rather than focusing on the average annual difference between inflow and outflow in AQ3 during the "1984-1991 dry period", the analysis should focus on the cumulative depletion of ground water in AQ3 during the February 1986-February 1991 dry period and assess whether or not a reduction in "rejected recharge" from the September Ranch Aquifer (SRA) to subunit AQ3 of the CVA would significantly affect the river and underlying aquifer. During the February 1986 through February 1991 simulated period, groundwater storage in AQ3 fell from 19,615 AF to 10,931 AF. If the September Ranch Project had been in place and was using the projected 57.21 AFY, then rejected recharge from SRA to CVA would be reduced by approximately 300 AF. The analysis should assess whether or not a reduction of 300 AF of recharge from SRA to subunit AQ3 of the CVA during a period of stress when AQ3 storage has been depleted by approximately 8,700 AF constitutes a significant effect on the river and underlying aquifer.

MPWMD 1-7

Page 4.3-13, Paragraph 6: The text indicates that "the saturated surface area is about 51.8 acres in average rainfall periods (e.g., water year 1997) and about 49.2 acres in below average periods (e.g., water years 1998, 1999, and 2000)". Rainfall at San Clemente Dam in Water Year 1998 was 46.29 inches, the highest annual total ever recorded at this site, and clearly above the long-term average of 21.33 inches. This reference should be checked and corrected.

MPWMD 1-8

Page 4.3-31, Paragraph 6: The text discusses the limited hydraulic connectivity between SRA and CVA and introduces the concept of "rejected recharge", i.e., "excess groundwater from the SRA spills over and serves as recharge to CVA". It should be noted that the subsurface recharge used in the CVSIM simulation that was provided to KJC included approximately 2,600 AF per year that originated from the "sidewalls" of Carmel Valley in the AQ3 reach. Based on model calibration that was performed, it was estimated that an average of 7.12 AF per day of groundwater occurred as subsurface inflow into AQ3 from adjacent up gradient sources. A portion of this subsurface inflow is attributable to the September Ranch area and would be affected by increased pumping from the SRA. This should be clarified in the text.

MPWMD 1-9

Page 4.3-32, Paragraph 3: The text indicates that "groundwater elevations for water years 1997 (October through December) and 1998 (January through September) were used to represent average rainfall years in calculating storage". The conventional "water year" is the 12-month period beginning October 1 and ending September 30 of the following calendar year. For example, Water Year 1998 began on October 1, 1997 and ended on September 30, 1998. As mentioned above, rainfall during Water Year 1998 was significantly above average and unimpaired runoff at San Clemente Dam during the year, i.e., 226,900 AF, was classified as "extremely wet". The Draft REIR should define and use a conventional and consistent water year format.

MPWMD 1-10

Comments on Draft REIR for September Ranch
 March 18, 2005
 Page 4

Page 4.3-33, Paragraph 1: The text indicates that the District entered into a Memorandum of Understanding (MOU) with September Ranch Partners that used a value of 261 AF as estimated storage in the September Ranch basin and compares this value with KJC's estimate of 304 AF of groundwater in storage in average rainfall years. It should be noted that the storage estimate described in the MOU was specific to the "upper unit of the SR Aquifer", i.e., Qoa₁, and does not include storage in the lower unit, i.e., Qoa₂. It is the District's understanding that KJC's estimate applies to the "yearly average" storage in both units, i.e., Qoa₁ and Qoa₂, and is not comparable to the 261 AF storage value specified in the MOU. This comparison should be clarified in the REIR.

MPWMD 1-11

Page 4.3-42, Paragraph 3: The text summarizes the preceding water balance analysis and concludes that "the two sets of storage results categorically suggest that in either normal or drought precipitation periods pumping the projected project demand from the SRA will not result in a reduction of ground water storage volume in the CVA". The two sets of storage results are presented in Table 4.3-7, *Predicted Water Level Changes in the September Ranch Aquifer*, which relies on recharge estimates derived in Table 4.3-4, *Annual Cumulative Recharge Values*. The text indicates that there is between 187 and 205 AFY available for exchange between the SRA and CVA in water years with average rainfall and between 8 and 25 AFY available for exchange during extended drought periods.

Given that the set of storage results suggest that under pre-project conditions, there would be between 241 and 259 AFY available for exchange during average years and between 63 and 79 AFY available for exchange during drought years, the conclusion that that projected demand from the SRA will not result in a reduction of ground water storage volume is the CVA is questionable. In either case, under post-project conditions the amount of recharge available from the SRA to CVA will be reduced by 54 AFY. Certainly, during extended drought periods when ground water storage is depleted in AQ3, the additional recharge available from the SRA under pre-project conditions would contribute to storage in AQ3. During the 1987-1991 drought period, this additional recharge would total approximately 270 AF.

MPWMD 1-12

It should also be noted that the inflow values used for average rainfall years in Table 4.3-7 assume an ET loss-factor of 70 percent, while the inflow values used for below average rainfall years in Table 4.3-7 assume an ET loss-factor of 85 percent. The analysis should use the same assumption or explain why a different ET loss-factor was used for below average rainfall years.

Page 4.3-44, Paragraph 3: In the beginning of this paragraph, KJC acknowledge that their estimate of exchange between the SRA and CVA based on Darcy's equation are "unrealistically minor" and indicate that they place greater confidence in their estimates of exchange that are based on their water balance analysis, i.e., 182 to 201 AFY. What is the mechanism for transmitting this volume of water from the SRA to the CVA and what criteria were used to determine that this exchange rate is "limited"?

MPWMD 1-13

In the last sentence of this paragraph, KJC concludes that there would be an insubstantial change in the baseflow of the Carmel River due to the "relatively small amount of loss from project use". As discussed above, this type of comparison is insufficient to determine environmental impacts,

Comments on Draft REIR for September Ranch
 March 18, 2005
 Page 5

especially to biological resources as implied in the text. The effect of the increased demand from the project on the Carmel River, the underlying alluvial aquifer, and dependent resources such as the Carmel River steelhead population should be assessed over time under worst-case conditions.

MPWMD 1-13

Page 4.4-6, Paragraph 2: The text indicates that implementation of the proposed project will result in previously pervious land being covered with impervious surfaces such as roads, driveways, and structures that will modify the amount and timing of runoff from the property. Were these modifications factored into the water balance analysis? What effect will the increase of impervious surfaces have on the amount of runoff available for recharge to the SRA?

MPWMD 1-14

Page 4.9-16, Paragraph 3: This text addresses the “indirect” effect that the post-project water demand (57.21 AFY) could have on the Carmel River steelhead population “if the project results in reduced flows within the Carmel River (i.e., through pumping from the September Ranch Aquifer [SRA])”. The section refers to the National Marine Fisheries Service (NOAA Fisheries) technical report, *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, dated June 3, 2002, and acknowledges that the report “identifies that there should be no new diversions from the Carmel River during the low flow period between June 1st and October 31st”. Accordingly, the Draft REIR states that the project “will be required to withdraw only during the seven months outside of the low flow period”, i.e., November 1 through May 31. The Draft REIR concludes that, at a rate of 57 AFY, the maximum project withdrawal will be 8 AF per month (i.e., 57 AF divided by 7 months equals 8.14 AF per month) and that this withdrawal “will not affect the sustainability of steelhead populations”.

This analysis disregards the limiting effect of the bypass flows recommended by NOAA Fisheries for the November through May period. During this period, “new projects” can divert from the Carmel River and underlying alluvial aquifer (Carmel River system) only when the specified minimum bypass flows are exceeded in specified reaches of the Carmel River. For example, during November, new projects can divert when there is a minimum of 20 cubic feet per second (cfs) at the Narrows and 5 cfs at the Lagoon. Similarly, between December 1 and 15, new projects can divert when there is a minimum of 40 cfs at the Lagoon. During the December 15 through May 31 period, the minimum bypass flow requirements are more variable and depend on water year type, month, and whether or not a steelhead attraction event has occurred. During this period, new projects between River Mile 18.6 (San Clemente Dam) and River Mile 5.5 (adjacent to the Earthbound Farm location) can divert when there is a minimum bypass flow ranging from 90 and 200 cfs in the Lower Carmel Valley. **Enclosure 4, Table 9. Recommended Minimum Instream Surface Flows and Cumulative Maximum Rates of Withdrawal for New Water Diversions on the Carmel River**, is taken from the NOAA Fisheries report and provides a summary of the minimum bypass flows recommended for new diversions from the Carmel River system.

MPWMD 1-15

An analysis of the effect of these bypass flow requirements on new diversions in the reach between San Clemente Dam and Earthbound Farm during the December 15, 2002 through May 31, 2003 period is provided in **Enclosure 5**. This period was selected for analysis because the District’s Aquifer Storage and Recovery (ASR) Project was in operation during this period and diversions from the Carmel River system during this period were governed by the NOAA Fisheries bypass flow

Comments on Draft REIR for September Ranch
 March 18, 2005
 Page 6

recommendations, as required by the SWRCB. As shown, based on the actual flows that were measured at the USGS *Carmel River Near Carmel* gaging station (RM 3.2) between December 16, 2002 and May 31, 2003, new diversions from the Carmel River system between San Clemente Dam and Earthbound Farm would be allowed 95 days during this 167-day period. Conversely, new diversions would not be allowed for 72 days during this period. For the entire water year, new diversions would be allowed on 96 days, or 26% of the time.

The Draft REIR should explain how the bypass flows recommended by NOAA Fisheries for the Carmel River apply to diversions by the proposed September Ranch Project and how the project can comply with the instream flow requirements, and provide a reliable year-round supply of water for the proposed residences.

MPWMD 1-15

In this regard, the draft REIR should provide an operations plan for the proposed water distribution system that describes the number, location, and type of production wells that will serve the project. The plan should also describe how the wells will be operated during the year. This type of plan, which was included in the Final EIR, should clarify the periods when water would be diverted from the SRA.

Page 5-2, Paragraph 4: This section of the *Cumulative Impacts* chapter refers to the KJC report for the proposed project that used 110 AFY as the "current metered pumping rate" for the site and indicates that, given the projected demand of 57.21 for the project, "project implementation will result in a reduction in water demand at the project site". This section is inaccurate, inconsistent with the pre-project annual water demand (3 AFY) used throughout the Draft REIR, and should be revised accordingly.

MPWMD 1-16

Thank you for the opportunity to review the Draft REIR for the September Ranch Subdivision Project. We trust that our comments will be addressed in the Final EIR for the project. If you have any questions or would like to discuss our comments, please contact our Project Manager, Henrietta Stern, at 831/658-5621.

MPWMD 1-17

Sincerely,



David A. Berger
 General Manager

Enclosures

cc: Henrietta Stern
 Joe Oliver



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

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September 14, 1995

Mr. Andrew Harris, Jr.
Assistant Planner
Monterey County Planning and Building Inspection Department
P.O. Box 1208
Salinas, CA 93902

**Subject: Notice of Preparation, Environmental Impact Report for September Ranch
EIR # 95-03**

Dear Mr. Harris:

In response to the above-referenced Notice of Preparation, the Monterey Peninsula Water Management District (MPWMD) is submitting the following information, which includes specific items for discussion in the project Environmental Impact Report (EIR) for September Ranch. These items focus on the water supply for the September Ranch project, and the potential environmental impacts associated with water supply utilization by this proposed development.

Well Development and Water Supply Study Background

The first well to be drilled on the September Ranch property was completed in 1931 and was known as the "Old Hatton" well. This well was located in the pasture area adjacent to and north of Carmel Valley Road. In 1966, the California-American Water Company (Cal-Am) reportedly produced water for municipal supply from this well, during a time when supplemental water supplies were needed. In 1985, the owners of the September Ranch property (then called Carmel Real) commissioned a study to investigate the source of water for the Old Hatton well (David Keith Todd Consulting Engineers, Inc. [DKT], 2/27/85). In 1988, this well was proposed to supply a proposed development on the September Ranch property, which was at that time to be called "Canada Segunda" (3/10/88 letter from Porter-Marquard Realty to MPWMD). The Old Hatton well was abandoned in 1990 at the time that a new production well, the "September Ranch" well was completed. In 1991, in response to the critically-dry conditions brought on by the 1987-91 drought, the MPWMD initiated a study of emergency water supply projects, and the September Ranch well was included as a possible emergency project. As part of this study, the September Ranch well was test pumped for a short period, and the results of this test concluded that the well should be pumped for a longer period in order to more adequately address questions regarding the interconnection of the water source for this well to the Carmel Valley alluvial aquifer (MPWMD Technical Memorandum 91-03).

Mr. Andrew Harris, Jr.
September 14, 1995
Page 2

In 1992, following the drought, the September Ranch project representatives offered to continue the hydrogeologic investigation of the September Ranch well. This offer was made in the anticipation that, if this source could be approved by the MPWMD as a viable emergency water supply project, an allocation of water would be granted for the proposed development from the Cal-Am system. This work led to the completion of a report entitled "Evaluation of Groundwater Resources for September Ranch, Carmel Valley, California" (DKT, 12/92), as well as several addenda to that report. The results of these investigations were presented to the MPWMD Board on June 21, 1993. At that time, the Board did not approve the September Ranch well as an emergency supply project, but did form a Board committee to further consider the requested water allocation for September Ranch.

In April 1994, based on a committee recommendation, September Ranch Partners (SRP) submitted an application to the District to annex the northern portion of the September Ranch property into the Cal-Am service territory. At the same time, SRP proposed a Memorandum of Understanding (MOU) with the District that would outline the conditions necessary to secure an annual water entitlement for the project. As part of the proposed MOU, a Water Availability Statement would be developed and provided to the Monterey County Planning and Building Inspection Department. This statement would document the District's willingness to reserve approximately 46 acre-feet from the Cal-Am system for use on the September Ranch property and would, according to SRP representatives, allow SRP to proceed with their preliminary subdivision map process.

The MOU was approved by the District Board on July 18, 1994, and the annexation was approved on September 19, 1994. A copy of the Water Availability Statement from the MOU is enclosed for your review and records (Enclosure 1). Please note that the water reservation in the Water Availability Statement is conditional and, more specifically, that the amount reserved "must await completion of an Environmental Impact Report by SRP". As specified in the MOU, the final determination will be based on "future hydrologic analyses including, but not limited to, such analyses as may be referenced in the EIR". It should also be noted that the annexation did not include an increase in the production limit for the Cal-Am system for use on the September Ranch. The action by the District Board simply allowed Cal-Am to extend its service territory to include the entire September Ranch property. Any future increase in the Cal-Am production limit to serve the September Ranch property will need to be preceded by a separate environmental review.

Based on this background, the information contained in the hydrology reports, and the comments provided by the District and Mr. Robert Greenwood (see Enclosure 2), we strongly recommend that the scope of the EIR include a thorough discussion of the topics listed below.

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Recommended EIR Issues

1. **Degree of hydraulic connection between the September Ranch well and the Carmel Valley aquifer** At the conclusion of the studies conducted by DKT, MPWMD staff agreed with the consultant's conclusion that the September Ranch basin can be considered as "semi-isolated" from the Carmel Valley aquifer. This agreement is based on the test data that did not show evidence of direct communication, such as from a recharge boundary condition, between the two basins. However, in our opinion, the actual nature of the connection between the two basins at the southwestern end of the September Ranch basin is speculative and has not been proven. Specifically, in order to make a determination of the quantity of "new" water that could be made available to the Cal-Am system, the nature and the effectiveness of the barrier at the southwestern end of the September Ranch at varying water levels needs to be better defined.

In this context, "new" water is water that would remain "perched" in the September Ranch basin when drawdowns occur in the adjacent Carmel Valley aquifer. Rather than flow through the subsurface opening at the southwestern end of the September Ranch basin to the Carmel Valley aquifer, the water would remain in storage in the September Ranch basin, behind a theorized barrier. This water would be "new" in the sense that, without the production wells and distribution facilities proposed by SRP, the water would not flow to the Carmel Valley aquifer and, therefore, would be inaccessible to Cal-Am's production wells in Carmel Valley. Conversely, if the water in storage in the September Ranch basin is able to flow through the subsurface opening at the southwestern end of the basin and recharge the Carmel Valley aquifer, then it would not be considered "new" water.

Specific information should be provided in the EIR that defines the geologic and hydraulic barriers at the southwestern end of September Ranch that have been suggested by DKT. This information should quantify the ground water flow that "occurs by means of slow percolation of water through the intervening Monterey Formation and/or overtopping of the western "lip" of the SR groundwater basin" (DKT, 1992, pages 24-25). This information should be based on accurate subsurface data collected along the southwestern third of the September Ranch basin.

2. **Development of Operations Plan for wells in September Ranch basin** In order to assess the benefits and impacts from the proposed ground water development on September Ranch and the integration of this source into the Cal-Am system, a specific project description needs to be provided in the EIR. This description should include a detailed operations plan that explains how and when the proposed September Ranch wells would be operated in conjunction with Cal-Am's production wells in Carmel Valley. The purpose of the plan should be to demonstrate that the water supply benefits of the proposed project outweigh the potential adverse impacts of the project. The operations plan should utilize a monthly time step.

Mr. Andrew Harris, Jr.

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3. **Impact of SWRCB's order on water rights** In July 1995, the State Water Resources Control Board (SWRCB) adopted Order No. WR 95-10 in response to complaints filed against Cal-Am's current diversions from the Carmel River. Order No. WR-95-10 is notable for a number of reasons:
- (a) the aquifer underlying and closely paralleling the surface water course of the Carmel River is water flowing in a subterranean stream and, therefore, subject to the jurisdiction of the SWRCB,
 - (b) Cal-Am is diverting about 10,730 acre-feet per year from the Carmel River or its underflow without a valid basis of right,
 - (c) Cal-Am diversions are having an adverse effect on the riparian corridor along the river below San Clemente Dam, wildlife which depend on instream flows and riparian habitat, and steelhead which spawn in the river, and
 - (d) Cal-Am should reduce its diversions from the Carmel River by 15 percent in Water Year 1996 and 20 percent in each subsequent year. The base for measuring the reductions is 14,106 acre-feet.

The EIR should include a discussion of SWRCB Order WR 95-10 and its implications regarding Cal-Am's ability to provide additional water service to the proposed September Ranch Project from its Carmel Valley sources. The discussion should also address how the SWRCB's reclassification of the subsurface waters in the Carmel Valley aquifer affects the legal definition of water in the adjoining September Ranch basin. Any determinations by the SWRCB regarding this question should be documented in the EIR.

4. **Alternative Analysis** The alternative analysis section in the EIR should address the possibility and feasibility of developing a separate water distribution system to serve the water supply needs of the proposed September Ranch Project. Under this alternative, the system would be supplied entirely from the September Ranch ground water basin.

Thank you for the opportunity to comment on issues that we feel should be discussed in the EIR for the September Ranch Project. If you have any questions regarding our comments, please contact Darby Fuerst or Joe Oliver of our office.

Sincerely,

William F. Hurst
Interim General Manager

enclosures



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

187 ELDORADO STREET • POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (408) 649-4866
FAX (408) 649-3678 • <http://www.mpwmd.dst.ca.us>
December 15, 1997

Andrew W. Harris, Jr.
Associate Planner
Monterey County Planning & Building Inspection Department
P.O. Box 1208
Salinas, CA 93902

Subject: Review of Draft Environmental Impact Report for the September Ranch Preliminary Subdivision Map, EIR # 95-03

Dear Mr. Harris:

This letter is in response to your letter dated October 30, 1997, requesting that the Monterey Peninsula Water Management District (MPWMD or District) review the above-referenced document. This Draft Environmental Impact Report (Draft EIR) was prepared for Monterey County by Denise Duffy & Associates, and is dated October 27, 1997. Our comments are provided below and are divided into general and specific comments.

GENERAL COMMENTS

1. The utility of the document would be enhanced by the inclusion of numbering for each identified impact. Almost every EIR document for a similar scope project that we are aware of includes numbering to facilitate reference to specific impacts.
2. In summary, we feel the Draft EIR document provides a detailed description of the water supply setting and potential impacts associated with the proposed project, and is a significant improvement from the Administrative Draft EIR (ADEIR) document dated July 8, 1996. As such, the current document adequately addresses many of the previously expressed concerns of the District. However, in reviewing this document we have found that a number of comments provided in our August 9, 1996 review of the ADEIR or other review correspondence have not been addressed. These comments are reiterated as noted in the Specific Comments section below.

SPECIFIC COMMENTS

3. *Page 3-10, Table 1* In the agency listing of permit/approvals required for the September Ranch project subdivision, it should be noted that applications are required to be submitted and approved by the MPWMD for both (1) the de-annexation of the September Ranch project area from the California-American Water Company (Cal-Am) service territory, and (2) the creation of a new Water Distribution System (WDS) to serve the proposed project. This is consistent with the discussion on page 4-26, fourth paragraph. This comment was also provided in our August 9, 1996 review of the ADEIR document.

Mr. Andrew Harris

December 15, 1997

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4. *Page 4-27, third paragraph* It is stated here that the water supply for the project is proposed to be provided by a "small mutual water supply company". It is our understanding through recent project meetings, however, that the applicant was proposing that a privately-owned company would own the water supply system, and it would be operated as an independent unit of the Cal-Am system. This should be clarified.
5. *Page 4-32, third paragraph* This paragraph describes evidence for the conceptual model of a subsurface barrier or boundary that encompasses the southwestern portion of the September Ranch basin, composed of the Monterey Formation and the older alluvium unit, Qoa2. The fifth sentence discusses the interpretation by Todd Engineers that the top of the lower permeability Qoa2 unit lies at 43 feet above mean sea level at its lowest point along the southwest boundary of the September Ranch basin. In addition, closure across the entire southwest portion of the September Ranch basin by the underlying Monterey Formation is indicated by the +40 foot contour in Figure 1 of the March 14, 1997 Todd Engineers memorandum. This conceptual model is not substantiated from a geologic perspective. It should be noted here that nowhere in any of the documentation provided on the project, has a plausible geologic explanation been brought forth that supports this conceptual model. Specifically, what geologic mechanism(s) is (are) hypothesized to be responsible for the "interruption" between the more permeable alluvial sediments between the September Ranch and Carmel Valley basins? How could this account for the occurrence of both the Qoa2 unit and the Monterey Formation at their respective minimum elevations in the southwest portion of the basin, that are well above the elevation of the more permeable alluvial materials in the September Ranch and Carmel Valley basins? A credible and defensible explanation for the occurrence of the hypothesized boundary should be a fundamental first step in adequately describing the local ground water system, in accordance with basic tenets of geologic science, and should be discussed independent of the results of the pumping tests or other subsurface information. This comment was also provided in our May 12, 1997 review of the March 14, 1997 Todd Engineers memorandum.
6. *Page 4-34, fourth paragraph* This paragraph discusses that it is not possible to accurately establish the rate of ground water flow from the September Ranch basin to the CV aquifer, because the precise extent or permeability of the subsurface connection is not known, and because subsurface flow rates will vary continuously with rainfall, ground water gradient, pumping patterns and river level. While we agree with this assessment, we do not agree with the concluding statement of this paragraph: "It is not necessary to define the rate of ground water flow". The rate of flow from the CV aquifer to the September Ranch basin, which should be expressed as a range of potential values, is an important factor in assessing possible direct impacts on the CV aquifer system as a result of pumping from the September Ranch basin.
7. *Page 4-44, second paragraph* This paragraph discusses the State Water Resources Control Board's (SWRCB's) authority with regard to water in the Carmel River basin. However, the discussion does not include how the SWRCB's recent reclassification of the subsurface water in the Carmel Valley aquifer affects the legal definition of water in the

Mr. Andrew Harris
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- adjoining September Ranch basin. Documentation of the SWRCB's consideration and determination regarding this issue needs to be referenced in the EIR. This comment was also provided in our August 9, 1996 review of the ADEIR document.
8. *Page 4-44, second paragraph* The last sentence in this paragraph incorrectly states that the State Water Resources Control Board (SWRCB) Order WR 95-10 limits Cal-Am production from the Carmel River basin "to 11,285 AFY in water year 1997, and will be reduced and [sic] additional 20 percent each year until the entire 10,730 acre-feet are replaced or Cal-Am successfully amends their water rights". The actual water conservation measure required by the SWRCB Order specifies a goal of achieving 20 percent conservation in Water Year 1997 and each subsequent year, rather than additional reductions each year. This comment was also provided in our August 9, 1996 review of the ADEIR document. In addition, it should be noted that Cal-Am did not meet this goal for Water Year 1997, and the SWRCB subsequently issued an administrative civil liability complaint against Cal-Am on October 20, 1997, which included a fine of \$168,000.
 9. *Page 4-44, fourth paragraph* In the first sentence, it is stated that ... "in response to a request from the MPWMD, the property owner applied to the MPWMD to annex this portion of September Ranch into the Cal-Am service area". As a point of clarification, the MPWMD's request came in response to a proposal from the property owner's representative that the proposed September Ranch subdivision be served by the Cal-Am system. In order for Cal-Am to be authorized to serve this property, an application to annex the property had to first be submitted and approved by the District Board. This is outlined in a letter from the District to the property owner's representative, dated August 9, 1993. Similarly, in the third sentence it is stated that ... "the MPWMD has requested that the property owners develop a mutual water supply company and not connect to the Cal-Am system". This request stems from the SWRCB's adoption of Order WR 95-10. Because of the limitations on production from the Cal-Am system imposed as part of the Order, this would likely preclude the possibility of approval for Cal-Am service to the proposed subdivision. If the applicant wished to proceed, the District recommended that consideration should be given to alternate modes of water supply, which could include a private or mutual water supply company. This is outlined in our August 9, 1996 review of the ADEIR document. It should be noted that service from a private or mutual water supply company will require that the area first be de-annexed from the Cal-Am service territory, and a Water Distribution System (WDS) permit be issued for the new system.
 10. *Page 4-44, fifth paragraph* This paragraph discusses the applicability of Monterey County Ordinance No. 3359 conservation requirements to the project. However, the document does not discuss the conservation provisions within the MPWMD Rules and Regulations, which are more restrictive than Ordinance No. 3359, and would apply to this project. This comment was also provided in our August 9, 1996 review of the ADEIR document.
 11. *Page 4-45, second paragraph* A summary of the water production data for the September Ranch well from the District's records is included as Enclosure 1, as an update to the

Mr. Andrew Harris

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- discussion of existing water demand in this paragraph. As shown, water production has varied from zero to 78.34 acre-feet during Reporting Years (RY's) 1991 to 1997. Most of this production occurred during aquifer tests in RY's 1993 and 1997. Water produced during the aquifer tests was discharged by pipeline to the Carmel River downstream from the production well. Since 1980, all wells within the District been required to be registered and report water production on an annual basis. No historical water production has been reported to the District under this program prior to RY 1991.
12. *Page 4-45, fourth paragraph* This paragraph summarizes the monitoring of water production for irrigation on a portion of the September Ranch terrace during the 14-week period from July 1 through October 10, 1997, and calculates that an annual total of approximately 95 acre-feet per year of water could be applied if extrapolated to the entire 21 acres of the terrace area that is suitable for irrigation. This equates to an annual water production factor of 4.5 acre-feet per acre. Based on the District's current well reporting records (i.e., RY 1997), this is the highest water production factor for irrigation in Carmel Valley, and appears to be the highest factor for any current irrigated land use type within the District. Accordingly, the EIR should include additional documentation on the nature of this water production requirement. This documentation should include reference to published sources of information on irrigated water requirements for similar crop type, climatic and soil conditions as at September Ranch.
 13. *Page 4-47, second paragraph* The reference for the normal year recharge estimate of 242 acre-feet per year should be cited, and more completely described as to the assumptions regarding this estimated recharge value. This comment was also provided in our August 9, 1996 review of the ADEIR document.
 14. *Page 4-47, fourth paragraph* It is stated here that ground water storage in the older alluvium unit (Qoa2) could be available as an additional source of supply during severe droughts, if necessary. This should be reconciled with the statement on page 4-32, paragraphs three and four, where it is noted that the Qoa2 unit should be characterized "as an aquitard which can slow ground water flow between the basins, but not prevent ground water flow from leaving September Ranch".
 15. *Page 4-49, second paragraph* Mitigation No. 8 requires that the applicant shall submit a final September Ranch basin operations and maintenance plan, subject to review and approval of the General Manager of the MPWMD and/or the Director of Health for Monterey County. This plan should be submitted as soon as possible and before certification of the final EIR, so that its effectiveness as a mitigation can be analyzed and assessed. The plan should include some contingency if it is determined that impacts can not be adequately mitigated.
 16. *Page 4-49, second paragraph* It is not clear from the decryption of Mitigation No. 8 if this mitigation would include treatment for increased Total Dissolved Solids by desalination, such as is being used at the adjacent Monterra Ranch subdivision.

Mr. Andrew Harris
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17. *Page 4-53, first paragraph* The description of known or potential impacts to off-site users should include an estimate of the order of magnitude of this use, and how this use would be offset as a mitigation.
18. *Page 5-7, last paragraph* It should be noted here that a supplement to the District's water allocation program EIR is planned for preparation in 1998. This supplement will address the SWRCB's recent water rights decisions regarding diversions from the Carmel River system and their impact on public trust resources, as well as the recent listing of the steelhead and red-legged frog species as threatened under the federal Endangered Species Act.

Thank you for the opportunity to review this document. We trust that adequate responses to these comments will be included in the Final EIR for this project. If you have any questions, please contact our project coordinator, Henrietta Stern, so that they can be directed to appropriate staff member. We look forward to further discussion of the issues associated with this project in the future.

Sincerely,



Darby W. Fierst,
General Manager

enclosure

WATER PRODUCTION DATA
September Ranch Well -- APN 015-171-009
Reporting Years 1991-1997 ¹
(All values in Acre-Feet)

Reporting Year	Water Production	Reporting Method ²
1991	0.00	PC
1992	1.20 ³	WM
1993	40.68 ⁴	WM
1994	11.58 ⁵	WM
1995	0.40	WM
1996	1.08	WM
1997	78.34 ⁶	WM

- ¹ Reporting Year begins July 1 and ends June 30. District records indicate that there was no well registered and no water produced from Reporting Years 1981 through 1990.
- ² Reporting method refers to the methods by which water production is estimated by the District and includes land use (LU), power consumption (PC), and water meter (WM) methods.
- ³ Temporarily metered during short term aquifer test from 7/11/91 through 7/13/91, as reported on page 4 of MPWMD Technical Memorandum 91-03. Water discharged via pipeline to Carmel River.
- ⁴ Quantity produced from 1992 aquifer testing, as reported in Todd Engineers, 12/92 report, page 53. Water discharged via pipeline to Carmel River.
- ⁵ Water meter installed between 9/20/93 and 9/23/93
- ⁶ Of this total, about 52 acre-feet were produced during a 47 day period of aquifer testing, as reported on page 24 of the 3/14/97 memorandum prepared by Todd Engineers. Water discharged via pipeline to Carmel River.



**MONTEREY PENINSULA
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March 21, 2003

Alana Knaster
Monterey County Planning and Building Inspection Dept.
2620 First Avenue
Marina, CA 93933

**Subject: MPWMD Comments on Notice of Preparation for Revised EIR for
September Ranch Subdivision Project, EIR #95-03**

Dear Ms. Knaster:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on the proposed Revised EIR for the September Ranch Subdivision Project. The District is responsible for management of water resources within its boundaries, which include the project area.

District Water Distribution System Permit Needed: Please note that all water distribution systems and/or wells created, constructed, amended or expanded within the District must comply with District Rules and Regulations. Requirements include: well registration and meter installation according to District specifications, meter inspection by District staff, and annual reporting of water use. Conversion of one parcel to multiple parcels through the subdivision process requires a permit to amend an existing water distribution system.

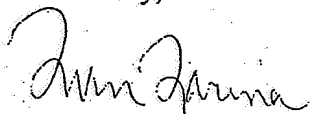
Initial Study, Pages 16-17, Hydrology and Water Quality: The District concurs that extensive hydrologic and hydrogeologic evaluation is needed in the REIR. Because the results of these studies cannot be known at this time, the District believes it is premature to conclude there would be less than significant impacts with mitigation incorporated. The text only states "mitigation measures will be recommended, as appropriate, to reduce potential impacts." The discussion on page 17 does not identify any specific mitigation measure for an identified impact and offers no evidence that these measures will indeed reduce potential impacts to a less than significant level. The cumulative effects of groundwater development within the Carmel River alluvial aquifer should also be carefully assessed.

Initial Study, Page 22, Utilities and Service Systems: The District concurs that a careful review of this issue is needed in the REIR. The cumulative impacts of the September Ranch water system and the increasing number of other water distribution systems in Carmel Valley is of concern, especially in light of continued adverse effects of cumulative water use on the Carmel River and threatened species and habitat it supports.

Request for Consultation: Over the years, the MPWMD has expressed significant concerns about the September Ranch project and has posed many questions which have not been satisfactorily answered to date. Topics include: hydrogeology, water rights, compliance with existing conservation regulations, and reliability of baseline production values, among others. The District requests an opportunity to meet with Monterey County Planning staff to review these issues at your earliest convenience.

Thank you for your consideration of these comments. If you have further technical questions, please contact Joe Oliver, Water Resources Division Manager, at 831/658-5640.

Sincerely,



Fran Farina
Acting General Manager

cc: MPWMD Board
Henrietta Stern
Joe Oliver

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Prepared by H Stern 3/21/03 2 pp

Table 9. Recommended minimum instream surface flows and cumulative maximum rates of withdrawal for new water diversions on the Carmel River.

<p style="text-align: center;">Winter Dec. 15 - April 15</p>	<p style="text-align: center;">Spring April 15 - May 31</p>	<p style="text-align: center;">Summer - Fall June 1 - December 15</p>
<p style="text-align: center;"><u>Wet, Normal, Below Normal Water Years</u></p> <p>Prior to 1st Attraction event continue December bypass flows.</p> <p>Attraction event: estimated unimpaired flow to the Lagoon of 200 cfs. During Attraction events bypass sufficient to maintain 200 cfs to Lagoon.</p> <p>Following Attraction events, provide minimum bypass flow of 100 cfs between LPD¹ and SCD; a minimum bypass flow of 90 cfs between SCD and RM 5.5; a minimum bypass flow of 60 cfs between RM 5.5 and the Lagoon.</p> <p>Limit cumulative maximum average daily diversion rate to 80 cfs.</p>	<p style="text-align: center;"><u>Wet, Normal, Below Normal Water Years</u></p> <p>New projects must bypass 80 cfs between SCD and the Lagoon; above SCD, new projects must provide prorated flows yielding 80 cfs or inflow at SCD.</p> <p>Limit the cumulative maximum average daily diversion rate to 80 cfs.</p>	<p style="text-align: center;"><u>Wet, Normal, Below Normal Water Years</u></p> <p>No new diversions are warranted June 1 to October 31.</p> <p>If feasible, June 1 to October 31, authorized diversions upstream of the Narrows should divert only when flow at the Narrows exceeds 20 cfs; authorized diversions downstream of the Narrows should divert only when inflow to the lagoon exceeds 5 cfs.</p> <p>November: New projects can divert with minimum bypass of 20 cfs at Narrows and 5 cfs at Lagoon.</p> <p>December 1-15: New projects can divert with minimum bypass of 40 cfs.</p>
<p style="text-align: center;"><u>Dry and Critically Dry Water Years</u></p> <p>Attraction event: estimated unimpaired flow to Lagoon = 200 cfs in January; 100 cfs in February; 75 cfs in March. During Attraction events bypass sufficient to maintain 150 cfs to Lagoon.</p> <p>Following Attraction events, provide minimum bypass flow of 100 cfs between LPD¹ and SCD; a minimum bypass flow of 90 cfs between SCD and RM 5.5; a minimum bypass flow of 60 cfs between RM 5.5 and the Lagoon.</p> <p>Limit the cumulative maximum average daily diversion rate to 80 cfs.</p>	<p style="text-align: center;"><u>Dry and Critically Dry Water Years</u></p> <p>same as for normal and below normal water years</p>	<p style="text-align: center;"><u>Dry and Critically Dry Water Years</u></p> <p>same as for normal and below normal water years</p>

¹LPD = Los Padres Dam; SCD = San Clemente Dam

Source: National Marine Fisheries Service, June 3, 2002.

Carmel River Flow Versus NOAA Fisheries Minimum Bypass Flow Requirements: Water Year 2003
(All Values in Cubic Feet Per Second)

Date	Mean Flow at USGS Gage at Via Mallorca Bridge	Bypass Flow Requirement: San Clemente Dam to RM 5.5	Available Flow
16-Dec-02	1,250	200	1
17-Dec-02	924	200	1
18-Dec-02	567	200	1
19-Dec-02	512	200	1
20-Dec-02	741	200	1
21-Dec-02	592	200	1
22-Dec-02	489	200	1
23-Dec-02	391	200	1
24-Dec-02	319	200	1
25-Dec-02	270	175	1
26-Dec-02	236	150	1
27-Dec-02	214	125	1
28-Dec-02	273	200	1
29-Dec-02	666	200	1
30-Dec-02	502	200	1
31-Dec-02	510	200	1
01-Jan-03	449	200	1
02-Jan-03	371	200	1
03-Jan-03	312	200	1
04-Jan-03	266	200	1
05-Jan-03	237	175	1
06-Jan-03	212	150	1
07-Jan-03	190	125	1
08-Jan-03	171	90	1
09-Jan-03	149	90	1
10-Jan-03	395	200	1
11-Jan-03	434	200	1
12-Jan-03	340	200	1
13-Jan-03	288	200	1
14-Jan-03	258	200	1
15-Jan-03	235	175	1
16-Jan-03	212	150	1
17-Jan-03	190	125	1
18-Jan-03	175	90	1
19-Jan-03	164	90	1
20-Jan-03	156	90	1
21-Jan-03	153	90	1
22-Jan-03	146	90	1
23-Jan-03	134	90	1
24-Jan-03	128	90	1
25-Jan-03	121	90	1
26-Jan-03	115	90	1
27-Jan-03	110	90	1
28-Jan-03	106	90	1
29-Jan-03	99	90	1
30-Jan-03	93	90	1
31-Jan-03	90	90	0

Carmel River Flow Versus NOAA Fisheries Minimum Bypass Flow Requirements: Water Year 2003
(All Values in Cubic Feet Per Second)

Date	Mean Flow at USGS Gage at Via Mallorca Bridge	Bypass Flow Requirement: San Clemente Dam to RM 5.5	Available Flow
01-Feb-03	87	90	0
02-Feb-03	84	90	0
03-Feb-03	81	90	0
04-Feb-03	79	90	0
05-Feb-03	75	90	0
06-Feb-03	73	90	0
07-Feb-03	71	90	0
08-Feb-03	67	90	0
09-Feb-03	65	90	0
10-Feb-03	64	90	0
11-Feb-03	62	90	0
12-Feb-03	65	90	0
13-Feb-03	77	90	0
14-Feb-03	78	90	0
15-Feb-03	73	90	0
16-Feb-03	91	90	1
17-Feb-03	99	90	1
18-Feb-03	89	90	0
19-Feb-03	85	90	0
20-Feb-03	84	90	0
21-Feb-03	81	90	0
22-Feb-03	76	90	0
23-Feb-03	74	90	0
24-Feb-03	72	90	0
25-Feb-03	77	90	0
26-Feb-03	74	90	0
27-Feb-03	78	90	0
28-Feb-03	74	90	0
01-Mar-03	71	90	0
02-Mar-03	68	90	0
03-Mar-03	66	90	0
04-Mar-03	66	90	0
05-Mar-03	63	90	0
06-Mar-03	61	90	0
07-Mar-03	59	90	0
08-Mar-03	56	90	0
09-Mar-03	55	90	0
10-Mar-03	53	90	0
11-Mar-03	51	90	0
12-Mar-03	50	90	0
13-Mar-03	50	90	0
14-Mar-03	49	90	0
15-Mar-03	161	200	0
16-Mar-03	221	175	1
17-Mar-03	169	150	1
18-Mar-03	144	125	1
19-Mar-03	128	90	1

Carmel River Flow Versus NOAA Fisheries Minimum Bypass Flow Requirements: Water Year 2003
 (All Values in Cubic Feet Per Second)

Date	Mean Flow at USGS Gage at Via Mallorca Bridge	Bypass Flow Requirement: San Clemente Dam to RM 5.5	Available Flow
20-Mar-03	118	90	1
21-Mar-03	110	90	1
22-Mar-03	103	90	1
23-Mar-03	97	90	1
24-Mar-03	94	90	1
25-Mar-03	87	90	0
26-Mar-03	83	90	0
27-Mar-03	79	90	0
28-Mar-03	75	90	0
29-Mar-03	70	90	0
30-Mar-03	67	90	0
31-Mar-03	65	90	0
01-Apr-03	63	90	0
02-Apr-03	67	90	0
03-Apr-03	72	90	0
04-Apr-03	74	90	0
05-Apr-03	80	90	0
06-Apr-03	71	90	0
07-Apr-03	66	90	0
08-Apr-03	61	90	0
09-Apr-03	58	90	0
10-Apr-03	55	90	0
11-Apr-03	55	90	0
12-Apr-03	59	90	0
13-Apr-03	214	200	1
14-Apr-03	231	200	1
15-Apr-03	201	175	1
16-Apr-03	172	80	1
17-Apr-03	165	80	1
18-Apr-03	151	80	1
19-Apr-03	141	80	1
20-Apr-03	132	80	1
21-Apr-03	125	80	1
22-Apr-03	126	80	1
23-Apr-03	119	80	1
24-Apr-03	116	80	1
25-Apr-03	129	80	1
26-Apr-03	128	80	1
27-Apr-03	122	80	1
28-Apr-03	136	80	1
29-Apr-03	141	80	1
30-Apr-03	133	80	1
01-May-03	128	80	1
02-May-03	121	80	1
03-May-03	159	80	1
04-May-03	175	80	1
05-May-03	165	80	1

Carmel River Flow Versus NOAA Fisheries Minimum Bypass Flow Requirements: Water Year 2003
 (All Values in Cubic Feet Per Second)

Date	Mean Flow at USGS Gage at Via Mallorca Bridge	Bypass Flow Requirement: San Clemente Dam to RM 5.5	Available Flow
06-May-03	157	80	1
07-May-03	154	80	1
08-May-03	150	80	1
09-May-03	147	80	1
10-May-03	138	80	1
11-May-03	130	80	1
12-May-03	124	80	1
13-May-03	119	80	1
14-May-03	114	80	1
15-May-03	109	80	1
16-May-03	104	80	1
17-May-03	99	80	1
18-May-03	93	80	1
19-May-03	88	80	1
20-May-03	82	80	1
21-May-03	77	80	0
22-May-03	74	80	0
23-May-03	72	80	0
24-May-03	69	80	0
25-May-03	69	80	0
26-May-03	66	80	0
27-May-03	63	80	0
28-May-03	58	80	0
29-May-03	55	80	0
30-May-03	54	80	0
31-May-03	54	80	0

Total Number of Days Water is Available for New Diversions: 95

Notes:

1. Instream flow requirements taken from NOAA Fisheries report, *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Water*, dated June 3, 2002.
2. The USGS gaging station near Carmel is upstream of Via Mallorca Bridge, which is at River Mile 3.24.
3. "RM 5.5" refers to the point that is 5.5 river miles upstream of the mouth of the Carmel River. This point is near Earthbound Farm.
4. "Available Flow" refers to days in which measured flow in the Carmel River exceeds the minimum bypass flows recommended by NOAA Fisheries and diversions from the Carmel River system by new projects is allowed. "1" means flow is available and "0" means flows are not available in the reach between San Clemente Dam and Earthbound Farm.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD)

Response to MPWMD 1-1

Please refer to page 3-1A of Draft REIR.

Response to MPWMD 1-2

The comment is noted. The third sentence in paragraph two on page 3-2 of the Draft REIR has been deleted. This revision is included in Section 6, Errata.

Response to MPWMD 1-3

The comment is noted. The sixth sentence in paragraph 5 on page 4.2-5 of the Draft REIR has been revised to read as follows:

Tetrattech concluded that based on their exploration, there was no evidence for the north branch of the Hatton Canyon fault as it was previously mapped; however, when the southern trace was trenched it was identified as a northwest reverse fault with Quaternary displacement.

This revision is included in Section 6, Errata.

Response to MPWMD 1-4

The impacts analysis and conclusions are based on many factors including among others a quantitative assessment of maximum potential impacts to Carmel River flow, potential impacts to well levels, and a traditional water balance method. Please see Section 4.3 of the Recirculated Draft REIR. Please refer to MR-18: Hydrology & Water Availability (HMR-3 - Significance of Impact on the CVA and the Carmel River in Terms of Fisheries and HMR-4 - Significance of Impact on the Existing CVA Groundwater Users).

Response to MPWMD 1-5

Comment noted and text revised accordingly.

Response to MPWMD 1-6

The comment is noted. The fourth sentence of the second paragraph on page 4.3-6 has been revised read as follows:

Cal-Am's pre-1914 appropriate rights are set at 1,137 AFA and Water Rights Decision 95-10 directed Cal-Am to cease and desist diverting any water in excess of 14,106 AFY from the Carmel River and required Cal-Am to divert no more than 11,990 AFY in Water Year 1996 and 11,285 AFY in each subsequent year.

This revision is included in Section 6, Errata.

Response to MPWMD 1-7

Please refer to MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on the CVA and the Carmel River in Terms of Fisheries).

Response to MPWMD 1-8

Comment noted. Consulting hydrologists confirm that the analysis in the Recirculated Draft REIR is properly based on WY 1997; however, to address the concerns noted in the comment a supplemental analysis has been provided to modify normal rainfall year recharge estimates by using WY 2000 and 2001. This change does not affect the conclusions of the impact analysis. Please see MR-18: Hydrology & Water Availability and Response to MPWMD2B 2-4.

Response to MPWMD 1-9

Please refer to MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on the CVA and the Carmel River in Terms of Fisheries).

Response to MPWMD 1-10

Please see Response to MPWMD 1-8.

Response to MPWMD 1-11

Average storage during normal rainfall years has been estimated for Q_{oa1} as 200 AF and for Q_{oa2} as 105 (total 305 AF). These estimates are more recent and detailed than the MOU estimate; please note that the MOU stated storage of 261 AF is only for Q_{oa1} .

Response to MPWMD 1-12

Please see Response to MPWMD 1-4 and MR-18: Hydrology & Water Availability (HMR-3 - Significance of Impact on the CVA and the Carmel River in Terms of Fisheries).

Response to MPWMD 1-13

Please refer to MR-18: Hydrology & Water Availability (HMR-2 - Water Balance and HMR-3 – Significance of Impact on the CVA & Carmel River in Terms of Fisheries).

Response to MPWMD 1-14

The increase of impervious surfaces will not affect the total runoffs available to recharge the SRA. The project will incorporate a series of detention basins, all of which will be designed to meet the runoff created during a 100-year storm event effectively. Drainage within the September Ranch watershed is fairly efficient because of the well-defined (high relief) ridges that influence the convergent/drainage pattern within the watershed. Generally, surface water flows (runoff) relatively unimpeded to the terrace deposit lying adjacent to the base of the ridges. Efficient drainage means groundwater recharge in the SRA is also fairly consistent in that the basin quickly refills itself annually under both normal rainfall years, and during and after prolonged drought periods. Recharge is estimated by subtracting surface runoff and evapotranspiration (ET-loss) from precipitation on a

monthly basis. Since the September Ranch watershed is a fairly closed hydrologic basin as defined by topography, surface runoff to adjacent watersheds is virtually nonexistent; hence, all runoff minus ET-losses are then available for recharge through infiltration and percolation into groundwater.

Please see also Response to SOCR 2-51. Both WRA and Public Works have conditions requiring detention facilities and drainage plans prior to the filing of the final map. See draft conditions of approval.

Response to MPWMD 1-15

Please refer to MR-18: Hydrology & Water Availability (HMR-3 - Significance of Impact on the CVA & Carmel River in Terms of Fisheries). Also, see Response to NOAA 1-2.

Response to MPWMD 1-16

An updated, quantitative cumulative impacts analysis that assessed the full project demand of 57.21 AFY with an environmental baseline of 3.0 AFY was presented in Section 5.0 of the Recirculated Draft REIR.

Response to MPWMD 1-17

Thank you for your comments.



Post Office Box 1876, Salinas, CA 93902
Email: LandWatch@mclw.org
Website: www.landwatch.org
Telephone: 831-422-9390
FAX: 831-422-9391

February 20, 2005

Alana Knaster
Planning and Building Inspection Department
Monterey County
2620 First Avenue
Marina, CA 93933

RE: September Ranch Revised Draft EIR

Dear Ms. Knaster:

This letter is to submit comments on the Revised Draft EIR (RDEIR) prepared on the proposed September Ranch project, which would result in the construction of 109 residential units (including 15 inclusionary units) on 890 acres, with 783 acres preserved for common and private open space. Our comments are as follows:

1. P. 4.1-6 - The RDEIR states that the Carmel Valley Master Plan (CVMP) has a remaining quota of 587 lots to be developed and that the project would reduce that level to 478 lots. However, the CVMP prohibits the creation of new lots at this time, in view of the traffic levels existing on Carmel Valley Road. A current Board imposed "moratorium" on subdivisions in Carmel Valley, which is intended to implement this General Plan policy, is not addressed.
2. P. 4.1-6 - While a General Plan policy requiring that no more than 25 lots per year may be created in a subdivision is referenced, the RDEIR does not identify the project's inconsistency with that policy, i.e., 33 and 28 lots would be created in Phases 2 and 3.
3. P. 4.3-40 - The RDEIR finds that the project would reduce overall water demand by 54.21 AFY. This is based on the following assumptions: current use of 99 AFY minus 57.21 AFY project demand and replacing the 99 AFY primarily used for irrigation of the pasture with reclaimed water. P. 4.5-7 states the project would generate about 39 AFY of wastewater after full development. Assuming all of the 39 AFY would be reclaimed, 60 AFY would still be needed to irrigate the pasture. Using these data, the project would increase demand by 18 AFY. Additionally, County Planning staff is considering requiring the project to connect to the Carmel Valley Wastewater Treatment Plant which would eliminate all reclaimed water for

LWMC 1-1

LWMC 1-2

LWMC 1-3

pasture irrigation. Under this scenario, the project water demand would be 156.21 AFY, 57.21 AFY over current use.

LWMC 1-3

4. P. 4.6-19 - The project relies on impact fee contributions to the following transportation projects to mitigate impacts:

- Signalization of the intersections at Carmel Valley Road and Dorris and Laureles Grade and Rio Rd and Carmel Ranch Boulevard.
- Widening the eastbound and westbound approaches to have one exclusive left turn lane, one shared left-turn/through lane and one exclusive right-turn lane at SR 1/Ocean Ave and Carmel Hills Drive.
- Overlap phasing improvements along Carmel Valley Rd. in front of September Ranch, opposite of Garland Ranch, and near Laureles Grade Rd.

LWMC 1-4

The status and timing for these improvements should be identified.

5. P. 4.6-91 - Mitigation Measure 4.6-7 requires the applicant to install a transit stop. The RDEIR finds that implementation of the measure would reduce vehicle trip generation and LOS impacts to less than significant. No information is provided in the text substantiating this finding, and it is ludicrous to suggest this.

LWMC 1-5

6. P. 4.6-8 - Mitigation Measure 4.6-8 requires the applicant to signalize the intersection of Carmel Valley Rd and Brookdale Drive. This measure does not address consistency with CVMP Policy 39.3.1.6 which requires that signalization meet warrant criteria.

LWMC 1-6

7. In addition, CVMP Policy 39.1.6 requires the Board to limit further development until Hatton Canyon Freeway is under construction it not addressed. The project is inconsistent with that policy.

LWMC 1-7

8. P. 4.9-21 - The RDEIR finds that 71.37 acres of vegetation communities would be impacted. At P. 4.9-23 the RDEIR states that 890 coast live oaks and 2,692 Monterey pines would be removed by roadway development. These numbers do not include damage to trees from mechanical damage. Additionally, trees affected by lot development are not identified. The proposed mitigation measures include requirements to adopt a Forest Mitigation and Monitoring Plan and replace Monterey/pine coast live oak forest acreage on a 3-1 ratio (3 acres for every 1 acre lost to project development), based on size of trees removed. With proposed mitigation measures, impacts on vegetation are found to reduce the impact to less than significant. The RDEIR does not identify how and where 54 acres of Monterey pine and coast live oak forest would be replaced with 162 acres. This mitigation measure appears unrealistic. The RDEIR should be revised to identify the impacts on vegetation as significant and unavoidable.

LWMC 1-8

9. P. 4.9-25 - The RDEIR finds that fragmentation of the Monterey pine forest will increase the potential for pitch canker and other diseases. Mitigation Measure 4.9-

LWMC 1-9

5 finds that while “there is no proven method available that will prevent pitch canker from infecting susceptible trees,” proposed mitigation measures will reduce impacts to less than significant. If there are no proven methods available, proposed mitigation measures cannot be found to reduce impacts to less than significant.

LWMC 1-9
CONT

10. P. 4.11-2 - The RDEIR finds that while the 15 units of inclusionary housing will alter views from Carmel Valley Road, proposed design features and existing topographical and physical site features, will not significantly affect the viewshed. No information is provided to support the finding. At a minimum, a visual depiction for the proposed project along Carmel Valley Road must be provided.

LWMC 1-10

11. P. 4.13-3 – The RDEIR finds a less than significant impact on the demand for Sheriff’s services because the County assesses fees to offset the service costs associated with new development. This finding should be reviewed by the Sheriff’s Office which is critically understaffed at this time.

LWMC 1-11

12. P. 5-2 - The impact on water supply and availability is found to not be cumulatively significant since the project will result in a reduction in water demand in comparison the existing conditions. This conclusion is apparently erroneous (See item 3 comments above).

LWMC 1-12

13. P. 5-7 - The following intersections are expected to operate at unacceptable levels under the Year 2025 cumulative impact scenario: SR 1/ Carpenter St.; SR1/Ocean Ave. and Carmel Hills Dr.; SR 1/Carmel Valley Rd. and SR1/Rio Rd, yet no significant cumulative impact on the transportation network was found. The RDEIR should be revised to indicate a significant cumulative impact on transportation systems.

LWMC 1-13

14. The Cumulative Impact Analysis fails to address the cumulative impact of the following loss of trees throughout Monterey County: Del Monte Forest Preservation and Development Plan (18,448), Wang project (335), Carlsen Estates (449), Morisole Partnership (765), East Garrison (5,100), September Ranch (3,582) and other pending projects (684) totaling over 29,300 trees. This impact is significant and unavoidable.

LWMC 1-14

15. P. 6-24 - The Environmentally Superior Alternative, which is 49 market rate lots and 8 inclusionary lots, for a total of 57 units, is rejected because it that environmentally superior alternative would supposedly not fully achieve the “objective” of the September Ranch Subdivision project, on the grounds that reducing the scale of the project would mean fewer inclusionary units. The “objective” of the project is not the production of inclusionary or “affordable” units, because if it were, then the number of those units in the project would be more than the minimum required by County ordinance. The “objective” of the project is to build new homes and to sell them for profit. The “inclusionary” units are an “exaction” required by the County’s inclusionary housing policy, and are no more the “objective” of the project than the traffic mitigations called for are an “objective” of the project. The environmentally superior alternative would permit

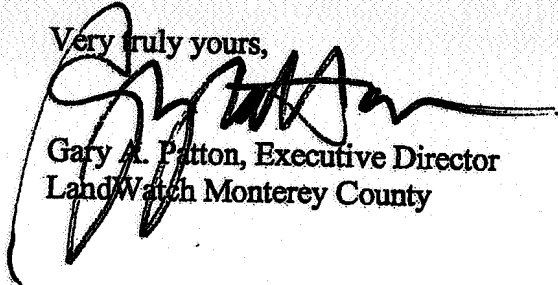
LWMC 1-15

the residential development of the property, the objective of the project, but at a reduced scale. In fact, reducing the scale of the project would produce environmentally superior results, and is an alternative that must be fully considered by the County.

LWMC 1-15

Thank you for considering our comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gary A. Patton", written over the typed name.

Gary A. Patton, Executive Director
LandWatch Monterey County

4.2.4 Private Organizations and Persons

LAND WATCH MONTEREY COUNTY (LWMC)

Response to LWMC 1-1

As noted on page 1-1 of the Draft REIR, in 1995 the project applicant applied to the Monterey County Planning and Building Inspection Department for a preliminary Project Review map and Vesting Tentative Map to allow for the division of the 891-acre parcel. The application, as submitted in 1995 is still active and is not subject to the moratorium, as imposed in 1999, four years after the County accepted the application for the proposed project.

Response to LWMC 1-2

The proposed project is to be phased over a four-year period, with no more than twenty-five lots to be developed per year (with the exception of the inclusionary housing). Please note that the phases may not directly correlate with a calendar year. Additionally, Phase 1 and 4 consist of less than twenty-five units.

Response to LWMC 1-3

The water demand of the project would be 57.21 AFY. The impact analysis is premised on a baseline of 3 AFY, thus the net water demand would be 54.21 AFY over baseline. The project does not propose continuing pasture irrigation.

Response to LWMC 1-4

Please refer to MR-13: Traffic Impact Fees.

Additionally, the signalization of Carmel Valley Road/Dorris Drive and Carmel Valley Road/Laureles Grade intersections is not programmed (or funded) in the current Monterey County 5-year Capital Improvement Plan (CIP) adopted by the Board of Supervisors in January 2005. However, improvements at these intersections are identified in the Carmel Valley Master Plan Traffic Improvement list. The Transportation Agency of Monterey County (TAMC) has included in its 14-year plan (Final Draft Transportation Expenditure for Monterey County dated July 19, 2004):

Route 1 Carmel Area: Construct an extended northbound right turn lane on Highway 1 from Carmel Valley Road to Rio Road and provide improvements at both Carmel Valley Road at Rio Road. Improvements to the Highway 1/Ocean Avenue/Carmel Hills Drive intersection is not listed in the 14-Year Plan. Prior to issuance of building permits, the applicant will be responsible for bonding transportation improvements for the proposed work in front of September Ranch on Carmel Valley Road and these will then be completed in accordance with the Subdivision Improvement Agreement. There is a more comprehensive Project in the TAMC "Unconstrained" Project List. The overlap phasing along Carmel Valley Road in front of September Ranch opposite of Garland Ranch and near Laureles Grade Road are included.

Response to LWMC 1-5

The comment is noted. Mitigation Measure 4.6-7 has been omitted and Mitigation Measures 4.6-8 and 4.6-9 have been subsequently renumbered.

Response to LWMC 1-6

The decision to signalize Carmel Valley Road/Brookdale Drive should be based on the signal warrants conducted after the proposed project is fully occupied. The County's consultants and the County's Public Works Department have indicated that they have reviewed the traffic study and concluded that the safety issues with respect to traffic warrants necessitate the installation of a traffic signal at Carmel Valley Road/Brookdale Drive. This is consistent with the intent of CVMP Policy 39.3.1.6, which recommends that signals be provided at intersections when the accepted engineering warrants are met.

Response to LWMC 1-7

CVMP Policy 39.1.6 states, "Every effort should be made to obtain the funding and proceed with the construction of the Hatton Canyon Freeway at the earliest possible date. This should be a two-lane (each direction) non-access scenic route with every effort to minimize the necessary cuts. After five years of allocation, the Board shall review local level of service and the status of the Hatton Canyon Freeway. If the Freeway has not been built, the Board shall limit future development until the freeway is under construction. Ultimately, the Board will decide what development to allow after reviewing local level of service and the status of the Freeway.

Based on constitutional principles, the elimination of the freeway does not affect the ability to move forward with this project. The State has passed legislation which permanently deletes the Hatton Canyon Freeway from being constructed by Cal Trans. Accordingly, this policy in the Carmel Valley Master Plan can no longer feasibly be complied with by any applicant. It is a basic provision of "takings" law that one cannot condition a project into the future with a requirement that cannot occur nor which is beyond the control of the applicant. Accordingly, the County believes that this policy cannot be applied to the September Ranch project.

Response to LWMC 1-8

Please refer to the Recirculated Draft REIR, Section 4.9.

The second sentence of the fourth paragraph on page 4.9-23 should be revised as follows:

Approximately six percent of the coast live oak trees (890 out of conservatively estimated 15,200 trees) and approximately four percent of the Monterey pines (2,692 out of a conservatively estimated 66,540 trees), that occur onsite will be removed as a result of project development.

This revision is included in Section 6, Errata.

Response to LWMC 1-9

Please refer to MR-2: Adequacy of Mitigation Measures and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to LWMC 1-10

Please refer to MR-14: Aesthetics – Inclusionary Housing.

Response to LWMC 1-11

Information was solicited from the Monterey County Sheriff's Department (MCSD) in preparation for the Draft REIR. The MCSD had the opportunity to review and comment on the Draft REIR during the 45-day public review period. In addition, MCSD reviewed the project in preparation for the meeting of the Subdivision Committee in 2006 and recommended several additional conditions of approval which shall be imposed.

Response to LWMC 1-12

Please see Response to MPWMD 1-16.

Response to LWMC 1-13

Page 5-7 of the Draft REIR identifies the five intersections that are anticipated to operate unacceptably under the Year 2025 scenario prior to mitigation. However, with the implementation of Mitigation Measures 5-1 and 5-2 as presented on page 5-8 of the Draft REIR, the project will have a less than significant cumulative impact.

Response to LWMC 1-14

Please refer to MR-15: Growth Inducement.

Response to LWMC 1-15

As stated on page 3-11 of the Draft EIR, the project objective is to, “provide market rate and low-and moderate-income housing in accordance with the existing County ordinances and the CVMP.” The Planning Commission Recommendation Alternative would result in the development of 49 market rate residential units and eight inclusionary housing units. Therefore, this alternative provides less inclusionary housing units (which are considered a project benefit) in comparison to the proposed project. The Planning Commission Recommendation Alternative has not been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of this alternative in relation to the proposed project in its consideration of whether to certify the REIR and approve the project. See also MR-16: Staff Recommended Alternative.

LAW OFFICES OF
MICHAEL W. STAMP

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February 28, 2005

RECEIVED
BY ASK / DATE 2-28-05

Facsimile
(831) 373-0242

Via Facsimile
Ms. Alana Knaster
Chief Assistant Director
Planning & Building Inspection Department
County of Monterey
2620 1st Avenue
Marina, CA 93933

Subject: Comments on September Ranch DREIR

Dear Ms. Knaster:

On behalf of clients Save Our Carmel River and Patricia Bernardi, we provide these comments on the Draft Revised EIR for September Ranch. We refer to it herein as "the DREIR" and "the document."

INTRODUCTORY COMMENTS IN RESPONSE TO THE DREIR

The 1998 EIR prepared by Denise Duffy was influenced heavily by Lombardo & Gilles, the applicant's attorneys. Those attorneys had direct contacts with Duffy. They provided Duffy with factual information that Duffy accepted without performing the required good faith investigation and without analyzing and testing the information. The County then accepted the information and conclusions without independent review and judgment. County documents relating to the Duffy work were then ghostwritten by Lombardo & Gilles and passed off as official County documents. Critical information provided by Lombardo & Gilles, including water information and the terms of the County's approvals, were adjudged to be false and inaccurate. The County admitted in 1999 and later that Lombardo & Gilles had unauthorized access and contact with Duffy, and that Duffy and the County did not verify or document the information that came from the attorneys.

Despite this corruption of the County processes, Duffy and the County reached the conclusion that the postproject water use that was greater than the baseline is a significant environmental impact. While Duffy and the County tried to "mitigate" the impact in legally insufficient ways, there was no doubt that the applicant, Duffy and the County admitted that water use greater than baseline was a significant impact.

Despite this history and inherent unreliability of Duffy's work on the mitigation aspects of water use (and on impacts in other areas, along with mitigations), the DREIR continues to rely upon Duffy's work in critical areas and simply ignore it in regard to the mandatory finding of significance for water impacts. In other words, the DREIR picks

February 28, 2005

Save Our Carmel River and Bernardi Comments on September Ranch DREIR

Page 2

and chooses from Duffy's work, and chooses to rely upon the corrupted information and conclusions, while it disregards or disavows the only part of that work that indisputably could not be corrupted: the significance of the impact of water use greater than baseline.

SOCR 1-1
CONT

What effort was undertaken by the DREIR consultant to independently verify and document the sources of each piece of information taken from Duffy's work? In what subject matters, opinions, factual assertions, studies and other areas were Duffy's work used, in what areas were those matters ignored, and what was the basis for each? What reliance did the DREIR place upon the Duffy EIR?

SOCR 1-2

What significance does the DREIR give to the fact that Duffy, the County, and the applicant all acknowledged that the increase above the legal baseline is a significant impact?

SOCR 1-3

What specific statements in the DREIR were written in whole or in part by Downey Brand? In what ways did the work prepared by the DREIR consultant differ from the Downey Brand statements and conclusions?

SOCR 1-4

It is apparent from the DREIR and the associated documents that Monterey County Planning & Building employees played a significant role in shaping the conclusions reached. Please explain the role played by Scott Hennessy and any other employee on the issue of water or on any other issue addressed in the DREIR. What role did Alana Knaster of the Planning and Building Inspection Department play in directing or analyzing the work performed by the consultants in this action? Did Knaster work behind the scenes to achieve a particular result, or help in directing the outcome of any part of the DREIR? What information was provided by the applicant or the applicant's agents or attorneys in regard to the DREIR? This includes all legal claims, as well as factual representations, reports, and other information. This also includes factual information provided for the Duffy EIR and re-used or re-relied upon for the DREIR. Please be specific.

SOCR 1-5

Many of the charts in the DREIR do not give reliable sources and are inherently misleading. One example is Table 4.3-6 on page 4.3-40, whose source is Kennedy Jenks. That table describes the "baseline water demand" in "relation to the findings of the 1998 Final EIR." It describes the baseline use as 45 AFY and the "Current Use" as 99.39 AFY. Both of those numbers are misleading. The "baseline use" stated in the 1998 EIR was based upon claims that had no support in fact and were adjudged to have been based upon incorrect factual representations by the applicant's attorney. They were fictional. To repeat them in the chart is to perpetuate false statements. The reference to "current use" in 1998 of 99.39 AFY is likewise a distortion of the truth. The water records demonstrated that the only pertinent number for purposes of CEQA was 3 AFY. All argument of the nature of this table should be deleted from the DREIR and the document recirculated.

SOCR 1-6

February 28, 2005

Save Our Carmel River and Bernardl Comments on September Ranch DREIR

Page 3

What are the growth-inducing impacts and cumulative impacts that are likely to arise from the policy decisions to be made in this case? For example, the reliance upon the "water balance" analysis would affect all subdivisions throughout the County, including North County where sea water intrusion and overdraft are causing severe environmental impacts. Please identify the size and location of each such project, identify the water sources, and state the impacts for each project that could assert a right to use the "water balance" methodology.

SOCR 1-7

Similarly, please address the impacts, including growth-inducing and cumulative, of basing any approval on such weak "evidence" (if it is evidence at all) of "relatively little exchange" or "limited connectivity" or "limited exchange" between a central aquifer and a site-specific claimed aquifer. This lowered standard of proof of a stable and permanent water supply would establish a precedent for approving projects elsewhere in Carmel Valley and the Upper Carmel Valley, North County, and within the Salinas Valley areas. Please analyze, and describe specific sites and plan areas, where this approach would facilitate, encourage or permit development of a similar nature or type (i.e., subdivisions and residential development).

SOCR 1-8

Consultation with agencies with specialized knowledge and expertise: What consultation has there been with the Monterey Peninsula Water Management District, California Department of Fish and Game, and the State Water Resources Control Board (including the Division of Water Rights) on this specific project? Note that under CEQA, the County has an obligation to seek out information and opinions of such agencies, and to investigate and consider such information fully and fairly. The obligations require affirmative steps by the County beyond lodging the DREIR with the State Clearinghouse and mailing a copy to the Water District. Please identify all efforts to consult with those agencies, the input provided by those agencies, and the ways in which the input has been utilized in the DREIR.

SOCR 1-9

Please state which agencies received the DREIR, and to whose attention they were sent at each agency. Please identify who sent the DREIR: the County or the State Clearinghouse.

SOCR 1-10

EXECUTIVE SUMMARY

The DREIR should discuss whether the California Public Utilities Commission approval is required to de-annex the property from Cal-Am.

SOCR 1-11

2.5 - What is meant by saying the Planning Commission Recommendation Alternative "would not "fully" obtain the objectives"? Why is "fully" in quotation marks? Is it because the project would obtain the objectives, but not provide as many units as the applicant wants? The project objective does not say anything about the number of inclusionary housing units. Because the number of those units is not specified, how can the Planning Commission Recommendation Alternative not "fully" reach an unquantified

SOCR 1-12

SOCR

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objective? If it is the best alternative except for the specific reason cited of having less inclusionary housing, what about the same alternative but including twice the number of inclusionary units? Please investigate that alternative and respond.

SOCR 1-12
CONT

PROJECT DESCRIPTION

It is unclear whether the equestrian center (including its ancillary and "appurtenant" facilities like parking, barns, related structures, etc.) will be changing any way as a result of this project. Please respond in detail.

SOCR 1-13

3.1 -- Please explain exactly is meant by "commercial services are available and [sic] on either side of the Carmel River"? How is the location of commercial services relative to the River relevant to this project's environmental impacts? What commercial services are being referenced?

SOCR 1-14

3-1 -- Please explain exactly is meant by site access "is currently provided at five locations." More than one of these alleged "access locations" have not been used for many years. For example, one driveway leads to the quarry area which ceased to operate over 30 years ago. Please provide all supporting evidence that shows that all five claimed access points have been used continuously since the date of application of the project, and for a reasonable period before then.

SOCR 1-15

3-2 -- Please provide documentation for the DREIR's claim that the proposed Independent (non-Cal-Am) water system was "at the request of the MPWMD." Please address the information provided during the last EIR cycle to the contrary. What is the source of your conclusion on this point?

SOCR 1-16

3-2 -- Please address the dangers and inherent problems with having the applicant, with his vested interest, conduct the "lengthy, multi-phase investigation" that establishes the "overall availability of water" for this project. Please explain how an applicant who was not accurate with the County and with the Court in this very matter can be considered a reliable source on this project.

SOCR 1-17

What is the date of the "revised Preliminary Project Review Map" (3-2)? Please make sure all references are accurate. As a general comment, the dates of all maps, plans, and other project components should be included in every EIR reference to such a document.

SOCR 1-18

Exactly how is each of the following defined: "open space," "private Open space" and "common area open space."

SOCR 1-19

Exhibit 3-2 is missing.

SOCR 1-20

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Exhibit 3-3, the "Site Plan," does not clearly show the proposed access, building envelopes, or many other critical plan components. The DREIR should provide a large map with all these missing components, and recirculate the DREIR for comments. The public cannot comment effectively or in an informed manner without that information.

SOCR 1-21

What other locations were considered for inclusionary housing? Please provide the detailed sites considered, and investigate other sites that have less impact on the public (on Carmel Valley Road) and the private residential neighbors. Why was the inclusionary housing site chosen the one closest to adjacent property owners? Why was a site close to a new September Ranch lot not chosen? The site location is evidence of the applicant foisting the impacts of the clustered, dense inclusionary housing onto September Ranch neighbors and onto the general public. Please investigate and respond.

SOCR 1-22

Here, the DREIR references a "Preliminary Project Review Map." 3-11. What is the date of that map? How does that map compare with the revised Preliminary Project Review Map referenced on 3.2? Why does the DREIR refer to two different maps on the same topic? What are the different impacts of each map? What revisions were made to the original map? Please provide the original date and revision date(s), if any, to all plan maps and application submissions. For each DREIR reference to a map or project component, please provide the date of the document so the public can be assured that it is working with verifiable information.

SOCR 1-23

3-11 – Please explain exactly what is meant by "Please note, [sic] that Parcel A (Open Space) will be included proportionally in each phase." Also, Parcel A should be identified as Common Area Open space. What is the impact of a "proportional inclusion" rather than inclusion all at once? In which document is the "proportional inclusion" proposed by the applicant? What are the terms of "proportional inclusion"?

SOCR 1-24

3.3 – The Project Objective is described in the last sentence of the paragraph only. The first two sentences are biased marketing, and do not belong in a competent EIR document prepared by an independent EIR consultant. Please delete them.

SOCR 1-25

3.4 – Why are the General Plan and Zoning Amendments missing from the list of discretionary approvals?

SOCR 1-26

3-11 – Where are the locations of the tract sales office (3-11) and the checkpoint security gate (3-11)? What do those developments look like? Where are they described – from a physical and use perspective, among others – in the project plans? How big will they be? What parking facilities are expected to be included nearby? What aesthetic and lighting impacts will those uses have? What are the land use impacts of the security gate? Will it be staffed? When it is staffed, will there be a car parked nearby? For each response, please provide specific reference in the applicant's materials, including the title of the document and its date. It would be the only

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residential security gate visible from Carmel Valley Road. How does that impact the rural nature of the Valley and the Road? How does that affect future projects?

SOCR 1-27
CONT

LAND USE

Please identify how many of the 891 acres in the September Ranch project site will remain true open space, i.e. free of roads, houses, storage tanks, reservoirs, or other encroachments into the natural environment, and protected in perpetuity from future encroachments? How many acres of the 891-acre site exceeds a 30% slope?

SOCR 1-28

4.1-1 – The project site is also bounded on the south by the Canada Way residential subdivision, and on the east by private residences and single-family lots that are not part of the Canada Woods and Monterra subdivisions. The project description should include the number of lots in the Monterra Ranch subdivision.

SOCR 1-29

Please provide a current site map for the property that shows all current land use and infrastructure, including the "network of graded roads." Also, please investigate whether County permits exist for those roads, when they were issued, and how many are on slopes over 30%. Please identify the number of trees removed for those roads.

SOCR 1-30

4.1-2 – What is the implication of the statement that Roach Canyon is not connected by trail to Jacks Peak? Why is that fact included in this DREIR? What are the implications for this project? Does this conflict with or comply with existing and proposed trail requirements and planning? Please be specific.

SOCR 1-31

4.1-3 – Please provide all support and documentation for the conclusion "the scale and density of the proposed residential units would be compatible and complement the existing equestrian facility." Please explain how densely-clustered multifamily units "complement" the existing older barn and equestrian facilities, and provide full support for that claim.

SOCR 1-32

Does the DREIR intend to use the word "proscribed"? If so, please explain.

SOCR 1-33

What is meant by saying that policies resulting in density changes "would be tabulated"? Please explain in detail. Where are the tabulations?

SOCR 1-34

How is the "common area open space" managed and funded in perpetuity? How is the "private open space" managed and funded in perpetuity? From recent experience in Carmel Valley, the community knows that commitments to nature preserves and similar funding mechanisms to protect open space are not monitored or enforced by the County, and that the County lacks procedures and expertise to enforce or monitor such arrangements. Please provide detailed responses, including the details as to how the open space is to be funded and managed.

SOCR 1-35

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4.1-4 – The DREIR's title confusingly refers to General Plan policies when the text below recites CVMP policies. Please clarify.

The project should be separately evaluated for consistency with each CVMP policy, not lumped together. Each policy needs careful consideration, as each policy is separately stated in the CVMP.

As a result of the DREIR's lumping policies together, inconsistencies are minimized or not addressed at all. For example, the first policy listed, CVMP Policy 26.1.23, addresses placing open space between development areas to clearly define them. Then two other CVMP policies are mentioned. The "consistency analysis" discusses design and road placement. When it finally gets around to discussing open space, the "analysis" merely recites statistics about common area and private open space acreage, then concludes that the project is consistent. There is no analysis of consistency with the CVMP policy. The DREIR's implication is that the SFR lots are "development" and the intertwining open space is "rural." That makes no sense, and should be addressed and clarified. Further, the "analysis" omits mention of the inclusionary housing cluster close to Carmel Valley Road. That should be addressed in the response.

SOCR 1-36

As another example, the same section describes the CVMP Policy 26.1.29 about design and site control. The lumped-together "analysis" (which takes the policies out of the sequence they are provided) addresses only the 94 market rate lots. The response should include the 15 inclusionary units, as their visual compatibility issues are severe. Is the applicant developing the 15 inclusionary units? If so, that design and site review should take place concurrently with this project review, to avoid piecemealing under CEQA. What does that element of the project look like visually? That information should be included in the plans for public review at the EIR stage.

This is just one example of almost every DREIR policy "consistency analysis." The DREIR's approach lumping together obfuscates the CEQA goal of analysis with every separate policy, avoids tough issues, and confuses the public. We should not have to point out the many problems here with each and every "consistency analysis." Please reorganize the section so the policy is immediately followed by the analysis. The CVMP has as its focus a limitation upon growth and a linking of infrastructure and resource constraints to development. Please review the history of the CVMP and the judicial proceedings upholding the plan, and apply the plan policies in light of the recognized purposes and goals of the plan.

4.1-6 – The "consistency analysis" claims that "the site lies within two low-density land use designations," omitting the fact that this project includes upzoning to medium density residential for the inclusionary housing. Please correct this omission. The "analysis" then concludes that the inclusionary housing units would be located on land generally suited for medium density development." Please provide full support for the

SOCR 1-37

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conclusion that the land is "generally suited for medium density development." In the response, please address the fact that the land is not zoned medium density now, and the CVMP was written based on its being zoned low density, not medium density. Also please address the fact that this land is adjacent to single family lots, and how that affects its "general suitability" in light of CVMP policies. Please explain how the judicial approval of the CVMP in approximately 1987 was predicated upon the County's representations and judicial admissions that the CVMP would be enforced and would control growth rather than permit new, unanalyzed growth.

SOCR 1-37
CONT

4.1-6 -- What does Footnote 2 mean? Lots 41-43 were eliminated from which map of what date? Please provide specific references to the dates of the various maps and which ones show Lots 41-43 and which ones do not. See our general comments above about the DREIR's vague, inconsistent and misleading references to the applicant's various maps and plans.

SOCR 1-38

4.1-6 and 4.1-7 -- The CVMP policies 34.1.1.1 and 34.1.1.2 allow clustering only when distinct conditions are met. The "analysis" provides none. The analysis should address project consistency with each condition. For example, CVMP requires that visible open space is preserved. There is nothing in the DREIR that shows that the clustered housing preserves "visible open space in critically sensitive areas or protect other natural resources." There is nothing in the DREIR to show that alternative locations for the clustered housing were considered, or that this CVMP requirement was met. Please investigate, provide alternatives and evaluate them. Then redo the consistency analysis.

SOCR 1-39

As another example, the CVMP prefers "clustering adjacent to vertical forms" to development in open spaces (as proposed here). The DREIR provides no analysis of that requirement as applied to this project, even though the CVMP unequivocally states that the applicant has the burden of proof to demonstrate that the proposed cluster development is consistent with the CVMP. Please address, investigate, and respond. In many places, as here, the DREIR recites project statistics without regard to relevancy to the policy being analyzed. For example, here the second two sentences do not address the policies at all, but merely repeat a refrain from earlier "analyses."

4.1-7 -- How many acres of the site are designated LDR/2.5-D-S? How can the DREIR conclude that the project is consistent with that designation when the project requires rezoning part of the Low Density to Medium Density? The upzoning will change the LDR density of one unit/2.5 acres to up to 5 units/1 acre. Apparently, the 15 inclusionary units are proposed for 5.3 acres, or almost 3 units/acre. Is that correct? What is the actual density of those 15 units? In other words, how much acreage will the total 15-unit building envelope occupy? Where is the map that shows the proposed rezoning area in detail? Please respond to each of these points in detail.

SOCR 1-39

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WATER

The September Ranch Aquifer (SRA) and Carmel Valley Aquifer (CVA) are not recognized terms in any official documents from the Monterey Peninsula Water Management District (MPWMD) or State Water Resources Control Board (SWRCB). Those official documents refer to the Carmel River, the Carmel River watershed or basin, the Carmel River alluvium or Carmel Valley Alluvial Aquifer. Please respond. Apparently the project's need to claim dissociation from the Carmel River has caused the newly-invented terminology.

SOCR 1-41

Please describe specifically all impacts from pumping the so-called September Ranch Aquifer upon Cal-Am's pumping. Please address the ability of Cal-Am to provide water, including all issues related to Order No. 95-10, the riparian habitat, and the endangered species. Please state in detail how this project would further the efforts of Cal-Am to comply with Order No. 95-10; if you conclude that it would not do so, please explain the impacts to the Carmel River, the riparian habitat, and the endangered species if Cal-Am is unable to reduce pumping from the Carmel River.

SOCR 1-42

What would the impacts of this project's water use be upon those who hold public trust rights?

SOCR 1-43

Please explain in detail all efforts undertaken by the authors of the DREIR to solicit, investigate and analyze the Monterey Peninsula Water Management District's files, records, and expert opinions on the water issues involved here. Under CEQA, the Water District is a "sister agency" whose technical information and opinions must be considered and reviewed in the DREIR. This includes all issues associated with water supply, water demand, and historic use, as well as the impact upon the Carmel River, the riparian habitat, endangered species, and Order No. 95-10. Testing done by MPWMD in the early 1990's found the site's water to be connected to the underflow of the Carmel river.

SOCR 1-44

Please explain in detail all efforts undertaken by the authors of the DREIR to solicit, investigate and analyze the State Water Resources Control Board's files, records, and expert opinions on the water issues involved here. Under CEQA, the State Water Board is a "sister agency" whose technical information and opinions must be considered and reviewed in the DREIR. This includes all issues associated with water supply, water demand, and historic use, as well as the impact upon the Carmel River, the riparian habitat, endangered species, and Order No. 95-10.

Under the State Board Order 95-10 and the ongoing damage to the River, any additional extractions in AQ3/AQ4 cannot be considered de minimis. Please address, and provide support for any contrary conclusion. The Carmel River is fully appropriated, so how can the project legally withdraw any water at all?

SOCR 1-45

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What is the effect of County Ordinance 3310 on this project?

SOCR 1-46

The total demand under the zone should be evaluated. The RDR and LDR zones allow up to four residential units on each lot. The MDR allows up to two residential units on each lot. The DREIR should consider prohibiting additional units (i.e., any more than a single home) on this project to protect its water demand assumptions. Please address this alternative.

SOCR 1-47

The water cannons and sprinklers (collectively referred to here as "water cannons") at the September Ranch site have delivered water during rainstorms, in mid-winter, and in such quantities as to create pooling on the site, all in an effort to create an artificial water figure. Did the DREIR investigate the use of the water cannons? Did the DREIR review any photos of the use of the water cannons? What was the result of the investigation as to the use? If the project is approved, will the water cannons no longer be used? If they will be stopped, what investigation was undertaken to determine why the water cannons were used, when they were used, and what their purposes were?

SOCR 1-48

Why did the actual water usage go from less than 3 AFY to an alleged 99 AFY? Who made the decision to increase the water use, why was the decision made, and when was it made?

SOCR 1-49a

What other areas of the Carmel Valley have separate aquifers that would be available to support development without affecting the Carmel River or the overpumping of the River by Cal-Am?

SOCR 1-50

The appropriate baseline for analyzing water use under CEQA is 3 AFY. Why does the DREIR analyze water usage, supply and availability at 99 AFY?

SOCR 1-49b

4.3-2 – The DREIR claims that in 1995 the SWRCB made conclusions about "the Carmel Valley Aquifer." That is not true. The SWRCB has never made a conclusion about the "Carmel Valley Aquifer" which is a made-up term for the purposes of this project review. Please correct this statement, and all others where the reference is used. The SWRCB determined that "downstream of River Mile 17.2 of the Carmel River, the aquifer underlying and closely paralleling the surface water course of the Carmel River is water flowing in a subterranean stream and subject to the jurisdiction of the SWRCB." Order No. WR 95-10 as amended by Order No. WR 98-04.

SOCR 1-51

4.3-3 – Section 4.3.2 of the DREIR states that it is reporting results "under the theory . . . used for this report." What other theories were analyzed? Why were the rights not analyzed under the theory that the baseline is 3 AFY, and the project proposes significantly more than that?

SOCR 1-52

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The project annual water demand totals 57.21 acre-feet per year (AFY) of which 50.5 AFY is for residential use, 3 AFY for the equestrian center, and 3.74 AFY for system losses. This adds up to 57.24 AFY.

SOCR 1-53

Why did the administrative draft REIR conclude that the project would use 61.15 AFY, while this DREIR concluded it would use 57.21 AFY?

SOCR 1-54

The document claims the market rate units will use 0.50 AFY for both interior and exterior water demand. Please describe the source for that 0.50 AFY figure. The type of homes that will be built on these lots can easily use 1 AFY each. The county has actual usage by properties of similar type, such as Pasadera, Canada Woods, Monterra, and Rancho San Carlos. Much of that information can easily be obtained from the MPWMD. Was the MPWMD consulted for this information before the DREIR was released? Actual demand should be the basis for the factor used in this document. Please investigate and use the most current data that is most equivalent to the proposed project. The use of 0.50 AFY/lot for the market rate lots is far lower than the actual usage of other similar properties and the estimates used for other environmental reviews. For example, the Pebble Beach project EIR now under way uses a factor of 1.0 acre feet per residential lots greater than 1.0 acre. In that project, the applicant proposed a 0.80/AFY factor, which was rejected as too low. The September Ranch market-rate lots are all greater than 1.0 acre, and the climate is hotter and drier than the foggy coastal Pebble Beach climate. Please investigate and respond.

SOCR 1-55

The project water demand estimates should include water uses for landscaping which, according to the MPWMD, is often 50% of SFR uses. Water use should also include components such as second units (and third and fourth units), caretaker units, guest houses, senior citizen units, pools, internal and external landscaping water features, vineyards, 3-hole golf courses, and other expected uses. Please provide a detailed breakdown on a per-lot basis of the projected water demand, along with the total project demand by component.

The projected water demand of the inclusionary units is also low. Please explain exactly how that usage was derived. Please compare that usage with the actual usage of the built and occupied inclusionary units at Monterra and Quail Meadows. Actual inclusionary housing usage has been higher than the projected demand for those units. Please investigate and explain in detail, and revise the projected water demand to be more in line with known similar uses.

Will the inclusionary units be metered for water use? If so, how will those units be protected from high water rates, which will affect the affordability of the unit and, accordingly, the impacts and land use policies?

SOCR 1-56

Will the market rate properties be metered for water consumption? Will either the market rate or the inclusionary lots be deed restricted to a specific amount of water? If

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not, how will the project water demand remain within the projected 57 AFY? What penalty, if any, will be applied to units that go over their allotments? If units - especially the market rate lots -- can exceed their allotted water usage, what environmental impacts would that cause?

SOCR 1-56
CONT.

Does the DREIR use the most accurate rainfall information available for this site? For each and every year for which rainfall data was used, please provide the following information: Exactly where was the data gathered, and who gathered it?

SOCR 1-57

The system loss is 3.74%, which is not realistic. Please explain where this number came from. The Administrative Draft DREIR (ADREIR) used a 4.25% system loss, which is also not realistic. Please explain why the number was reduced more than 13% between the ADREIR and the DREIR. Please investigate the system loss percentage of other newer nearby systems (there are several to choose from).

The document should discuss the importance of reclamation as a component in its recharge ability.

SOCR 1-58

The document suggests that the 57.21 AFY does not include any water for pasture irrigation. Please identify where water for pasture irrigation will come from, and include it in all project water demand discussions, tables and exhibits.

SOCR 1-59

The language chosen to describe the water source uses vague and inconsistent descriptions such as "limited communication with the adjacent Carmel Valley" aquifer, "a small and nearly closed basin," "hydraulic connectivity to the Carmel Valley alluvium, and the two aquifers are "collocated." Please explain in laymen's terms.

SOCR 1-60

The Water Supply and Availability section summarizes the Court of Appeal inquiries about riparian rights at section 4.3.2. It appears that the EIR consultant's work on this subject was replaced or supplanted by legal analysis from Downey Brand in regard to riparian rights. Please provide the following information:

- (1) What were the specific issues that Downey Brand researched?
- (2) What information did Downey Brand review?
- (3) What research did Downey Brand conduct?
- (4) What input was given to Downey Brand by third parties, including the County, the applicant, and the applicant's attorneys?
- (5) What factual information was presented to Downey Brand, by whom was it presented, and what use was made of it?
- (6) Please provide all legal opinions reached by Downey Brand and all analysis undertaken by the law firm, even if no formal and final legal

SOCR 1-61

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opinion was reached. This DREIR containing that information should then be recirculated.

SOCR 1-61
CONT

The DREIR explains that "in January of 2003 Downey Brand LLP concluded that the September Ranch parcel is riparian to the Carmel River. However, due to an agreement that is part of the chain of title the riparian right held by September Ranch has been subordinated to the pre-1914 rights held by Cal-Am." The document is confusing about whether it is evaluating water rights within the so-called SRA or the broader alluvial aquifer. Please clarify and explain.

SOCR 1-62

What is "relatively little exchange" (page 4.3-4)?

SOCR 1-63

At page 4.3-9, the DREIR states that "there appears to be a maximum annual use of up to 4,550 AFY for riparian rights and pre-1914 appropriative rights holders in AQ3 and AQ4." Is Cal-Am's illegal pumping from those subunits included? Please address and quantify the total extractions and, thus the cumulative impacts? See also, page 4.3-10.

SOCR 1-64

Also at page 4.3-9, there is an incorrect statement that there is "limited potential for additional large development, and hence additional large water demands, in the area of influence of the Carmel River." The document ignores such known projects as Canada Woods (starting to build), Nick Lombardo's project (working its way through the County approval process), the Sunrise Assisted Living, Presbyterian Church, the remainder of Gamboa's parcel (Dow project undergoing County review), Carmel Valley Ranch, Quail Meadows, and everything across from the Middle School. Many of these projects are being handled by Lombardo & Gilles. The estimates of future demands for riparian water should include known and expected uses such as these projects.

SOCR 1-65

Why is the evidence – that the SRA and CVA are a common basin – "less persuasive"? Please provide all your reasoning and factual analysis. Please fully explain why the DREIR claims that a Kennedy/Jencks conclusion is more persuasive than a State Water Resources Control Board opinion.

SOCR 1-66

4.3-11 – The statement that the 3 acre feet was "determined by the County" is incorrect. That amount was determined by the Superior Court and the Court of Appeal, vacating the County's determination.

SOCR 1-67

Exhibit 4.3-3 shows an orange line around the alleged SRA watershed and a green line around the September Ranch 891-acre "September Ranch Site Area." Since land outside the orange boundary cannot enjoy the benefit of the so-called SRA without an appropriative right permit issued by the SWRCB, there should be a discussion and resolution of this issue. Please respond.

SOCR 1-68

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The document provides no description of the water system to service the development. Please provide a full and detailed description and maps, and provide full documentation of all the impacts. If storage is required, then approval from the SWRCB is required, assuming all of the other problems (subordination, endangered species, etc.) are addressed. Please respond.

SOCR 1-69

The document actually acknowledges baseline as 3 AFY. The argument of the DREIR assumes that the applicant could increase the water use by 3300%. If that is legal, and if the County were to rely upon that analysis as a basis for permitting this development to go forward, what other properties and owners would be able to use the same rationale? Please identify the properties and identify the impacts of such a policy shift by the County in Carmel Valley and elsewhere in Monterey County.

SOCR 1-70

There does not appear to be any effort to do new independent pump tests, especially ones not done during the rainy season. We note that there is no cushion during drought years, such as during the 1987-1991 period. If recharge during drought is 73 AFY on average and the actual usage approaches 100 AFY, there is not enough water.

SOCR 1-71

4.3-13 -- The reference to "24.3-1, Well Locations" is incorrect. Please correct.

SOCR 1-72

4.3-14 -- If the Brookdale Well water level dropped 5-7 feet during the usage months of the September Ranch well, that appears to demonstrate a direct connectivity. Please explain.

SOCR 1-73

Exhibit/Figure 4.3-4a should include clear depiction of the overlying parcels and all existing wells. There are many parcels -- that are potential or actual overlying users of the alleged September Ranch aquifer -- that the DREIR ignores. (For example, at least 5 non-September Ranch overlying parcels are shown on Exhibit 3-4.) Please investigate and address this issue. What is the support to the DREIR's claim that there are no other overlying users? See page 7-3. What are the environmental impacts of other users placing a demand on the aquifer? Please respond in detail, and provide full support for your conclusions.

SOCR 1-74

Please provide a version of Exhibit 4.3-5 with to show the alleged September Ranch Aquifer boundary outlined and to show the houses, structures and roads. That aerial photograph will show some of the overlying users obscured by the current exhibit. Other existing structures are shown on Exhibit 4.4-2.

Also, please provide the most current aerial photographs, as are currently being provided for the County and other local jurisdictions, in order to show the most current land uses and roads. The photographs should include the location in 4.3-5 as well as the entire project site, and photographs of the adjacent land uses such as Canada Woods and Monterra.

SOCR 1-74

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Exhibit 4.3-4a appears to show no limit or enclosure on the alleged basin's eastern edge. How was the claimed enclosure determined? The exhibit shows the basin underlying the Canada de la Segunda drainage, and approximately 300 feet from the Carmel River surface flow. Please investigate, respond and explain.

SOCR 1-76

4.3-36 -- Why was no aquifer test done after the winter 1996/1997 aquifer test? That test was during rainfall and high river flows. Please explain.

SOCR 1-77

4.3-39 -- If "the Carmel River after rainfall sends rejected outflow towards the SRA," then the Carmel River is supplying the co-called SRA with water. If so, then the SRA is getting water supply from the Carmel River. Please respond.

SOCR 1-78

4.3-40 -- There is no requirement that the water used to irrigate the pasture is to be reclaimed. It is unclear from the project description whether the pasture will continue to be irrigated, and if so, how? Please address. This deficiency needs clarity so that impacts can be evaluated and proper comments provided.

SOCR 1-79

4.3-45 -- Please explain the Table 4.3-9. The first four wells' 1997 production rate was 2.65 according to the chart. Why does the chart suggest "average total usage" is 0.76 AFY? Are all users of the alleged September Ranch basin identified in the chart? Where are each of the other overlying wells? Are there other wells without production records? Are there other potential users? On page 4.3-46 this "average total usage" is called "estimated"? What is the difference? Is it estimated or the actual?

SOCR 1-80

4.3-47 -- "The [Carmel River aquifer] AQ3 collocates with the westernmost portion of the SRA. . . This portion of the [Carmel River aquifer] occupies about 35 percent of the total SRA aquifer and is the most productive portion of the SRA." The DREIR appears to claim here that the so-called SRA and CVA are contiguous, "collocated" and "occupying" the same shared aquifer space. Please address. Please explain what "collocate" means in laymen's terms, and its application here to the aquifer.

SOCR 1-81

4.3-48 to 4.3-49 -- the effect of project pumping on the Carmel River aquifer in drought years should be investigated in the likely event that project usage exceeds 57.21 AFY. What impacts would be expected as to other users and pumpers.

SOCR 1-82

Please provide documentation for the DREIR's claim that the September Ranch was served by wells from the 1930's. Did this include irrigation of the pasture?

SOCR 1-83

WASTEWATER

The document is extremely vague on how wastewater from this project will be handled. The community is aware of the problems associated with package treatment

SOCR 1-84

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plants at Canada Woods and Carmel Valley Ranch. Does the DREIR assume that the experience at this site will be different than at the adjoining sites and elsewhere in Carmel Valley? If so, please provide the basis for these conclusions. These problems elsewhere should be investigated, the project proposal should be specified, alternatives evaluated, and detailed evaluation of the impacts of the proposed site and the alternative sites should be presented.

SOCR 1-84

The project abuts Del Mesa Carmel which is plumbed to the Carmel Area Wastewater District (CAWD). The document acknowledges that CAWD provides wastewater services to the project area. But the applicant apparently does not want to extend the line. Instead, another package plant is proposed together with a 14 acre-foot wet weather storage facility in a "lined reservoir located at the former quarry site." Why is the CAWD line not extended to the project? What are the potential impacts of the "lined reservoir" at the reservoir site?

SOCR 1-85

At page 4.5-6, in the disposal leachfields discussion, the "Design Details" states that "[t]he disposal recharge areas have been selected because of their hydraulic connectivity to the Carmel Valley alluvium..." Please discuss the consistency of this statement with those elsewhere about the lack of connectivity.

SOCR 1-86

There is no commitment on whether the treated reclaimed water will be sprayed or leached. Please address. The leaching site appears to be located directly over the so-called SRA and in a location where new wells will be drilled. Please address.

SOCR 1-87

When the DREIR uses vague or unenforceable language (such as "wastewater that is not reclaimed onsite may be conveyed to the Carmel Area Water District"), the impacts of the vagueness or unenforceability are not adequately identified and discussed. Please address.

SOCR 1-88

Why does the DREIR not include a defined and analyzed Waste Water Treatment component at this point in the process? Two options are lightly discussed as though it were an either/or choice, even though each has very different impacts. Please address.

SOCR 1-89

What happens if the retention ponds located in the canyon east of the Equestrian Center fail or do not work adequately in times of heavy rain? The likelihood of failure is significant, and was observed at Canada Woods. The main road through the project crosses just south of the pond and if it fails, it would flood Carmel Valley Road and strand all those living in the western part of the project.

SOCR 1-90

GEOLOGY

4.2-12 – What is meant by the reference to "the valley fill of ... Carmel Valley"? Please explain in detail.

SOCR 1-91

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TRAFFIC

This project has changed significantly since its application by its new entrance access to September Ranch. It requires an additional stoplight on Carmel Valley Road, which is a major impact. Mrs. Bernardi has been a member of the Carmel Valley Road Improvement Committee (CVRIC) since its onset. Mrs. Bernardi cannot ever remember any discussion of a stoplight at Brookdale Drive, even when September Ranch was a known project. The Brookdale improvements were for left hand turn pockets and the project was always at the bottom of the CVRIC's list, both because of the lack of need and because the cost outweighed the advantage compared to other projects. The original September Ranch entry had much better sight distance and plenty of room to put in a center turn lane which would eliminate the need for a stoplight. A stoplight at Brookdale would likely change the designation of Carmel Valley Road from Rural to Urban.

SOCR 1-92

4.6.12 – The DREIR used a trip generation based on 110 single family homes. It apparently did not include the trip generation of all the expected other uses to those homes - such as caretaker, senior citizen, and guest houses. Please address. Further, the RDR and LDR zones allow up to four residences per lot, and the MDR allows up to two residences per lot. The DREIR should include the trip impacts of those potential residence in its calculations.

Do the ITE calculations specifically include trips from support staff such as gardeners, cleaning staff, pool maintenance workers, and other such expected trips for a high-end gated development such as this? Please address, and please include these trips in the total calculations.

SOCR 1-93

The corrected calculations described in the above two paragraphs will affect the entire traffic analysis. The document should be recirculated with that information.

The DREIR does not appear to include possible trips such as second single family dwellings, which under the RDR, LDR, and MDR zones is allowed with an administrative permit. Please address in detail, and provide support for your response.

SOCR 1-94

The document assumes that 12% of traffic will travel to/from the south via Highway One. Please provide all support for that and the other assumption on page 4.6-12. For each assumption on this page, please provide an analysis of whether it is appropriate to use it for this project.

SOCR 1-95

4.6-17 – Please provide the information that should replace the error message.

SOCR 1-96

It is remarkable that 5 of 9 study intersections will drop below acceptable LOS as a direct result of this project. It is even more remarkable that this significant impact

SOCR 1-97

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results even omitting the known extra trips from additional units, as described above
Please respond.

SOCR 1-97

4.6-17 to 4.6-19 -- The five badly impacted intersections are critical to travelers: Highway One at Carpenter and Ocean, and Carmel Valley Road at Brookdale, Dorris Drive and Los Laureles Grade. The mitigation measures address only Carpenter and Brookdale locations. The document omits mitigations for the impacts to Ocean, Dorris and Los Laureles, other than a vague suggestion that fees might be required for signals at Dorris Drive, Los Laureles Grade, and Rio Road/Carmel Ranch Boulevard. The document fails to analyze the impacts of such signals, such as the traffic, aesthetics and land use impacts. The document takes the approach that any traffic problem can be solved by an infrastructure solution, like a traffic signal or a left turn lane. The document should investigate, address and evaluate alternatives to these mitigations, especially those that have fewer impacts.

SOCR 1-98

The monitoring actions on 4.6-19 are not sequential, and provide no monitoring to ensure compliance with mitigation measures 4.6-4 and 4.6-6.

SOCR 1-99

4.6-19 -- Please provide full support for the DREIR's claim that "a safe transit stop" would reduce vehicle trip generation and LOS impacts to less than significant. What makes the stop "safe"? Where could two such "safe" stops be located (one on each side of Carmel Valley Road), given the sight line problems identified elsewhere with this stretch of road? Is there sufficient right of way? Would grading or other earthmoving be required to provide the "safe" stops? What impacts would there be to making the stop "safe"? Would it require lighting, two passenger shelters, larger pullouts, and onsite signage including the bus stop signs? How many people would reliably use public transit? Based upon current budget projections, the transit district is likely to cut service and not to increase it at any point. Please factor in the accurate information from the transit district, including actual ridership numbers for this section of Carmel Valley Road.

SOCR 1-100

What are the hours for bus service for this site? How often do the buses run? How long does it take to go from Salinas or Marina to this site, or to return from this site to Salinas or Monterey? How many persons ride the buses at other comparable developments, such as Canada Woods, Monterra and Pasadera? From the transit stop, where and how would pedestrians access the project site? How could they get to the proposed lots, many of which appear to be miles from Carmel Valley Road? This mitigation is completely ineffective, and there is not proof that it would "reduce vehicle trip generation and LOS impacts to less than significant," as the DREIR grandly claim! Please provide a detailed response, and provide full documentation for any conclusions.

SOCR 1-101

4.6-20 -- the document uses the word "site" where it appears to mean "sight." Please explain what "outbound" means - from where, on what road? Please address

SOCR 1-102

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how drivers are further affected by the sun, which is directly in the eyes of eastbound drivers during some parts of the year. Further, the analysis makes no mention of the sightline of drivers exiting Brookdale. All these factors make it highly dangerous to add a signal that does not meet HDM standards. What is required to approve a signal that does not meet HDM standards? What precedent does that set in Carmel Valley, and what are the cumulative impacts of additional signals that fall below the standards? The DREIR cannot even bring itself to conclude that the signal would be safe; all it can muster is that drivers "should be able to see each other." Please respond in detail.

SOCR 1-102
CONT

What is meant by "looking to the left" -- from where? The sight distance issues and impacts should be separately identified and discussed as to each of the four approaches to the proposed signal. As it is, the discussion is muddled and confusing.

The DREIR states that the project will have a 375-foot sight distance as opposed to the recommended 630 feet. The project proposes to provide less than 60% of the recommended sight distance on a road where drivers are known to travel too fast and where tragic accidents occur yearly in the vicinity of the project. How can that be acceptable, under any circumstances? If this project gets approved and other projects follow this same dangerous approach, how can the County say no? Please respond in detail.

What impacts would there be on the already-limited sightlines if a MST bus is stopped in one of the transit stops? Or if both transit pullouts are occupied by buses or other large vehicles?

Where will the intersection warning sign(s) be located? How will the sign impact sight lines? Will it have a flashing light? What impacts will it have, including aesthetics, and consistency with the rural nature of Carmel Valley Road?

4.6-22 -- How far from the inclusionary housing will the proposed transit stop be located? Here the stops are described as "safe and convenient." Please define "safe and convenient," and whether that is different from the "safe" stop described in the mitigation measure, or have any different or additional conditions that are part of being "convenient." Please investigate exactly how "convenient" the transit stop will be to the inclusionary housing, and provide that information along with full support for any conclusions drawn.

SOCR 1-103

How can the document conclude that "the distance between the project site and the transit stop is considered nominal" when the location of the two stops is not stated? Simply being dropped off on Carmel Valley Road adjacent to the site is not "nominal" if there is no reasonable and safe access to roads on September Ranch. Please respond in detail.

SOCR 1-104

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The document claims there are 2 access points to the property. This is a much more accurate description of the access points to the site because they are actually used now. The document earlier claims five access points, but they are not used if at all, which this page acknowledges.

SOCR 1-105

AIR QUALITY

4.7-8 – The document identifies at least 6 mitigations that require water, but fails to identify any water demand with those uses. As the project includes many acres of grading – including roads, utilities, building pads, landscaping, and outdoor recreational uses such as tennis courts and swimming pools – this water use could be significant over the 10 years to buildout. Please quantify these uses and address in detail.

SOCR 1-106

NOISE

4.8-6 – In its discussion of noise impacts, the document admits here what it has not acknowledged elsewhere: That the inclusionary housing is in the direct line of sight from Carmel Valley Road. This information should be fully evaluated in the Aesthetics section and in the project description.

SOCR 1-107

4.8-6 – The document states that the inclusionary housing units may suffer noise impacts from Carmel Valley Road traffic. The mitigation is to prohibit balconies or decks facing Carmel Valley Road unless they are shielded by a five-foot-high glass or plastic barrier. How effective is this mitigation, given that most people are taller than 5 feet? The impacts of that mitigation – including light, glare, and aesthetics – must be evaluated, along with the impacts on the rural nature of Carmel Valley. Why is there is no similar prohibition on patios? Please respond in detail to these issues, and provide full support for your conclusions.

SOCR 1-108

4.8-7 – The document further requires that, due to the noise, south-facing rooms in the inclusionary units should have non-window ventilation so the residents can keep the windows closed all the time to keep the noise out without suffocating. Additionally, special construction will be required in the inclusionary units to keep the noise at an acceptable interior level. However, those mitigations are missing from the document, although the measures are invoked to attain consistency. Please provide and explain in detail.

SOCR 1-109

As a whole, the project treats the residents of the inclusionary units as second-class citizens, forcing them to bear the brunt of impacts such as noise, and forcing Carmel Valley Road drivers to be negatively affected by the visual impacts. Given all the mitigations required as a result of the location of the inclusionary units, we recommend that alternative locations be investigated, out of the Carmel Valley Road line of sight and away from sensitive biological resources. Separately, please discuss why a General Plan/Zoning amendments are necessary, and why the inclusionary units

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cannot be built under the existing land use designations. Please provide full support for any conclusions.

SOCR 1-110
CONT

BIOLOGICAL

Please provide a map of the entire 1673-acre study area that is referenced repeatedly in this section. The map should show the project site and adjacent parcels and subdivisions, for reference.

SOCR 1-111

Please provide a map showing the pine trees to be removed and the oak trees to be removed. Please show the trees that are located in the building envelopes (for the up to four residences on each of the 94 lots and accessory structures), on the private driveways and parking areas, on the landscaping areas for each lot (including pools, tennis courts, vineyards, 3-hole golf courses, etc.). Please show the trees impacted by utility, water and drainage facilities (including water storage tanks and retention ponds), and all other development impacts to the trees. Please state the number of oaks and the number of pines to be impacted directly and indirectly by these development components.

SOCR 1-112

4.9-1 to 4.9-2 -- The document claims the project is 0.35 miles north of the Carmel River. However, the document's own maps clearly show that the project's south boundary is more like 1000 feet from the river. See, e.g., Exhibit 4.3-4a. Please correct wherever this information is stated or relied upon

SOCR 1-113

Exhibit 4.9-1 -- Why is Parcel C proposed to be separate? What is the zoning of Parcel C, and what are the intended uses?

SOCR 1-114

What is the "Cleared area" shown on lots 38 and 39? Please describe in detail, including what caused the clearing, and provide photographs. How many acres is it? Why is it not shown on the Table 4.9.1? Please correct the table to include this element, and subtract that acreage from the "vegetation community" in which it is included in the DREIR.

SOCR 1-115

Exhibit 4.9-1 and Table 4.9-1 do not distinguish between native grasslands and non-native grasslands. This distinction may have significant siting and biological implications. Please correct the exhibit to show this.

SOCR 1-116

Exhibit 4.9-1 and Table 4.9-1 do not identify the Monterey Pine forest and the coastal terrace prairie, both classified as rare special status natural communities. Please include this information, as it has significant biological and siting implications.

SOCR 1-117

Why were lots not designed to avoid the pine/oaks and grassland areas? Please consider an alternative that places all lots on scrubland. Please investigate, and provide an comparison of the biological impacts of this option against the project

SOCR 1-118

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Many of the proposed lots appear intentionally designed so the building envelope will be placed on grassland rather than scrub. See, e.g. lots 103, 75, 24, 25, 71, 78, 79, 4, 5, 6, 8, and 9. What alternative sites were considered for those lots that would avoid the native grassland area? Which of those lots include native grassland? Please respond in detail, and provide maps of the alternative locations considered. Were locations considered that would affect only scrubland? Please investigate and consider those alternatives.

SOCR 1-118
CONT

4.9-9 – What is the reference to the wildlife corridor and "Highway 84"? Is this portion of the DREIR cut and pasted from another document? If so, which document is that? Please provide us with a copy of the original "Highway 84" document so that we may determine how much and which parts of this DREIR have been lifted from a different document.

SOCR 1-119

4.9-10 – The DREIR claims a loss of 34.9 acres of Monterey Pine/oak woodland forest due to "loss of individuals." Please identify on the map exactly where those 34.9 acres are. This estimate sounds like a summary of the impacts to the discrete areas directly impacted by the described activities (road construction, utility installation, and building pads). The equally significant indirect impact to the overall acreage and the integrity of the forest is not accurately reflected in the DREIR's figure. Removing "individuals" from a forest has far greater impacts to the forest than can be estimated from the loss of those single trees. Please respond and provide full support for any conclusions. Please identify alternative siting (of lots, roads, utilities, and building pads) that would reduce those impacts. If the DREIR maps were more detailed, we could suggest alternative sites, but we are limited in our comments by the maps' generalities and lack of information (like not showing utility lines or building pads). Also, please discuss why additional known development impacts – such as private driveways and landscaping, pools and tennis courts, vineyards, etc. – were not included in the DREIR's calculation of impacts. Please include those components in the impacts with detailed information as to how the calculations were made, and the assumptions used. Please revise the pine tree loss and oak tree loss totals to reflect all losses from all potential development the site.

SOCR 1-120

4.9-11 – Please identify on a map exactly which 17.92 acres of grasslands will be impacted. Please identify exactly which of those acres are native terrace prairie. Please identify alternative siting (of lots, roads, utilities, and building pads) that would reduce those impacts. If the DREIR maps were more detailed, we could suggest alternative sites, but we are limited in our comments by the maps' generalities and lack of information (like not showing utility lines or building pads). Also, please discuss why additional known development impacts – such as private driveways, landscaping, pools and tennis courts, vineyards, 3-hole golf courses, private equestrian facilities, etc. – were not included in the impacts. Please include those in the impacts with detailed information as to how the calculations were arrived made, and the assumptions used.

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4.9-11 – The DREIR admits that surveys were conducted for only 8 of the 23 special status plant species identified as likely to occur in the project region. The document should identify which 8 of which 23. The DREIR should not have been released without studies for all special status plant species, including those identified by California Native Plant Society and Monterey Pine Watch in their comments. The DREIR should be revised to include all such studies, then recirculated for comments.

SOCR 1-121

4.9-12 to 4.9-13 – The document claims that "surveys covering a representative area" allows for the conclusion that no federally listed plants are impacted by the project. It is not logical that a partial survey can require such an unequivocal statement. Please revise accordingly, or provide full support for your unequivocal conclusion.

SOCR 1-122

How does the public know that the rare Pacific Grove Clover, the California Adders tongue and the small-leaved tomatium will not be impacted by the project? Please provide full support for your response.

SOCR 1-123

4.9-14 to 4.9-15 – Of the 32 special status animal species that are recorded or may be present on the project site, how many focused surveys have been done? Please provide dates and the name of the scientist performing the study.

SOCR 1-124

4.9-5 – The document states that 28 locations of dune buckwheat (Smith's blue butterfly food source) were documents on site in 1995 but only 16 locations remained in 2001. Please explain why. Please provide maps of the 1995 locations in comparison with the 2001 locations. Do any of the disappeared locations coincide with proposed building sites? Do any of the remaining locations coincide with building sites? How will those surviving plants be preserved to ensure their health after buildout and in perpetuity? Please respond and provide full support for your conclusions, if any.

SOCR 1-125

4.9-16 – The DREIR states that the project will be required to withdraw water only during the seven months outside of the June 1 - October 1 low-flow period. That means the project must store water for 5 months. Where will the water be stored? What agency consultation has taken place to address this issue and the potential impacts from that activity? Please address and respond, providing full support for your conclusions.

SOCR 1-126

Separately, the DREIR's argument that withdrawing groundwater outside of the low-flow period won't affect flow during the low-period is scientifically inaccurate. Please address, with specific attention to the impacts during drought years, such as the 1987-1991 period.

4.9-16 to 4.9-17 – The document acknowledges that it will cause a 57 AFY reduction in river flow. This is inconsistent with the claim elsewhere that the alleged SRA is barely connected to the Carmel River.

SOCR 1-127

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4.9-21 -- Same comments as elsewhere about the significantly underestimated impacts to acreage due to the DREIR's including only direct impacts and excluding indirect impacts and many known development components. This analysis should be redone based on the new information provided in response to those comments.

SOCR 1-128

Table 4.9-2 should be revised (as elsewhere commented) to identify indirect impacts and the identify the rare coastal prairie and cleared areas.

SOCR 1-129

4.9-22 -- The Forest Management Plan, the Open Space Management Plan, and the Grasslands Habitat Management Plan are all deferred impermissibly to the future. The plans themselves have impacts. For example, the DREIR assumes that mowing of non-native grasslands would be acceptable. There is no basis for that conclusion, and that act in itself can have impacts. Other plan elements may also have impacts. Because each of these plans have potential impacts, and deferring them to the future is piecemealing and not permitted under CEQA. Each of these plans will contain information that should be included now in the DREIR.

SOCR 1-130

Separately, elements of the Tentative Map are impermissible deferred. These elements include, for example, development envelopes, building envelopes, and plant surveys of those envelopes. That information is necessary for the public to comment meaningfully on the DREIR. Please define "development envelope," "building envelope," and how they differ. Please check DREIR references to ensure the correct term is used.

SOCR 1-131

The proposed mitigation has additional impacts. For example, the use of fencing can have distinct biological impacts. The mitigation merely says it will "limit" the use of fencing, without further discussion.

SOCR 1-132

Further, the removal of native vegetation is intended to be controlled by use of CC&Rs, or "dedication of a conservation or open space easement, or other similar methods." Each of these methods has different impacts. The exact mitigation method should be specified now. The mitigation's terms should be specified now. The language of one conservation easement can be very different from the language of another conservation easement. The DREIR claims the project applicant proposed the dedication of scenic easements, which can have a very different impact from a conservation easement, but is not discussed or evaluated. Open space easements are different, as well. The terms of an easement are critical, and not provided here. Please identify the alternative mitigations and their different impacts, and why one is recommended (if any) over any other. Also, easements are rarely successful unless the easement is fully funded for management, and enforcement is independent. Please address and respond in detail.

SOCR 1-133

There is no evaluation of the impacts of domestic animals on the native animals. Other recent County EIR preparers have consulted with California Department of Fish

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& Game and provided this information in their DEIRs. See, e.g. Carlsen Estates. For example, dogs and cats can have significant impacts on native wildlife. Dogs and cats are known impacts. It is not reasonable to require that all dogs be kept on leashes in the easements and the open space, nor is it reasonable to think that cats will not leave the boundaries of their designated development area. These are very real impacts and must be discussed. The project's spread-out lots can cause far more impacts from domestic animals than a clustered lot design. Please evaluate an alternative clustered layout to reduce these impacts.

SOCR 1-134
CONT

4.9-23 -- Please define "building pad" and how that term differs from "building envelope" and "development envelope." The DREIR uses them inconsistently. Please review the entire document and correct where necessary.

SOCR 1-135

How many fewer Monterey pine trees would be impacted if the lots were laid out in an alternative design with the goal of fewer pine impacts? Please investigate this alternative and respond.

SOCR 1-136

4.9-24 -- Where will 90 replacement acres be found? Will it be on site? What are the impacts of artificially planting pine trees where none existed before naturally on site? How will the public be assured that the trees will be of the same integrity and health as the ones removed? What happens if they all die after five years? Does that mean the mitigation measure is a failure? The way the mitigation is written, the applicant can stop the mitigation measure after 5 years, regardless of the success of the replacement planting.

SOCR 1-137

What is an "adaptive management scenario" and what impacts will it have? The "scenario" is part of the project and should be provided now for the public to review.

SOCR 1-138

4.9-25 -- The first bullet point of Mitigation 4.9-4 makes no sense: What is the difference between yard and landscape environments? What does "try to minimize root damage" by keeping "digging to a minimum" mean? Anyone can "try" to do something and fail miserably. That is not an effective mitigation. Effective mitigations are clear, enforceable and accountable. The impacts of having ineffective mitigations (evident throughout the DREIR) should be investigated and evaluated. Alternative, more effective mitigations should replace the optional, unclear, and/or ineffective ones.

SOCR 1-139

4.9-26 -- The DREIR acknowledges that there is potential for fragmentation of the pine forest will have significant impacts. "Mortality from pitch canker is highest in areas that have been penetrated by roads and where trees have been removed." That penetration and removal is exactly what this project proposes, through the most precious pine forests. The document fails to provide alternatives that would prevent or reduce these impacts, like alternative siting. Please investigate and respond in detail with alternative site plans. The mitigation merely addresses attempted reduction of pitch canker from infecting susceptible trees for which there is no proven prevention;

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however, the project creates thousands of susceptible trees. The mitigation fails. Rather than placing a tiny bandaid on the damage, why not prevent the damage from occurring? The document should address reducing or eliminating the creation of susceptible trees.

SOCR 1-140
CONT

4.9-27 -- What is "subdivision construction activity"? Does it include all private construction? If not, why not? What are the impacts of excluding private construction? What does "where possible" mean? This is another example of an ineffective mitigation (see 4.9-25 above). Who determines what is "possible"? What are the impacts of allowing individual interpretation of "where possible"? "Guidelines" in future CC&Rs are not effective mitigations to protect oak trees from inappropriate development that will impact them. There must be accountability and enforcement. The most effective mitigation is to place development away from oak trees. Please investigate alternative lot and development layouts that avoid impacts to oaks altogether, and evaluate their impacts.

SOCR 1-141

4.9-28 -- Immediately following the discussion of coastal sage scrub impacts, the mitigation measure addressed grassland areas. Please clarify and correct, if necessary. What does "incorporation into project documents that are passed on to homeowners" mean? There is no accountability, no perpetuity, and no fencing of the open space. Please investigate including these essential components in the mitigation itself, and respond.

SOCR 1-142

What is "managed open space"? How does it differ from the public or private open space? Who manages it? How is it funded?

SOCR 1-143

4.9-29 -- What is the definition of "building footprint" and how does it differ from the "development envelope," "building envelope" and "construction subdivision activity" used in other mitigations? Again, all these footprints and envelopes have been omitted, but they should be identified now and included at this stage of the review, so impacts can be clearly identified and alternatives identified and investigated. Other current County EIRs have done this. See, e.g., Carlsen Estates. Why is this applicant getting special treatment, and allowed to avoid this requirement?

SOCR 1-144

The Grasslands Management Program, as commented on earlier, has unidentified impacts of its own. For example, grazing and/or mowing have impacts on native grasses and wildlife. These impacts are not mentioned. The document implies that grazing would be allowed on conservation easements. That has potential unidentified impacts. Further, what are the potential impacts of fire management on "the common open space" and grassland areas, especially where adjacent to Monterey pines?

SOCR 1-145

See earlier comments about the possible failure of conservation easements unless fully funded in perpetuity and enforceable. Please address as to Mitigation 4.9-

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9. What is the difference between "natural community" and "vegetation community"? How will landscape plantings on all 110 lots be "restricted to native plant species adapted to summer fog incursion zone"? That mitigation is not enforceable. It means for example, not a single rose or lavender plant will be allowed on the entire project.

SOCR 1-146
CONT

4.9-29 to 4.9-30 -- Additional impacts to special status plant species can be caused by utility and other infrastructure placement, drainage facilities, water tanks, landscaping, private driveways, pools, tennis courts, vineyards, and all the other land uses identified elsewhere in these comments. Please include these in the discussion and the mitigation. Further, botanical surveys should be conducted now, so the siting of the lots and building envelopes can be identified now, as commented elsewhere.

SOCR 1-147

4.9-31 -- The two mitigation measures are ambiguous as to grading between February 1 and March 1. Please investigate and clarify. What is the definition of "infeasible"? Who determines whether grading is "infeasible"?

SOCR 1-148

4.9-33 to 4.9-35 -- Another example of the DREIR's lumping all the CVMP policies together in order to avoid analyzing project consistency with each one. Please separate and address each policy separately. For example, CVMP policy 7.2.2.5 states that the County shall discourage the removal of healthy, native oak trees. The "analysis" on the following page does not address this policy. Many healthy oak trees will be removed by the project. There is no evidence that the County has discouraged the removal of any of them. Alternatives should be investigated that reduce or eliminate the removal of healthy native oak trees on the site. For another example, the DREIR does not discuss any consistency with CVMP Policy 9.1.2.

SOCR 1-149

Separately, please describe what is meant by the document's claim that "where feasible, mitigation has been recommended to reduce impacts to biological resources." How is "feasible" defined? Who determined whether a mitigation was "feasible"? Please provide a list of all the mitigations that were considered and determined to be infeasible, with all the reasons why each determination was made.

SOCR 1-150

4.9-34 -- CVMP Policy 7.2.2.3 is incorrectly stated. The DREIR's addition of one word changes the meaning.

SOCR 1-151

AESTHETICS

4.11-1 to 4.11-2 -- The photographs taken to document the project site do not include any of the pine forest or the native coastal prairie. Please include such photos. Further, the descriptions of photos 7 & 8 are reversed and internally confused. Please correct.

SOCR 1-152

4.11-2 to 4.11-13 -- The discussion states that the Carmel Valley Road views to the inclusionary housing units will be "limited" but the Noise section implies a direct line

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of sight. Further, there is no depiction of what the views from Carmel Valley Road will be. Please provide. Further, private views were not considered and should be.

SOCR 1-153

CONT

4.11-13 -- The discussion fails to mention the visual impacts (including aesthetics, glare, and consistency with rural environment) of the minimum-5-foot-tall plastic or glass noise barriers to be placed on the inclusionary housing's south façade. Please include and discuss those impacts.

SOCR 1-153

4.11-14 -- what is meant by security and parking lighting? Please describe it in detail. Is that public or private lighting? How will bright exterior lights, including motion detector lights, be prevented, if at all?

SOCR 1-154

What is meant by "public space (including public roadways) lighting plan"? Please describe in detail. Will the project include street lighting? Will it be visible from off site, including from Carmel Valley Road, Del Mesa Carmel, or the neighboring residences to the east?

SOCR 1-155

4-11-14 to 4.11.17 -- Once again, the document lumps its "consistency analysis" of seven important CVMP policies together into one amorphous vague response, thereby avoiding specific responses to each policy, as required. Please provide an analysis as to project consistency with each policy separately. Two examples follow, but problems exist with each and every policy consistency analysis. Please redo all of them individually, and focus on the policy, without making vague promotional generalities that advocate for the project.

For example, there is no analysis whether the project creates lots with building envelopes on ridgelines. The "analysis" merely states that the lots are not "located along" ridgelines, which does not address the issue. The CVMP Policy 26.1.9.1 specifically states that new subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development." Please investigate and respond, and provide alternative lot locations if a proposed lot has a building site on a ridgeline. The public cannot evaluate this information, because the DREIR fails to provide building envelopes or development envelopes. Further, the Policy states that "siting of new development visible from private viewing areas may be taken into consideration during the subdivision process." The DREIR avoids any mention of consistency with this policy. The project is not consistent with it. The document should include discussion of the private views from Del Mesa Carmel, nearby residential areas to the east and south, and from Jack's Peak Park.

SOCR 1-156

For another example, CVMP Policy 26.1.28 requires structures in open grassland areas visible from Carmel Valley Road to be "minimized in number and clustered near existing natural or man-made vertical features." The DREIR scrambles together a meaningless argument that the 15 inclusionary units comprise "only 0.6 percent of the total project site." But the CVMP does not address project site; it

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addresses the number of units, which here is 15. There is no discussion of
pt by the County to minimize the number of units. Those alternatives should
igated and mitigations proposed.

SOCR 1-156
CONT

Here, as throughout the entire DREIR, the mitigations are mere - and often
tly ineffective - attempts to make significant impacts a little bit less severe. They
weak. The EIR consultant accepts the project as it is, and merely rearranges tiny
s of it. Its mitigations do not mitigate effectively. An effective mitigation here would
e: to comply with the CVMP policy, eliminate the housing on the open grasslands that
is visible from the Carmel Valley Road. Please investigate this mitigation, and one that
minimizes the number of visible units (say, limits them to three or five) and requires
relocation of the other ten or twelve. Please respond in detail.

SOCR 1-157

Further, the DREIR claims the 15 units will be located near vertical features but
does not identify them. Please provide a description and photographs that support that
conclusion.

SOCR 1-158

Separately, where is the evidence to support the DREIR's conclusion that "the
project has been designed so that the residential lots will minimize the effects" to
sensitive public viewsheds? Please provide full support for that claim, along with other
site plans that were rejected because they caused more effects to the viewsheds

SOCR 1-159

4.11-16 -- What year was the red barn on site built?

SOCR 1-160

POPULATION

4.12-5 -- The DREIR refers to the "anticipated range of the lots." What is that
range? Please provide full support for the response.

SOCR 1-161

PUBLIC SERVICES AND UTILITIES

4.13-1 -- Where will all storage tanks be located? What impacts will they have?
Why have specific capacity and design not yet been developed? According to 4.9-16
to 4.9-17, very large amounts of storage will be necessary to provide for the 5 months
a year when pumping will not occur. Will there be reservoirs or other holding areas for
that storage? Such storage generally requires SWRCB approval.

SOCR 1-162

4.13-2 -- What is the exact officer-to-people ratio the Monterey County Sheriff's
Department provides in the service area? Why does the DREIR avoid stating it?

SOCR 1-163

What visual impact will the street guide have? How big will it be? Where will it
be located?

SOCR 1-164

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4.13-4 – The CUSD factor of 0.081 students/unit is inconsistent with the total of the 3 sub-factors stated. Please explain.

The evaluation of school impacts is limited to only the project. The document states that middle school is near and the high school is at capacity. The effects of other known projects - such as Quail Meadows, Canada Woods, Monterra, Carmel Valley Ranch - are omitted and should be included in this section.

SOCR 1-165

4.13-7 – Is horseback riding, mountain biking, or other high-impact uses to be allowed in the open space areas ("private" and/or "public")? What impacts do those uses have on the areas? Please specifically address biological impacts, as well as all other impacts. Are the public open space areas truly open to the public? If so, how will the public access them? What are the impacts of public use, and the public access?

SOCR 1-166

4.13-8 – Where are the trail easements to be located? How do those easements interact with the various conservation easement, scenic easements, and open space easements, and other easements throughout the project? Will there be any equipment located anywhere on the easements, including but limited to the trail, conservation, scenic and open space easements? What impacts will that equipment have? Will equipment be prohibited?

SOCR 1-167

4.13-9 – Will all utilities be under grounded? If so, what impacts will that have, including biological, aesthetic, and construction impacts?

SOCR 1-168

ALTERNATIVES

Since this is a "Revised Draft" and not a new EIR, and the big push for "affordable housing" came after the original document, how can the Planning Commission's preferred alternative not meet stated "project goals"? The new project goals were not the original project goals. Please respond with full support for your conclusions, and provide full documentation of when the new project goals were established, and on what date.

SOCR 1-169

GROWTH INDUCING IMPACTS

The text at 7.3.1 and 7.3.2 is pure argument about why this project will not be growth-inducing or precedent-setting. It is not the reasoned, independent analysis CEQA requires in an EIR.

The document argues that "the County has no direct approval authority over the reasonable and beneficial use of riparian water rights." This project's current 99 AFY water use may not be reasonable. Even if it is, the issue really is whether the Board should be approving major development based on independent water systems (riparian or appropriate). The right to subdivide is discretionary. That's the power the County

SOCR 1-170

SOCR

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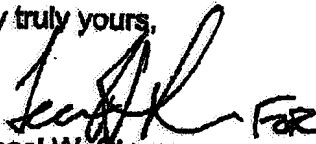
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has. The public policy decision is whether projects such as these should proceed with independent systems. Thus, the County has far more power than to merely mitigate for adverse impacts. It can prohibit this activity entirely if it chooses. The Downey Brand discussion assumes a right to full buildout by this developer. Please clarify.

7-3 – The applicant asserts the property and water basin boundaries are co-extensive, and no other properties are overlying. This claim is inconsistent with evidence elsewhere in the document. See, e.g., DREIR maps showing overlying parcels, and DREIR tables of other privately-owned parcels pumping from the so-called September Ranch Aquifer.

Thank you for the opportunity to comment on the September Ranch DREIR. For the reasons cited above, we ask that the document be revised and recirculated. The revised document should provide the missing information identified by our and others' comments.

Very truly yours,



Michael W. Stamp

SOCR 1-170

SOCR 1-171

SAVE OUR CARMEL RIVER (SOCR)

Response to SOCR 1-1

The 1998 Final EIR prepared by Denise Duffy and Associates (sometimes referred to as the “Duffy EIR”) was not used as a “template” for purposes of this Draft REIR. The Draft REIR is an independent analysis that functions as a stand-alone CEQA document. (See Draft REIR at Section 1.2, pp. 1-1 to 1-2, History of Environmental Review; Draft REIR at Section 1.7, pages 1-4 to 1-5, Incorporation By Reference; Draft REIR, Section 10, References). This also applies to the Recirculated Draft REIR.

The Draft REIR and Recirculated Draft REIR consider and update technical work underlying the 1998 Final EIR, relying on the standard approach used for pre-existing technical reports, and where information from the 1998 Final EIR is noted, the Draft REIR and Recirculated Draft REIR expressly incorporate that information by reference. (Draft REIR at Section 1.7, pp. 1-4 to 1-5 (Incorporation By Reference); Draft REIR, Section 10 (References). For example, see Draft REIR, Section 4.2, page 4.2-1.

The technical work underlying the 1998 Final EIR was not given any presumption of validity, and was reviewed and independently analyzed before being incorporated into the Draft REIR or Recirculated Draft REIR. The County as lead agency addresses in this Final REIR questions regarding any specifically identified technical work underlying the Draft REIR or Recirculated Draft REIR, including any specifically identified information originally presented in the 1998 Final EIR.

CEQA expressly provides for the involvement of consultants in a CEQA process, and recognizes that there will be both staff and consultants involved in preparing an EIR. The lead agency is entitled to consult with its attorneys during the CEQA process, and these communications are entitled to attorney-client confidentiality and other privileges.

Ultimately, whether staff, consultants, attorneys, or (as is generally the case) some combination of these were involved in a particular section of an environmental analysis is irrelevant to physical impacts, in part because the lead agency must independently review and assess the work in the Draft REIR and Recirculated Draft REIR. (See Draft REIR, Section 1.3, pp. 1-2 to 1-3.) Because the question does not address or inquire as to the nature or magnitude of any specific physical change in the environment, no further response is required.

Response to SOCR 1-2

Please refer to Response to SOCR 1-1.

Response to SOCR 1-3

Please refer to Response to SOCR 1-1.

Response to SOCR 1-4

Please refer to Response to SOCR 1-1.

Response to SOCR 1-5

Please refer to Response to SOCR 1-1.

Response to SOCR 1-6

Please refer to Response to SOCR 1-1.

Please see Section 4.3 of the Recirculated Draft REIR. The baseline used for the impact analysis is 3 AFY.

Response to SOCR 1-7

An impact assessment methodology does not equate to a policy decision that will serve as precedent in other cases, and it is inaccurate to assume, and the comment does not adequately explain why it assumes, that use of the water balance method would lead to approval of projects that would not otherwise be approved, or identification of a water supply where none would otherwise be identified but for use of the water balance methodology. A water balance assessment is a very common approach to hydrologic analysis. In any case, it is noted that environmental impact analyses are conducted on a case-by-case basis with site specific hydrologic and project information. The SRA position and geology is unique in its hydrologic relationship with the CVA in that relatively small groundwater exchange is due to neutral gradient that exists between the two systems.

Response to SOCR 1-8

The comment confuses a factual description of hydrologic exchange with a standard of proof. The hydrologic analysis in the Recirculated Draft REIR constitutes substantial evidence, and there is no reduced “standard” being applied. Indeed, the Recirculated Draft REIR has undertaken an exhaustive and quantitative analysis that *exceeds* the standards of most environmental documents. No further response required.

Response to SOCR 1-9

The County has consulted, coordinated with, and obtained the comments of resource agencies to the extent appropriate in the context of the proposed project, and as required by CEQA. Section 8 of the Recirculated Draft REIR lists organizations and persons consulted and has been updated for the Final REIR. (See also Recirculated Draft REIR, Section 3.5 (Other Responsible and Trustee Agencies).) These consultations and disclosures satisfy the requirements of CEQA, and the comments are not otherwise relevant to physical changes to the environment. Please see the comment letters submitted by the Monterey Peninsula Water Management District, the Department of Fish and Game, and the State Water Resources Control Board, and the responses thereto. No further response is required.

Response to SOCR 1-10

As outlined in CEQA Guidelines Section 15204(a), a Lead Agency need only to respond to significant environmental issues and does not need to provide all information requested by reviewers. This comment does not address an environmental issue. The commentor is referred to the Notice of Completion submitted to the State Clearinghouse and included as an attachment to the letter

submitted by the Office of Planning and Research dated January 18, 2005 and included within this document.

Response to SOCR 1-11

The project would not receive water from Cal-Am; at present, it is not clear whether and/or when the project area would formally de-annex from Cal-Am's service area but in either case this regulatory exercise would not implicate adverse physical impacts within the meaning of CEQA.

Response to SOCR 1-12

As stated on page 3-11 of the Draft REIR, the project objective is to, "provide market rate and low- and moderate-income housing in accordance with the existing County ordinances and the CVMP." It is noted that this objective does not explicitly state a number of units; however, the number of units required to meet the project objective can be determined when evaluating the project and each of the alternatives in relation to the mandates set forth in the ordinance itself, which as amended April 22, 2003 requires that a residential development subject to the ordinance provide either an in lieu fee or on site inclusionary housing, which equals twenty percent of the total number of residential units proposed. However, since the date of the development application for the proposed project preceded the amendment to the Inclusionary Housing Ordinance, the project is required to provide fifteen percent of the total number of units proposed. Please note that consistent with the Carmel Valley Master Plan, affordable housing must be supplied onsite.

The Planning Commission Recommendation Alternative would result in the development of 49 market rate residential units and 8 inclusionary housing units. Therefore, this alternative provides less inclusionary housing units (which are considered a project benefit) in comparison to the proposed project. The Planning Commission Recommendation Alternative has not been eliminated from consideration and the Planning Commission will have the opportunity to weigh the merits of this alternative in relation to the proposed project in its consideration of the certification of the REIR and project approval. Please refer also to MR-16: Staff Recommended Alternative.

Response to SOCR 1-13

Implementation of the proposed project will not result in altering the existing barn structure or appurtenant facilities.

Response to SOCR 1-14

The discussion of the location of the commercial services is solely in reference to the project location and the existing environment in the project area and does not relate to any specific project-related environmental impacts.

Response to SOCR 1-15

Currently there are five access points to the proposed project, which are identified on Exhibit 3-1. The REIR does not purport to substantiate the amount of use of these access points, rather the REIR is establishing the physical characteristics of the project site, which includes these access points. Providing supplemental supporting information as to the current usage of the various access points is

not in reference to any specific environmental issue and therefore in accordance with CEQA Guidelines sections 15088 and 15204, this issue is not further addressed in this document.

Response to SOCR 1-16

Please see MPWMD comment letter and Response to MPWMD 1-2. Any information in the 1998 Final EIR on this issue is out of date and otherwise not relevant. See Response to SOCR 1-1. No further response is required.

Response to SOCR 1-17

Kennedy-Jenks Consultants prepared a hydrologic report and Downey Brand prepared the legal riparian rights analysis for the County. Both Kennedy Jenks Consultants and Downey Brand were retained by and supervised by the County of Monterey. The last paragraph of the second paragraph on page 3-2 of the Draft REIR has been revised to read as follows:

The County of Monterey retained Kennedy Jenks Consultants to conduct a lengthy, multi-phase investigation (hydrogeologic report) to examine the degree of connectivity between the project terrace area and the adjacent and much larger CVA. Additionally this investigation included an evaluation of the overall water availability and potential impacts from the proposed project. This investigation is summarized in this REIR (see Section 4.3 Groundwater Supply and Availability) and is contained in its entirety as an appendix to this REIR (see Appendix C).

Response to SOCR 1-18

Page 3-2, the first sentence of the sixth paragraph has been revised to read as follows:

In addition to the proposed residential development, the proposed project contains approximately 783 acres of open space as identified below and as shown in Exhibit 3-3, Site Plan.

Please note that all exhibits within the Draft REIR include the source of origin and date.

Additionally, on Page 3-11, the last sentence of the first paragraph is revised to read as follows:

As identified on page 3-11 of the Draft REIR, the general phasing schedule for the lots identified on Exhibit 3-2, Site Plan is as follows:

- Phase 1..... Lots 4-9, Lots 13-22, Lots 101, 104, Lots 105-119 (Inclusionary Units), and Parcels B, C, and D;
- Phase 2..... Lots 23-40 and Lots to 44-58;
- Phase 3..... Lots 59-85, 102, 103; and
- Phase 4..... Lots 86-100

Response to SOCR 1-19

As identified on page 3-2 of the Draft REIR, in relation to the proposed project, open space is a combination of both the common open space (463.4 acres) and private open space (319.4 acres). Common open space is that open space, which is collectively owned by the residents of the September Ranch project site and is maintained by the Homeowners Association. Private open space is that open space, which will remain as open space through Covenants, Conditions, and Restrictions on individual lots, but is privately owned and maintained.

Response to SOCR 1-20

Exhibit 3-2 is the Local Vicinity Map. Exhibit 3-2 was reproduced with the Draft REIR; however, there is the possibility that during reproduction that Exhibit 3-2 may have been omitted from the Draft REIR copy sent to the Save Our Carmel River organization. The Draft REIR, including Exhibit 3-2 is available on the County of Monterey's website at:

http://www.co.monterey.ca.us/pbi/docs/eirs/september/sept_deir.htm

Additionally, Exhibit 3-2, Local Vicinity Map was included in Appendix A, Initial Study, Notice of Preparation, and Responses of the Draft REIR.

Response to SOCR 1-21

As discussed on page 3-1A of the Draft REIR, and Section 4.6, Transportation and Traffic and as shown on Exhibit 3-3 Site Plan of the Draft REIR, site access is going to be provided opposite the intersection of Carmel Valley Road and Brookdale Drive.

The Site Plan identifies the parcels rather than the building envelopes; however, as indicated in the Draft REIR, impacts were analyzed based upon building envelopes. Specifically, as stated on page 4.9-1 of the Draft EIR, for purposes of the biological assessment and subsequently the EIR analysis, it was assumed that habitat values within the building envelopes of each lot will be lost as a result of project buildout. Exhibit 4.9-1 identifies the native plant communities/habitat types located onsite as well as the residential lots and Table 4.9-2 identifies the impacted vegetation communities. Therefore, the Draft REIR provides an adequate level of information in regards to impacts within the building envelopes (the building envelope is presumed to be approximately 0.33 acres for each of the parcel sites for the purpose of this analysis).

Response to SOCR 1-22

Please refer to the Recirculated Draft REIR, Section 6.

Response to SOCR 1-23

Please see Response to SOCR 1-18.

Response to SOCR 1-24

As noted on page 3-2 of the Draft REIR, the proposed project includes 463.4 of Common Open Space. Additionally, Exhibit 3-3 identifies the locations of the various portions of the project site that are being retained as Common Open Space. Currently all of the areas designated for Common Open Space are undeveloped and will remain as such with project implementation; therefore, essentially, at time of project commencement all 463.4 acres of Common Open Space will be present onsite.

Response to SOCR 1-25

The comment is noted. In Section 3.3 the first two sentences are a brief description of the proposed project and are not intended to be considered part of the project objective. The first two sentences are factually correct and introduce the project objective, which is clearly stated in the third sentence of the paragraph.

Response to SOCR 1-26

Please refer to the Recirculated Draft REIR. Additionally, as noted on page 3-1A, the proposed project is consistent with the Carmel Valley Master Plan land use designations and the County of Monterey Zoning designations assigned to the project site; therefore, amendments to the General Plan and Zoning are not listed as needed discretionary approvals.

Response to SOCR 1-27

As a draft condition of approval, see MR-2: Adequacy of Mitigation Measures, design approval (with the final approval by the Planning Commission) shall be required for the water tanks, inclusionary housing units, tract sales office, any fencing, and the gate and gatehouse. All of these structures, with the exception of the water tanks shall follow a rural design and maintain compatible design consistency with the surroundings and keeping with the historic farmhouse and equestrian center.

Response to SOCR 1-28

As identified on page 3-2 of the Draft REIR, the project site contains 463.4 acres of common open space and 319.4 of private open space. Collectively, the project site will have 782.8 acres of open space, comprising 87.9 percent of the 891-acre project site.

Response to SOCR 1-29

The project description includes all lots proposed to be developed by the applicant.

Response to SOCR 1-30

Exhibit 3-1, Site Plan identifies the existing equestrian center, including the barn and ranch house as well as the existing onsite wells, water tanks, and booster pumps and other ancillary facilities located onsite. It is noted that the commentor has requested that the County investigate whether County permits exist for the onsite roads, when they were issued, and how many are on slopes over thirty percent. These comments are not related to any specific environmental issue and per CEQA Guidelines sections 15088 and 15204, in responding to comments, CEQA does not require a Lead

Agency to conduct every test or perform all research, study, or experimentation recommended or demanded by commentors. Rather, a Lead Agency need only to respond to significant environmental issues and does not need to provide all information requested by reviewers as long as a good faith effort of full disclosure is made in the EIR. As stated on page 3-1A of the Draft REIR, "Project implementation will result in the upgrade and extension of the existing roadway network to create access to the residential units (see Exhibit 3-3)." Additionally also state on page 3-1A of the Draft REIR, "Approximately 100,000 cubic yards of grading will be required to upgrade the existing onsite circulation system. Portions of the roadway system will be graded in excess of 30 percent slopes. This grading will require a waiver (e.g., variance) of County regulations prohibiting development on slopes in excess of 30 percent to allow for the construction of the internal access roads."

Additionally it is noted that the comment would like the County to identify the number of trees that were removed for the current onsite circulation system. The existing conditions of the project site are those conditions that are present at the commencement of the Initial Study/Notice of Preparation period and past tree removal, if any, does not assist in establishing the existing conditions as defined by CEQA and therefore, is not further evaluated within this document.

Response to SOCR 1-31

The statement is intended to further clarify the existing conditions. The proposed project will not conflict with any existing or proposed trail requirements of alignments. As note on page 4.13-7, Mitigation Measure 4.13.5-2, the applicant in coordination with the Monterey County Parks Department shall dedicate trail easements to the County for connection of future trails with existing trails. The applicant is offering to dedicate a twenty foot public recreational trail easement over the subdivided property for the purpose of providing public access from Carmel Valley Road to Jack's Peak County Park. The specific alignment shall be located entirely within the trail easement as described and shown on the Applicant's Final Map. The configuration of the hiking and riding trails will be consistent with the guidelines set forth in the Monterey Peninsula Area Plan.

Response to SOCR 1-32

As discussed on page 4.1-3 of the Draft REIR, "Land use compatibility is primarily determined by its compatibility with various characteristics associated with land use in adjacent areas. These characteristics include types of activities, noise, density, height/bulk, and/or appearance.

The inclusionary housing units will be of greater density height/bulk than that of the equestrian center consisting of a barn and ranch house; however, the overall land use pattern will remain as residential. Moreover, through proper site design, a project of greater density and/or height/bulk can be considered compatible with the existing equestrian uses. For instance, architectural style and the use of materials will allow for a project of differing scale to be considered compatible. As outlined in Mitigation Measure 4.11-2 on page 4.11-13 of the Draft REIR, "Prior to the issuance of a grading permit, the applicant shall submit design guidelines and landscaping plan subject to review and approval of the Monterey County Planning and Building Inspection Department. The plan shall utilize rural-architectural theme, break up building mass of the units closest to Carmel Valley Road, and implement landscaping materials compatible with the surrounding area."

Moreover, as discussed on page 4.11-16, the 1.9 acres that will support the inclusionary housing units will be the most visible component of the project. Visibility of the inclusionary housing will be primarily from vehicles traveling eastbound on Carmel Valley Road. The inclusionary housing will be located adjacent to natural or manmade vertical features, including a proposed 20-foot tree screen and set back greater than 100 feet from Carmel Valley Road in an effort to obscure the inclusionary housing from Carmel Valley Road. Vehicles traveling westbound on Carmel Valley Road would not see the inclusionary housing units, as they would be obscured by the existing 20 to 30-foot high bluff. Given the distance and physical obstacles between the equestrian center and the proposed inclusionary housing, there will be minimal views of the inclusionary housing from the equestrian center. Please see MR-14: Aesthetics - Inclusionary Housing.

Therefore, it is considered that with the combination of site design and the techniques implemented to visually obscure the inclusionary housing from public viewsheds, that the inclusionary housing units may be constructed to be compatible with the existing equestrian center.

Please also note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations. These further address visual and aesthetic issues raised by the public. See MR-14: Aesthetics - Inclusionary Housing.

Response to SOCR 1-33

The comment has not identified any specific text in which the County may be intending to use the word proscribed; therefore, the County cannot determine to what language the comment may be referencing.

Response to SOCR 1-34

The CVMP guides land use decisions and development within the project area. If there is a change in a CVMP policy, that would result in either an increase or decrease in the allowable development density of a parcel within the CVMP planning area, the maximum allowable density resulting as a change in such policy would be determined (tabulated). The proposed project will not result in a change in CVMP policies and as such, no such tabulations are included in the Draft REIR. As stated on page 4.1-3, this statement is in reference to the procedures that determine the allowable density within the project site.

Response to SOCR 1-35

As a draft condition of approval, see MR-2: Adequacy of Mitigation Measures, prior to the filing of the final map, the applicant shall request, in writing that Parcels A, B, C, and D be rezoned to Open Space (O).

Response to SOCR 1-36

The CVMP is a component of the Monterey County General Plan and as discussed in the CVMP (see page 1), the CVMP consists of the Monterey County CVMP (as adopted December 16, 1986 and as amended through November 5, 1996) and the Monterey County General Plan.

The Draft REIR combined policies as warranted when two or more policies are closely related and logically could be addressed collectively.

The proposed project will result in 463.4 acres of common area open space, which is dispersed throughout the project site. More specifically in relation to CVMP Policy 26.1.23 and as shown on Exhibit 3-3 of the Draft REIR the project provides an open space buffer along the eastern and western boundaries of the project site between the Del Mesa Carmel (to the east) and Canada Woods (to the west) residential developments. As discussed on page 4.1-5 of the Draft REIR the majority of the project site as open space. In all open space accounts for 87.8 percent of the total project site distinguishing the project site from more dense suburban developments.

Please see MR-14: Aesthetics - Inclusionary Housing for a discussion regarding the visual impacts of the inclusionary housing.

Response to SOCR 1-37

As noted on page 3-1A and 4.1-7 of the Draft REIR the proposed project is consistent with the CVMP and zoning ordinance designations for the project site. The inclusionary housing is located within the portion of the project site that is designated as Low Density Residential 5-1 acres/unit and zoned as Low Density Residential/2.5 Design Control- Site Control. As discussed in the Recirculated REIR, the project will not require a zone change or up-zone as referenced by the commentor. Moreover, overall the proposed project will result in less development than is allowed under either the CVMP or the slope density formula. Thus, the project is consistent with the intent of the CVMP to limit the amount of growth within the CVMP planning area.

The reference to medium density housing on page 4.1-6 of the Draft REIR is unintentionally misleading and has been revised as follows:

In the same manner, the inclusionary housing units would be located on land generally suited for the clustering of the smaller lot single-family inclusionary units.

This revision is included in Section 6, Errata.

Specifically, consideration was given to the height of the inclusionary housing in relation to topographical features throughout the project site and the ability to obscure the inclusionary housing (see MR-14: Aesthetics - Inclusionary Housing).

Additionally, the inclusionary housing is to be constructed during the early stages of the proposed project. Given that much of the infrastructure (*i.e.*, roadways, pipelines, etc.) will not be fully constructed during this phase of the proposed project, it is logical to place the inclusionary housing in an area that is easily accessible to existing infrastructure.

Please also note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Response to SOCR 1-38

The original Preliminary Project Review Map and Tentative Vesting Tract Map are dated 1995. Since the commencement of the proposed project, the project applicant has removed lots 41 through 43 from the development plan.

Response to SOCR 1-39

The commentor notes that the CVMP (Policies 34.1.1.1 and 34.1.1.2) allows clustering only when distinct conditions are met. In particular, the CVMP allows clustering when visible open space is preserved in critically sensitive areas or protects other natural resources.

In accordance with the Monterey County Inclusionary Housing Ordinance, the project applicant is required to provide onsite inclusionary housing units unless the applicant demonstrates clear and convincing evidence that an onsite contribution is not appropriate for the September Ranch project site. To feasibly provide onsite inclusionary housing, which is the intent of the ordinance, the applicant has designed the project to allow for the clustering of inclusionary housing in an area of the project site that is most suitable to support greater housing densities in relation to the policies set forth in the CVMP, including the preservation of open space and critically sensitive areas. As discussed on page 4.11-13, “a visual field survey of the site and adjacent areas was conducted to assess the existing visual character of the property from key vantage points. This included siting of lots through staking and flagging in an effort to identify the location of the final building envelopes to minimize potential viewshed impacts. More specifically, siting of these lots was established by taking into consideration both topography and elevation in relation to public vantage points and transportation routes.” This is consistent with the CVMP policy to preserve visible open space. Additionally, please refer to MR-14: Aesthetics - Inclusionary Housing.

Please also note that the Recirculated Draft REIR, Section 6.0 examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Very little of the project site is currently disturbed. As shown on Exhibit 4.9-1, the majority of the project site consists of Monterey pine/coast live oak forest, coastal sage scrub, and grassland. As previously discussed, the project applicant is required to construct inclusionary housing, specifically, in accordance with the provisions of the ordinance, the project applicant is required to construct a minimum of fifteen inclusionary housing units. Alternatively, if the applicant were to not cluster these units there would be greater disturbance to the existing habitat as a result of individual lots and the associated infrastructure needed to be constructed to support these lots. Therefore, the clustering of the inclusionary lots is considered to be consistent with CVMP policy 34.1.1.2.

An EIR need not consider every conceivable alternative to a project. Additionally, CEQA Guidelines 15126.6(f) state, “Alternatives must be limited to the ones that meet the project objectives, are ostensibly feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the proposed project.” Evaluating an alternative inclusionary housing location would not substantially lessen at least one of the significant environmental effects of the project.

Response to SOCR 1-40

As discussed on page 3-1A of the Draft REIR, 494 acres in the northern portion of the project site are designated as RDR/10-D-S and the remainder of the project site is zoned as LDR/2.5-D-S (397 acres). Moreover, as discussed in the Recirculated REIR and on pages 3-1A and 4.1-7 of the Draft REIR, the proposed project is consistent with the CVMP and zoning ordinance designations for the project site. Please see Response to SOCR-37.

Response to SOCR 1-41

Please see Response to SOCR1-51. As demonstrated in Section 4.3 and the accompanying hydrologic report (Appendix C), the CVA and the SRA are independent, albeit partially connected, hydrologic units. Please see MR-18: Hydrology & Water Availability.

Response to SOCR 1-42

Please see Draft REIR, Section 3.2-1, page 3-2 which notes that the proposed project is complying with a request that the project not connect to the Cal-Am system. The ability of Cal-Am to comply with an order of the SWRCB is not implicated by any physical change resulting from the proposed project, and therefore no further response is required.

The Recirculated Portion of the RDEIR addresses impacts to water supply at Section 4.3, and the accompanying Hydrogeologic Report (Appendix C), and impacts to aquatic biological resources at Section 4.9. Please see MR-18: Hydrology and MR-20: Aquatic Biological Resources.

Response to SOCR 1-43

Please see Recirculated DREIR, Section 4.9 and MR-20: Aquatic Biological Resources.

Response to SOCR 1-44

Please see Response to SOCR 1-9. The Recirculated Draft REIR incorporates the latest technical information and analyses of connectivity between the CVA and the SRA. Please see MR-18: Hydrology & Water Availability and Recirculated Draft REIR section 4.3, and the accompanying Hydrology Report (Appendix C).

Response to SOCR 1-45

Please see MR-19: Significance Thresholds Regarding Water Supply & Availability.

Please see Recirculated Draft REIR, Section 4.3. Based on review of the hydrogeologic evidence by its expert consultant, the County has concluded that due to a limited hydrologic connection with the CVA, the SRA is percolating groundwater; accordingly, the County has concluded that the proposed project would exercise overlying groundwater rights to the SRA. A riparian rights analysis was obtained in response to judicial and public inquiry, but after reviewing and weighing the evidence currently available regarding the hydrogeology of the proposed project area, the County does not believe that the project would be exercising a riparian right.

Response to SOCR 1-46

County Ordinance 3310 applies only within the Cal-Am service area and only to projects that would use water within the County's allocation, (Monterey County Code 18.46.030, Ord. 3310, 1988.) The proposed project would not be included within the Cal-Am service area and would not use water from the County's allocation. Please see response to SOCR1-42. Even if the Ordinance did apply, the County would have the discretion to evaluate the past 9 years of water use as a factual matter in applying its own Ordinance, and this existing water use on the property is higher than that proposed by the project. As noted in the Recirculated Draft REIR, pursuant to judicial direction regarding CEQA standards, the CEQA baseline is set at 3 AFY, not at existing water use. Please see Response to SOCR 1-48.

Response to SOCR 1-47

CEQA does not require an EIR to analyze the worst-case scenario in terms of environmental impacts. Additionally, as noted in CEQA Guidelines section 15126(d), "A draft EIR must describe a reasonable range of alternatives, which will in part, avoid or substantially lessens any of the significant environmental impacts of the proposed project." Therefore, examining a maximum zoning density alternative is not required by CEQA.

Response to SOCR 1-48

CEQA requires only a discussion of the impacts of the project. As noted in the Recirculated Draft REIR, the environmental baseline was set at 3 AFY. As also noted in Recirculated Draft REIR, 99 AFY was not used as the baseline, but was briefly noted in order to fully disclose existing site conditions. Please see Recirculated Draft REIR Section 3.2; see also Recirculated DREIR, Section 4.3; MR-18: Hydrology & Water Availability. It is assumed that the "cannons" referenced in this comment are the irrigation devices currently being used to water pastureland. The project's proposed water use would be 57.21 AFY. Continuing irrigation of pastureland is not proposed by the project.

Response to SOCR 1-49a

The baseline used for the impact analysis in the Recirculated DREIR is 3 AFY.

Response to SOCR 1-49b

Please refer to MR-18: Hydrology & Water Availability

Response to SOCR 1-50

The comment does not identify how this information is relevant to the project or to the CEQA analysis.

Assuming for purposes of providing a response that the comment is asking whether there are alternative project sites available, CEQA requires consideration of alternatives only for the purpose of reducing or eliminating the potential significant adverse impacts that result from the proposed project. The Recirculated Draft REIR demonstrates that there is no adverse significant impact to the water resources or biological resources of the Carmel River that would require consideration of alternative

sites. (See Recirculated Draft REIR, Sections 4.3 and 4.9; see also MR-20: Aquatic Biological Resources.) Moreover, assessment of alternative sites would not be likely to change the water demand of the proposed project or the potential impacts associated with that demand.

Response to SOCR 1-51

In SWRCB Order 95-10, quoted in the comment, the SWRCB evaluated water rights relevant to pumping by Cal-Am from the aquifer that is adjacent to the Carmel River. See MR-19: Significance Thresholds Regarding Water Supply & Availability. In order to reference the hydrogeographic location “underlying and closely paralleling the Carmel River” and in which Cal-Am’s pumping was taking place for the purposes of Order 95-10, the Recirculated Draft REIR shorthanded the SWRCB’s reference to this hydrogeographic location as the “Carmel Valley Aquifer or CVA.” This term is used by the community and has not been objected to by any regulatory agency or water user commenting on the Recirculated Draft REIR. The semantics of the term used to describe the aquifer is irrelevant to the nature or magnitude of physical changes potentially resulting from the proposed project, and therefore no further response is required.

Response to SOCR 1-52

The baseline used for project impact analysis is 3 AFY. The comment does not explain how the semantics of the discussion are relevant to the nature or magnitude of physical changes potentially resulting from the proposed project, and therefore no further response is required.

Response to SOCR 1-53

The correction is noted and has been included in Section 6, Errata.

Response to SOCR 1-54

It is not clear what “administrative Draft REIR” the comment refers to, or why this would be relevant to environmental impacts. An administrative draft is produced for the purpose of catching errors, and therefore often contains errors. It is not adopted by any legislative body and any information contained therein does not reflect the thinking of the legislative body unless and until the body adopts and certifies a Final EIR that contains such information. Consequently, to the extent the comment implies that there was a change in position that requires explanation, the response is that there is no value to explaining a change between the administrative draft (which is not a public draft) and a publicly-released draft; there has been no “change” in the analysis that is relevant to CEQA.

Please see MR-17: Water Demands.

Response to SOCR 1-55

Please see MR-17: Water Demands.

Response to SOCR 1-56

Please see MR-17: Water Demands.

Response to SOCR 1-57

Data in the table and chart are provided by NCDC Station listing for NWS Cooperative Network located at the north end of the Carmel Valley landing strip: Latitude: 36°29'West, Longitude: - 121°44'North, and elevation: 430 feet. This station is about 7.5 miles southeast of September Ranch and should present a conservative precipitation range. September Ranch is about 3¼ miles from the Pacific Ocean and is probably wetter and influenced more than the Carmel Valley area by weather including fog from the west.

System loss is estimated at 7%. Please see MR-17; Water Demands.

Please see Response to SOCR1-54.

Response to SOCR 1-58

Please see MR-18: Hydrology & Water Availability, regarding the sources of recharge for the SRA. Reclamation is not a substantial component of SRA recharge.

Response to SOCR 1-59

The proposed project does not include continuing pasture irrigation.

Response to SOCR 1-60

Comment noted. The Recirculated Draft REIR attempts to find a balance between the complex technical analysis demanded by the public versus explaining complex technical concepts in laypersons terms. The phrases referenced refer to the degree to which the CVA and SRA are connected to each other by layers of materials underground, and the resulting water exchange (or lack thereof) between the two as a result of varying rainfall, runoff, and groundwater volume conditions.

Response to SOCR 1-61

The issue of water rights is a legal issue; the analysis was provided in order to respond to an inquiry by the court of appeal and in the interest of complete information. Water rights are largely irrelevant to the potential for physical changes in the environment. See Recirculated Draft REIR, Section 4.3; see also Response to SOCR 1-1. The comment is irrelevant to the nature or magnitude of physical changes potentially resulting from the proposed project, and therefore no further response is required.

Response to SOCR 1-62

The concept of riparian rights is only relevant if the SRA is considered part and parcel of the CVA. The extensive hydrology analysis conducted for the REIR demonstrates that the SRA is not the same aquifer as the CVA; instead, it is a separate (although partially connected) aquifer that is properly characterized as percolating groundwater. This is not an unusual concept or one that is unique to the project; the concept of partially-connected water systems governed by different legal principles is an accepted and ubiquitous aspect of California water law.

Despite the conclusions of the hydrology analysis, the riparian rights analysis is nonetheless included in the REIR in order to comply with judicial direction and in response to public inquiry. For CEQA

purposes, the critical issue is that regardless of whether the SRA is considered subject to overlying or riparian water right principles, the potential physical impacts of the proposed project would be the same, and are extensively identified and evaluated in the REIR.

Response to SOCR 1-63

Please see Recirculated Draft REIR, Section 4.3 and MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) for clarification regarding the amount of exchange between the CVA and the SRA.

Response to SOCR 1-64

The text referenced in the comment refers to a water rights discussion. Please see Recirculated Draft REIR Section 4.3 and accompanying Hydrology Report (Appendix C) as well as MR-18 Re: Hydrology & Water Availability regarding existing uses within AQ3 of the CVA (identified in CVSIM as approximately 10,000 AFY).

Response to SOCR 1-65

The Recirculated DREIR correctly states that there is limited potential for additional large development, and hence additional large water demands, within the Carmel River area. Growth within the Carmel Valley is limited by the Carmel Valley Master Plan. All reasonably foreseeable future water demands within the Carmel Valley were identified and evaluated for purposes of cumulative water supply impacts analysis in the Recirculated Draft REIR. Please see Recirculated Draft REIR, Section 5 (cumulative impacts), which addresses each project referenced in this comment.

Response to SOCR 1-66

All factual analysis and reasoning is already provided in the Recirculated Draft REIR, Section 4.3, and accompanying Hydrogeologic Report (Appendix C). The SWRCB has never issued a formal opinion with respect to the hydrogeology of the proposed project area. In the interest of full public discussion, the Recirculated Draft REIR provided consultant responses to each technical point raised a 1998 SWRCB staff comment letter on an outdated environmental review document for this project. See Appendix C. The SWRCB did not submit any new comments on the Recirculated Draft REIR.

Response to SOCR 1-67

This clarification is noted and the appropriate revisions are included in Section 6, Errata, of this document.

Response to SOCR 1-68

The proposed project will rely on percolating groundwater from the SRA for its water supply. Under California law, use of percolating groundwater does not require a permit from the SWRCB, regardless of the location of use.

Response to SOCR 1-69

CEQA specifies that an EIR should provide only a general description of the project's characteristics and shall not supply extensive detail beyond that needed for evaluation and review of significant environmental impacts. "General" means involving only the main features of something rather than details or particulars. In this regard, precise engineering designs are not needed to analyze potentially significant impacts.

The "general description" requirement is consistent with other CEQA mandates to make the EIR a user-friendly document. For example, Guidelines section 15140 states that EIRs must be written in plain language so that decision makers and the public can rapidly understand them. The general description requirement also fosters the principle that EIRs should be prepared early enough in the planning stages of a project to enable environmental concerns to influence the project's design. A general description of a project element can be provided earlier in the process than a detailed engineering plan and is more amenable to modification to reflect environmental concerns. The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; new and unforeseen insights may emerge during investigation, evoking revision of the original proposal. The primary requirement is that there is sufficient information to understand the significant environmental impacts of the proposed project.

The Recirculated Draft REIR concluded that the potential impacts of water use by the project as proposed would be less than significant, and therefore no mitigation measures were required, except that the Recirculated Draft REIR adopted a performance standard to ensure that project well(s) would be located so as to preclude impacts to neighboring wells. (Please see Mitigation Measure 4.3-4 (well locations) in Section 6, Errata.) Although mitigation was not required by CEQA, in order to address public concerns regarding water use, in its land use process the County voluntarily developed additional mitigation measures and performance standards that would govern water use and which will be incorporated into the Final EIR. See Mitigation Measure 4.3-4 (well locations); Mitigation Measure 4.3-1 (cap on total project water use). As part of its land use process, the County obtained an engineering report that recommends some details of water use. (Questa Engineering). The Questa Report is included for informational purposes in the Final EIR as Appendix A. Consistent with the CEQA standards discussed above, the final water use plan may vary from these details in some respects; the County will evaluate technical details on an ongoing basis consistent with 14 C.C.R. § 15162 (standards for review of new information). Note that as a result of Mitigation Measure 4.3-1 (cap on total water use) any water use increase resulting from treatment or system losses, etc., would result in a reduction of the amount of water available for residential purposes, so that the project water use would never exceed the 57.21 AFY evaluated in the Recirculated Draft REIR.

Response to SOCR 1-70

Any project that demonstrated a right to use water and consistency with County policies would be eligible to apply for a County approval. For purposes of the CEQA analysis, all reasonably foreseeable projects with net increases in water use are identified and analyzed in the Recirculated DREIR. See Recirculated Draft REIR, Section 5.

Response to SOCR 1-71

Please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance) discussions under Heading 1997 Pumping Test. The comment from the District, regarding a rainy period during the aquifer test, is acknowledged. The consulting hydrologist determined that there was no need to perform another test given that the test results are interpretable and beneficial in characterizing the nature of a groundwater flow divide during the tests which in turn suggest a degree of hydraulic separations between the two aquifers.

The determination of 57.21 AFY of project demand is firm. No analysis of impact is necessary for a hypothetical 100 AFY of usage.

Response to SOCR 1-72

This correction is noted and has been included in Section 6, Errata.

Response to SOCR 1-73

The current drops in water level in the Brookdale well closest to the SRA of 5 to 7 feet on a yearly basis are within the normal and expected seasonal drawdowns due to pumping in this well (and likewise for any other active groundwater producing wells in the area) and hence its reported changes in water levels should not be regarded as influences from current SRA pumping. Please see Response to SOCR 2-61.

Response to SOCR 1-74

The comment is correct that there are existing overlying users within the SRA. The Recirculated Draft REIR acknowledged these existing users and included their water use in the environmental impact analysis. Please see Recirculated Draft REIR, Section 4.3.

Response to SOCR 1-75

Exhibit 4.3-5 is included in the Draft REIR to visually support the discussion regarding the hydrogeologic setting of the project site. As indicated in the legend of Exhibit 4.3-5, the boundary of the SRA is delineated by a line and dash sequence. As identified on page 4.3-14 of the Draft REIR, the intent of Exhibit 4.3-5 is to show the elevation of the top of the Monterey Formation. While it is understood that the comment requests that the Draft REIR include aerial photographs that show the most current land uses and roads, the location of Exhibit 4.3-5, and photographs of adjacent land uses, including Canada Woods and Monterra Ranch, as outlined in CEQA Guideline Section 15204(a), a Lead Agency need not provide all information requested by reviewers. The discussions included within the Draft REIR, particularly within Sections 3, Project Description, and 4.1, Land Use and Planning sufficiently describe the current land uses within and surrounding the project site. The information requested by the comment does not assist in further understanding the hydrogeologic setting of the project site and therefore is not appropriate to include within Section 4.3.

Response to SOCR 1-76

Exhibit 4.3-7 shows the rise of the top of the Monterey Formation in the eastern portion of the SRA to nearly 120 feet MSL as compared to -40 feet MSL in the western portion. Kleinfelder Plate three “Site Geologic Map” shows Monterey Formation outcropping in the eastern tip of the SRA boundary.

Response to SOCR 1-77

Please see Response to SOCR 1-71.

Response to SOCR 1-78

The analysis agrees with the concept that the SRA is an extension of the CVA, please see MR:18 Hydrology & Water Availability (HMR-2 – Water Balance). The Recirculated Draft REIR was updated with a brief statement at Page 4.3-42 that “all (recharged) groundwater not consumed or stored in the SRA would normally benefit the CVA.” The Recirculated Draft REIR essentially agrees with the District’s concept that groundwater in the SRA is shared with the CVA mainly in the collocated portions of the two aquifers as illustrated in Figure 4.3-3 where cross-section M-M’ characterizes the depth to bedrock of these aquifers.

Response to SOCR 1-79

The project does not include the continuation of pasture irrigation. The project description has been revised and this revision is included in Section 6, Errata (see Revisions to page 3-2).

Response to SOCR 1-80

Production records were received for only four wells, and it appears that these four are the only wells with historical records other than SR1. Records for the four wells noted in the Todd 1997 report were compared to data kept at the MPWMD.

Records at the MPWMD show that the average total production from the 4 wells is 0.76 AFY. The difference between this average value from the District and the total pumpage from the individual wells of 2.65 is due to the large amount of usage from the Campisi well (1.3 AFY) as compared to data kept at the District. It appears that the large usage in the Campisi well may have been a one-time usage and that the District’s data are more representative of aggregate long-term productions. At page 4.3-46, the Final EIR will focus on the MPWMD’s average total usage and delete the word estimated.

Response to SOCR 1-81

The two aquifers overlap at the location noted (i.e., they are “collocated”), and only there do they share aquifer storage space. Collocation does not preclude two groundwater areas from being denoted separate aquifers, which the hydrogeology of the area suggests these are. Please note that whether the aquifers are denoted as one or two, the impact conclusions related to the proposed project would remain the same. Please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance).

Response to SOCR 1-82

The proposed project would not be allowed to use water beyond 57.21 AFY. Please see MR-17: Water Demands.

Response to SOCR 1-83

The information is provided for context. This specific historic information is irrelevant to physical changes caused by the proposed project, and no further response is necessary.

Response to SOCR 1-84

At the time of the preparation of the Draft REIR, it was not known if the project would include an onsite package treatment plant or connect to the Carmel Area Wastewater District for the disposal and treatment of project-generated wastewater. However, since the release of the Draft REIR for public review, it has been determined that the proposed project will connect to the CAWD. Please refer to the Recirculated Draft REIR.

Response to SOCR 1-85

Please refer to Response to SOCR 1-84. In addition, as noted on page 4.5-8 of the Draft REIR, the project will include an onsite STEP collection system that will connect to the CAWD system within the approximate area of Via Petra and Carmel Valley Road.

Response to SOCR 1-86

Wastewater will be treated offsite by the CAWD.

Response to SOCR 1-87

Wastewater will be treated offsite by the CAWD.

The Recirculated DREIR examined impacts from both spray and leach applications in the event that the proposed project would result in the construction of an onsite wastewater treatment system. The Recirculated Draft REIR has always presented on-site and off-site options for wastewater treatment and disposal. Most recently, the off-site alternative has been discussed by staff as most reasonable and feasible and thus it is currently proposed that the project connect with the Carmel Area Wastewater District (see Response to Comments CAWD 1-1 and CAWD 1-2). Therefore, on-site disposal of treated wastewater is no longer a project component; however, because the analysis has always included both options, the off-site connection does not present any impacts that have not been previously identified in the Recirculated Draft REIR.

Response to SOCR 1-88

Wastewater will be treated offsite by the CAWD. Please refer to Responses to SOCR 1-79, SOCR 1-84, and SOCR 1-85.

Response to SOCR 1-89

Please refer to Responses to SOCR 1-79, SOCR 1-84, and SOCR 1-85.

Response to SOCR 1-90

As identified in Section 4.4 of the Recirculated Draft REIR, Whitson Engineers prepared a Preliminary Drainage Report (June 3, 1996), which was peer reviewed by Monterey Bay Engineers (June 15, 1996). As outlined on page 4.4-9 of the Recirculated Draft REIR, all proposed detention facilities have been designed to effectively meet the additional runoff created during a 100-year storm event. According to the design criteria provided by the Monterey County Water Resources Agency (MCWRA), the detention basins must be sized to store the difference between the 100-year post development runoff and the 100-year pre development runoff while limiting the discharge to the 10-year pre-development runoff rate. If runoff from individual lots cannot be directed to a detention basin, on-site detention facilities shall be constructed in accordance with MCWRA requirements.

As a draft condition of approval, see MR-2: Adequacy of Mitigation Measures, prior to the filing of the final map, the applicant shall submit a drainage plan for review and approval by the Director of Public Works Department and the General Manager of MCWRA. The report is to include and show all tributary areas and information pertinent to the drainage in the area. The proposed detention basin capacities shall accommodate 100-year storm event, with engineered design features to control release of detained flows to pre-development 10-year storm levels, as planned.

Response to SOCR 1-91

The inland valleys, including the Carmel Valley, are filled with unconsolidated to semi-consolidated alluvium (stream channel and over-bank deposits) of Quaternary age (about the last 1.6 million years).

Response to SOCR 1-92

The Manual of Uniform Traffic Control Devices 2003 California Supplement Signal Warrants define a “rural road” as having a “critical speed of major street traffic greater than or equal to 40 miles per hour” or being “in (a) built up area of isolated community of less than 10,000 population”. Based on this definition, the installation of a signal on Carmel Valley Road at Brookdale is not likely to change the designation of Carmel Valley Road from Rural to Urban.

Response to SOCR 1-93

The traffic analysis was conservatively based on the project consisting of 110 single-family homes, while only 95 single-family market rate homes are proposed. The 15 inclusionary units are expected to have a lower trip generation rate than what was assumed for single-family residential. The ITE trip generation rates take into account all trips generated by a single family home and does not differentiate between whether residents or non residents are in the vehicles. As part of another study, TJKM conducted its own trip generation survey of 64 “high-end” homes in Los Gatos. The study resulted in a p.m. peak hour rate of 0.98 trips per home, which is very similar to the ITE rate of 1.01 trips per home.

Response to SOCR 1-94

Please refer to Response to SOCR 1-93.

Response to SOCR 1-95

The trip distribution assumptions are mainly based on existing travel patterns. For example the 12 percent of traffic that is expected to travel to (and from) the south on Highway One is based on the existing a.m. peak volume turning onto southbound Highway One from Rio Road divided by this volume plus traffic from eastbound Rio Road traffic and westbound Carmel Valley Road turning onto northbound Highway One. Mathematically, this amounts to roughly 12 % $(=(106+37)/(106+37+177+906))$.

Response to SOCR 1-96

The correction is noted and the error message has been deleted, this correction is included in Section 6, Errata.

Response to SOCR 1-97

Please refer to Response to SOCR 1-93.

Response to SOCR 1-98

Please refer to MR-13: Traffic Impact Fees. In addition, the purpose of the proposed traffic mitigations is to reduce the project's traffic impacts to less than significant in terms of average delay per vehicle, and not aesthetics. Please refer to Sections 4.1 and 4.11 of the Recirculated Draft REIR for discussions regarding land use and aesthetics.

Response to SOCR 1-99

The monitoring action included after mitigation measure 4.6-6 on page 4.6-19 of the Draft REIR applies to the four mitigation measures (4.6-3, 4.6-4, 4.6-5, and 4.6-6) that immediately proceed the monitoring action.

Response to SOCR 1-100

Please refer to Response to Comment on the Recirculated DREIR MR-12, Transit Stop Locations/Safety/Effectiveness.

Response to SOCR 1-101

Please refer to Response to Comment on the Recirculated DREIR MR-12, Transit Stop Locations/Safety/Effectiveness.

Response to SOCR 1-102

Please refer to Response to Comment on the Recirculated DREIR MR-11 Sight Distance.

Response to SOCR 1-103

Please refer to Response to Comment on the Recirculated DREIR MR-12, Transit Stop Locations/Safety/Effectiveness.

Response to SOCR 1-104

Please refer to Response to Comment on the Recirculated DREIR MR-12, Transit Stop Locations/Safety/Effectiveness.

Response to SOCR 1-105

The comment is noted that there are two access points that are currently utilized. Please refer to Response to SOCR 1-15.

Response to SOCR 1-106

During the early phases of construction prior to the installation of a water system to serve the project site, construction activities will require that water be hauled into the project site; therefore, during this time construction activities will not result in an increased water demand at the project site. Additionally, during later phases of construction, in the event that construction activities use onsite water facilities, as identified in Mitigation Measure 4.7-1 on page 4.7-8 of the Draft REIR, the project shall limit the area of excavation, grading, and other construction activity at any one time to no more than eight acres on any given day. Since construction activities will be limited, any demand would be less than what is assumed under the project's operational conditions, which have been determined to have a less than significant water supply impact.

Response to SOCR 1-107

Please refer to MR-14: Aesthetics – Inclusionary Housing. Please also note that Section 6.0 of the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Response to SOCR 1-108

As identified in Mitigation Measure 4.8-1 on page 4.8-6 of the Draft REIR, the five-foot glass or transparent plastic barrier is required on both south facing balconies and decks. Table 4.8-1 on page 4.8-2 of the Draft REIR identifies the County of Monterey exterior noise land use compatibility standards; however, while 70 dBA is conditionally acceptable for multi-family residential housing, a discussed on page 4.8-1 of the Draft REIR, the County of Monterey considers 60 dBA as the most desirable for any useable outdoor space in semi-rural environments. The inclusionary housing units may experience noise levels in the 60 to 65 dBA range, which is acceptable but not optimal. Therefore, mitigation is provided to reduce noise impacts to meet the County's desired standard of 60 dBA. Normal noise attenuation within residential structures with closed windows is 20 dB; thus, the inclusionary housing units will not be exposed to interior noise levels greater than those dictated by the State of California Noise Insulation Standards (45 dBA).

Response to SOCR 1-109

With the implementation of Mitigation Measures 4.8-1 and 4.8-2 as identified on pages 4.8-6 and 4.8-7 of the Draft REIR, interior noise levels within the inclusionary housing units will meet the 45 dBA standard set forth in the California Noise Insulation Standards. No further special construction is needed.

Response to SOCR 1-110

Please refer to MR-14: Aesthetics – Inclusionary Housing, and Responses to SOCR 1-37, SOCR 1-39, SOCR 1-40, SOCR 1-108, and SOCR 1-109.

Response to SOCR 1-111

The comment is noted that the commentor would like an exhibit showing the surrounding project area. Exhibit 3-2 of the Recirculated DREIR identifies the local vicinity.

Response to SOCR 1-112

As identified in Appendix H of the Draft REIR, 297 coast live oak trees and 607 Monterey pines (with a dbh greater than 6 inches) will be removed for roadwork and 593 oaks and 2,085 Monterey pines will be removed for residential lots, inclusionary housing and detention ponds (Staub 2002). Additionally, as identified in Appendix H of the Draft REIR, Approximately 34.90-acres (less than 10 percent) of the Monterey pine-coast live oak forest habitat will be directly impacted from construction of roads, utilities and building pads, including pads 6, 13-15, 19-23, 26-28, 30-71, 73,75,80-86, 88-97, 99-102-, 107-109, 113, 114. A map identifying the trees to be removed was included in the Forestry Report prepared by Staub Forestry and Environmental Consulting (2004) and may be reviewed at the Monterey County Planning and Building Inspection Department.

Additionally, as identified in Section 6, Errata, the second sentence of the last paragraph on page 4.9-23 has been revised to read as follows:

Approximately six percent of the coast live oak trees (890 out of a conservative estimate of 15,200 trees) and approximately four percent of the Monterey pines (2,692 out of a conservative estimate of 66,540 trees), that occur onsite will be removed as a result of the construction of roadways, residential lots, inclusionary housing units, and detention ponds.

Response to SOCR 1-113

The distance between the project site and the Carmel River depends on which area of the project site is being measured. For example, the northwest corner of the site to the Carmel River is farther away from the southeast corner of the site to the Carmel River. In the examples identified in the comment, the distance was provided for context and has no relevance to environmental impacts. For purposes of CEQA, the distance that matters is the distance between a) the point of collocation between the CVA and the SRA to b) the Carmel River. Consulting hydrologists have identified that distance as approximately 850 feet. Please refer to Recirculated Draft REIR, Sections 4.3 and 5.0, Appendix C, and MR-18: Hydrology & Water Availability

Response to SOCR 1-114

As shown on Exhibit 3-3, Site Plan, Parcel C is Common Area, which is distinguished from Parcel A, which is Open Space.

Response to SOCR 1-115

The total cleared area identified in Exhibit 4.9-1 of the Draft REIR is approximately 0.6 acres and encompasses 58.5 percent of the envelopes of lots 38 and 39. The cleared area habitat consists of 0.19 acres of disturbed, 0.11 acres of Monterey pine/coast live oak disturbed and 0.3 acres of scrubland disturbed.

Response to SOCR 1-116

The grasslands on the site occur as a patchwork mosaic of native and non-native species. Native grasslands cannot be readily mapped as noted in our previous correspondence on the subject. The RDEIR (Mitigation No. 4.9-9) requires pre-construction surveys to identify high concentrations of native species (areas with over 50 percent native grassland species) and replacement on a 1:1 ratio as mitigation to reduce impacts to less than significant.

Response to SOCR 1-117

Pines and oaks intergrade on the site such that oak woodland and pine forest cannot be readily separated for mapping purposes. Similarly, native grassland elements (referred to in part as coastal terrace prairie in the RDEIR) merge with non-native species and cannot be readily mapped as noted above and in Zander Associates memo dated June 30, 2005. Table 4.9-4 sets forth the impacted acreage for the Monterey pine/coast live oak forest and grassland, and the EIR establishes mitigation measures specific to the Monterey pine forest, coast live oak woodland, and grassland resources located on the project site to reduce impacts to a level of insignificance.

Response to SOCR 1-118

Several factors were considered in the design of the proposed lot configuration, including but not limited to topography and slopes, accessibility, aesthetics, and biological sensitivity. Much of the scrub habitat onsite occurs in ridgeline areas, where lots would be more visible and less accessible. Project design attempts to limit roadway construction on slopes in excess of thirty percent and as discussed in Section 4.11 of the Draft REIR, the proposed lot configuration was designed with the consideration of topography and elevations in relation to public vantage points and transportation routes, an avoidance of ridgelines, and an attempt not to obstruct views of the surrounding mountains, Carmel River, or other sensitive public viewsheds.

The Draft REIR contains alternative analyses that in part examine a reduction in impacts to the Monterey pine/coast live oak forest (see the Planning Commission Recommendation Alternative and the Reduce Forest with Twenty Percent Inclusionary Housing Alternative in Section 6 of the Draft REIR). See also Section 6.0 of the Recirculated Draft REIR; MR-16: Staff Recommended Alternative. These alternatives have not been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of all of the alternatives

evaluated in the Draft REIR and Recirculated Draft REIR in relation to the proposed project in its consideration of the certification of the REIR and project approval.

As noted, approximately 18 acres of grassland will be impacted as a result of project implementation; however, the project applicant is required to prepare a grassland management plan, which contains provisions that will reduce grassland impacts to less than significant. As noted on page 4.9-28 of the Draft REIR, two large grassland areas near the project entrance were identified as areas supporting a high diversity and abundance of native wildflowers and grasses will be preserved as open space. As previously noted (see Response SCOR-47), CEQA Guidelines Section 15126(d) dictate that, "A draft EIR must describe a reasonable range of alternatives, which will in part, avoid or substantially lessens any of the significant environmental impacts of the proposed project." Examining an alternative that places lots solely on scrubland may minimize impacts to other habitats; however, the coastal scrub also provides valuable cover, nesting, denning, roosting, and foraging habitat for animal species (see page 4.9-7 of the Draft REIR); therefore, impacts to biologically sensitive communities would not be substantially lessened. Additionally, as previously noted, much of the scrubland habitat is located in the higher elevations and ridgelines of the project site. The siting of lots in these areas may result in additional impacts not associated with the proposed project, such as greater visual and geologic impacts. Therefore, while such an alternative may result in reducing impacts to grassland habitat, such an alternative would not result in substantially lessening any of the significant environmental impacts of the proposed project and thus is not in accordance with CEQA.

Response to SOCR 1-119

The comment is noted. The language has been revised as shown below. Please see page 4.9-8 of the Recirculated DREIR:

On the other hand, small species, such as amphibians would find it difficult to move onto the site from the Carmel River due to the residential development and the debris-blocked culverts going under Carmel Valley Road.

This revision is included in Section 6, Errata.

Response to SOCR 1-120

Please see MR-4: Loss of Trees & Mitigation for Tree Removal and Response to Comments SOCR 1-112 and SOCR 1-118. As stated on page 4.9-21 of the Recirculated Draft REIR, for purposes of the biological assessment and subsequently the EIR analysis, impacts were assessed under the conservative assumption that project implementation would result in the clearing of 0.33 acres clearing per residential lot, which would directly affect 34.9 acres of the existing 426 acres of Monterey pine forest located on the project site; however, as a result of the design review process for development of the individual lots, the actual tree loss is expected to be less. Exhibit 4.9-1 identifies the native plant communities/habitat types located onsite as well as the residential lots and Table 4.9-2 identifies the impacted vegetation communities.

Response to SOCR 1-121

Please refer to the Recirculated Draft REIR, Section 4.9 and MR-7: Botanical Surveys.

Response to SOCR 1-122

Please refer to the Recirculated Draft REIR, Section 4.9 and MR-7: Botanical Surveys.

Response to SOCR 1-123

Please refer to the Recirculated Draft REIR, Section 4.9 and MR-7: Botanical Surveys.

Response to SOCR 1-124

Focused surveys for wildlife species were not conducted based on the temporal nature of the habitat use. Breeding birds may nest in the same tree in consecutive years but they may also nest in other trees. Typically, pre-construction surveys and project scheduling outside of the breeding season are used to avoid take of individuals, and loss of breeding habitat is mitigated either on the site or off the site.

Response to SOCR 1-125

Dr. Richard Arnold mapped locations of two buckwheat species (*Eriogonum parvifolium* and *E. nudum*) in 1995 and 1996. A total of 20 locations contained buckwheat in 1995 and 1996. In 2001, buckwheat was observed in 16 of the 20 locations, with *E. parvifolium* growing in a new location in association with *E. nudum*. No significant changes in the distribution and abundance of buckweats were noted in 2001 compared to the results of 1995 and 1996 surveys (Arnold 1996).

Response to SOCR 1-126

Since storage capacity of 305 AF exceeds recharge of 228 to 236 AF in normal rainfall periods and 73 to 151 AF in critically dry years, groundwater replenished outside of the low-flow period can be stored in the SRA aquifer for the low flow period (5 months). Since there are limited groundwater exchange between the two adjacent aquifers, storage of 305 AF is more than enough to supply pumping during high demand months and have excess stored GW for low-flow months.

Response to SOCR 1-127

The analysis agrees with the concept that the SRA adjoins, and partly extends into the CVA, please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance). See also Response to SOCR 1-78 and SOCR 1-80.

Response to SOCR 1-128

Please see MR-2: Adequacy of Mitigation Measures.

Response to SOCR 1-129

Please refer to Response to Comments SOCR 1-112, SOCR 1-118, and SOCR 1-120.

Response to SOCR 1-130

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to SOCR 1-131

Please see Response to Comment SOCR-135 below.

Response to SOCR 1-132

As discussed in Mitigation Measure 4.9-1 in the Recirculated Draft REIR, fencing is limited to the designated building envelopes and fencing is prohibited along parcel boundaries. Additionally, this mitigation measure sets forth the performance standards for the various management plans (please refer to MR-2: Adequacy of Mitigation Measures). This mitigation measure specifically states that the fencing is limited in such a manner to maintain areas for wildlife movement.

Response to SOCR 1-133

As stated in the County of Monterey draft conditions of approval (see MR-2: Adequacy of Mitigation Measures):

A conservation easement shall be conveyed to the County over those portions of the property where the following resource conditions exist: 1) environmentally sensitive habitat; 2) oak woodlands; 3) geological constraints including fault lines that cross the property; 4) slopes of 30 percent or more; 5) Parcels A, C, and D which total 536.4 acres of common open space shall also be placed in a conservation easement.

Parcel B shall be subject to a separate conservation easement deed, restricting that parcel to open space for future public facilities.

Conservation easements on each residential lot and location of the building envelopes on each lot shall be determined by a licensed Geologist, a licensed Forester or qualified Arborist, a qualified Biologist, a licensed Surveyor, and appropriate County personnel. The location of the building envelopes shall be based in part, on the studies and reports prepared for the project and any new information or surveys as well as the decision of the professional listed above.

The conservation easements and building envelopes shall be delineated on a separate map for each lot and accompanied by the deed and shall be certified or signed by the licensed Geologist, licensed Forester or qualified Arborist, a qualified Biologist, the licensed Surveyor, and the appropriate County personnel. Driveway access to the building envelope shall also be delineated on the plan prior to the submittal to the Director of Planning for review and approval and subsequent adoption by the Board of Supervisors at the time of the recordation of each final map. The County does permit driveways to be constructed through conservation easements if appropriate for accessing the property. This would also be noted on the Final Map.

Please also refer to MR-2: Adequacy of Mitigation Measures.

Response to SOCR 1-134

It is not unreasonable to require that animals be leashed in open spaces. Many jurisdictions require that animals be leashed outside of private property. It is important to leash dogs in open spaces other

than designated areas to protect wildlife. The County of Monterey has an ordinance that in public areas dogs must remain leashed.

Response to SOCR 1-135

The building envelope is the footprint of the building. The building envelope is shown on the tentative map as encompassed within the development envelope. However the area outside of the building envelope has restricted uses which would include some landscaping, fencing, or non-permanent structures such as benches. For some of the parcels, the building and development envelope are co-terminus. All of these boundaries would be re-confirmed at the time of the filing of the Final Map. The lot or parcel is the property boundary.

A natural community is defined by the Department of Fish and Game as those vegetation communities that support special-status plants or animals within the community and in combination they comprise all of a region's biotic diversity. A vegetation community is a classification of the dominant plant species that occur in a specific area.

A conservation easement is defined by the Nature Conservancy (www.nature.org) as a restricted place on a piece of property to protect its associated resources. In the case of the September Ranch development, the easement is sold by the landowner (the developer) and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains privately owned, even if sold. Conservation easements protect land for future generations while allowing owners to retain many private property rights and live on and use their land.

As defined by Scenic America (www.scenic.org), scenic protection is a popular conservation goal. In a recent study, scenic views and roads are among the conservation values expressly protected by fifty-six percent of land trusts. However, the goal of scenic protection often overlaps with other popular conservation goals, such as protection of open space, wildlife habitat, forests, and wetlands. Given the overlap, many conservation easements are drafted not as single purpose scenic easements but as mixed-purpose easements. This approach has the benefit of ensuring that if a conservation easement fails to qualify for scenic purposes under the Internal Revenue Service's definition, it still can be supported under the definition of another permitted conservation value. When a conservation easement includes the goal of preserving desirable views in an area, it is said to have a scenic conservation purpose. If preservation of scenic resources is the sole purpose of the conservation easement, it may be referred to as a scenic conservation easement or scenic easement.

Please see Response to Comment SOCR 1-133.

Response to SOCR 1-136

This alternative is discussed within Section 6.0 Alternatives, of the Draft REIR and Recirculated Draft REIR. Please refer to the discussions on pages 6-5 through 6-24, which discuss the impacts of the Reduced Density – Planning Commission Recommendation Alternative, Reduced Forest Impact with High Inclusionary Housing Alternative and the Reduced Forest Impact with Twenty Percent Inclusionary Housing Alternative.

Please also note that the Recirculated REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations. Please see MR-16: Staff Recommended Alternative.

Response to SOCR 1-137

Please refer to the Recirculated Draft REIR, Section 4.9 and to MR-4: Loss of Trees & Mitigation for Tree Removal.

Response to SOCR 1-138

An adaptive management approach allows for minor alterations to the plan to adjust for unforeseen circumstances in order to meet the biological goals and objectives of the management plan. Adaptive management provides well-defined goals, acquisition of importance knowledge, decisive action, and effective evaluation so that the results can be used to increase knowledge and to modify goals and actions so as to improve management results. This dynamic approach may be necessary to reach the long-term goals of the mitigation plan and to ensure the likelihood of its success. Adaptive management provides monitoring of mitigation activities and analysis of the results to determine whether the success criteria are being met. If the success criteria are not being achieved, adjustments in the mitigation strategy are then considered. Monitoring is an integral tool in the adaptive management approach and will be performed in a way that ensures that data will be efficiently and properly collected, analyzed, and use to adjust mitigation strategies as necessary.

Response to SOCR 1-139

Mitigation Measure 4.9-4, third bullet item refers to yard and landscape environments, which would be located within the development envelope (see Response to SOCR 1-135). If drip or other types of irrigation is to be installed within the development envelope in which pine trees are present, root damage is to be kept to a minimum by restricting trenching and digging.

Response to SOCR 1-140

The proposed project would not result in fragmentation nor result in significant impacts related to spread of pitch canker. Please see MR:6: Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility. Consequently, CEQA does not requires assessment of alternatives that would reduce these impacts.

Response to SOCR 1-141

Please refer to MR-2: Adequacy of Mitigation Measures.

The first bullet point of Mitigation Measure 4.9-6 on page 4.9-27 of the Draft REIR has been revised as follows:

- Avoid grading, filling, and all construction activity within the dripline of the oak trees wherever possible. Any construction activity within the dripline of an oak tree shall be reviewed and approved by a qualified forester or arborist.

The second bullet point of Mitigation Measure 4.9-7 on page 4.9-27 of the Draft REIR has been revised as follows:

- Develop CC&Rs that shall include oak tree protection, as outlined in the Forest Management Plan (Staub 2005) for the protection of oak trees on individual lots as part of future home construction, as well as appropriate landscaping management to protect remaining oaks. Wherever possible future homes should be sited outside of the dripline of any oak.

These changes are included in Section 6, Errata.

Response to SOCR 1-142

The first sentence of Mitigation Measure 4.9-7 on page 4.9-28 of the Draft REIR has been revised as follows:

Clear definition of the development envelope of each lot in the coastal sage scrub areas, restrictions of the remainder of lots, and implementation of the Tentative Map (Mitigation Measure 4.9-1) that details the general open space management measures and conservation easement designations on lots should reduce some of the impacts to coastal sage scrub.

Response to SOCR 1-143

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to SOCR 1-144

Please see Response to SOCR 1-135.

Response to SOCR 1-145

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to SOCR 1-146

Please refer to the Recirculated Draft REIR; MR-2: Adequacy of Mitigation Measures, MR-3: Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement, and MR-7: Botanical Surveys; and Response to SOCR 1-135.

Response to SOCR 1-147

As stated on page 4.9-21 of the Recirculated Draft REIR, for purposes of the biological assessment and subsequently the EIR analysis, impacts were assessed under the conservative assumption that project implementation would result in the clearing of 0.33 acres clearing per residential lot, which would directly affect 34.9 acres of the existing 426 acres of Monterey pine forest located on the project site; however, as a result of the design review process for development of the individual lots, the actual tree loss is expected to be less. Additionally, please refer to the Recirculated Draft REIR Response to SOCR 2-112, and MR-7: Botanical Surveys.

Response to SOCR 1-148

Please refer to MR-3: Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement.

Additionally, according to the California Department of Fish and Game the nesting season begins March 1st. To assure that there is no loss of nesting habitat, the first sentence of the bullet point of Mitigation Measure 4.9-11 in the Recirculated Draft REIR is revised as follows:

- Removal should be conducted outside of the nesting season (February 1 through August 15).

The first sentence of the first bullet point on Mitigation Measure 4.9-12 in the Recirculated Draft REIR is revised as follows:

- Grading within the grasslands shall be conducted outside of the nesting season (February 1 through August 15).

These changes are included in Section 6, Errata.

Response to SOCR 1-149

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal.

As discussed on page 4.9-8 of the Recirculated Draft REIR:

The open space available within the 1,673-acre study area provides a movement corridor for a variety of common wildlife species, such as raccoons, opossums, and skunks, within the local vicinity of the project area, as evidenced by various scat observed. The value of the movement corridor from the open habitats in the north, such as the Jack Peak County Park area, and in the south, such as the Carmel River, is reduced by the existence of development immediately surrounding the Carmel River. Larger species, such as deer, would use the study area as a movement corridor and would not be impeded by the residential development. On the other hand, small species such as amphibians would find it difficult to move onto the site from the Carmel River due to the residential development and the debris-blocked culverts going under Carmel Valley Road. (See Response to SOCR 1-119).

The project site will retain 782.8 acres of the 891-acre project site as open space. As shown on Exhibit 4.9-1, Vegetation Map of the Draft REIR the open space area contains a variety of habitat communities. As discussed in Response to SOCR 1-118, several factors were considered in the design of the proposed lot configuration, including but not limited to topography and slopes, accessibility, aesthetics, and biological sensitivity.

Response to SOCR 1-150

When drafting mitigation measures, agencies should include only those measures that are considered feasible. According to CEQA Guidelines section 15364, a mitigation measure is considered feasible

if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, legal, social, and technological factors. Ultimately, the final determination of the feasibility of a mitigation measure is made by the decision makers when they prepare the findings.

Response to SOCR 1-151

This clarification is noted and the appropriate revisions are included in Section 6, Errata.

Page 4.9-34, the last sentence of Policy 7.2.2.3 has been revised as follows:

Such species shall not be used in required landscaping and wherever they currently occur, they shall be removed when the required landscaping is implemented.

Response to SOCR 1-152

As noted in Section 4.9, Aesthetics, page 4.9-10 of the Recirculated Draft REIR, prior to mitigation (see MR-14: Aesthetics – Inclusionary Housing), less than significant visual impacts are considered to occur as a result of the visibility of the inclusionary housing from Carmel Valley Road. Photographs included in the Draft REIR are limited to those areas that will be most visible from travelers along Carmel Valley Road. As discussed on page 4.11-13 of the Draft REIR, the current location of the proposed lots will not result in the development of home sites along the ridgelines and will not obstruct views of the surrounding mountains, Carmel River, or other sensitive public viewsheds.

The correction is noted and Exhibit 4.11-1, Photo Index Map has been revised to reflect the correct orientation of photographs 7 and 8. The revised Exhibit 4.11-1 is included in Section 6, Errata, of this document.

Response to SOCR 1-153

Please see Recirculated Draft REIR Section 4.3.

Response to SOCR 1-154

As stated on Page 4.11-14, Mitigation Measure 4.11-5, all lighting is required to be in compliance with the County standards, including security lighting along the project roadways, at the gatehouse, temporary sales office, and equestrian center. Additionally, as stated on page 4.13-3 of the Draft REIR, the project applicant has incorporated as a design feature lighting levels, although sufficient to allow for patrol performance, will conform to the rural residential character of the project area.

The project applicant will be required to submit a lighting plan that will be reviewed and approved by the County Planning Department prior to the issuance of building permits. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture.

As outlined in the County's draft conditions of approval, all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that the only intended area is illuminated and off-site glare is fully controlled.

Response to SOCR 1-155

Please see Response to Comment SOCR 1-154.

Response to SOCR 1-156

As outlined in the County’s Draft Conditions of Approval, “Any parcel where ridgeline development cannot be avoided, shall be eliminated from the Final Map.” This is consistent with CVMP Policy 26.1.9.1. Please refer to Response to SOCR 1-135, MRPRD 1-3, BW 1-19 and DMCCA 1-8. Additionally, Section 6 of the Draft REIR and the Recirculated REIR both contain alternative discussions that examine a reduction and/or reconfiguration of market rate residential units and/or inclusionary housing units. None of the alternatives contained within the Draft REIR or the Recirculated Draft REIR have been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of this alternative in relation to the proposed project in considering whether to certify the REIR and approve the project.

Response to SOCR 1-157

Please refer to SOCR 1-118 and MR-14: Aesthetics – Inclusionary Housing. Please also note that the Recirculated Draft REIR, Section 6 examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Response to SOCR 1-158

Please refer to MR-14: Aesthetics – Inclusionary Housing.

Response to SOCR 1-159

As outlined in Section 4.11 of the Draft REIR, mitigation measures, specifically Mitigation Measure 4.11-1 that protects public viewsheds are required for project implementation. As identified in the County’s draft conditions of approval, prior to the filing of the final map, the applicant shall prepare a plan that is subject to the approval of the Director of Planning and any other allocable department heads or division chiefs that will in part, identify all the trees with biological significance or that provide visual screening; establish maximum building dimensions, height, and location to avoid ridgeline development, identify natural vegetation to be retained; and identify landscape screening as appropriate, including minimizing views from Jacks Peak Regional Park. Additionally, the County’s draft condition states that any parcel where ridgeline development cannot be avoided shall be eliminated from the final map.

Response to SOCR 1-160

Please refer to Response to AMAP 1-1.

Response to SOCR 1-161

Final lot sizes have not been determined; however, prior to the filing of the final map, the applicant shall prepare a plan to be approved by the Director of Planning and any other applicable department heads or division chiefs. The plan shall define in part the building envelope, including the general

location of each driveway in 3 dimension and define the boundary of the scenic easement (everything outside of the building envelope). As identified in the County's draft conditions of approval, notes should be included on each site plan indicating that discretionary permit approval and design approval is required for development of each lot prior to the issuance of a building permit. A note shall be placed on an additional sheet of the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions.

Please see Responses to Comments SOCR 1-133 and SOCR 1-135.

Response to SOCR 1-162

Please see Recirculated Draft REIR, Sections 4.3 and 4.9. The project would pump year round and will not include storage facilities.

Response to SOCR 1-163

As stated on page 4.13-2 of the Draft REIR, there are four to six officers available to respond from the station nearest the project site (Coastal Patrol Station located at 1200 Aguajito Road, Monterey) and one or two officers that can respond from the beat area. As noted, information was solicited from the Monterey County Sheriff's Department (MCSD) (see personal communication with Commander Lonnie Huffington, February 25, 2003). While MCSD provided information pertaining to their target ratio (1 officer per 1,000 persons), information regarding the personnel to population for the project area was not provided; yet as discussed on page 4.13-3 of the Draft REIR, MCSD indicated that additional staff was needed to serve the proposed project. The County assesses fees to offset the service costs of new development. These fees can be used to employ additional staff to meet the needs of the project area.

Response to SOCR 1-164

The exact location and sizing of the street guide is not yet known; however, the street guide will be required to adhere to the County's rural design standards and will required design approval with the final approval by the Planning Commission.

Response to SOCR 1-165

These ratios were provided to the County from the Carmel Unified School District and are inclusive of the factors that the District utilizes to determine population rates from proposed development. A discussion of cumulative school impacts is included in Section 5, Cumulative Impacts of the Draft REIR and Recirculated Draft REIR.

Response to SOCR 1-166

As identified in Mitigation Measure 4.13.5-2 on page 4.13-7 of the Draft REIR, the applicant in coordination with the Monterey County Parks Department shall dedicated trail easements to the County for the connection of future trails with existing trails. The applicant is offering to dedicate a twenty foot public recreational trail easement over the subdivided property for the purpose of providing public access from Carmel Valley Road to Jack's Peak County Park. As noted on page 4.13-7 these trails are to be accessible for riding and hiking. As noted on page 4.13-8 of the Draft

REIR, the project is consistent with Carmel Valley Master Plan Policy 51.2.11, which requires that active recreation areas should be located at or within close access to the three development areas. All valley residents shall have nearby access to hiking and riding trail and small neighborhood open areas or parks. As stated on page 4.13-8 of the Draft REIR, “The September Ranch Subdivision project will allow for the dedication of the necessary easements to the County for connections to existing trails, thereby providing local access to hiking and riding trails and links to the County park system.”

The impacts of the County Park trail system was considered in the preparation of the Greater Monterey Peninsula Area Plan. Additionally, Mitigation Measure 4.9-1 of the Recirculated DREIR reduces the impacts from habitat disturbance during site improvements, clearing, and grading to less than significant.

Response to SOCR 1-167

Please refer to Response to SOCR 1-31.

Response to SOCR 1-168

As noted in the draft County conditions of approval, “A note shall be placed on the final map or a separate sheet to be recorded with the final map and included on the subdivision improvement plans indicating that undergrounded utilities are required in this subdivision in accordance with Section 19.10.095, Title 19 of the Monterey County code.” Mitigation Measures have been incorporated into the Recirculated Draft REIR to reduce biological impacts, such as Mitigation Measure 4.9-1 of the Recirculated Draft REIR reduces the impacts from habitat disturbance during site improvements, clearing, and grading to less than significant.

Response to SOCR 1-169

The project objective of the Final 1998 EIR is the same of that of the Recirculated DREIR. Please refer to the discussion of the 73/22 Alternative, which is the staff recommended alternative, in the Recirculated Draft REIR. See also MR-16: Staff Recommended Alternative.

Response to SOCR 1-170

The Recirculated Draft REIR was prepared pursuant to the direction of the County of Monterey as the lead agency and is a County document. The Recirculated Draft REIR assumes for purposes of identifying impacts that the project would be constructed as approved, consistent with CEQA. Once approved, a project has the right to build-out as approved, and CEQA requires the full potential build-out to be evaluated in the impact analysis. The County will consider the information in the Recirculated Draft REIR as one factor in evaluating whether to approve the proposed project and at what level. The Recirculated Draft REIR correctly states that the County has no approval authority over the existence or extent of overlying riparian water rights *per se*, but can only condition the exercise of those rights consistent with constitutional standards. The County has evaluated the reasonableness of the use associated with the proposed project. The Recirculated Draft REIR uses 3 AFY, not 99 AFY, as the baseline.

Please see Recirculated Draft REIR, Section 7. The water use of all properties which currently report groundwater use from the SRA or which have otherwise provided water use figures have been

considered in the impact analysis for the proposed project. Please see Recirculated Draft REIR, Section 4.3.

Response to SOCR 1-171

The comment is noted. Included within this document are responses to the comments drafted in accordance with CEQA Guidelines section 15204(a), addressing environmental issues raised by SOCR, public agencies and other private organizations and individuals identified in Section 2, List of Commentors. As previously noted, subsequent to the closure of the public review period for the Draft REIR, the County of Monterey prepared the Recirculated DREIR. Under CEQA Guidelines Section 15088.5(c) if a revision to an EIR is limited to a few chapters or portion of the EIR, the County need only circulate the chapters or portions that have been modified. The Recirculated DREIR included the recirculation of Section 4.3, Water Supply and Availability and Appendix C, Hydrogeologic Report (entire section recirculated), Section 4.9, Biological Resources (entire section recirculated), Section 5, Cumulative Impacts Water Supply and Biological Resources (only Water Supply and related Biological Resources portions affected; only those portions recirculated), Section 6, Alternatives (entire section recirculated, and Section 7, Other CEQA Considerations (entire section recirculated). The Recirculated DREIR was distributed for a 45-day public review period by the County of Monterey on February 15, 2006.

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SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

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February 28, 2005

Sierra Club Comments on September Ranch

The Ventana Chapter Sierra Club has a long-standing interest in the proposed September Ranch (SR) subdivision and its impacts on the environment. Together with Patricia Bernardi and Save Our Carmel River, the Club challenged the county's approval of the previous application for subdivision in Superior Court. All the substantive challenges regarding water issues were upheld there, and upheld on appeal.

The issues we raise below are specific and significant, and we request substantive responses to them. Please do not respond with "comment noted," or with references to responses to other commentators which are on the *general* issue but that do not address the *specific* issue we have raised.

Carmel Valley Moratorium

The current subdivision moratorium in Carmel Valley (Resolution # 02-024 adopted by the Board of Supervisors January 22, 2002) predates this application by almost three years. The reasons why the subdivision moratorium was approved include traffic impacts specifically upon Carmel Valley Road. This project will have immediate impacts, including short-term, on Carmel Valley Road at the project site, as well as long-term and cumulative impacts. The DREIR should analyze this project and all its impacts in light of the above-referenced legislation.

SC 1-1

May the County apply the moratorium to this project? Is the County barred from applying the moratorium to this project? If the County is neither required to apply the moratorium nor barred from doing so, what are the environmental impacts (including cumulative and growth-inducing) in making the policy determination as to whether to apply it.

The CV subdivision moratorium was the result of unacceptable traffic levels and declining Levels of Service on Carmel Valley Road. The Carmel Valley Master Plan (area plan) provided a traffic trigger, which required that if the Hatton Canyon

SC 1-2

Freeway was not built, development was to be limited. Clearly, the Freeway has not and will not be built, and the increased capacity that the freeway would have provided will not be provided (capacity increases which could only come with the freeway under the CVMP.) Is the CVMP out of date or inadequate on this issue? Is the Greater Monterey Peninsula Area Plan out of date or inadequate for the consideration of this project? What legal and practical limitations are there upon approving this project in light of the County's repeated acknowledgements that the County's general plan is inadequate, inconsistent, and out of date?

SC 1-2
CONT

Water Supply

Baseline v. "current use": The DREIR muddles the project description/existing setting by stating that the existing baseline is 3 AFY (which is true) but then basing its water analysis on the so-called existing use which the applicant claims is 99 AFY. CEQA requires the all-important water analysis to be based on the baseline – 3 AFY. The project description/existing setting is the framework upon which all EIR analysis is based, so this sleight of hand results in impact analyses that are highly flawed, and mitigation measures that do not address the true impacts. This trick also misleads the lay public about the true extent of the project's environmental impacts and hampers its ability to comment meaningfully upon it.

SC 1-3

Examples of this inadequacy are the failure to consider real impacts to the Carmel River, its public trust resources, the Peninsula's major water supply (Cal-Am's pumping) and other pumpers without superior rights. These failures demand a revised Draft EIR be circulated which recognizes these facts and contains appropriate analysis and mitigation measures based upon them. This revised document must propose a project that lives within the water supply that is available (3 AFY) and whose impacts on water, water quality, and all other CEQA categories of impact are fully analyzed and mitigated.

Any impact is significant: The Carmel River is fully appropriated, and the SWRCB has determined that current excess diversions are severely affecting steelhead, riparian vegetation, and other public trust resources of the Carmel River (WRO- 95-10) and in addition the community and Cal-Am are under state order to limit extractions and to come up with an alternative to the illegal pumping that currently exists. With an over-exploited aquifer any additional demand or loss of supply is significant.

SC 1-4

Separate aquifer: The evidence does not support the claim that the September

SC 1-5

Sierra Club Comments on September Ranch
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Ranch aquifer is separate from the Carmel Valley aquifer (see attached comments.)

SC 1-5
CONT

Growth Inducement/Cumulative Impacts: The impacts of approving a project whose water use exceeds its baseline have not been analyzed. (In this case, the legally-defined baseline was confirmed by the Court of Appeal to be 3 AFY.) This violates CEQA's requirement that impacts beyond the project site be considered. It is clear that other applicants desiring development would use this precedent, to the further detriment of the public trust resources. Please discuss how this precedent would apply to other properties in Carmel Valley, the Salinas Valley, and North County. Identify which properties would be affected, and which water basins. For all affected water basins, identify the overdraft and water supply issues at stake.

SC 1-6

Alternatives Analysis: The alternatives analysis is flawed because the baseline analysis is flawed. Please analyze in light of the baseline of 3 AFY of water and the impacts of taking any water greater than that. Please include in the project objective the applicant's desire to comply with the Court of Appeal opinion. If the applicant does not agree that its project objectives do not include compliance with the Court's opinion, please discuss the significance of analyzing alternatives in light of that position.

SC 1-7

Hydrologist Dr. John Williams has reviewed the DREIR for the Sierra Club. His detailed comments are attached. In his comments he uses the terminology of the DREIR ("Carmel Valley Aquifer" and "September Ranch Aquifer") for congruence with the language in the DREIR. However, he notes that September Ranch is an extension of the Carmel Valley Aquifer, not separate from it. This is supported by the State Water Resources Control Board's position that the SR property is part of the Carmel River subterranean stream.

Biological Resources

The previous EIR states that 310 Coast Live Oaks and 610 Monterey Pines would be removed. But the new DREIR lists the total to be removed as much greater: 3,582 trees (890 coast live oaks and 2,692 Monterey Pines). Please thoroughly explain and document this discrepancy. Please explain the effects upon the Pine forest of fragmenting the habitat. Please state the total number of oaks that have been authorized to be removed or removed within 10 miles of the project in the past 7 years (since the last hearing on this project's EIR). Please discuss the cumulative impacts.

SC 1-8

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The California Department of Fish and Game considers the Monterey pine forest to be both a sensitive species and a sensitive plant community under CEQA; thus any loss of this tree is considered a significant impact. In addition, The California Native Plant Society (CNPS) considers this particular pine community a rarity.

SC 1-8
CONT

However, the DREIR does not acknowledge the importance of this well-known resource, and by doing so attempts to downplay the significance of harm to it. The DREIR cannot avoid responsibility for properly listing and analyzing impacts by failing to acknowledge they exist, or underestimating them. What efforts did the EIR consultants undertake to consult with Fish and Game and CNPS on these issues? Please identify all contacts with the agency and organizations with specialized knowledge and expertise on this project and this biological resource.

The DREIR also has not considered an alternative that would lessen this impact to less than significant, nor do the proposed mitigations compensate for those impacts (see below).

The proposed lot sites do not take into account the value of the pine and oak resources. In fact, the lots appear to be sited in a way that maximizes pine forest and oak destruction. This project places lots throughout the pine forest, particularly the pristine areas adjoining Jacks Peak Park. Vegetation Map (Ex 4.9-1) shows many more lots are sited in sensitive Monterey Pine and oak habitat than in scrub habitat. Please analyze this and compare it to the applicant's claims that the project needs the variance for 30% steep slopes to avoid sensitive biological resources and viewsheds. What alternatives exist that would not require the steep slope variance and also would not result in destruction of pine and oak trees and their habitats to such a large degree?

SC 1-9

SC 1-10

The 1998 EIR (7-4) when discussing alternatives, lists lots that could be resited to avoid harm to biological resource (Lots 30 through 55, lots 83 through 86 and lots 93 through 100.) In addition, the analysis noted that Lots 82 through 86 may also be located on unstable slopes, so more studies were needed. Please explain what studies were done since then (if any), and explain how the current proposed lot sitings address and minimize harm to biological resources.

SC 1-11

Alternatives and Biological Resources: The proposed alternatives do not adequately address the impacts to biological resources. We have reviewed the CNPS and Pine Watch comment letters submitted on this project. They provide the county with important data and information about harm to the forest from fragmented habitat, from the development's edge effects and from disease threats, so we will not repeat

SC 1-12

that information here.

In addition, the fire threat is greatly increased by this project, both due to the development's threat to the health of the forest, and from the introduction of development on the steep and difficult-to-reach slopes of the project site.

In light of the above, please also provide a project alternative that reduces harm to these resources to less than significant. An alternative must be analyzed that moves development (to the extent the actual water supply can support it) to the lower, less sensitive areas of the large project site.

Mitigations on bio resources: methods to deal with impacts must first consider avoidance of harm, rather than causing harm and hoping mitigation will be successful (in this case, that appropriate sites for replanting destroyed trees will somehow be found and the re-plantings will be successful.) We fail to see how this amount of impact to Pines and Oaks can be justified. If the claim will be that the lots must be placed where they are to avoid harm to *other* significant resources or for other reasons, please explain and document with data. That case would not appear to be supportable based upon existing plant/habitat mappings and animal species data. Please explain how avoidance of these resources has been considered and if it has, why are the sites placed in the most sensitive environments? Please provide details.

The DREIR proposes to mitigate tree and habitat destruction by replanting 3 acres for every 1 acre of forest cleared. Please specify in detail on a readable map exactly where such receiver sites would be and explain why, if the sites are suitable, there are already no such trees and habitat already there. (4.9-2) As CNPS experts note, in a native forest the trees already fully occupy the suitable sites. This is why avoidance is the method of choice for dealing with environmental impacts.

In addition, the county cannot enforce CC&Rs, so mitigations relying upon that mechanism are not feasible nor reasonable. Please provide mitigations that are.

Deferral of analysis: The DREIR proposes to defer plans and surveys that can determine where building sites could be placed to avoid harm to the most sensitive habitats and bird and animal species. (Forest, Open Space, and Grassland Management Plans are to be submitted later to the County Planning & Building Inspection Dept. for approval.) Requiring a botanical survey for endangered and sensitive plants only before each house is constructed is backwards (4.9-10.) The survey should be done before the building envelope is designated.

This deferral does not give the public, agencies, or the county the opportunity to know potential impacts, to comment upon them, or to consider alternatives to those sites. And if deferred studies determined that some (or many) sites were unsuitable, the project would have to be resited (including supporting roads and other infrastructure), which itself could provoke new and unstudied impacts. All this would all be done after project approval. This would deprive the public of their legally-allowed participation and deprive decision-makers of all the required facts. The project needs to be considered all of a piece, not after the fact -- or the process is invalid. Please document which lots have had surveys done, conduct studies for the remaining development areas, and include the study results in the revised DEIR.

SC 1-14
CONT

The common open space (listed as 463 acres) is so fractured and intertwined with the development that it cannot serve as real open space or wildlife habitat. Please address. The private open space (listed as 319.4 acres) is assumed to be part of the individual lots, which cannot be considered viable forest habitat. How does the DREIR consider the private open space -- as habitat? If so, why? How would the protection be funded in the future, and enforced? Who would enforce it? Please address these issues, and the environmental impacts associated with each one.

SC 1-15

Recreation

Trails and Park Access: When the previous project was approved in 1998 by the Board of Supervisors it included a trail or trail easement and dedication of Open Space Parcel C to the county for access to a trail to Jacks Peak Park from Carmel Valley Road. Please correct this in the revised DREIR.

SC 1-16

September Ranch offered extensive equestrian trails. It appears all of these trails would be converted to paved access roads. This loss of these equestrian and hiking/walking trails must be analyzed in a revised DEIR. The change in the project should be noted prominently so the public and decision-makers can understand the change.

SC 1-17

Equestrian activities compromised: this is both a recreation issue and a water supply issue. The DREIR states that reclaimed wastewater will be used to replace the water being used to irrigate the pasture, etc. (99 AFY). However, it appears that even if *all* the water is recycled from house use to irrigation (which is very unlikely) there won't be enough to replace the 99 AFY. In addition, the DREIR states that if an onsite wastewater system is not provided, the project may hook up to the Carmel Area Wastewater District. In that event, how would the irrigation be

SC 1-18

Sierra Club Comments on September Ranch
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the water being used to irrigate the pasture, etc. (99 AFY). However, it appears that even if *all* the water is recycled from house use to irrigation (which is very unlikely) there won't be enough to replace the 99 AFY. In addition, the DREIR states that if an onsite wastewater system is not provided, the project may hook up to the Carmel Area Wastewater District. In that event, how would the irrigation be accomplished? If no other water supply existed, clearly the equestrian use would be foreclosed. Please explain and analyze this in light of the project's impact on recreational activities and of the Carmel Valley Master Plan's goal of encouraging equestrian activities (CVMP Policy 51.2.13). Please also analyze this issue as it relates to water demand and wastewater.

SC 1-18
CONT

Consistency

This project is not consistent with the following relevant goals and policies:

- o "Protect all natural resources with emphasis on biological communities." (page 4.1-4) See comments above on biological resources, and refer to submitted testimony of CNPS and Pine Watch.
- o Clustering (CVMP Policy 34.1.1.2) Under this policy, clustering is desirable for preservation of visible open space in critically sensitive areas or to protect other natural resources. Accordingly, housing, including the Affordable Housing, should not be in the viewshed, and all houses should be sited to better protect the forest resources.
- o Need for the project (CVMP 26.1.22) "Developed areas should be evaluated in light of resource constraints especially the water supply constraint addressed by policy 54.1.7 (CV) and the character of each area. No further development in such areas shall be considered until a need is demonstrated through public hearings." Contrary to what is implied in the Consistency Analysis, the upcoming hearings are not to determine if there is a need for this project but to go through the process to approve the project, the need for which has apparently been assumed by the county, without analysis, without the required hearings, and without the logical consideration of the existing water and traffic constraints.
- o CVMP Pol. 54.1.7 "The County of Monterey supports the new San Clemente Dam or other project as a means of assuring an adequate supply of water for future growth. *Without additional supplies, development will be limited to vacant lots of record and approved projects.* All development which requires a water supply shall

SC 1-19

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Supplemental EIR)

In response to these two policies above, the DREIR (4.3-48) states the project is consistent with the CVMP because it will pump groundwater from the SRA for potable water needs. It directly implies some CVMP policies allow this and/or call for this AND somehow override what these two policies clearly say. However, the DREIR doesn't cite any policies that supposedly support their claim. Aside from the fact that the water analysis is flawed (as covered above), the CVMP does not say that subdividing in these circumstances is acceptable as long as you pump from a groundwater source.

SC 1-19
CONT

o Monterey County Zoning Ordinances Consistency: (Page 4.1-7) The DREIR claims the project is consistent. However, it clearly is not because General Plan amendments must be done to *make* it consistent. This is misleading to the public.

Please address these inconsistencies via a revised project sited to avoid impacts and consistent with water supply, in a revised DEIR.

Viewshed: Are lots visible from Jacks Peak? The EIR claims the project is sited in the southern portion of the property, but the site map indicates many lots are at the north, directly adjacent to Jacks Peak Park. Please clarify.

SC 1-20

Feasible Alternatives Analysis: The applicant may desire a specific size and type of project, no matter how harmful or how little water they actually have a right to. However, that does not mean the county must accept that as the only feasible alternative. Clearly, on a parcel this size, there is room for an alternative project that does not use more water than the applicant can prove he has, nor that causes significant environmental harm.

SC 1-21

Thank you,



Gillian Taylor, Conservation Co-Chair
Ventana Chapter Sierra Club

Attachment: Comments from Dr. John Williams

John G. Williams, Ph.D.
Environmental Hydrology

15 February 2005

Gillian Taylor
Ventana Chapter, Sierra Club

By email.

Dear Gillian:

I have now had an opportunity to review the September Ranch draft revised EIR (DREIR) and have these comments.

On its face, the DREIR identifies an environmental impact on water for public trust uses and for the existing water supply of most of the Peninsula.:

Taking the DREIR at face value, the proposed project would reduce the amount of water entering the Carmel Valley aquifer by 54.2 acre-feet per year compared to the baseline situation. The DREIR does not make this clear, but it follows from the following in the Kennedy/Jenks hydrologic report:

1. The baseline or "no project" water use is 3 acre-feet per year (p.3).
2. The projected demand is 57.2 acre-feet per year (p. 24).
3. Groundwater that is not used on the project site ("rejected recharge" in the language of the report) would flow into the Carmel Valley aquifer (p. 25).¹

The DREIR describes this as "a less than significant effect" (p. 4.3-1). Several facts make this insupportable. First, the Carmel Valley aquifer is already severely over-exploited, such that the river does not reach the ocean in dry years. This undoubtedly has a negative effect on the population of steelhead in the Carmel River, which as you know is listed as threatened under the federal Endangered Species Act. The over-exploitation of the aquifer also requires that riparian vegetation be irrigated. Reducing the recharge to the aquifer can only make this damage to public trust resources worse. Second, the California-American Water Company depends heavily on the Carmel Valley aquifer for water to supply its existing customers, even though most of its pumping from the aquifer is illegal and continues only by the forbearance of the State Water Resources Control Board. It is entirely plausible that if Monterey County allows the project to go ahead, the SWRCB could decide that local governments are not serious about addressing the general water supply problem in the area, and require Cal-Am to reduce its pumping by 54 acre-feet per year. Plausibly, this could result in rationing for Cal-Am's existing customers, especially in dry years when water use is higher.

SC 1-22

¹ The relevant sentence is: "A water balance is the net groundwater storage resulting from the difference between recharge into the groundwater basin and the expected water production and outflow of "rejected" groundwater from the September Ranch basin to the CVA."

The recharge calculations are crude, but irrelevant:

The Kennedy/Jenks report uses a water balance calculation to estimate the amount of recharge to the Carmel Valley aquifer from the project watershed. On this basis, it claims that there would be some recharge of the Carmel Valley aquifer from the project site, even in dry years. The calculations are crude and unreliable, but in any event the project would still result in a reduction in recharge to the Carmel Valley aquifer, so they are essentially irrelevant. Nevertheless, since the water balance calculations are put forward, I will comment on them.

The basic idea of water balance calculations is simple: change in storage = inflow – outflow. The same idea applies to energy balance calculations or even bank balance calculations. In this case, according to Kennedy/Jenks (p. 25), change in groundwater storage – inflow – outflow. Expanding this out, the inflow is rainfall – evapotranspiration and surface runoff, and the outflow is usage on site and subsurface flow to the Carmel Valley aquifer.

We can make reasonable assumptions about several of these terms. On long-term average, the change in groundwater storage will be zero. Surface runoff is either zero or a small amount.² The project would create impermeable surfaces that would increase runoff, although if the proposed retention basins function properly the increase should be small (this is hard to evaluate fully absent the drainage plan, which is not yet done). The relevant on-site usage of 3 acre-feet per year is a small amount relative to rainfall. Therefore, the dominant terms in the balance calculation are rainfall and evapotranspiration, both of which can only be estimated. According to Table 1, Kennedy/Jenks assumed rainfall was 84.9% of rainfall at San Clemente Dam, and evapotranspiration is simply estimated as a percentage of rainfall (70% in “average” years and 85% in dry years). These are both crude estimates. Thus, the calculation is dominated by subtracting one large uncertain number from another large uncertain number. The result is a much smaller and highly uncertain number. However, this uncertainty only affects the absolute amount of recharge from the September Ranch to the Carmel Valley aquifer; it does not affect the reduction in recharge, which is the relevant factor for an environmental impact assessment. [Suppose that the project were in the upper valley and proposed to take water directly from the river. In this case, the amount of water going by would be much larger, but the net effect on the aquifer would be the same.]

SC 1-23

The water rights situation is more complicated than the DREIR describes.

Ordinarily, land overlying a subsurface stream is riparian to the stream. However, there are complications in this case. First, most of the property is not overlying the subsurface stream, so if the property has been divided in the past, some of the uplands within the September Ranch watershed boundary could have been severed from riparian rights. I did not see a discussion of this issue in the DREIR. Second, the part of the September Ranch lying outside the watershed boundary is not riparian, since riparian rights apply only within watersheds. Third, as discussed in DREIR, the riparian rights for the riparian part of the property have been compromised by a deed to Cal-Am’s predecessor. Because of the peculiar situation in the Carmel Valley, in which

SC 1-24

² Kennedy/Jenks (Table 1) estimates that there is some run-off from the site in “average” years, citing a study by Monterey Bay Engineers, but this seems only to be based on a rule of thumb. My recollection is that there are no surface channels draining the area (although I have not looked at it carefully) in which case surface run-off is probably less than estimated by Kennedy/Jenks, and occurs only during major storms.

the SWRCB is temporarily allowing Cal-Am to continue illegal pumping because the water supply of the Peninsula depends upon it, the effect of the old deed on the September Ranch riparian rights is at best unclear. Moreover, the DREIR does not give the exact language of the old deed, so it is impossible for a reviewer to make an independent assessment of the extent to which the riparian rights are compromised.

SC 1-24
CONT

The description of the groundwater basin is questionable, but if it is accurate it raises questions regarding seismic safety.

The DREIR describes the September Ranch aquifer as "a small and nearly closed basin that is bound almost entirely by Monterey shaleTM" (p. 4.3-14). Based on the figures in the map, it would seem more accurate to describe it as a filled canyon that opens on the Carmel Valley alluvium (Exhibit 4.3-5). According to the DREIR, the mouth of the canyon is nearly blocked by older alluvium Exhibits (4.3-4b,c; 4.3-6). The DREIR claims that the older alluvium is much less permeable than then recent alluvium, and therefore tends to isolate the basin from the Carmel Valley aquifer. However, this is rather speculative, as discussed below, and in any event the DREIR allows that groundwater would flow over the sill of older alluvium, even if it exists and functions as supposed.

Assuming that Exhibit 4.3-4c is more or less accurate, however, this raises the question how and when the sill was created. Geologically, it must be recent. During the last Ice Age, (~15,000 years ago) sea level was about 100 m lower than it is now, and the Carmel River must have incised well down into the recent alluvium (the bedrock at the mouth of the valley is at least 30 m below sea level, and bedrock drops off very sharply on the seaward side, so presumably the river have incised that deep). The climate was wetter during the Ice Age, and presumably there would have been surface runoff down the canyons feeding into the September Ranch assumed basin. This would have eroded through any sill of older alluvium, which strongly suggests that unless the sill is notched, it did not exist until after the Carmel Valley filled with alluvium after the end of the Ice Age (i.e., during the Holocene). With this in mind, the depression in the surface of the older alluvium on the site shown in Exhibit 4.3-6 can be interpreted as a sag-pond formed by seismic activity. [A modern analogue exists near Tularcitos Creek, a short distance downstream from the Rana Creek confluence, where there is a depression on the northeast side of the road that is lower than Tularcitos Creek which flows southwest of the road.] Given that the sag-pond is shown as over 10 m deep (Exhibit 4.3-6), one has to wonder what kind of event or events created it.

SC 1-25

However, there is good reason to think that Exhibit 4.3-4c is not accurate, if the water balance is. That is, the groundwater flow calculated by assigning conductivity values to the older and younger alluvium (Table 4.3-8) is only a few acre-feet per year, while the water balance indicates hundreds of acre-feet in average years. If these were both true, water would be rising to the surface and flowing overland. The DREIR cannot have it both ways. The DREIR favors the water balance (there would not be water for the project otherwise), but then it must accept that either Exhibit 4.3-4c is inaccurate and underestimates the depth of recent alluvium, or that the conductivity of the older alluvium is too high for it to be an effective barrier to groundwater flow. In either case, the September Ranch aquifer is an extension of the Carmel Valley aquifer.

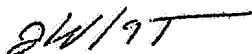
John G. Williams, Ph.D.

The finding of no significant impact is not supportable.

The "standards of significance" used by the DREIR, together with overstatement of the separation between the September Ranch aquifer and the Carmel Valley aquifer, seem carefully crafted to allow a finding of no significant impact. The two most relevant standards are "Increases the pumping and demand on the Carmel Valley aquifer," and "Substantially decreases the availability of groundwater to existing users of the same groundwater basin." The key language in the second standard is "...of the same groundwater basin," which makes no sense. Clearly, the project would have an impact if it decreased the availability of groundwater to existing users anywhere. Similarly, the project would have the same net impact on the Carmel Valley aquifer by reducing recharge (which it does) as by increasing pumping (which arguably it does, at least if you accept the SWRCB's finding that the alluvium in question is part of the Carmel Valley aquifer). Finally, the DREIR treats the existing condition of the Carmel Valley aquifer and the status of Cal-Am's pumping from it like mad aunts, locked away in the attic. Decreasing recharge to the Carmel Valley aquifer will make an already intolerable situation even worse. ✓

SC 1-26

Sincerely,



John Williams

SIERRA CLUB (SC)

Response to SC 1-1

Please see Response to LWMC 1-1. The application is dated 1995 and is exempt.

Response to SC 1-2

The elimination of the Freeway from any future funding by the Legislature implies that the applicant cannot comply with this policy and therefore, cannot be required to do so. Please see LWMC 1-6.

Response to SC 1-3

The Recirculated Draft REIR evaluates project impacts against a baseline of 3 AFY. Please see Recirculated Draft REIR, Section 4.3. As requested by the comment, the Recirculated Draft REIR quantitatively evaluates the potential for impacts to the Carmel River. Please see Recirculated Draft REIR, Sections 4.3 and 4.9. It should be clarified that 3 AFY is not the available water supply; it is simply the CEQA baseline which reflects a quantity of existing water use adopted for purposes of evaluating potential project impacts under CEQA.

Response to SC 1-4

Please see MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to SC 1-5

Please see MR-18: Hydrology & Water Availability.

Response to SC 1-6

Please see Response to SC 1-3, Recirculated Draft REIR, Sections 5 and 7 and MR-15: Growth Inducement. Growth within the Carmel Valley is limited by the Carmel Valley Master Plan. All reasonably foreseeable projects within the limits of the Master Plan that involve a net increase in water use have been identified and analyzed in the Recirculated Draft REIR. Please see Section 5.0, Recirculated Draft REIR. These projects do not rely on the potential approval of the proposed project as precedent for their net increase in water use but have proceeded entirely independently of the proposed project. The comment provides no evidence of a causal connection between any other future project and the proposed project, and the County after inquiry has identified none.

Response to SC 1-7

Please see Response to SC 1-3. All projects, including the proposed project, are intended to comply with applicable law.

Please see Recirculated Draft REIR, Ch. 4.3 and the accompanying Hydrogeologic Report (Appendix C). Based on an independent review, consulting hydrologists have concluded that the SRA is an independent basin with limited connectivity to the CVA, and in any case has quantitatively assessed potential impacts of water use within the project area. The SWRCB has never studied or issued a

formal opinion regarding the hydrogeology of the project location, and did not submit a comment on the Recirculated Draft REIR. The Recirculated Draft REIR is consistent with the facts noted in SWRCB decisions relevant to the Carmel River and its value as steelhead habitat. Please see MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to SC 1-8

Please refer to MR-2: Adequacy of Mitigation Measures, MR-4: Loss of Trees & Mitigation for Tree Removal, and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Comments from the 1998 Draft EIR as well as comments received on the Initial Study Notice of Preparation released January 31, 2003 (see Appendix A of the Draft REIR) were incorporated into the Draft REIR released for public review in December 2004 and include the Department of Fish and Game (March 7, 2003), the California Native Plant Society (March 11, 2003), and comments from private citizens. The Draft REIR Appendix H's Section 6, References, includes a list of all resources consulted in the preparation of the Biological Resources Assessment.

Response to SC 1-9

The mitigation measures presented in Section 4.9, Biological Resources, of the Recirculated Draft REIR reduce biological resources impacts to less than significant. Additionally, Section 6, Alternatives of the Recirculated Draft REIR analyzes alternative project designs, including project designs that will result in reducing the number of trees affected as a result of project implementation. As discussed on page 6-2 of the Recirculated Draft REIR, the analysis of the alternatives assumes that all applicable mitigation measures associated with the project will be implemented with the appropriate alternatives; however, applicable mitigation measures may be modified as appropriate to be consistent with a proposed alternative. This would not change the intent of the mitigation measure. As discussed in Section 6, Alternatives, of the Recirculated Draft REIR, with the implementation of mitigation measures, the biological resources impacts associated with the project alternatives are less than significant.

Response to SC 1-10

Please refer to Response to SOCR 1-118. The range of alternatives required in an EIR is governed by a "rule of reason" that requires an EIR to set forth only those alternatives that reduce significant impacts to the extent necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Section 6, Alternatives of the Draft REIR includes a discussion of four alternatives. Please also note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations

Response to SC 1-11

Please refer to the Recirculated Draft REIR and MR-7: Botanical Surveys and MR-5: Monterey Pine Forest Biological Sensitivity. Additionally, as outlined on page 4.2-12, Mitigation Measure 4.2-15 of the Draft REIR, subsequent subsurface exploration shall be conducted before the final map approval to further characterize the possible mapped landslide in the vicinity of Lots 85-86. As a draft condition of approval, see MR-2: Adequacy of Mitigation Measures, deed restrictions would be

recorded on Lots 31-35 and 80-88, identifying that these lots shall conform to the mitigation measures in the Recirculated Draft REIR.

Response to SC 1-12

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility and MR-9: Fire Danger/Provision of Services and Response to SC 1-10. Please also note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Response to SC 1-13

Please refer to MR-2: Adequacy of Mitigation Measures, MR-3: Conditions, Covenants, and Restrictions/Mitigation, MR-4: Loss of Trees & Mitigation for Tree Removal, and MR-5: Monterey Pine Forest Biological Sensitivity.

Response to SC 1-14

Please refer to the Recirculated Draft REIR and MR-2: Adequacy of Mitigation Measures and MR-7: Botanical Surveys. As discussed in Response to SOCR 1-135, the building envelope is the footprint of the building. Therefore, the building envelope and the footprint of the individual houses as stated in Mitigation Measure 4.9-10 are equivalent. As stated in Mitigation Measure 4.9-10, prior to the construction of roadways and individual houses, a botanical survey shall be conducted during the appropriate blooming period for each species (special status plant species). If no individuals are observed, then no further action is required. As further outlined in Mitigation Measure 4.9-10, if special status plant species are identified, additional mitigation may be required. Please see SOCR 1-135.

Response to SC 1-15

Please refer to Mitigation 4.9-1 on page 4.9-22 and 4.9-23 of the Recirculated Draft REIR. Specifically, this mitigation measure requires the following:

- Limits the use of fencing to designated development envelopes, and prohibits fencing of parcel boundaries in order to maintain areas for wildlife movement;
- Restricts direct disturbance or removal of native vegetation to designated development envelopes, as planned, through project covenants, codes and restrictions (CC&Rs), through dedication of a conservation or open space easement, or other similar method (The project applicant currently proposes dedication of scenic easements over all portions of the site outside designated development envelopes).
- Establishes lot restrictions and common open space regulations that limit uses and prescribe management responsibilities in private and common open space areas beyond the building and development envelopes identified in the final map.
- Defines the conservation (scenic) easements dedicated to an entity acceptable to the County of Monterey. These conservation easements are legally binding use restrictions recorded on privately owned land that can provide a high degree of

protection to certain areas on the property while allowing the rest of the land to be developed and used at the owner's discretion. Conservation easements to the benefit of the County of Monterey should be recorded with the sale of the lot and should run with the land regardless of the number of times the land is sold. Such easements should be set aside for as much of the private open space on the property as is feasible to guarantee the long-term preservation of the site's overall biological resource values. Examples of the types of restrictions that should be considered in these conservation easements include the following:

- Restriction of all development rights within the easement area;
- Maintenance of natural habitat;
- Pesticide use restrictions;
- Only compatible public recreation uses allowed within easement lands, not uses that cause disturbance to native vegetation and wildlife;
- Restricted trails for pedestrians, hikers and cyclists within easement lands;
- No vehicles of any kind allowed in easement lands except for those required by the habitat/open space manager in performance of habitat monitoring or maintenance activities;
- No alteration of land including grading, disking, compacting, soil removal or dumping shall be allowed unless the work is for the purpose of habitat management/restoration and authorized by the habitat/open space manager;
- No removal of flora or fauna from the easement area including mowing or weed whacking unless authorized by the habitat/open space manager;
- Limitations/restrictions will be placed on construction of permanent or temporary facilities (e.g., picnic tables or portable toilets) within the easement areas in accordance with the goals of the open space management program;
- Leash laws within the easement areas must be enforced; and
- Right of inspection of the easement area by the easement holder and habitat/open space manager.

Additionally, see Response to SOCR 1-135.

Response to SC 1-16

Please refer to Response to SOCR 1-31.

Response to SC 1-17

Please refer to Response to SOCR 1-31.

Response to SC 1-18

It is currently proposed that the project connect to the Carmel Area Water District (see Response to CAWD 1-1 and CAWD 1-2). Please see Response to SOCR 1-56 and SOCR-79. The Equestrian Facility will remain operational as part of the proposed project; therefore, the proposed project is consistent with Carmel Valley Master Plan Policy 51.2.13, which encourages equestrian oriented recreational activities. The proposed project does not include continuing pasture irrigation.

Response to SC 1-19

Please see Response to SOCR 1-46.

With the implementation of the mitigation measures outlined in the Draft REIR and Recirculated REIR project implementation is consistent with the CVMP Goal, “To protect all natural resources with emphasis on biological communities, agricultural lands, the Carmel River and its riparian corridor, air quality, and scenic resources.” Additionally, please refer to MR-5: Monterey Pine Forest Biological Sensitivity.

The proposed project is subject to Monterey County Board of Supervisors hearings. As identified in the Recirculated Draft REIR, the water supply analysis conducted by Kennedy Jenks Consultants has demonstrated there is sufficient water supply to support project implementation. Please see Section 4.3 and Appendix C, and MR-18: Hydrology & Water Availability.

Please see Response to SOCR 1-39 and MR-14: Aesthetics – Inclusionary Housing. Additionally, please also note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations.

Additionally, as in the Recirculated Draft REIR and on page 3-1A and 4.1-7 of the Draft REIR the proposed project is consistent with the CVMP and zoning ordinance designations for the project site; therefore, the proposed project will not require a General Plan Amendment.

Response to SC 1-20

As outlined in Section 4.11 of the Draft REIR, mitigation measures, specifically Mitigation Measure 4.11-1 that protects public viewsheds are required for project implementation. As identified in the draft conditions of approval, see MR-2: Adequacy of Mitigation Measures, prior to the filing of the final map, the applicant shall prepare a plan that is subject to the approval of the Director of Planning that will in part, identify landscape screening as appropriate, including minimizing views from Jacks Peak Regional Park.

Response to SC 1-21

As stated on page 4.1-4 of the Draft REIR, the proposed project will result in a lesser density than is allowed on the project site under the Carmel Valley Master Plan land use designations or the slope density formula. None of the alternatives identified in Section 6 of the Recirculated Draft REIR have been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of all of the alternatives in relation to the proposed project in its consideration of the certification of the REIR and project approval. Additionally, please see Response to SC 1-10.

Response to SC 1-22

Please refer to Recirculated Draft REIR Sections 4.3, 4.9 and 5.0, MR-19: Significance Thresholds Regarding Water Supply & Availability, and MR-20: Aquatic Biological Resources. The Recirculated Draft REIR quantitatively analyzes the significance of the potential impacts against fact-specific significance thresholds that do not simply assume that any impact is a significant impact. This approach is consistent with and encouraged by CEQA.

It is not reasonably foreseeable that approval of this project would lead to SWRCB action against Cal-Am. The proposed project would not be served by Cal-Am. The SWRCB has not indicated that pumping by the proposed project would lead to action against Cal-Am. Moreover, the proposed project would not require Cal-Am to pump additional supplies, nor would the proposed project have a significant impact on Carmel River flows, nor any impact on aquatic biological resources. See Recirculated Draft REIR Sections 4.3, 4.9, MR-18: Hydrology & Water Availability and MR-20: Aquatic Biological Resources.

Response to SC 1-23

Please see Response to SC 1-22.

The hydrology assessment agrees with the basic concept of change in storage is inflow minus outflow. The inflow is calculated by rainfall minus ET-loss minus surface runoff (page 4.3-34 in Recirculated RDEIR and in Section 3.4 in the KJC Hydrology Report (Appendix C). The findings also agree that surface runoff is near zero (Table 1 KJC Hydrology Report). The assumed reductions of SR area specific rainfall of 15.1% and ET-loss of 70% and 85% can only be estimated as pointed out by Dr. Williams. KJC has taken best-of-care and due diligence in reviewing regional information to substantiate these assumptions (Page 4.3-34 and 4.3-35). The comment's characterizations of crudeness and uncertainty simply reflect a difference of opinion, and no further response is required.

It is agreed that cumulated recharge is not relevant to evaluating significance of impact to the ecology of the Carmel River and existing groundwater users. It is noted that the estimates of recharge are to benefit the assessment of sustainable use of GW in the SRA, meaning annual recharge exceeds proposed project demand. To address impact, please refer to MR-18: Hydrology & Water Availability (HMR-3 – Significance of Impact on the CVA and the Carmel River in Terms of Fisheries and HMR-4 – Significance of Impact on Existing CVA Groundwater).

Response to SC 1-24

Please see Recirculated Draft REIR, Section 4.3. The Recirculated Draft REIR concludes based on extensive independent hydrogeologic studies that the relevant water rights framework is that applicable to percolating groundwater. In any case, although largely irrelevant for purposes of CEQA, a riparian rights analysis was conducted and the conclusion was that there was no severance. The deed to Cal-Am's predecessor is accounted for in the analysis. CEQA does not require, and in fact discourages, a lead agency to provide copies of legal documents in an EIR. CEQA requires only a reasonable, good-faith attempt to present information that is relevant to significant physical changes to the environment. The comment does not implicate significant physical changes in the environment, and thus no further response is required. Inquiries regarding water rights associated with the property may be raised in other contexts, including among others the County's land use/approval process. It is noted that if the project were considered be exercising a riparian rather than an overlying right, the entire property would be considered within the watershed of the CVA for purposes of exercising a riparian right.

Response to SC 1-25

The analysis agrees with the concept that the SRA is an extension of the CVA to the extent they are collocated, please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance). The Recirculated Draft REIR was updated with a brief statement in the Recirculated document Page 4.3-42 that “all (recharged) groundwater not consumed or stored in the SRA would normally benefit the CVA.” The Recirculated Draft REIR essentially agrees with the District’s concept that groundwater in the SRA is shared with the CVA mainly in the collocated portions of the two aquifers as illustrated in Figure 4.3-3 where cross-section M-M’ characterizes the depth to bedrock of these aquifers. To this extent, the Recirculated Draft REIR and accompanying hydrologic analysis is consistent with the perspective that since there is effectively no surface runoff, then recharged groundwater in excess of storage and usage must benefit the CVA AQ3.

Response to SC 1-26

See Recirculated Draft REIR, Section 4.3 and accompanying Hydrogeologic Report (Appendix C); MR-19: Significance Thresholds Regarding Water Supply & Availability. The Recirculated Draft REIR evaluates whether the proposed project would require any water user including Cal-Am to seek additional or replacement supplies, regardless of where they are located, and concludes that it would not. The Recirculated Draft REIR quantifies the potential impact of reduced recharge on the CVA, consistent with the requirements of CEQA.

RECEIVED

BY ASK DATE 2-28-05



Monterey Bay Chapter

THE CALIFORNIA NATIVE PLANT SOCIETY

DEDICATED TO THE PRESERVATION OF CALIFORNIA NATIVE FLORA

2 Via Milpitas
Carmel Valley, CA 93924
Feb. 26, 2005

CNPS

Ms. Alana S. Knaster, Chief Assistant Director
Monterey County Planning Department
2620 First Avenue
Marina, CA 93933

RE: September Ranch DREIR

Dear Ms. Knaster:

The Monterey Bay Chapter of CNPS submits the following comments on the September Ranch Draft Revised Environmental Impact Report. At this point in the past we would express our thanks for having been sent a copy of the pertinent document, but the county no longer provides free copies to non-profit groups such as ours that have a long history of participation in land use issues. We understand the county's financial situation, because our very modest income from dues and donations makes it hard for us as well; so we have to resort to libraries and borrowing from other groups to make our comments. We urge the county to require a developer to provide a limited number of copies for non-profit groups.

CNPS 1-1

Some of the constraints identified during the previous September Ranch application have worsened significantly, for example the availability of water, traffic capacity, and the status of rare and endangered species. We will confine our comments, however, to dealing with the botanical issues, which we believe lacked scientific treatment in the previous EIR. The mitigations in this DREIR are improved, but unfortunately they are dealing with a very steep, mostly unbuildable property where lots have been drawn on every possible building site. This leaves very little room to avoid sensitive habitats, particularly the pristine pine forest and the endangered species found in the upper half of the property.

CNPS 1-2

By way of background, our chapter has been working for many years to protect the native Monterey pine forest because of its unique reservoir of genetic diversity, both in the pines themselves and in the many sensitive plants and animals that make up this special community. A few years ago we petitioned the State Fish and Game Commission to list the Monterey pine (*Pinus radiata*) as threatened because of the loss of habitat to development, fragmentation from roads, utilities, etc., the impacts of invasive non-native species, and the widespread death from pitch canker disease. Our information showed conclusively that the pine met the standards for threatened status, but because of political pressure, no action was taken—an outcome that is sadly not uncommon when species occupy valuable land that is proposed for development. Fortunately the California Department of Fish and Game considers the Monterey pine forest to be both a sensitive species and a sensitive plant community under CEQA; thus any loss of this tree is considered a significant impact.

CNPS 1-3

The previous EIR displayed little understanding of the significance of the Monterey pine. We are gratified that the DREIR recognizes that in California there are only three small native populations, of which the Monterey Peninsula forest is the largest and the most genetically diverse. As we pointed out earlier, this project would affect the easternmost large forest of Monterey pines adjacent to Jacks Peak Park. We believe this forest is genetically distinct because it is adapted to drier conditions and different soils from the trees in Del Monte Forest. This apparent resistance to drought means that these trees are likely to contain genetic resources that may be critical in the future to the multibillion-dollar world-wide Monterey pine timber industry concentrated in the southern hemisphere. Indeed, if global temperatures continue to increase, these trees may become the source for revegetation of our coastal forests as well. Also, their apparently greater resistance to pine pitch canker makes their preservation even more important.

CNPS 1-4

The old EIR states that less than 1% of the trees (610) would be removed by this project; and after all the testimony about the importance of preserving the native Monterey pine forest, we expected that the loss

CNPS 1-5

would be reduced in the new EIR. But now we find that the total to be removed has grown to 3,582 trees--890 coast live oaks and 2,692 Monterey Pines. Apparently the explanation is that the first figures did not include building envelopes. That's quite a serious omission! However, it is not so much the number or percent that is significant, but the extent of the *habitat fragmentation*. Studies have shown that mortality from diseases, such as pine pitch canker, is highest in areas that have been penetrated by roads and where trees have been removed for other development projects. Other studies have shown that the native forest can be seriously impacted 300 feet or more from the edge of development by introduced invasive plants, noise, chemical contaminants, domestic animals, etc. Ornithologists have pointed out that bird populations change drastically in such cases—from native birds of the deep forest to more common and often non-native birds that coexist with development. Furthermore, this "edge effect" caused by cutting roads, utility rights of way, fences, and homesites damages root zones and opens up the trees themselves to the full force of winter storms from which they were previously protected. Thus more trees fall or have to be removed as hazards.

CNPS 1-5
CONT.

MITIGATIONS:

In studying the mitigations for loss of the pine forest, we find that they place far too much emphasis on replanting rather than the more ecologically desirable and successful mitigations of avoidance, minimizing impacts, set-asides, and enhancement. Specific comments follow:

4.9-1: The list of landscaping restrictions to protect the native habitat would be impressive were it not dependent on CC&Rs that the county has no standing to enforce. Only homeowners' associations can enforce them, and we have found that such enforcement seldom happens. Permit conditions that *are* enforceable by the county have been rarely or inadequately enforced.

4.9-2: While replanting 3 acres for every 1 acre of forest cleared sounds very generous, fulfilling this condition depends on finding receiver sites in locations that would be suitable to be reestablished as natural forest habitat. In a native forest, the trees already fully occupy the suitable sites, and usually reseed themselves far more successfully than outplantings. Please indicate where such appropriate sites would be located.

4.9-3: Replacement planting of individual oaks and pines on a 1 to 1 basis also will depend on receiver sites. Moreover, studies have shown that young trees, particularly seedlings, seem to be more easily infected with pitch canker. Even when seedlings are replanted in a suitable area, they often die and render the mitigation unsuccessful. Again, please explain where these outplanting sites would be located.

CNPS 1-6

4.9-4: "Pines adjacent to ones slated for removal will be removed individually." This seems to say that pines not slated for removal will be removed anyway! Please clarify.

4.9-5: Experts state that the best way to protect the Monterey pine from pitch canker is to preserve large areas of forest that are free from roads and other types of fragmentation that encourage the spread of the fungus. This project scatters lots throughout the pine forest, particularly the pristine areas adjoining Jacks Peak Park. Please discuss these impacts.

4.9-6, 7, 8, 9: Forest, Open Space, and Grassland Management Plans are to be submitted later to the County Planning & Building Inspection Dept. for approval. Without having such plans available now, it is impossible to tell which areas of forest, coastal prairie grassland and coastal scrub will be affected by the project. Mitigation and monitoring plans are supposed to be available for review before the public hearings are held. Please explain when these plans will be available for public study.

4.9-10: We find that the DREIR does not reduce the impacts on sensitive plants to less than significant. As noted above, many of the plans intended to assure success of the mitigations are not presented in this document. Another example is the condition to require a botanical survey for sensitive plants of the building envelope before each house is built. While a number of plant surveys have been done, it is not clear that they were used to design each building envelope or that they were done at the right time of year to find the many sensitive plants that could be on the site. Our understanding of CEQA is that such

plans must be part of the EIR so that the lead agency, the trustee agencies (such as US Fish & Wildlife and the Dept. of Fish & Game), and the public will have adequate information to assess the adequacy of the mitigations. We are also concerned that there is credible evidence in reports that have been cited in public documents that Federally-listed Yadon's piperia (*Piperia yadonii*) exists on the property. As it is a perennial bulb, it should still be extant unless it has been removed. We urge that a more rigorous survey utilizing the available data be undertaken before this project moves into the hearing process. Also, members of our group found a sizable population of the Carmel Valley bush mallow (*Malacothamnus palmieri* var. *involutratus*) a CNPS 1B plant, on adjoining Cañada Woods that had been overlooked by the botanical consultants; but we find no mention of this plant in the DREIR. Further, we find no provision for protecting the buckwheat that provides habitat for the Federally-listed Smith's blue butterfly. Please respond to these issues.

CNPS 1-6
CONT.

4.11-1, 2: This mitigation calls for preserving "existing screening vegetation." If homes cannot be seen, then the occupants' view is also screened. We have found that much of this "screening" has been removed despite such restrictions in Carmel Highlands, Del Monte Forest, Carmel Valley, and elsewhere; therefore the value of this mitigation is questionable, and the losses will further damage the forest as well as the viewshed. Please discuss what enforceable conditions can prevent these losses.

CNPS 1-7

4.13: We have to question the lack of impacts on Fire Services. The Monterey pine forest is highly flammable, and building homes within this forest on the tops of ridges makes them particularly vulnerable. The gullies in the canyons act as chimneys to speed fire up to the tops of the ridges. Clearing even as far as 100 feet from homes is likely to be inadequate in a worst-case situation. Thus the impacts on Monterey pine are likely to be appreciably increased. Adding to the fire hazard is the huge mass of French broom (*Genista monspessulana*) that has been spreading up the slopes from Carmel Valley Road for many years. It will take a major effort to remove it, but because of its high flammability, removal should be a condition before any homes are built above the infested area.

CNPS 1-8

CONSISTENCY WITH CARMEL VALLEY MASTER PLAN POLICIES

We find that this project is not consistent with the following CVMP Policy 7.1.1.1: "Areas of biological significance shall be identified and preserved as open space. These include but *are not limited to* (emphasis added) the redwood community of Robinson Canyon and the riparian community and redwood community of Garzas Creek. When a parcel cannot be developed because of this policy, a low density, clustered development may be approved. However, the development shall occupy those portions of the land not biologically significant or on portions of the land adjoining existing vertical forms, whether on-site or off-site and either natural or man-made, so that the development will not diminish the quality of such parcels or upset the natural functioning of the ecosystem in which the parcel is located. If this policy precludes development (but no subdivision) may be allowed." We submit that the Monterey pine forest in this area qualifies as an Area of Biological Significance for all the evidence that we and others have provided. The fact that Policy 7.2.2.5 gives special protection to native oak, madrone, and redwood trees, but not to the Monterey pines, shows how inadequate and outdated that part of the CVMP has become. Also, Policy 7.2.2.3 is quoted as stating: "Weedy species such as pampas grass and genista shall not be planted in the Valley. Such species shall not be used in required landscaping and wherever they currently occur, they shall not (sic) be removed when the required landscaping is implemented." We hope that last clause is not a correct quote and therefore that it will not become part of this plan.

CNPS 1-9

ALTERNATIVES:

Because of the difficulty of mitigating the impacts of this project when it came up in 1998, we expected that some effort would have been made in the current plan to avoid development in the upper portion of the parcel adjoining Jacks Peak Park and the Monterra parkland. This is the most pristine habitat on the property and would be the most dramatically affected by the current project. The upper lots also have the potential to impact the parks by serving as a vector for non-native plant species and disease as well as harassment of the native fauna by domestic animals. We note that the reduced project approved by the Planning Commission in 1998 is similar to one of the alternatives that would produce substantially lower

CNPS 1-10

CNPS September Ranch DREIR Comments

- 4 -

Feb. 26, 2005

impacts than the current project. By preserving the most ecologically valuable portion of the property; the developer would be able to avoid substantial infrastructure costs, provide credible mitigation for the other habitat impacts, and reduce water use to a reasonable level. The developer previously insisted that the lower density project was not financially feasible, but with the current high prices for land and housing, and the reduced costs of infrastructure and mitigations, we suggest that a more compact project would be practical. We note that he now claims that the smaller subdivision would not meet the goal of the project to provide affordable housing. However, we see no reason why he could not add more affordable housing to the package if that is indeed one of the objectives of the project.

CNPS 1-10
CONT.**WATER:**

CNPS has long been concerned about the overpumping of the Carmel River's underflow because it has led directly to the loss of the native riparian vegetation and the diverse wildlife community that it supports. As a result, the denuded banks were washed out by the big storms that occurred in 1969 and periodically afterward and a great deal of damage was done to property along the river. We recall with chagrin how the Carmel Valley Ranch in 1974 claimed that it had a "separate aquifer" that would permit that huge development without impacting the Peninsula's water supply. Even though experts hired by local civic groups debunked the idea, the Supervisors approved the project; and when the "separate aquifer" proved non-existent, the project was allowed to hook up to Cal-Am. The claims in the DREIR of a "separate aquifer" should be examined very skeptically. Local experts were right before, and we believe they are right about September Ranch. This issue is a major reason for insisting on a reduced project.

CNPS 1-11

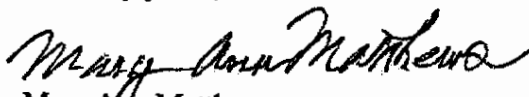
SUMMARY:

We believe that a careful consideration of the issues discussed above will show that the impacts of this project have not been mitigated to less than significant. We urge the DREIR to refocus on a revised plan that would protect the most sensitive habitat on the steep upper portion of the property.

CNPS 1-12

Thank you for your responses to these comments.

Sincerely yours,



Mary Ann Matthews
Conservation Chair

CALIFORNIA NATIVE PLANT SOCIETY (CNPS)

Response to CNPS 1-1

As outlined in CEQA Guidelines Section 15204(a), a Lead Agency need only to respond to significant environmental issues and does not need to provide all information requested by reviewers. This comment does not address an environmental issue. The Draft REIR was distributed to interested parties in accordance with Public Resources Code 21092(b)(3). Additionally, in accordance with CEQA Guideline 15201, the Draft REIR is available for review on the County of Monterey's website at the following address:

http://www.co.monterey.ca.us/pbi/docs/eirs/september/sept_deir.htm.

Response to CNPS 1-2

The comment is noted. Please refer to the Recirculated Draft REIR and MR-5: Monterey Pine Forest Biological Sensitivity and MR-7: Botanical Surveys.

Response to CNPS 1-3

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal and MR-5: Monterey Pine Forest Biological Sensitivity.

Response to CNPS 1-4

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to CNPS 1-5

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal.

Response to CNPS 1-6

Please refer to the Recirculated Draft REIR and MR-3: Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement, MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility and MR-7: Botanical Surveys. Additionally, the first bullet point of Mitigation Measure 4.9-4 has been revised to read as follows:

- Pines adjacent to ones slated for removal will be protected individually with orange construction fencing placed around their dripline. Pines not slated for removal shall not be damaged. Retained trees shall be protected by individually cutting adjacent removal trees.

Mitigation Measure 4.9-3 has been revised to read as follows:

To reduce loss of individual trees, replacement planting of all oaks and pines 6" or larger removed by the project shall be replaced on a 1:1 ratio by planting trees in areas of suitable soils as determined appropriate by a professional forester.

Additionally, the following language has been added to Mitigation Measure 4.9-3:

The location and species of all required replacement trees planted shall be mapped so they can be monitored for successful establishment over a five-year period. The monitoring period shall be extended for individual trees that die or are in poor health and must be replaced.

Require that tree removal of native oaks and pines 6" or larger for future lot construction be subject to County approval and appropriate tree replacement. A tree protection plan detailing tree removal, replacement and protection measure for retained trees shall be required for each lot where tree 6" or greater will be removed. The plan shall be considered a site-specific amendment to the Forest Management Plan for the project, which applies to all lots.

Mitigation Measure 4.9-4 has been revised to read as follows:

Pines adjacent to ones slated for removal will be protected individually with orange construction fencing placed around their dripline. Pines not slated for removal shall not be damaged. Retained trees will also be protected by individually cutting adjacent removal trees.

These revisions are included in Section 6, Errata.

Please see MR-2, Adequacy of Mitigation Measures.

Response to CNPS 1-7

Please refer to MR-14: Aesthetics – Inclusionary Housing.

Response to CNPS 1-8

Please refer to MR-9: Fire Danger/Provision of Services.

Response to CNPS 1-9

Please refer to MR-5: Monterey Pine Forest Biological Sensitivity.

Additionally, the correct is noted, Policy 7.2.2.3 is revised as follows:

Weedy species such as pampas grass and genista shall not be planted in the Valley. Such species shall not be used in required landscaping and wherever they occur, they shall be removed when the required landscaping is implemented.

This revision is included in Section 6, Errata.

Response to CNPS 1-10

Section 6 of the Draft REIR included an analysis of a Reduced Density Alternative and the Recirculated Draft REIR included three additional alternatives, including a 73/22 Inclusionary Housing Alternative that limits the amount of development in the northern portion of the project site

adjacent to Jacks Peak Regional Park and Monterra Ranch. None of the alternatives presented in the Draft REIR or the Recirculated Draft REIR have been eliminated from consideration and the Planning Commission will have the opportunity to weigh the merits of this alternative in relation to the proposed project in its consideration of whether to certify the REIR and approve the project.

Response to CNPS 1-11

The REIR acknowledges that aquifer pumping may affect the Carmel River; potential impacts to the CVA and Carmel River are quantitatively evaluated. Please refer to Recirculated DREIR, Sections 4.3, 4.9 and 5.0, MR-18: Hydrology & Water Availability and MR-20: Aquatic Biological Resources.

Response to CNPS 1-12

Please refer to Response to CNPS 1-10.

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 BY ASK DATE 2-28-05

Carmel Valley Association
 P.O. Box 157, Carmel Valley, California 93924
www.carmelvalleyassociation.org



Since 1949

Alana Knaster
 Chief Assistant Director
 County of Monterey
 Planning and Building Inspection Department
 2620 1st Avenue
 Marina, CA 93933

February 27, 2005

RE: September Ranch DREIR

Dear Ms. Knaster,

The Carmel Valley Association submits the following comments on the Revised Environmental Impact Report for the September Ranch Subdivision project dated December 2004. Established in 1949 and consisting of 850 dues-paying members, the Carmel Valley Association is the oldest and largest homeowners and residents association in Carmel Valley.

To begin, we note that California Government Code 66413.5 applies to this application, as well as to other recent subdivision applications in Carmel Valley. The effect of this law is to prohibit the final approval of any subdivision map while an incorporation process is underway. Carmel Valley's incorporation process, as defined by the gathering of the first signature on the incorporation petition, began in October 2002. The tentative vesting map for the resubmitted September Ranch project is dated subsequent to October 2002. Therefore, while the county may continue to process this application, it is forbidden by law from providing any final approval. It is up to the new Town to make a final decision on this project, unless incorporation fails. Only under that circumstance may the County make a final decision on September Ranch. Please investigate and respond.

CVA 1-1

Moreover, the current subdivision moratorium in Carmel Valley clearly attaches to the September Ranch proposal. We reviewed County file numbers PLN050001 (Combined Development Permit) and GPZ050001 (General Plan Amendment and Rezoning) for September Ranch and they show dates of December 30, 2004. The subdivision moratorium, found at resolution number 02-024 and adopted by the Board of Supervisors on January 22, 2002, predates the application by nearly three years. The subdivision moratorium was adopted primarily due to unacceptable traffic levels and declining LOS on Carmel Valley Road in the absence of expected increases in freeway capacity from the Hatton Canyon

CVA 1-2

freeway. None of these basic facts have changed: the Hatton Canyon freeway was not built, Carmel Valley Road continues to have substandard LOS, and traffic levels continue to increase. Please investigate and respond to these issues.

CVA 1-2

We estimate that already approved projects and undeveloped legal lots of record in the greater Carmel Valley will yield at the least an additional 15,000 new daily car trips at buildout. For example, these projects include but are not limited to: Gamboa/ Sunrise Assisted Care, Quail Lodge Expansion, Berta Ranch subdivision and Fiskdale Ranch subdivision. The County does not seem to have any plans or resources to adequately accommodate traffic from approved development. Please investigate this issue, and provide full supporting documentation for your response. The EIR should address how adding even more (and unnecessary) traffic under these circumstances causes impacts.

CVA 1-3

Our concerns with traffic and the proposed mitigations are as follows. Why were these specific mitigation measures selected when the majority of them have no present plans for construction, installation, and no fees are presently being collected for them (this includes mitigation measures 4.6-1 through 4.6-9.)? What other mitigations are available? What impacts would those alternative mitigations have? Is this correct under CEQA requirements? The majority of these mitigation measures were not on the road improvement list in 1995 nor are they on the road improvement list today. Please address this issue, and provide supporting documentation for your response. Can mitigation 4.6-4 be accomplished since the County entered into an agreement with Lois Starnes that would seem to prohibit this mitigation from being constructed? Please provide full legal substantiation for your response.

CVA 1-4

Has Monterey Salinas Transit agreed to service the stop referred to in mitigation measure 4.6-7? What impacts will that new transit stop have? How will it impact traffic? What support does the County have that a new stop will have any effect to mitigate the traffic? Please provide full documentation for your response. What will the entire intersection look like if the project is approved, complete with stoplights, turn lanes, merge lanes, bus stop pullout, warning signs, directional signs, street signs, etc.? Please provide clear graphic representation and a map to show the new intersection layout. The Aesthetics section should investigate and evaluate these impacts.

CVA 1-5

Installation of any additional stoplights on Carmel Valley Road is strongly opposed by Carmel Valley residents since this installation will change the character and definition of that road and change the level of service definitions. Please explain fully what analysis has gone into the decision to require an additional stoplight for this project. Please explain how the further urbanization of Carmel Valley Road (e.g. adding stoplights) fits into preserving the rural character of Carmel Valley? What other stoplights are proposed or contemplated on Carmel Valley Road? The REIR should investigate and address each of these issues.

CVA 1-6

Segment 7 of Carmel Valley Road (running from Rancho San Carlos to Schulte Road) has been at LOS D since 2001 with the ADT increasing each year 2001-197, 2002-371, 2003-462, and almost doubling to 806 in 2004. Please explain in detail how the cumulative effect of the 1,053 projected daily car trips for September Ranch, another 1000 car trips from the Tehama build out, and an additional 200 car trips from the completion of the Quail Lodge

CVA 1-7

additional units can be mitigated by any of the mitigation measures listed in the DEIR? What other mitigation measures are there that were not proposed in this EIR? Since Tehama and Quail Lodge have already paid their traffic mitigation fees and had their mitigation measures installed, it appears that September Ranch must bear the burden in Segment 7. What additional measures are available for this project? What other mitigation measures have been investigated?

CVA 1-7
CONT

There are several areas where, despite mitigation measures, significant impacts will result. We do not see the payment of "fees" or signalization as a way to solve traffic problems. We do not support the adoption of a statement of overriding considerations for any of these unmitigated significant impacts.

CVA 1-8

The following comments are pertinent statements from Volume 2 of the original EIR, dated May 27, 1998 regarding hydrology.

A memo from the State Water Resources Control Board dated April 28, 1998 states C 1 "There apparently is no structural boundary between the September Ranch basins and the Carmel River"

C12 "diversion of the full 61 AFA may result in groundwater overdraft"

C16 "In conclusion, the alluvium underlying the September Ranch is in hydraulic continuity with and appears to be part of the Carmel River subterranean stream. As such, it is subject to the permitting authority of the SWRCB"

p.S-27 "Final EIR identifies annual production of 61 AF as a potentially significant adverse impact"

pS-37 "the aquifer would be vulnerable under a sustained drought"

CVA 1-9

Please address the DREIR's consistency with these statements.

Here, the consultant states that the "September Ranch Aquifer (SRA)" is allegedly separate and independent from the "Carmel Valley Aquifer (CVA)." However, 4.3-1 refers to "a very limited hydrologic connectivity" and 4.3-13 claims that "low permeability of Qoa2 (the older alluvium) impedes groundwater flow at certain locations. However, we note no supporting data on the permeability and no locations are provided. Please investigate and provide specific responses.

CVA 1-10

The cross-section 4.3-4 C, at the west end of the "SRA" shows a V-shaped valley cut into the Monterey Formation bedrock, 1400 feet wide, extending down to 75 ft. below sea level, and filled largely with the older alluvium Qoa2. Such alluvium would not be expected to impede interflow between the aquifers, and as noted above no data on permeability are provided in the EIR. Please investigate and respond.

CVA 1-11

4.3-31 states "The limited hydraulic connectivity with the CVA occurs only when groundwater levels in the SRA are higher than the top of the Monterey Shale bedrock." Again, we have only to look at cross-section 4.3-4 C to see that the Monterey Shale at that location is incised down to 70 ft. below sea-level, so it cannot be a barrier to groundwater flow. Please investigate and respond.

CVA 1-12

We see no effective barrier between the two aquifers, if they even exist. Please investigate and respond. A prolonged drought may not leave enough water in the claimed "SRA" to meet the needs of the project. In addition, existing consumers would be deprived of water, which would otherwise have contributed to the "CVA" during drought periods, according to the applicant's hydrologists. The conclusions listed above from the original EIR – namely that the "SRA" and Carmel River aquifers are inter-connected – have not been refuted by the latest study. Please respond and provide full support for your response.

CVA 1-13

Since 2001, many of our members have observed the water cannons spraying water on the September Ranch pastures adjacent to Carmel Valley Road. The cannons often were observed going full blast, even in the rain. The pastures were not irrigated before in this manner. We believe that this artificially raised the water consumption level for the property. We object to the use of this artificially-created "water demand" for any purpose.

CVA 1-14

The average water demand for each new lot seems incorrect. We ask the County to investigate actual water usage of occupied single family lots (including accessory uses and landscaping) in similar nearby new developments such as Rancho San Carlos and Quail Meadows. That water demand information should be incorporated into this REIR.

CVA 1-15

We have the following concerns regarding the trees. The former EIR stated that 300 coast live oaks and 610 Monterey Pines will be removed and the REIR states that 890 coast live oaks and 2,692 Monterey Pines are to be removed. Since the project has supposedly not changed why is there such a discrepancy? Please provide detailed responses, including maps and per-lot breakdowns of tree impacts. We are also concerned that the DREIR tree impacts do not include the known impacts of the project's private driveways, parking areas, second units (caretaker, guest units and granny units), pools, tennis courts, landscaping, septic systems, and utilities. Please investigate and update the tree impacts to include these and all other known project elements, with a breakdown as to each specific per-lot impacts.

CVA 1-16

We have concerns from reviewing the Vegetation Map that shows that many lots are sited in sensitive Monterey Pine and oak habitat rather than in "scrub" habitat. This is clearly not an approach that will minimize environmental harm. It is our opinion that many of the lots could be resited to avoid harm to biological resources, including, for example, Monterey Pine and Oak habitat. Please investigate and address these alternatives in detail, and provide maps and full support for your conclusions.

CVA 1-17

The language in the mitigations uses the words "recommended" or "suggested" not "required" or "shall". The REIR should address the impacts and effectiveness of using the different terms, e.g. vague terms (like "suggested") versus mandatory terms (like "required"). The public cannot be assured that environmental harm will be avoided if the developer chooses not to follow the "suggestions." Please address. We recommend that all mitigations be required, without any vague or ambiguous language that might be unenforceable. Please address this suggestion, and please correct all the mitigations accordingly.

CVA 1-18

After speaking with residents in the area of September Ranch we are concerned with the removal of so many Monterey Pine trees and the fire potential this poses. The forest of

CVA 1-19

Monterey Pines is highly flammable, so building homes within this forest and on the tops of ridges make them particularly vulnerable. Please address this issue, and provide full support for your response. The steep canyons act as chimneys to the ridge-tops in case of fire. Please address in detail.

CVA 1-19
CONT

We are concerned with the maps available to review in the REIR. They are unreadable. The maps and exhibits that are unreadable include 3-3, 4.3-1, 4.3-2, 4.3-3, 4.6-1, 4.6-2, 4.6-3, 4.6-4, 4.6-5, 4.11-1, 5-1, 6-1, and 6-2 in the main body of the EIR and Appendix #E figure 1, figure 2, figure 3, figure 4, figure 5, figure 6, figure 7, and figure 9. In addition page 3-1A was not included in the body of the DEIR. Why do these exhibits not meet the County's requirements shown in the County brochure entitled "Preparing a Site Plan"? That brochure is available at www.co.monterey.ca.us/pbi/howto/siteplan.htm. This project should meet those basic requirements. Please respond in detail, and provide the information requested. The public cannot comment on the project when they can't see the lot sizes, or the proposed building envelopes, or the proposed septic envelopes, or where the Affordable Housing is being proposed, or other details that would help with the understanding of the project. The DREIR should be recirculated with this information in it, along with legible maps. Please address.

CVA 1-20

The Carmel Valley Association is concerned about the noise that will be generated over the length of time that it will take for this project to be built out. Ten years until final build out will cause an undue burden on the residents that live near the construction and keep them from the quiet enjoyment of their property. Please investigate and address this concern.

CVA 1-21

The Carmel Valley Association is opposed to allowing a General Plan amendment to change the land use designation from Low Density Residential 5-1 acres/unit to Medium Density Residential 1-5 units/acre and a zoning Reclassification from LDR 2.5-DS to MDR-5-D-s to allow clustering of the inclusionary housing. Our Carmel Valley area plan that was submitted during the Community GPU and written by the residents of Carmel Valley makes it clear that amendments of this type are not supported. Please investigate the impacts of this General Plan amendment, and the cumulative impacts of other projects. Inclusionary housing is supposed to be of the same type as the market-rate units. The market-rate units are very large single family lots. But the inclusionary housing is crammed together and referred to as "multi-family" in the REIR. Please address these inconsistencies. Please investigate and address alternatives that include inclusionary housing of the same type as the market rate units.

CVA 1-22

We have concerns regarding the clustered inclusionary housing placement. Will it be visible from Carmel Valley Road? If so, how does this visibility impact the rural character of Carmel Valley? How is it consistent with CVMP policies? Why weren't the units placed where they would not be in the site line of several adjoining homes?

CVA 1-23

Why was Brookdale selected as the main entrance to September Ranch? What other entrance alternatives were considered, and what are their impacts? As the DREIR states, the sight lines are a safety problem. Please provide an analysis of this location's consistency with the state technical guidelines. There are many older and elderly drivers on Carmel Valley Road. Sadly, recent tragic accidents near September Ranch have demonstrated some

CVA 1-24

of the issues of older drivers on Carmel Valley Road. Please address how these facts change the DREIR analysis of sight lines and traffic safety. Why was the entrance to the Equestrian Center not used as the main entrance? The sight lines seem superior to Brookdale. Please investigate and address this option.

The Carmel Valley Association has reviewed all of the alternatives. Each alternative provides no supporting facts for us to analyze. They state the number of units, the number of people assumed to occupy those units, how much less grading is required and how many less trees will be removed. The alternatives should include information on the location of the new lots and inclusionary housing, how many feet, yards, or miles of road goes over 30% slopes, etc. The three alternatives require less development than the September Ranch proposal. The REIR should include analysis and quantification of how much less of an impact each alternative will have. Is it 5% or 20% for each impact? Without more information about the alternatives, there is no way to provide feedback on the alternatives.

In the alternatives section, some conclusions state that "this alternative would not meet the project's objective of providing market rate and low to moderate income housing". But each alternative does just that, so how were those conclusions reached? Please provide specific explanations for every alternative where that conclusion was reached. Just because the alternative does not provide as many units as the applicant wants does not mean that the project objective is not met. Please explain how the applicant's desire for the bigger proposed project (rather than a reduced alternative) drove the DREIR's conclusions about the alternatives. Why were only affordable units for sale considered? Why not affordable rentals?

Why was no alternative included that eliminated most if not all of the need to cut into slopes over 30 percent? The slope issues are a major concern since the seven detention ponds will be maintained by the future HOA and that will cause many future problems. The problem with having the HOA doing the maintenance is there may not be enough money to do it, and possibly a lack of agreement to continue the maintenance among the homeowners. As stated earlier, the REIR's figures and exhibits prevent the public from clearly seeing the locations of project components and the slopes involved.

The Carmel Valley Association is in favor of the No Project/No Development Alternative.

Thank you for your consideration of this important matter.

Sincerely,



Glenn E. Robinson
President
Carmel Valley Association

CARMEL VALLEY ASSOCIATION (CVA)

Response to CVA 1-1

The incorporation process would only affect an application that was deemed complete after the incorporation process was officially underway. This application was deemed complete in 1995 and therefore the County is the appropriate authority to review and make a decision on the project. The application is exempt from the referenced Government Code standard. Please see also Response to LWMC 1-1.

Response to CVA 1-2

Please see Response to LWMC 1-1.

The Traffic Impact Study prepared for the proposed project and included in Appendix E of the Recirculated DREIR examined the project's individual and cumulative impacts along Carmel Valley Road. With the inclusion of the mitigation measures identified in Section 4.6 of the Recirculated DREIR, the project will have a less than significant cumulatively considerable contribution to impacts along Carmel Valley Road.

Response to CVA 1-3

In consultation with County staff, TJKM analyzed the traffic impacts of 19 approved and pending projects that are expected to generate trips in the study area (see Table IV of Appendix E of the Draft REIR). Additionally, please refer to MR-13: Traffic Impact Fees.

Response to CVA 1-4

If approved by the County, the proposed mitigation measures will lead to the detailed design and collection of fees.

Response to CVA 1-5

Please refer to Response to LWMC 1-5. Additionally, a detailed signal design and signing/stripping plan of Carmel Valley Road/Brookdale Drive/September Ranch Road will be submitted for County approval prior to the installation of a signal.

Response to CVA 1-6

The signal warrant analyses were performed in accordance with established Caltrans criteria, please note that safety is also a critical factor in the determination of whether a signal is warranted. The Draft REIR Appendix E contains the signal warrant analysis worksheets. Under existing conditions, the intersection of Carmel Valley Road/Dorris Drive and Carmel Valley Road/Laureles Grade Road meet the Caltrans peak hour signal warrant criteria (see page 4.6-9 of the Draft REIR). As outlined in Mitigation Measure 4.6-3, the applicant shall contribute fair share fees to the signalization of these intersections. Project implementation will require the signalization of the intersection of Carmel Valley Road/Brookdale Drive/September Ranch Road. As noted under Response to CVA-5, a

detailed design and signing/stripping plan will be submitted for County approval prior to the installation of the signal.

As noted on page 4.6-1 of the Draft REIR, Carmel Valley Road is a major two-lane rural highway. With project implementation, Carmel Valley Road will remain designated as a major two-lane rural highway. With the implementation of the mitigation measures outlined in Section 4.6, Transportation and Circulation, and as identified in Table 4.6-3 of the Draft REIR, the intersections of Carmel Valley Road/Dorris Drive, Carmel Valley Road/Laureles Grade Road and Carmel Valley Road/Brookdale Drive/September Ranch Road will operate at LOS C or better.

Response to CVA 1-7

The cumulative transportation scenario evaluates Year 2025 buildout of the plan area in accordance with the Monterey County General Plan. The Association of Monterey Bay Area Governments (AMBAG) provided cumulative plus project cumulative conditions for four roadway segments including Carmel Valley Road between Schulte Road and San Carlos Road. As noted on page 5-8 of the Draft REIR, this segment of Carmel Valley Road is forecasted to have a PM peak roadway volume of 2,170 vehicles per hour. According to the Highway Capacity Manual (2000), a two-lane rural highway, such as Carmel Valley Road has a total capacity of 3,400 vehicles per hour. Therefore, Carmel Valley Road between Schulte Road and San Carlos Road should be able to accommodate the cumulative plus project traffic. Additionally, the Carmel Valley Master Plan (1995) lists three long-term passing lane improvements along Carmel Valley Road in the study area, the project applicant shall pay a fair share contribution towards these improvements (see Mitigation Measure 5-1 on page 5-8 of the Draft REIR). Please refer to MR-13: Traffic Impact Fees for a discussion regarding the payment of fees as applicable mitigation.

Response to CVA 1-8

Please note as outlined on page 5-4 of the Draft REIR, the Court of Appeal determined that the 1998 Final EIR was adequate in its discussion of traffic impacts and mitigation. As such, the traffic consultant, TJKM, provided an updated traffic impact analysis. As identified in the Draft REIR, all transportation and circulation impacts (project-related and cumulative) can be mitigated to less than significant with the incorporation of the mitigation measures identified in Sections 4.6 and 6 of the Draft REIR. Please refer to MR-13: Traffic Impact Fees for a discussion regarding the payment of fees as applicable mitigation.

Response to CVA 1-9

Comment C1 - The hydrology arguments in the Recirculated Draft REIR and in the accompanying Hydrology Report maintains that the CVA and SRA systems are collocated but are in limited hydraulic communication due to the very low permeability in the QOA₂ or older alluvial deposits. Further discussions are provided in MR-18: Hydrology & Water Availability (HMR-1 – Groundwater Recharge in the SRA, HMR-2 – Water Balance, HMR-3 – Significance of Impact on the CVA & Carmel River in Terms of Fisheries, and HMR-4 – Significance of Impact on Existing CVA Groundwater Users). Please see Response to RG2-1.

Comment C12 – The hydrology assessment disagrees with the potential for overdraft. Discussions are provided in MR-18: Hydrology & Water Availability (HMR-1 – Groundwater Recharge in the SRA and HMR-4 – Significance of Impact on Existing CVA Groundwater Users).

Comment C16 – The analysis agrees with the concept that the SRA is an extension of the CVA, please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance). See Response to SC1-26.

Comment P.S-27 - The hydrology assessment disagrees with that there would be a significant impact. MR-18: Hydrology & Water Availability (HMR-1 – Groundwater Recharge in the SRA and HMR-4 – Significance of Impact on Existing CVA Groundwater Users).

Comment P.S-37 - The hydrology assessment disagrees with vulnerability under drought. Please see MR-18: Hydrology & Water Availability (HMR-1 – Groundwater Recharge in the SRA and HMR-4 – Significance of Impact on Existing CVA Groundwater Users).

Response to CVA 1-10

Please see MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) and Response to SC 1-26.

Response to CVA 1-11

See Responses to SC 1-26 and CVA 1-10.

Response to CVA 1-12

Please see MR-18: Hydrology & Water Availability (HMR-2 – Water Balance). Water levels in the SRA would have to be higher than firstly the top of Qoa₂ (about 47 feet MSL) and then higher than 43 feet MSL of the nearby CVA water levels to allow GW to flow from the SRA to the CVA.

Response to CVA 1-13

Please see MR-18: Hydrology & Water Availability (HMR-1 – Groundwater Recharge in the SRA, HMR-2 – Water Balance for the concept of effective barrier, and HMR-4 – Significance of Impact on Existing CVA Groundwater for the on impact on existing users).

Response to CVA 1-14

Pasture irrigation has been conducted on the property since 1998. However, the environmental baseline for the REIR does not include pasture irrigation; instead the environmental baseline is set at 3 AFY.

Response to CVA 1-15

Please see MR-17: Water Demands.

Response to CVA 1-16

Please see MR-4: Loss of Trees & Mitigation for Tree Removal and Response to SOCR 1-112.

Response to CVA 1-17

Please refer to Response to SOCR 1-118.

Response to CVA 1-18

The comment is noted and the appropriate changes have been included in Section 6, Errata.

Response to CVA 1-19

Please refer to MR-9: Fire Danger/Provision of Services.

Response to CVA 1-20

The Final REIR will provide maps and related information in a form that is as clear to read as is feasible. The Recirculated Draft REIR and Final REIR provide all information that is required during the CEQA process—the CEQA process is not intended to encompass every individual detail, and it would be inefficient and unreasonable to attempt to do so. Please see Response to SOCR 1-69.

Response to CVA 1-21

As identified on page 4.8-4 of the Draft REIR, the County of Monterey has no specific performance standards in the County Code that apply to construction noise. Such activities are exempt from compliance with numerical noise ordinance standards because the activity occurs during less noise sensitive hours. Construction noise impacts are thus minimized by time restrictions placed on grading permits. Time limits on construction involving the operation of heavy equipment will be restricted to the limitations set forth in the Carmel Valley Master Plan, which restricts noise generation construction activities to the hours of 8 AM and 5 PM, Monday through Friday.

Additionally, as outlined on page 4.8-3 of the Draft REIR, equipment noise will reach 90 dB at a distance of 50 feet when it operates under full load. Under normal atmospheric spreading losses, peak levels of up to 65 dB may be heard as far as 1,000 feet from the operating equipment. Construction noise impacts could thus extend as far as 1,000 feet from construction activity. Given the considerable setback from the onsite construction and existing residences and the noise attenuation provided by the site and area topography, noise levels are anticipated to be 65 dB or less at existing residences.

Response to CVA 1-22

Please see Response to SOCR 1-26. The County of Monterey Inclusionary Housing Ordinance does not specify that inclusionary housing must be of the same type as market rate units.

Response to CVA 1-23

Please refer to MR-14: Aesthetics – Inclusionary Housing and Response to SOCR 1-32.

Response to CVA 1-24

The comment is noted. The onsite barn structure is considered historic and a Phase I Cultural Resource Assessment has been prepared. In brief, previous research for the proposed project concluded that there are “no structures eligible for listing on the National Register of Historic Places, the California Register of Historical Resources, the California Historical Landmarks, the California Points of Historical Interest, or the California State Historic Resources Inventory for Monterey County” (Draft REIR 2004). However, letters from concerned citizens, James Bryant, President of Alliance of Monterey Area Preservationists (AMAP) and Ken Hinshaw, also from AMAP, state that “we feel it likely that the barn and house are of historic importance . . . and that a professional historian should conduct an Historic Evaluation of the buildings” (March 22, 2005 and April 8, 2005).

To address these concerns, a reconnaissance survey of the proposed project area near the house and barn was conducted by MBA Senior Project Archaeologist, Carrie D. Wills, M.A., RPA in August 2005. The survey was conducted in compliance with the regulations found in the CEQA Guidelines § 15064.5 and California Public Resources Code § 21083.2.

The results of this reconnaissance survey indicated that the existing barn and house are likely to be deemed historic in any subsequent study. Accordingly, the project will be conditioned as such. The equestrian center, barn and existing residence will not be demolished. Any modifications would be required to follow procedures for changes to historic structures. The proposed gate house and sales office will require an administrative permit and these also will be conditioned to be consistent with the historic nature of this portion of the site. The proposed new residential units will likewise be sufficiently distant from the front portion of the property so as to not have any impact on the existing buildings. Accordingly, there will be no impacts. Additionally, no project construction lay-down areas, turn-arounds, and/or equipment storage locations are planned for the Carmel Valley Road.

Response to CVA 1-25

As outlined in CEQA Guidelines section 15126.6(d), the discussion of environmental effects of alternatives may be in less detail than the impacts of the proposed project. The alternatives discussion, while not as detailed as the discussion of the proposed project contains sufficient information including, the number of lots, location of lots, grading requirements, and the number of impacted trees to warrant meaningful comparison analysis in relation to the proposed project.

Response to CVA 1-26

Please note that only under the No Project/No Development Alternative was it concluded that the alternative would not meet the project’s objective of providing market rate and low to moderate income housing. Given that with the No Project/No Development Alternative the entire project site would remain unchanged and no development would occur, this alternative would not meet the project objective.

It is noted that the comment requests information pertaining to the applicant’s decision to propose for sale affordable housing rather than affordable rental housing. As outlined in CEQA Guidelines section 15204(a), a Lead Agency need only to respond to significant environmental issues and does

not need to provide all information requested by reviewers. This comment does not address an environmental issue.

Response to CVA 1-27

The range of alternatives required in an EIR is governed by the “rule of reason” that requires an EIR to set forth only those alternatives that reduce significant impacts and are necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Section 6, Alternatives, of the Draft REIR includes a discussion of four alternatives, and the Recirculated Draft REIR analyzed additional alternatives.

RECEIVED
BY ASK | DATE 3-1-05

LAW OFFICES
RICHARD H. ROSENTHAL
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3422LL25

26 February, 2005

VIA E-MAIL AND U.S. MAIL

knastera@co.monterey.ca.us

Alana Knaster
Monterey County Planning Department
2620 First Avenue
Marina, CA 93933

Re: Comments Concerning Draft EIR – September Ranch Subdivision Project

Dear Ms. Knaster:

SOP and Mr. Leeper have the following comments regarding the above referred to project:

- 1. The EIR fails to explain why there is such a variance between the previous EIR's conclusions that there was interconnectivity between the September Ranch aquifer and the Carmel aquifer. SOP 1-1
- 2. The alternative analysis fails to study a reasonable range of alternatives and fails to quantitatively assess their impacts. SOP 1-2
- 3. The EIR fails to adequately assess the baseline conditions of comparing the project with a legally inadequate and out of date General Plan and Carmel Valley Master Plan. SOP 1-3
- 4. The EIR fails to assess the impacts associated with approving the project with a legally inadequate and out of date General Plan. SOP 1-4
- 5. The traffic impacts are inadequately assessed and downed played. SOP 1-5
- 6. The water demand for the project is inadequately assessed and down played. SOP 1-6
- 7. The cumulative impacts associated with the project are inadequately assessed. The previous approved and projects in the pipeline have not been adequately considered. SOP 1-7
- 8. The loss of Pine trees has not been adequately assessed. SOP 1-7

FOR U.S. MAIL DELIVERY: P.O. BOX 1021, CARMEL VALLEY, CA 93924
FOR EXPRESS MAIL DELIVERY: 27880 DORRIS DRIVE, SUITE 110, CARMEL, CA 93923

26 February, 2005.
Page 2

9. Impacts from a wastewater treatment plant have not been adequately assessed.

SOP 1-8

10. Impacts from grading have not been adequately assessed.

SOP 1-9

11. Inadequate discussion regarding applicants right to ground water.

SOP 1-10

If you have any questions or would further like to discuss the matter please feel free to call.

Regards,

Richard H. Rosenthal
On behalf of Save Our Peninsula Committee and Ed Leeper

SAVE OUR PENINSULA (SOP)

Response to SOP 1-1

Please see Response to CVA1-9. In the 1998 EIR, the SRA was treated as an aquifer with finite storage and in limited communication with the adjacent CVA. See Recirculated Draft REIR, page 4.3-15. Based on current hydrology studies, limited interconnectivity is acknowledged and an integral part of the impact analysis presented in the Recirculated Draft REIR. (Please see Recirculated Draft REIR, Section 4.3 and accompanying Hydrogeologic Report (Appendix C)).

Response to SOP 1-2

Please see Response to CVA 1-27.

Response to SOP 1-3

The County of Monterey General Plan and the Carmel Valley Master Plan have not been determined to be legally inadequate. It is recognized that the County is currently undergoing the process of updating the County General Plan and subsequently the Carmel Valley Master Plan; however, the Draft General Plan has not been adopted by the County Board of Supervisors. Therefore, the current General Plan is the appropriate document to utilize in the preparation of the Draft REIR.

In accordance with CEQA, the environmental setting of the proposed project is the set of conditions as they existed at the time of the release of the Notice of Preparation (1995).

Response to SOP 1-4

The Traffic Impact Analysis was prepared in accordance with the Association of Monterey Bay Area Governments and the Transportation Authority of Monterey County guidelines in addition to the standards set forth in the Highway Capacity Manual (2000). The Court of Appeal determined that the 1998 Final EIR was adequate in its discussion of traffic impacts and mitigation. The Traffic Impact Analysis prepared for the Draft REIR is an update of the previously upheld Traffic Impact Analysis.

Response to SOP 1-5

Comment noted.

Response to SOP 1-6

As noted on page 5-1 of the Recirculated Draft REIR, the CEQA Guidelines allow a summary of projections contained in an adopted General Plan or related planning document, which is designed to evaluate regional or area-wide conditions. Please refer to Response to SOP 1-3.

Response to SOP 1-7

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal.

Response to SOP 1-8

The Draft REIR examined the potential project impacts related to wastewater treatment via either an onsite package treatment plant or through a connection to the Carmel Area Wastewater District (CAWD). However, since the release of the Draft REIR for public review, a determination has been made that the proposed project will connect to the existing CAWD sewer facilities. Please refer to the Recirculated REIR and Response to CAWD 1-1.

Response to SOP 1-9

Several geotechnical reports were prepared for the 1998 Final EIR, Geologic and Geotechnical Feasibility Investigation (Terratech, Inc., 1996), Geologic Investigation of Mapped Landslides (Terratech 1996), Technical Peer Review (Nolan and Associates 1996), Preliminary Geologic Feasibility (Geoconsultants 1995), and Geologic Evaluation of Two Landslide Areas (Geoconsultants 1981). Additionally, a Geologic, Soils, and Drainage Assessment (Kleinfelder, Inc., 2003) was prepared for the Draft REIR. As a result of these various studies, mitigation measures, and monitoring actions were recommended that reduce impacts related to grading activities. As noted on page 4.2-12 of the Draft REIR, a grading plan shall certified and approved by a qualified engineering geologist prior to the issuance of grading permits.

Response to SOP 1-10

Although the issue of water rights is largely irrelevant to CEQA analysis, the Recirculated Draft REIR contains an extensive water rights discussion. Please see Recirculated DREIR, Section 4.3 and Appendix C. The comment provides no specific information and thus no further response is required.

RECEIVED

BY ASK DATE 2-25-05



Monterey Pine Forest Watch
 P. O. Box 422
 Carmel, California 93921

February 24, 2005

Alana Knaster, Chief Assistant Director
 County of Monterey Planning and Building Inspection Department
 2620 First Avenue
 Marina, CA 93933

RE: September Ranch Subdivision Project
 Draft Revised Environmental Impact Report

Dear Ms. Knaster:

Monterey Pine Forest Watch offers the following comments on the Revised Draft Environmental Impact Report (RDEIR) for the proposed September Ranch Subdivision Project. Our comments focus on the significant stand of Monterey Pine Forest located on the project site.

Monterey Pine Forest Watch is a 501 (c) 3 non-profit organization created in 1992 to protect and preserve the unique native Monterey Pine Forest which occurs naturally in the world in only 3 central California coastal locations - Cambria, the Monterey Peninsula and Año Nuevo and on 2 small Mexican islands. These populations are genetic heritage sites for a multi-billion dollar forest products industry worldwide and thus are of international importance. The fast-disappearing stand on the Monterey Peninsula is by far the largest and most diverse of all five populations and the most impacted by development.

Historically, acreage in these 5 areas was estimated to be about 23,700 acres, an amount which has been reduced to about 13,500 acres, a 57% reduction of its former range since the European settlement of California. The Monterey pine in its native habitat is recognized by conservationists worldwide as rare and seriously endangered in California. In 1986, concern for the survival of this globally important resource prompted the FAO (Food and Agriculture Organization of the United Nations) Panel of Experts to declare the Monterey and Cambria populations "Endangered", due to impacts from urbanization. This designation was reiterated in 1994. The species is also on the World List of Threatened Trees and on the International Union of Conservation of Nature and Natural Resources' (IUCN) Red List of imperiled species. Monterey pine is listed by the California Department of Fish and Game as a Species of Special Concern that is Very Threatened. The California Native Plant Society has placed it on their List 1B (plants Rare and Endangered in California and elsewhere.) From all evidence, Monterey County is the guardian of a unique world treasure. The EIR should address the environmental significance of all these issues, and include consideration of these issues in its evaluations.

MPFW 1-1

Currently, the quantity and quality of this native Monterey Pine Forest is deteriorating because of pressure from development, habitat fragmentation and the resultant increase of forest edges, potential genetic contamination from Monterey pines of unknown genetic stock, fire suppression, insects and pathogens (including pitch canker), and invasions of non-native plants and animals resulting in degradation of unique habitat assemblages. The EIR should address the environmental significance of these issues, and include consideration of these issues in its evaluations.

MPFW 1-2

Current land use trends which fragment and remove large tracts of native Monterey Pine Forests will accelerate the exposure of remaining native stands to invasive species and disease and deplete the variety of ecological habitats within this pine population. The September Ranch project poses just such a threat to the Jacks Peak forest which constitutes the largest intact stand of Monterey Pine Forest on the Monterey Peninsula and in the world. The EIR should address the environmental significance of these issues, and include consideration of these issues in its evaluations.

MPFW 1-3

A variety of habitat types such as Coastal Scrub and Coastal Terrace Prairie interface with the forest in the September Ranch area, increasing this property's ecological value. In additions, this inland forest exhibits genetic and phenotypic differences from the Peninsula forest which is mostly confined to remnants within Del Monte Forest. It has adapted to a hotter, drier inland climate and deeper shale soils, in distinction to the poor marine terrace soils overlaying granite on the Peninsula. Unlike the remaining Peninsula forest which has been hemmed in on every side by development, this forest stand maintains natural forest interfaces with grasslands and scrub, and provides room for the forest to expand and contract as the biology of the species requires. By all these matrices this forest stand is of particular importance to conserve. The EIR should address the environmental significance of these issues, and include consideration of these issues in its evaluations.

MPFW 1-4

SPECIFIC EIR COMMENTS:

1. Pages 2-15 through 24, Matrix Table, 4.9, Biological Resources, Mitigation Measures: Indeterminate phrases such as "should be considered" and "is recommended" should be changed to be definite requirements rather than optional recommendations. What are the impacts of leaving these phrases vague and indeterminate? Please address the recommended changes.
2. Pages 4.9-11 through 4.9-20: Other potential special status species should be included in the EIR's evaluation: Carmel Valley bush mallow, Carmel Valley malacothoix, Michaels rein orchid, Hickman's cinquefoil, peregrine falcon, merlin, black swift, American badger, Monterey ornate shrew, southwest pond turtle, silvery legless lizard and monarch butterfly.
3. Pages 4.9-22 and 23 (4.9-1): The proposed Tentative Map seems to be a wish list with very little hope of enforcement. Please address. Recommend putting maximum acreage in conservation easements or create smaller lots. Please address this alternative.
4. Page 4.9-23(4.9-2): Replacement planting even on a 3 to 1 ratio is not an acceptable substitute for preservation of existing native stands. Recommend

MPFW 1-5

MPFW 1-6

MPFW 1-7

MPFW 1-8

preservation of maximum existing Monterey pine and coast live forest acreage. Please address this alternative.

- 5. Page 4.9-23(4.9-3): Replacement tree planting on a 1 to 1 basis is not an equal mitigation and further, just replanting trees does not mitigate for loss of the complex forest ecosystem. Please address. Recommend preservation of maximum acreage of existing stands. Please address this alternative.

MPFW 1-8
CONT

- 6. Page 4.9-29 (4.9-5): Experts recommend that preserving large forest areas intact is the best way to protect Monterey pine from pitch canker. Please address this issue. It is imperative to protect the forest areas adjacent to Jacks Peak County Park. . Please address this protection alternative.

MPFW 1-9

- 7. Pages 4.9-27, 28 and 29 (4.9-6,7,8,9): Where are Forest, Open Space and Grassland Management Plans? We cannot comment without this information. Please address how we can make informed comments without these documents. We ask that this information be provided and the DREIR be recirculated for comments on these critical components of the overall project.

MPFW 1-10

- 8. Page 4.9-30 (4.9-10): We recommend that botanical surveys for endangered and sensitive plants be completed before the building envelope is designated. Please address this alternative.

MPFW 1-11

- 9. Page 4.13-1 (4.13): We recommend reducing fire hazard by removal of French broom which is a major invasive plant on September Ranch. Please address this alternative.

MPFW 1-12

- 10. Page 5-12 , Biological Resources: Statements that “the proposed project would not contribute to the net loss of Monterey pine” and “no significant cumulative biological impact would occur” are misleading and inaccurate. Please address. See Attachment #1, Vegetation Map, which shows that the lot sizes and configuration virtually destroy most of the Monterey pine forest on the property. Open Space is relegated to left-over strips and disconnected pieces with minimal habitat value. Please address these issues. The common open space (listed as 463 acres) is so fractured and interwoven with the extensive development pattern that it serves little purpose as open space or wildlife habitat. Please address. The “private” open space (listed as 319.4 acres) is assumed to be part of the individual lots which could not be considered viable forest habitat. Does the DREIR consider the private open space as habitat? If so, why? How would that space be protected in perpetuity? How would the protection be funded and enforced in perpetuity? Who would enforce the protection? Please address these issues, and the environmental impacts associated with each one.

MPFW 1-13

CONCLUSION AND ALTERNATIVE

Monterey Pine Forest Watch respectfully recommends that the project density be substantially reduced, that the upper half of the September Ranch property be set aside either in a conservation easement or as an annexation to Jacks Peak County Park, and that development be limited to the lower portions of the property nearest Carmel Valley Road. Such a development configuration would preserve most of this important Monterey Pine Forest stand, including varied ecological interfaces which provide critical

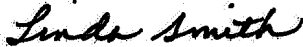
MPFW 1-14

wildlife habitat, space for the forest to expand and contract and a buffer against disease and deleterious edge effects upon the heart of the Jacks Peak forest. The set aside of this part of the property would constitute mitigation for destruction of Monterey Pine Forest, Coastal Scrub and Coastal Terrace Prairie habitat in the lower portion of the project site. It would reduce water and traffic impacts as well, while still providing reasonable economic use of the property. There is precedent for this Alternative on adjacent properties. Attachment #2 illustrates that the upper half of Del Mesa Carmel is a conservation easement and the upper two thirds of Pacific Meadows is an addition to Jacks Peak County Park. The upper half of September Ranch would complete the preservation of the southeast corner of this magnificent park. Please address this alternative in detail.

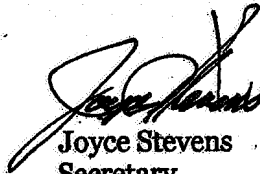
MPFW 1-14
CONT

We look forward to your responses to these comments.

Sincerely,

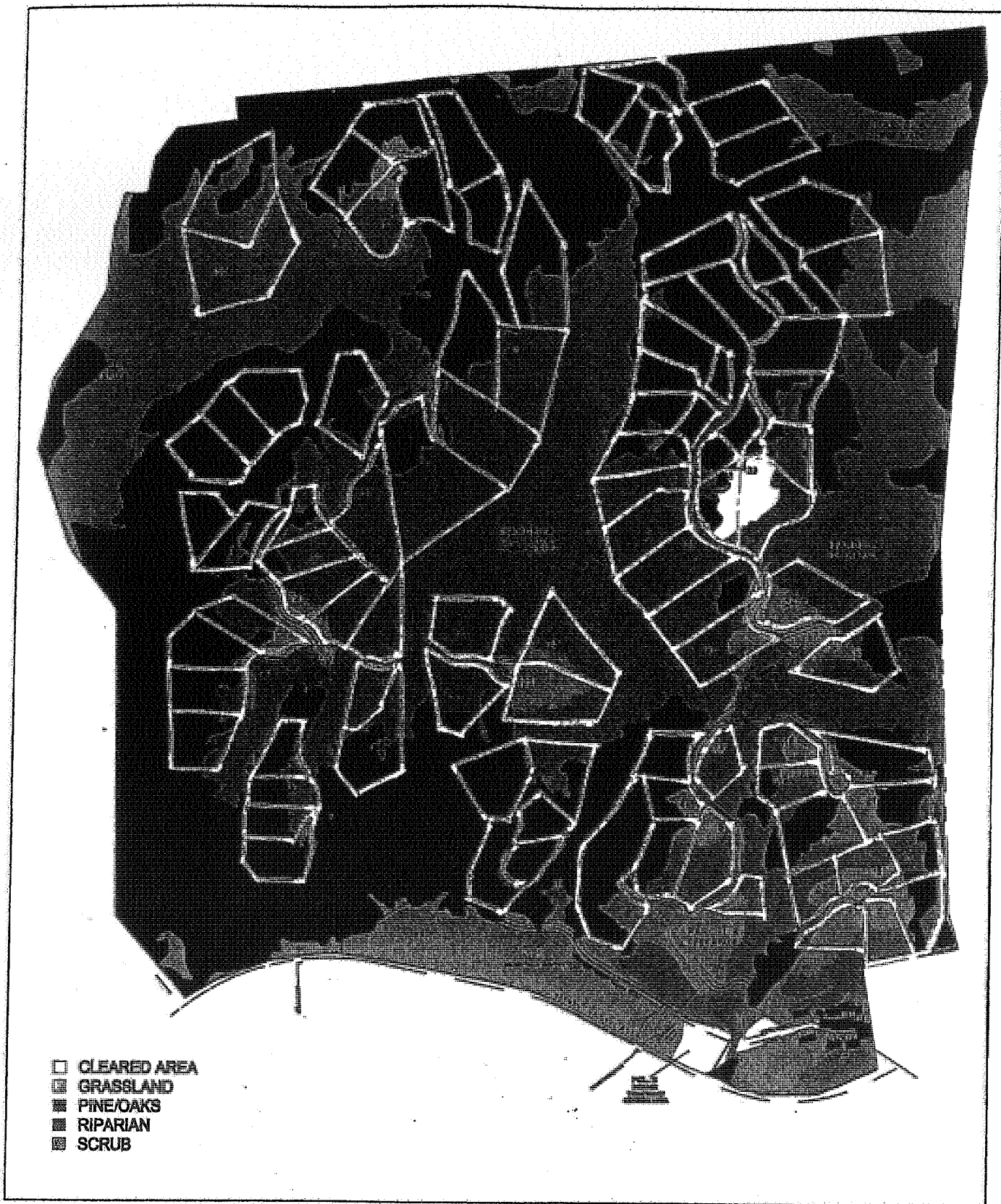


Linda Smith
President



Joyce Stevens
Secretary

Cc: Dave Potter, Supervisor 5th District
Scott Hennessy, Monterey County Planning Director



Source: Michael Brandman Associates, January 2004.

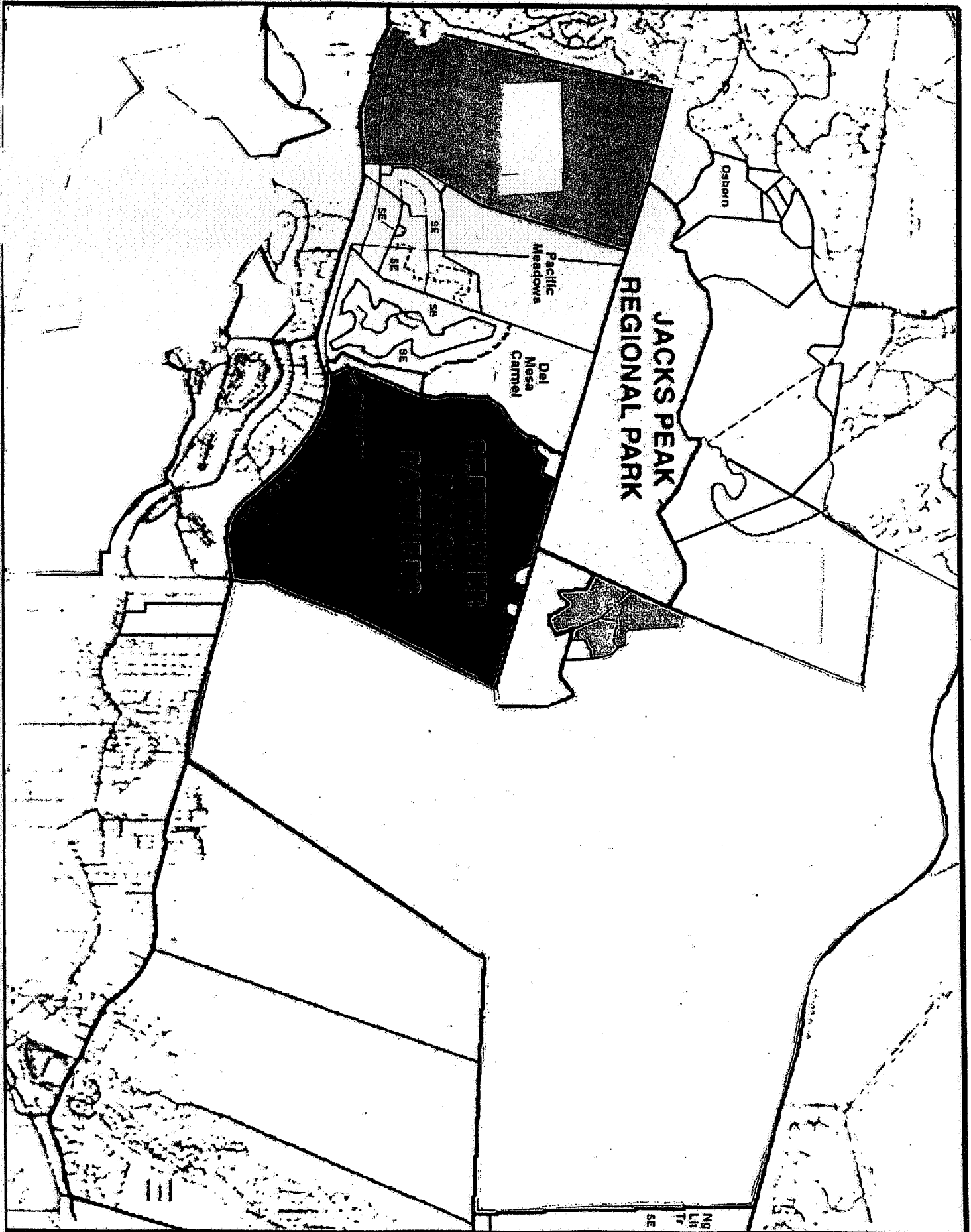


Michael Brandman Associates

21370002 • 12/2004 | 4.9-1_vegetation map.cdr

Exhibit 4.9-1 Vegetation Map

SEPTEMBER RANCH SUBDIVISION PROJECT • REIR



MONTEREY PINE FOREST WATCH (MPFW)

Response to MPFW 1-1

Please refer to MR-5: Monterey Pine Forest Biological Sensitivity.

Response to MPFW 1-2

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to MPFW 1-3

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to MPFW 1-4

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to MPFW 1-5

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications.

Response to MPFW 1-6

Please refer to the Recirculated Draft REIR and MR-7: Botanical Surveys.

In addition, potentially suitable habitat for the Carmel Valley bush mallow was identified by Charlie Patterson in 1981 (Wesco 1981). Typically found in chaparral and cismontane woodlands, this deciduous shrub species blooms May through August. Surveys were conducted between May and August in 1995 (Zander 1995), 2001 (Zander 2002), and 2005 (Zander 2005). The species was not found during any of these surveys.

Moreover, there are several species that were not addressed in the Draft REIR because there is no suitable habitat onsite. The peregrine falcon and merlin may use the site for foraging but they do not nest in the habitats present onsite. Merlins nest in the northern portion of California and north into Canada and Alaska. Foraging habitats for avian species, unless specifically noted under their state status (i.e. Swainson's hawk and burrowing owl) is not protected under CEQA. The black swift nests on the cliff faces in sheltered crevices and ledges under overhangs, but typically in moist situations, such as near a seep or behind a waterfall (A Guide to Nests, Eggs, and Nestlings of North American Birds, 1997). No suitable habitat for this species occurs on site. The American badger inhabits open grasslands, savannahs, and mountain meadows near timberline. They require abundant burrowing mammals, which are their principle food source and loose, friable soils. Their highly excavated tunnels with large dirt kick outs at the entrance of the tunnel would be noticeable if they were within the project area. There are no suitable habitat occurs on site. Monterey ornate shrews are typically found in brackish water marshes, along streams, or in brush areas of valleys and foothills. No habitat for this species occurs on site. Southwestern pond turtles require slow or slack permanent water but

are known to move between ponds when they dry up. They are uncommon in high gradient streams (Jennings and Hayes, 1994). No suitable ponds or streams occur on site. Silvery legless lizards are fossorial animals that create burrows in soils with high sand content (Jennings and Hayes, 1994). No such suitable soil occurs on site. The monarch butterfly has been reported in Pacific Grove and at Lester Roundtree Memorial Arboretum on Hatton Drive, Carmel. This is one of the very few sites where observation of the monarch butterfly has been reported in the Monterey Peninsula. With usually less than 20 individuals observed in a handful of trees, this site is considered very minor (CNDDDB, 2005).

In addition, please refer to the Recirculated Draft REIR, Section 4.9.

Response to MPFW 1-7

Please refer to MR-3: Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement.

Please see Response CVA 1-27.

Response to MPFW 1-8

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to MPFW 1-9

Please refer to the Recirculated Draft REIR, Section 4.9 and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to MPFW 1-10

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to MPFW 1-11

Please refer to the Recirculated Draft REIR, Section 4.9 and MR-7: Botanical Surveys.

Response to MPFW 1-12

Please refer to MR-8: Weed Control and MR-9: Fire Danger/Provision of Services.

Response to MPFW 1-13

Please refer to MR-3: Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement, and MR-4: Loss of Trees & Mitigation for Tree Removal, and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

In addition, the 318.4 acres of private open space is considered habitat because the areas are large enough to support plants and animals within the existing habitat. Larger mammals such as deer and foxes will move through these areas if they are not fenced (see Mitigation Measure 4.9-1). Passerines and raptors will use existing plants for nesting.

Response to MPFW 1-14

Please refer to Response to SOCR 1-118.

Additionally, Section 6 of the Draft REIR included an analysis of a Reduced Density Alternative and the Recirculated Draft REIR included three additional alternatives, including a 73/22 Inclusionary Housing Alternative that limits the amount of development in the northern portion of the project site adjacent to Jacks Peak Regional Park and Monterra Ranch. None of the alternatives presented in the Draft REIR or the Recirculated Draft REIR have been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of this alternative in relation to the proposed project in considering whether to certify the REIR and approve the project.

Del Mesa Carmel

California's Premier Adult Community

RECEIVED
BY ASA DATE 2-25-05

February 24, 2005

County of Monterey
Planning and Building Inspection Department
Alana S. Knaster, Chief Assistant Director
2620 First Avenue
Marina, CA 93933

Re: September Ranch Draft REIR

Dear Ms. Knaster:

In response to the opportunity for public comment on the accuracy and adequacy of the Draft Revised Environmental Impact Report (REIR) on the September Ranch Subdivision Project, the following comments are provided by the Del Mesa Carmel Community Association; the 289-home/400-resident retirement community that borders September Ranch on its western boundary:

4.1 Land Use and Planning

Page 4.1-8. The location of the 15-unit inclusionary housing is described as being on the southwest corner of the site. The Site Plan (Exhibit 3-3) depicts the location as the southeast corner of the project property. Please clarify.

DMCCA 1-1

4.3 Water Supply and Availability

Our community has numerous concerns about the validity of the water supply, its availability and impacts as presented in the REIR. Specific issues are provided for your review and response in the attached legal analysis prepared by our attorney.

DMCCA 1-2

4.4 Hydrology and Water Quality

Page 4.4-9. Two detention basins are proposed for Watershed A, with one "... proposed to be located on the south side of the 15-unit inclusionary housing component of the project." Exhibit 4.4-2 (Drainage Detention Basins) shows the inclusionary housing at the base of Watersheds D and E. Please clarify.

DMCCA 1-3

4.6 Transportation and Circulation

Page 4.6.9. Four of ten intersections analyzed within the project traffic impact area currently operate at an unacceptable level of service (LOS). Two of these segments are on Carmel Valley Road (CVR) close to the development site: CVR/Brookdale Drive and CVR/Dorris Drive.

Another intersection close to the project site that is not addressed in the analysis is the one at CVR/Del Mesa Drive/Via Petra. This intersection is presently stop controlled on the minor approaches. Heavy traffic running both east and west on CVR creates significant delays and extremely hazardous conditions for drivers making a left turn from Del Mesa Drive onto Carmel Valley Road. There are many negative factors at work in this 55-mph zone in front of our community's entrance, including acceleration of west-bound cars where CVR widens to four lanes; acceleration of east-bound cars where CVR narrows from four lanes to two; and opposing cross streets (Via Petra and Del Mesa Drive) where drivers turning left onto CVR compete for an uncomfortably small, unmarked median area. Similar difficulties negotiating left turns onto CVR from Via Mallorca resulted in several broadside accidents and fatalities in 2000/1, and the ultimate installation of a traffic signal at that location. Without mitigation measures, the additional traffic created by September Ranch will make the situation at the Del Mesa intersection even more dangerous than it already is, and not just for the senior drivers of our community - it jeopardizes the safety of each driver and passenger that transits this section of CVR. This situation should be evaluated and addressed.

DMCCA 1-4

Page 4.6-20. The Draft REIR states that from the proposed location of September Ranch Road, an outbound driver entering Carmel Valley Road would have neither the 500 foot standard stopping sight distance recommended by the Caltrans Highway Design Manual (HDM) or the recommended 630 foot corner sight distance. The REIR notes that the sight distance looking west is approximately 375 feet, which does not meet the Caltrans standard for being able to see a 6-inch object on Brookdale Drive. This is explained away by stating that "... given that many vehicles are approximately 3 feet tall, much higher than 6 inches, drivers on Carmel Valley Road and drivers on September Ranch Road should be able to see each other from 600 feet away" (emphasis added). This assumption, coupled with mitigation measure 4.6-9 (installation of an intersection ahead warning sign on eastbound CVR in advance of September Ranch) is apparently deemed sufficient to reduce site distance impacts to less than significant.

DMCCA 1-5

Stopping sight distance standards listed in Table 201.1 of the HDM are referenced as "minimum values used in design." Please clarify whether or not the distances in question are minimum recommended or minimum mandatory values based on the specific conditions at this intersection (i.e., vertical curve on Carmel Valley Road); and if either the stopping or corner sight distances could be affected by cars in the proposed right turn taper on westbound CVR or the two left turn lanes planned as mitigation measure 4.6.2 for the intersection of CVR/Brookdale Drive/September Ranch Road. If it is determined that a safety risk exists, its significance should be analyzed and mitigations proposed.

DMCCA 1-5
CONT

4.9 Biological Resources

Page 4.9-20. Del Mesa has concerns about the environmental impact of plans to remove 890 coast live oaks and 2,692 Monterey pines. These concerns include the potential spread of pine pitch canker and other diseases such as sudden oak death, with no control methodologies currently available.

Although the REIR states that: "...due to the geographic location of the native stands of Monterey pines, the threat of pitch canker is lessened...", it concludes that: "... there is the potential that placing development (roads, utilities, fences and clearings around homes) throughout the Monterey pine forest may fragment the forest and increase the vulnerability of the forest to pitch canker and other disease. Mortality from pitch canker is highest in areas that have been penetrated by roads where trees have been removed. The susceptible nature of Monterey pines to pitch canker fungus makes the pines within the project area at risk for the disease. Native insects, such as bark beetles and twig beetles can also spread airborne spores of the fungus."

DMCCA 1-6

A neighboring property to the project site, Del Mesa is surrounded by an extension of the same forest of Monterey pines and mature oaks that distinguish September Ranch. The Carmel Valley Visual Study categorizes "First views of Monterey pines westbound on Carmel Valley Road at Del Mesa Carmel on the north side of Carmel Valley Road" as a significant viewshed (Draft REIR page 4.11-16). While not designated a critical viewshed, any spread of pine pitch canker to Del Mesa's stand of Monterey pines will not only affect the beauty of our community, it will negatively impact the natural beauty and rural character of Carmel Valley by exposing many Del Mesa homes that are presently screened from view. Additionally, any uncontrollable condition causing the accelerated death of either the pine or oak species also increases the risk of a forest fire. Dead wood, coupled with the steep terrain surrounding the mesa on which Del Mesa is situated, creates

DMCCA 1-7

an environment in which fires, once started, would be difficult to contain before reaching the residences on the mesa summit. The risk of this hazard should be addressed.

4.11 Aesthetics

Page 4.11-14. Carmel Valley Master Plan Policy 26.1.9.1 states in part that: "Siting of new development from private viewing areas may be taken into consideration during the subdivision process." The Draft REIR states that siting of the proposed lots was established by taking into consideration both topography and elevations in relation to public vantage points and transportation routes. (Page 4.11-13) No mention is made of potential impacts on the residential communities bordering September Ranch; Del Mesa Carmel on the west and Cañada Woods and Cañada Woods North on the east and northeast.

This failure to fully analyze land use plan policy consistency results in a failure to disclose potential, significant impacts on private views and should be rectified with analysis and recommendation of mitigation as necessary to ensure consistency with policy 26.1.9.1.

One sector of Del Mesa's property directly faces Roach Canyon and the ridge on September Ranch's western boundary. Forty homes enjoy a clear and unobstructed view of this beautiful timbered ridge and of the Roach Canyon floor below. In 1966, Del Mesa deeded a fifteen-acre parcel that includes most of the Roach Canyon floor to the County for the purpose of maintaining its natural state. At that time the County Supervisors resolved that: *"...said fifteen acre tract of land be devoted to passive park use, that is to say, that said land shall remain in a relative natural state with only such improvements as are consistent with public safety..."* (Resolution No. 70-157). Del Mesa residents believe that land use adjacent to the natural green space of Roach Canyon should be as compatible as possible with that purpose in order to maintain the integrity of the Canyon's aesthetic qualities and to avoid serious alteration of present living conditions. It is important, therefore, that to preserve the present viewscape as much as possible in the daytime, and to minimize light pollution at night, development sites on the eastern side of the canyon wall or at the summit of the ridgeline should be closely scrutinized. With 891 acres available for development, longtime neighbors need not be confronted with an unintended or unnecessarily degraded viewshed of houses and roads.

Staking and flagging of proposed building sites erected for the public review process in 1998 have mostly disappeared. As a minimum, those proposed building

sites on the western boundary of the development where homes will be visible to residences on the eastern boundary of Del Mesa Carmel, those lots visible from Carmel Valley Road, the inclusionary housing area, and those proposed road grading sites visible from public and private view, should be staked and flagged to depict building envelopes and applicable height restrictions in order to evaluate potential viewshed impacts prior to public hearings on the project and the REIR.

DMCCA 1-8
CONT

Thank you very much for addressing these issues for our community.

Sincerely,



Scott D. Thomson
President, Del Mesa Carmel
Community Association, Inc.

Attachment

LAW OFFICES OF
 HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,
 LAW & COOK
 INCORPORATED

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February 24, 2005

JAMES J. COOK
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OUR FILE NO. 3097.01

Del Mesa Carmel Community Association
 500 Del Mesa Drive
 Carmel, California 93923

Attention Scott Thomson, President

RE: September Ranch Subdivision Project Draft Revised EIR

Dear Mr. Thomson:

This letter responds to your request for a legal analysis of those portions of the Draft Revised Environmental Impact Report (Draft REIR) for the proposed September Ranch Subdivision project concerning water supply and availability. As such, this letter is intended to be delivered to the Monterey County Planning & Building Inspection Department.

Draft REIR Section 4.3 Water Supply and Availability

In summary, this section of the Draft REIR is deficient in the following respects.

Although Kennedy Jenks Consultants (KJC) properly uses the County established water use of 3 acre feet per year (AFY) as the appropriate baseline for pre-existing project conditions, the Draft REIR does not use this figure for the purpose of CEQA analysis. Instead, Section 4.3 analyzes water supply and availability based on a purported current water usage at the project site of 99 AFY. This analysis of current water use instead of the acknowledged environmental baseline is contrary to CEQA Guidelines, Sections 15125, subd. (a) and 15126.2, subd. (a). (Save Our Peninsula Committee et al. v. Monterey County et al., (2001) 87 Cal.App.4th 99, at 119-120.)

DMCCA 1-9

In addition, the Draft REIR Water Rights and Availability Section concludes, without foundation, that a water deficit of 54.21 AFY over baseline conditions, and a resulting reduction of recharge to the Carmel Valley Aquifer, will not result in a significant impact. This conclusion is directly in contradiction to the October 27, 1997 Draft Environmental Impact Report conclusion that any increase in the impacts to the Carmel Valley Aquifer would be considered an adverse environmental impact, and the conclusion in the March 6, 1998 Final EIR that post-project water use greater than identified baseline levels is a significant impact.

DMCCA 1-10

Del Mesa Carmel Community Association
 Attention Scott Thomson, President
 February 24, 2005
 Page 2

The conclusions on pages 4.3-11, 4.3.42, 4.3-48, 4.3-49, and 5.3, that the proposed project will not have any direct or cumulatively significant impacts on water supply and availability are based upon the flawed analyses and conclusions described above, and consequently, are not based upon substantial evidence. When it is properly considered that increase in water use deficit must be measured against a baseline water use of 3 AFY, and that the amount of water flowing to the Carmel Valley Aquifer from the September Ranch Aquifer will be diminished, this new information is likely to reveal a significant new environmental impact resulting from the project. (14 California Code of Regulations, Section 15088.5(a).) If this is the case, the addition of this significant new information to the Revised EIR after notice of public review has been given, before a final certification, will require recirculation of the Draft REIR for comments and consultation. (Public Resources Code Section 21092.1; 14 California Code of Regulations, Section 15088.5. Laurel Heights Improvement Association v. Regents of University of California, (1993) 6 Cal.4th 1112.)

DMCCA 1-10

Draft REIR Section 4.3.2 Conclusions regarding water rights

Generally speaking, Section 4.3.2 of the Draft REIR contains confusingly imprecise and conflicting generalizations concerning the amount of water exchange between the September Ranch Aquifer (SRA) and the Carmel Valley Aquifer (CVA). Generalized statements such as "relatively little exchange" on page 4.3-4, "limited connectivity" on page 4.9-16, and "extremely limited exchange" on page 4.3-10 are also misleading, because they trivialize the rather significant volume of project water exchange, which is quantified as 57 AFY on page 4.9-17, and as 57.21 AFY on page 4.3-38. At a minimum, a consistent, quantified estimate of the volume of exchange between these aquifers is required in this section of the REIR, and must be based on substantial evidence.

DMCCA 1-11

Section 4.3.2 of the Draft REIR solely concerns conclusions regarding water rights. As a basis for its conclusions, this section purports to summarize the results "under the theory of the data analysis model used for this report" (page 4.3-6), in order to determine which are relevant and which are irrelevant water rights records. Potential project impacts upon either the public trust water uses or inferior water rights users, which include all 12,970 AFY of the California American Water Company (Cal-Am) post-1914 water rights, and the rights of all other non-riparian water users, are disregarded by the Draft REIR for the purpose of impact analysis. For the reasons described below, whatever one may conclude concerning the validity of the data analysis model in the Draft REIR for evaluating water rights, it has no legal significance for evaluating impacts to the environment as required by CEQA.

DMCCA 1-12

The Draft REIR analysis in Section 4.3.2 concludes with the unsubstantiated statement that "any reduction in rejected flow (spillage) from the SRA will not have significant affect [sic] on the Carmel River and its underlying aquifer." (Page 4.3-11) The sole support for this conclusion is the water rights analysis in Section 4.3.2, which as noted, only concerns water rights, and is irrelevant to the disclosure of potential impacts on the Carmel River and its underlying aquifer. Even with respect to water rights, there is no quantification or analysis of potential effects upon public trust

DMCCA 1-13

Del Mesa Carmel Community Association
 Attention Scott Thomson, President
 February 24, 2005
 Page 3

waters or the holders of inferior water rights. While this may be an accurate conclusion from a purely water rights perspective, it fails to provide a meaningful basis for CEQA evaluation of potential impacts on the environment. To the extent that public trust uses or inferior water rights held by individual non-riparians and by Cal-Am (which supplies the Monterey Peninsula with water) are not considered, the Draft REIR fails to disclose or evaluate potential impacts to health and safety, the economy, jobs, population, housing, agriculture, visual resources, recreation, public services, and other resources. These potential impacts must be evaluated in each of the respective resource headings of the Draft REIR, including the cumulative impacts analysis.

DMCCA 1-13

Draft REIR Section 4.3.4, Project Impacts

There is an inexplicable shift in the interpretation of the water supply standards of significance from the FEIR to the Draft REIR. The October 27, 1997 Draft EIR ("DEIR") concluded that, "any increase in the impacts to the [Carmel Valley] aquifer would be considered an adverse environmental impact given the water supply problems in the Carmel Valley area." (Save our Peninsula Committee et al. v. Monterey County et al., (2001) 87 Cal.App.4th 99,109.) (Emphasis added.) Similarly, the March 6, 1998 Final EIR ("FEIR") concluded that, "Postproject water use greater than identified baseline levels was a significant impact that would require mitigation: either reducing water production for the project to baseline conditions or providing an offsetting pumping reduction within the Carmel Valley basin". (*Id* at 112.)

In sharp contrast, the Draft REIR concludes that a reduction in recharge to the Carmel Valley aquifer (CVA) of up to 57 AFY or more (pages 4.3-38 and 4.9-17) is not an adverse effect (page 4.3-42). This dramatic contradiction of the FEIR must be explained. As discussed below, the minimal additional discussion of effects on the Carmel River aquifer found elsewhere in Draft REIR Section 4.3 does not disclose a rational basis for the conclusion of no adverse effect.

DMCCA 1-14

At page 4.3-42, the Draft REIR simply concludes that, "because water remains available for exchange between the SRA and the CVA in either normal or drought perception periods, pumping the projected water demand from the SRA will not result in a reduction of groundwater storage volume in the CVA." The Draft REIR is devoid of any discussion of how this conclusion is reached. Moreover, the conclusion is contradicted by the conclusions on pages 4.3-38 and 4.9-17, that a reduction of CVA storage volume of 57 AFY or more will result. Section 4.3 contains no analysis of water supply impacts arising because the amount of water available for exchange is reduced by the project. (See page 4.3-44.) Given the Final EIR conclusion that, "Postproject water use greater than identified baseline levels was a significant impact that would require mitigation: either reducing water production for the project to baseline conditions or providing an offsetting pumping reduction within the Carmel Valley basin", this is a critical issue meriting further analysis.

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Similarly, at page 4.3-42, the Draft REIR concludes that "the effect of pumping in the September Ranch basin in average rainfall years does not impact the CVA significantly because recharge to the SRA exceeds groundwater usage in the September Ranch basin. The effect of pumping in the September Ranch on the CVA basin in drought years is also not considered to have a significant impact because recharge to the SRA is likely to remain an average of 73 AFY, well in excess of planned total usage of 57.90 AFY by all wells within the SRA."¹ Again, the fact that recharge to the SRA is projected to exceed groundwater usage does not recognize or evaluate the significant adverse effects of a reduction in inflow to the CVA basin, whether that reduction is 1/10th AFY or 57 AFY.

On page 4.3-44, the Draft REIR acknowledges that "... the project's demand of 57.21 AFY will reduce the recharge to the CVA" At page 4.9-17, the Draft REIR states that this reduction in flow to the Carmel River will be 57 acre feet in both average and above-average water years. Nevertheless, the document concludes on page 4.3-44, that the reduction in recharge to the CVA "will not substantially deplete or degrade water resources and it can be accommodated by the resources available in the CVA without affecting senior water right holders. ..." Again, there is no evidence or analysis to support the conclusory statement that a reduction in recharge (especially on the magnitude of approximately 57 AFY) can be accommodated without adversely affecting the environment. Moreover, such conclusion is completely at odds with the conclusion in the FEIR that, "Postproject water use greater than identified baseline levels was a significant impact that would require mitigation: either reducing water production for the project to baseline conditions or providing an offsetting pumping reduction within the Carmel Valley basin". (Save Our Peninsula Committee et al. supra, at p. 112.)

DMCCA 1-14

Draft REIR Page 4.3-44, Less than Significant-Use of Water in a Wasteful Manner.

Notwithstanding the identification of a baseline water usage of 3 acre feet, this section of the Draft REIR concludes that the proposed project will reduce onsite water usage from 99 AFY to 41.79 AFY. This is clearly not a valid conclusion in light of the CEQA requirement to analyze impacts against baseline conditions. Evaluated against baseline conditions, the proposed project will increase onsite water usage by over 54 AFY. The Draft REIR clearly and unequivocally states that the baseline is 3 acre feet, but then proceeds to analyze impacts based on a purported current water usage of 99 acre feet, a figure which does not even accurately represent average historical use patterns based on records available since 1991. Even if the most recent water use levels at the site constituted the environmental baseline, which they do not, the Draft REIR fails to support the 99 AFY figure by reasoned analysis and evidence in the record so that the decision of the agency will be an informed one. The 99 AFY figure is an average of just the last three years of water use out of a recorded water use history extending back to 1991 (although admittedly much of that prior water

DMCCA 1-15

¹ Note discrepancy in projected water use estimate, which is stated elsewhere in the Draft REIR to be 57 AFY and 57.21 AFY.

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use was for aquifer testing). As the Court of Appeals has noted in Save Our Peninsula Committee et al v. Monterey County et al, "we believe water production figures generated towards the end of the environmental review process must be regarded with some caution in these circumstances." (87 Cal.App.4th 99,126.)

DMCCA 1-15
 CONT

The conclusion that there will be a pumping reduction is further flawed, because it is explicitly premised on the erroneous assumption that the purported reduction in pumping from 99 AFY to 41.79 AFY "is primarily achieved by irrigating pasture lands with treated waste water rather than potable water." (Page 4.3-44) This assumption is clearly invalid. First, if one accepts the implicit Draft REIR premise that the average rate of water use on the 11.26 acres of irrigated pasture lands for the last three years of 99 AFY is a reasonable and beneficial use, and that the total projected project demand is 57.21 AFY, it is physically impossible that the project, even if it could recycle one hundred percent (100%) of its 57.21 AFY of projected water use at a 100% efficiency factor (which the REIR does not evaluate), could begin to produce the 99 AFY of treated wastewater allegedly required to irrigate the pasture land. Thus, if the faulty basis for the Draft REIR conclusion was defensible (which it clearly is not), then the obvious unavailability of water for continued pasture irrigation will result in taking irrigated pasture land out of production; an impact which has not been evaluated or mitigated in the document.

DMCCA 1-16

Moreover, it is not clear from the project description or the proposed mitigations whether any waste water will necessarily be treated for recycling on the project site. The Draft REIR states that in the event the project does not include the construction and operation of an onsite wastewater treatment plant, wastewater flows will be handled by the Carmel Area Wastewater District. (See Section 4.5, Wastewater Treatment and Disposal.) If this occurs, then obviously there will be no reduction in pumping by irrigating pasture lands with treated wastewater rather than potable water, further undermining the conclusion at page 4.3-44. In any event, the discussion of pumping reduction is all irrelevant and misleading, because a proper CEQA analysis must proceed from the acknowledged baseline water use of 3 acre feet.

DMCCA 1-17

Finally, contrary to the assumption of the Draft REIR that such use is reasonable and beneficial, the use of 99 AFY (page 4.3-44) or 110 AFY (page 5-2) represents between 8.5 and 9.5 AFY per acre for pasture irrigation, and clearly constitutes legal waste of water. If the Final REIR continues to base its analysis on the most recent three year history of excessive pumping levels (which it may not legally do for all the above reasons), at a minimum, the preparers should obtain State Water Resources Control Board and MPWMD comment on whether the use of 8.5 to 9.5 AFY per acre for pasture irrigation is a reasonable and beneficial use of water.

DMCCA 1-18

Draft REIR Page 4.3-45, Less Than Significant Impact, result in a yield in the groundwater system that is not sufficient to provide the project water demand on a long-term basis or during droughts or decreases the availability of groundwater to existing users of the same groundwater basin.

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The narrow definition of sustainable yield in this section of the Draft REIR is flawed, because it is inappropriately limited to consider only the amount of water which can be extracted without "affecting other users with senior water rights on a long-term basis." This limited definition of sustainable yield is not supported by CEQA, the CEQA Guidelines or applicable county policies and regulations. Limiting the analysis of sustainable yield only to users with senior water rights fails to take into consideration potential environmental impacts resulting from effects on public trust resources or upon inferior water rights holders, which in this case include most of the water users of the Monterey Peninsula who are dependent upon Cal-Am's continued extraction of 12,970 AFA water based on post-1914 water rights under State Water Resources Control Board Water Rights Decision 95-10.

DMCCA 1-19

Draft REIR Page 4.3-46, Less Than Significant - Increase in pumping demand on the Carmel Valley Aquifer.

This section of the Draft REIR concludes that the exchange of groundwater between SRA and CVA is "limited exchange", again without defining the term or quantifying the amount. While the acknowledgment in the Biological Resources Section (page 4.9-17) that "the project will result in reducing flows to the river by 57 acre feet in average and above-average water years" is helpful, it also belongs in the Water Supply Section discussion on pages 4.3-46 and following.

DMCCA 1-20

The analysis in this section is also premised in part on Table 4.3-8, Groundwater Exchange Rates. The recirculated Draft REIR (or the Final REIR if there are no significant new water related impacts) should explain why this table does not take into account groundwater storage in the CVA during the even lower storage volume year of 1981, especially since that year is specifically referenced in the Draft REIR.

DMCCA 1-21

This section of the Draft REIR discusses purported project design features (which features are not included as mitigation measures or recommended to become conditions of project approval) to insure that future placement of wells will minimize effects on neighboring wells. Expressly premised upon the assumption that these design features will necessarily be incorporated in the approved project, it is concluded (page 4.3-48) that a long-term deficit of 57.21 AFY will not have a significant effect on the much larger volume of surface water outflows in the CVA. Again, it is impossible to reconcile this conclusion with the statement in the FEIR that, "Postproject water use greater than identified baseline levels was a significant impact that would require mitigation: either reducing water production for the project to baseline conditions or providing an offsetting pumping reduction within the Carmel Valley basin". But even assuming this was an otherwise valid conclusion, the recirculated Draft REIR (or the Final REIR if there are no significant new water related impacts) must recommend mitigation requiring the alleged design features upon which it is premised to be made conditions of project approval.

DMCCA 1-22

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Draft REIR Page 4.3-48, Consistency with Relevant Plans and Policies.

The land use consistency analysis in Section 4.1 of the Draft REIR fails to analyze consistency with Monterey County Ordinance No. 3310. The Draft REIR water use estimate of 57 AFY exceeds both the 3 AFY CEQA baseline water use and the average historic water use at the subject property between 1991 and the latest reporting period. Fifty-seven acre feet a year is also far in excess of the reasonable and beneficial rate of water application to the 11.6 acres of irrigated pasture and other minor uses, which the Draft REIR reports was calculated at 26.3 acre feet by the Monterey Peninsula Water Management District (MPWMD) for irrigation in 1997. The applicant's reported water use of 110 AFY for the most recent reporting season, or 9.5 AFY per acre, constitutes water waste. Even when compared with either actual historic usage or with reasonable and beneficial use rates calculated by MPWMD (as opposed to the much lower environmental baseline use of 3 AFY), the proposed project will result in a net increase in overall water use. Consequently, the Final REIR should disclose that the project will not come within Exemption 9 to Monterey County Ordinance No. 3310, and that without this exemption, the project is subject to the 10 percent conservation rules of Ordinance No. 3310.

DMCCA 1-23

Draft REIR Biological Resources Section, Page 4.9-16

In this section the Draft REIR concludes that project water supply demand "may indirectly affect steelhead populations if the project results in reduced flows within the Carmel River (i.e., through pumping from the September Ranch Aquifer [SRA])." In discussing this potential impact, the Draft REIR references a National Marine Fisheries Service technical report which "identifies that there should be no new diversions from the Carmel River during the low-flow period between June 1st and October 31st." On the basis of this limitation, the Draft REIR concludes that "while connectivity is limited (citations omitted), the project will be required to withdraw only during the seven months outside of the low-flow period. Thus, at a rate of 57 AFY, this will result in a maximum project withdrawal of 8 acre feet per month, which will not affect the sustainability of steelhead populations. Therefore, no impacts, direct or indirect, to this species is expected from the September Ranch Subdivision project based on the lack of water draw down of the Carmel River." (Emphasis added.)

DMCCA 1-24

The problem with this conclusion is that no such limitation or condition is proposed by the Draft REIR as mitigation for the project. The no significant direct or indirect impact conclusion is also premised on assumptions that total pumping will be limited to a maximum of 57 AFY and 8 AF per month. Unless the Draft REIR recommends that the project be conditioned to limit water withdrawal to seven months outside of the low-flow period, limiting overall pumping to 57 AFY, and limiting monthly pumping to a maximum of 8 acre feet, the no impact conclusion must be revisited based on revised assumptions.

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Draft REIR Section 5.1.1 Cumulative Impact Analysis

Water Supply And Availability.

The Draft REIR does not support its conclusion that the project does not have a significant cumulative water supply and availability impact. The conclusion is based on the false premise that the project will result in a reduction in water demand in comparison to existing conditions. The proper existing condition for the purpose of cumulative impact analysis is the environmental baseline conditions of 3 AFY, not the selective, water wasting 99 to 110 AFY usage over the latest three year period while the revised project application was pending. As the Court of Appeal has noted in Save Our Peninsula Committee et al. v. Monterey County et al., *supra*, "we believe water production figures generated towards the end of the environmental review process must be regarded with some caution in these circumstances." 87 Cal.App.4th 99,126.

DMCCA 1-25

Draft REIR Section 7.3 Growth Inducing Impacts

This section continues the schizophrenic description of the environmental setting and project description found elsewhere in the Draft REIR. The discussion and conclusions in Section 4.3 of the Draft REIR are premised on the inappropriately limited analysis of impacts on superior water right users only. For all the reasons previously described above, this is an incomplete analysis which ignores direct and indirect environmental impacts associated with reducing the water available for inferior water right users and public trust uses. Putting that concern aside, however, the conclusions with respect to superior water right users are undermined by the acknowledgment in Section 7.3.1, that "the September Ranch project will either rely on percolating groundwater ... or underflow from the nearby Carmel Valley aquifer." If the project may rely on percolating groundwater, then none of the analysis in Section 4.3 premised on the exercise of riparian rights is valid. Since there is no analysis of potential impacts premised on the exercise of percolating groundwater rights, the section should be rewritten accordingly. However, the project description must provide a stable project description and disclose whether the project will be relying on riparian rights or percolating groundwater rights. If the recirculated Draft REIR (or the Final REIR if there are no significant new water related impacts disclosed) cannot definitively identify the water right the project will rely on, then impacts must be analyzed under both scenarios.

DMCCA 1-26

Draft REIR Section 7.3.2

Section 7.3.2 properly recognizes that certifying an EIR for development relying on groundwater, without placing restrictions on the use of that groundwater, may create growth inducing impacts. As noted previously, the various restrictions on months of use, total use, and monthly use (all of which are presumed in the Biological Resources analysis relating to steelhead) are missing from the recommended mitigations. Consequently, approval of this development without such limitations will be growth inducing.

DMCCA 1-27

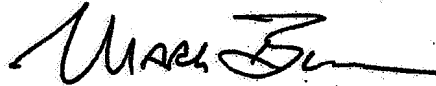
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Moreover, the analysis in this section is flawed by being unnecessarily constrained. Based on the conclusion that the September Ranch property and the boundaries of its aquifer are coextensive, the authors conclude that allowing development within this water basin without mitigation, will not allow other properties to rely on the County's tacit approval as allowing additional growth. Stated differently, the analysis is artificially limited to growth inducement within the September Ranch aquifer, and wholly ignores growth inducement on other properties in the Carmel Valley Master Plan Area, which growth must be evaluated under the identical policies as those governing development of September Ranch. This unjustified limitation should be discarded and the Final REIR should properly analyze the growth inducing effects throughout Carmel Valley of allowing a development project to rely on groundwater extraction 1800 percent greater than the CEQA environmental baseline, whether restrictions are placed on the use of that groundwater or not.

DMCCA 1-27
CONT

I hope that these comments prove constructive for preparation of a legally adequate recirculated Draft REIR or Final Revised Environmental Impact Report, depending on whether significant new information is presented.

Yours truly,



Mark A. Blum

MAB:mh

DEL MESA CARMEL COMMUNITY ASSOCIATION (DMCCA)

Response to DMCCA 1-1

The inclusionary housing is to be located in the southeastern portion of the project site as identified on Exhibit 3-3. The first sentence of the second paragraph on page 4.1-8 of the Draft REIR is revised as follows:

Currently, the project proposes to construct 15 residential units to be developed on 5.3 acres within the southeastern corner of the site.

Response to DMCCA 1-2

Comment noted. See Response to DMCCA 1-27.

Response to DMCCA 1-3

The comment is noted and the first sentence of the first paragraph on page 4.4-9 of the Recirculated DREIR is revised as follows:

Watershed A contains two proposed detention basins, one of which is proposed within the western portion of the project site in Roach Canyon. The other basin is proposed to be located in the southwestern corner of the project site.

Response to DMCCA 1-4

The County of Monterey has adopted the Carmel Valley Traffic Impact Fee (CVTIF), which is used for funding planned improvements along Carmel Valley Road.

As identified in Table 4.6-1 of the Draft REIR, the intersection of Carmel Valley Road/Brookdale Drive currently operates at unacceptable levels of service (LOS) during the AM and PM peak hours. As noted on page 4.6-9 of the Draft REIR, in conjunction with the Carmel Valley Road improvements, the County plans to install a left turn channelization on the westbound approach of Carmel Valley Road/Brookdale Drive; however, even with this improvement the minor approach at this intersection is forecasted to operate at an unacceptable LOS. In addition to a fair share CVTIF payment, the project applicant is responsible for the signalization of Carmel Valley Road/Brookdale Drive/September Ranch Road and any additional costs for signal coordination associated with this signalization (see Mitigation Measure 4.6-9 on page 4.6-20 of the Draft REIR). As identified in Table 4.6-3 of the Draft REIR, once signalized the intersection of Carmel Valley Road/Brookdale Drive and the future September Ranch Road will operate at LOS A during the AM and PM peak hours. Safety is also considered an important criteria as a warrant for adding a traffic signal.

Additionally, as also identified in Table 4.6-1 of the Draft REIR, the intersection of Carmel Valley Road/Dorris Drive currently operates at unacceptable levels of service (LOS) during the AM and PM peak hours and as identified on page 4.6-9 of the Draft REIR, under existing conditions, this intersection meets the Caltrans peak hour signal warrant criteria. As identified in Table 4.6-3 of the Draft REIR, once signalized this intersections operates at LOS A during the AM and PM peak hours.

The project applicant is required to make a fair share CVTIF payment for the signalization of this intersection (see Mitigation Measure 4.6-3 on page 4.6-18 of the Draft REIR).

In consultation with the County, TJKM identified the study area roadway intersections and roadway segments to be analyzed in the Draft REIR. While TJKM did not perform a LOS analysis for the intersection of Carmel Valley Road/Del Mesa Drive/Via Petra, TJKM did analyze the segment of Carmel Valley Road from Rancho San Carlos Road to Carmel Rancho Boulevard. As noted on page 4.6-18 of the Draft REIR, the study area roadway segments along Carmel Valley Road should be able to accommodate the existing plus project-related traffic in the study area. However, as discussed in Section 4.6 of the Draft REIR, the applicant will be required to pay a fair share traffic impact fee for the County adopted improvements to Carmel Valley Road, including three long-term passing lane improvements. The Carmel Valley Road improvements have been adopted to ensure that Carmel Valley Road operates at an acceptable level of service and will be phased as funds become available.

Response to DMCCA 1-5

Please refer to MR-11: Sight Distance.

Response to DMCCA 1-6

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to DMCCA 1-7

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility and MR-9 Fire Danger/Provision of Services.

Response to DMCCA 1-8

As stated on page 4.11-15 of the Draft REIR, the County has established a hierarchy of sensitive viewsheds as outlined in the Carmel Valley Visual Study (CVVS). While CVMP Policy 26.1.9.1 states that siting of new development visible from private viewing areas may be taken into consideration during the subdivision process, the CVVS has established private viewsheds as Non-Critical Viewsheds. As outlined on page 4.11-16 of the Draft REIR, “Non-Critical Viewsheds are places not visible from the public viewing area, or briefly visible to the public, so that non-existent or brief views for very little to alter the perception of the viewer regarding the rural character of Carmel Valley. Development in these places may affect nearby residents and therefore be construed as critical to them. However, these views are not deemed critical to maintaining the overall perception of Carmel Valley as a rural place.” However, while County policy does not specifically protect private viewsheds, the proposed project has been designed with consideration of the adjacent land uses. As stated on page 4.11-16 of the Draft REIR, “More specifically, the project’s retention of nearly 783 acres of open space will result in maintaining the overall rural and visual character of the project area and the Valley. Retention of this open space will also provide visual buffers throughout the development itself and with the surrounding land uses.” As shown in Exhibit 3-3, Site Plan of the Draft REIR, the project provides an open space buffer along its western border.

Please refer to the three inclusionary housing alternatives identified in the Recirculated Draft REIR and MR-14: Aesthetics – Inclusionary Housing.

Response to DMCCA 1-9

The Recirculated Draft REIR uses a baseline of 3 AFY.

Response to DMCCA 1-10

The Recirculated Draft REIR contains an extensive quantitative analysis of potential project impacts measured against a baseline of 3 AFY. Please see also Response to CVA 1-9 and MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to DMCCA 1-11

Please see MR-18: Hydrology & Water Availability.

Response to DMCCA 1-12

Comment makes contradictory statements about whether water rights are relevant. The County agrees that water rights are largely irrelevant for CEQA purposes. However, a water rights analysis is included to address questions by Court of Appeal, and that analysis includes all senior water rights in the project area. See Recirculated Draft REIR, Section 4.3. The impact analysis accounts for all existing uses, regardless of seniority.

Response to DMCCA 1-13

The comment mischaracterizes the analysis in the Draft REIR. The support for the significance conclusion regarding the potential reduction in rejected recharge from the SRA to the CVA is not the water rights analysis; rather, it is the hydrology analysis presented subsequent to the water rights analysis in the Recirculated Draft REIR, Section 4.3. As described in the Recirculated Draft REIR, this analysis is based on the water balance method, an understanding of the basin's hydrology, and the potential to affect other wells. Please see MR-18: Hydrology & Water Availability. The Recirculated Draft REIR provides a thorough and, where possible, quantitative analysis of impacts to public trust resources, including water supplies and biological resources. See Recirculated Draft REIR, Sections 4.3 and 4.9. Otherwise, the comment provides no new information or data on which to base a response, and no further response is required.

Response to DMCCA 1-14

Please see MR-19: Significance Thresholds Regarding Water Supply & Availability. The prior EIR adopted a per se significance threshold; the Recirculated Draft REIR instead sets significance thresholds based on a review of factual information relevant to the Carmel River, and with respect for constitutional requirements, CEQA Guidelines and other laws that require mitigation measures and approvals to reflect a connection between the facts and the conclusions made, and that preclude imposition of mitigation measures for impacts not caused by the project. For these reasons, the Recirculated Draft REIR undertakes a fact-specific analysis of potential physical changes caused by the proposed project. Please see also Responses to SOCR 1-1 through SOCR 1-5, MR-18: Hydrology & Water Availability.

Response to DMCCA 1-15

The baseline used to evaluate the potential impacts of the proposed project in the Recirculated Draft REIR is 3 AFY, not 99 AFY. However, it is noted for clarity as to existing conditions that water use on the property has averaged at 99 AFY for approximately 9 years.

Response to DMCCA 1-16

The proposed project does not include continuing pasture irrigation and the pastureland is to remain as part of the 20.2 acre equestrian lot..

Response to DMCCA 1-17

Please see Response to DMCCA1-16.

Response to DMCCA 1-18

The Recirculated Draft REIR takes no position on existing use for CEQA purposes, because it is irrelevant: a) with the exception of the equestrian center 3 AFY, existing water use is not relied on for the CEQA baseline and b) courts have confirmed that the legality of existing conditions is not relevant to the CEQA analysis. No further response is required.

Response to DMCCA 1-19

Please see Recirculated Draft REIR, Section 4.3 for clarification of the significance threshold. The impact analysis is not based on the water right analysis, and thus is not limited to those with senior water rights. The proposed project would not affect Cal-Am's ability to provide water. Please see MR-18: Hydrology & Water Availability.

Response to DMCCA 1-20

Please see Response to DMCCA1-13 and Sections 4.3 and 4.9 in the Recirculated Draft REIR. The text to which the comment refers has been revised in the Recirculated Draft REIR.

Response to DMCCA 1-21

Comment noted. Please see MR-18: Hydrology & Water Availability for clarifications on the use of data from drought years 1987 to 1991.

Response to DMCCA 1-22

Performance standards regarding well locations are proposed as mitigation measures. Please see Mitigation Measure 4.3-4 (well locations) in Section 6, Errata.

Response to DMCCA 1-23

See Response to SOCR 1-46.

Response to DMCCA 1-24

See Recirculated Draft REIR, Sections 4.3 and 4.9. Pumping would be year-round, with a maximum cap on total withdrawal. There are no impacts to aquatic biological resources. Please see MR-20: Aquatic Biological Resources.

Response to DMCCA 1-25

Please see Recirculated Draft REIR, Section 5.0.

Response to DMCCA 1-26

Please see Recirculated Draft REIR, Sections 4.3 and 7.0, and MR-18: Hydrology & Water Availability. No water users would be deprived of supply as a result of the proposed project. The proposed project would rely on percolating groundwater, but for informational purposes both scenarios are discussed.

Response to DMCCA 1-27

As requested by the comment, the Recirculated Draft REIR analyzed whether development of the proposed project would induce growth elsewhere within the County. Please see Recirculated Draft REIR, Section 7 and MR-15: Growth Inducement. As suggested by the comment, the Final EIR includes a mitigation measure that will limit overall water use by the proposed project. This measure is not required by CEQA because impacts are less than significant, but would be adopted as a condition of land use approval in any case to respond to public concerns.



**THE LEAGUE
OF WOMEN VOTERS
OF THE MONTEREY PENINSULA**

February 4, 2005

Alana Knaster
Monterey County Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933

Dear Ms. Knaster:

The League of Women Voters of the Monterey Peninsula submits the following comments on the Revised Draft EIR (RDEIR) on the September Ranch project for your consideration:

1. The RDEIR does not address the moratorium on new subdivisions in Carmel Valley nor Carmel Valley Master Plan Policy 39.1.6 which requires the Board to limit further development until the Hatton Canyon Freeway is under construction. The EIR should be revised to address these policies. LWV 1-1
2. The RDEIR finds that the project would reduce overall water demand because the current 99 acre feet per year used to irrigate the pasture would be offset by using reclaimed water. However, the amount of wastewater available for reclamation is only 39 acre feet per year. This discrepancy should be addressed. Additionally, no wastewater for reclamation would be available for on-site use if the project is required to hook-up to the Carmel Valley Waste Treatment Plant. LWV 1-2
3. The project's traffic impacts would in part be mitigated by the payment of impacts fees to several significant projects. Several of the projects are not on the 1995 or current list of Carmel Valley Road Improvements. If the projects are not on the mitigation fee list or the timing for project implementation is greater than five years, contribution of mitigation fees cannot be considered adequate mitigation for traffic impacts. Additionally, while several intersections are projected to operate at unacceptable levels under the cumulative impact analysis for 2025, the RDEIR finds that the project would not have a significant cumulative traffic impact. The document should be revised to show a significant cumulative impact on traffic. LWV 1-3
4. The project would result in the removal of 890 coast live oaks and 2,692 Monterey pines through roadway development. These numbers do not include damage to trees from mechanical clearing or those which would be removed through lot development. One of the proposed mitigation measures would require replacement of Monterey pine forest and coast live oak forest acreage on a 3-1 ratio, based on size of trees removed. This mitigation measure requires clarification in terms of defining "based on size of trees removed" and the availability of replacement acreage - up to 162 acres. LWV 1-4

The removal of over 3,000 mature trees should be identified as a significant impact. Additionally, proposed project tree removal along with the removal of over 25,000 additional trees throughout Monterey County should be identified as a significant cumulative impact.

- 5. The RDEIR states that fragmentation of the Monterey pine forest will increase the potential for pitch canker and other diseases and that there are no proven methods available to address this problem. Yet, the document finds that after mitigation, the impacts would be reduced to less than significant. Based on the findings regarding the lack of methods to address this problem, the impact on forest fragmentation should be found to be significant.
- 6. The RDEIR finds that the 15 inclusionary housing units to be located along Carmel Valley Road would not adversely affect the viewshed due to proposed design features and topography. This finding should be substantiated with drawings of the proposed project overlayed on photographs of the project site.
- 7. An Alternative that addresses the current inclusionary housing ordinance, work force housing and the significant impact on vegetation should be included in the final environmental document. Specifically, inclusionary housing should be increased to 20%. The alternative should include higher density, clustered development outside of the Monterey Pine forest with the affordable housing dispersed throughout the project.

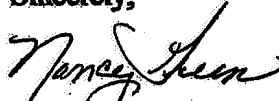
LWV 1-5

LWV 1-6

LWV 1-7

Thank you for your consideration.

Sincerely,



Nancy Green
Co-President

LEAGUE OF WOMEN VOTERS (LWV)

Response to LWV 1-1

Please see Response to LWMC 1-1.

Response to LWV 1-2

The proposed project does not include continued pasture irrigation.

Response to LWV 1-3

Please refer to MR-13: Traffic Impact Fees.

Response to LWV 1-4

Please refer to the Recirculated Draft REIR and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to LWV 1-5

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to LWV 1-6

Please refer to MR-14: Aesthetics – Inclusionary Housing.

Response to LWV 1-7

The range of alternatives required in an EIR is governed by the “rule of reason” that requires an EIR to set forth only those alternatives that would reduce significant impacts and are necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Section 6, Alternatives of the Draft REIR includes a discussion of four alternatives, including the Reduce Forest Impact with High Inclusionary Housing Alternative and the Reduced Forest Impact with 20 percent Inclusionary Housing Alternative. The Recirculated Draft REIR presented three additional alternatives: Reconfigured 94/15 Alternative, 82/27 Alternative, and the 73/22 Alternative. None of these alternatives have been eliminated from consideration, including the Planning Commission Alternative, which is an alternative based upon the reduced project approved by the Planning Commission in 1998. The Monterey County Board of Supervisors will have the opportunity to weigh the merits of all of the alternatives in relation to the proposed project in its consideration of the certification of the REIR and project approval.

Alliance of Monterey
AMAP
Area Preservationists

March 22, 2005

By facsimile and mail

Scott Hennessy, Director of Planning and Building Inspection
Monterey County
PO Box 1208
Salinas CA 93902
Fax: (831) 757-9516

Re: September Ranch

Dear Mr. Hennessy:

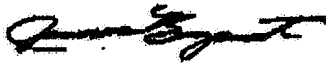
On behalf of Alliance of Monterey Area Preservationists (AMAP), a 501(c)3 non-profit organization dedicated to the appreciation and preservation of historic resources throughout the Monterey Area, I would like to offer the following comments regarding the above development.

The Board of Directors of AMAP recently commissioned a title search on September Ranch (Assessor Parcel Numbers: 015-171-010-000, 015-171-012, 015-361-013-000 and 015-361-014-000) and confirmed that it is part of the old Hatton Ranch; some of the legendary names of Carmel Valley appear on its title.

As a result of this research, we feel it likely the barn and house are of historic importance and that a professional historian should be conduct an Historic Evaluation of the buildings.

Accordingly, we respectfully request that this matter be referred to the Monterey County Historic Resources Review Board for their consideration and that any decision on the project await their determination.

Sincerely,



James Bryant
President

c: Letter to Monterey County Historic Resources Review Board.

ALLIANCE OF MONTEREY AREA PRESERVATIONISTS (AMAP)

Response to AMAP 1-1

Please see CVA 1-24. In addition, any proposed plans to widen or change Carmel Valley Road are of sufficient distance as to not affect the viewshed nor to impinge on the historic buildings.

Towner, Ann x7533

From: Knaster, Alana x7526
Sent: Friday, April 08, 2005 4:34 PM
To: Towner, Ann x7533; Clovis, Meg x4913
Subject: FW: September Ranch History

FYI

-----Original Message-----

From: Khinsha2@aol.com [mailto:Khinsha2@aol.com]
Sent: Friday, April 08, 2005 1:59 PM
To: Knaster, Alana x7526; stamplaw.l@redshift.com
Subject: September Ranch History

Alana Knaster and Michael Stamp: I received the attached information from Stephanie Culbert of the Carmel Valley Historical Society. This seems to make a very good case for the ranch house meeting the criteria for inclusion on the County's inventory of historic resources.

Ken Hinshaw
AMAP
375-0816

AMAP2 1-1

04/08/2005

Towner, Ann x7533

From: Michelle Culbert [gemsbythesea@sbcglobal.net]
Sent: Friday, April 08, 2005 1:17 PM.
To: KHINSHA2@aol.com
Subject: William Hatton from Stephanie Culbert

William Hatton was born in County Weckdor, Ireland on September 9, 1849. He died of Bright disease at age 45 on October 22, 1894.

Spetember Ranch was formerly known at the Hatton Ranch. He built the 2 bedroom house on top of a knoll for his large family. Before that he was living in what later became the nucleus of the Los Laureles Lodge.

He had bought the property of 1,000 acres with a partner Sinclair Allason. When Sinclair died suddenly of a heart attack, William bought his widow out.

Mr. Hatton became superintendant of the Pacific Improvement Company in 1884. Being responsible for supplying the Hotel Del Monte with all its dairy needs using all 3 dairies. One the PCI (Pacific Improvement Company), his own and Mrs. Atherton's property at the mouth of the valley, later to be his.

He improved the cattle stock from Holstein to Deerham cattle. His inventive ideas in the dairy business won him humerous awards for his stock. He created the dirst dairy laboratory in the United States at the mouth of the valley. This led him to be one of the representatives of the state in the dairy business.

Unfortunately, he did not live to see the 18 room house he was building be completed in Carmel Knolls, nor did he live to see his son be born 4 months later. His funeral procession was the largest ever seen in Monterey. The Southern Pacific Railroad had a special train brought to Monterey for people who came from Salinas, Watsonville and other cities to attend the funeral. He became a well known figure in California and claimed as his friends Govcnor Henry Haight, Huntington, Crocker and Senator Stanford.

If you have any questions please feel free to call me at (831) 659-3562.
I hope this will help you.

Sincerely,

Stephanie Culbert

04/08/2005

81 d

1081.029.619

ALLIANCE OF MONTEREY AREA PRESERVATIONISTS (AMAP2)

Response to AMAP2 1-1

Please see response to AMAP 1-1.

VAX L-20-00

BW

RECEIVED
BY ASK DATE 3-1-05

Jonathan Wittwer
William P. Parkin
Shandra Dobrovolny

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

PARALEGAL
Jana Rinaldi

February 28, 2005

VIA U.S. MAIL AND FACSIMILE

Ms. Alana Knaster
County of Monterey
Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933
Facsimile: (831) 384-3261

**Re: Draft Revised Environmental Impact Report for September Ranch Project
APNs 015-171-10, 015-71-12, 015-361-13 and 015-361-14**

Dear Ms. Knaster:

This letter is submitted on behalf of Brigitte Wasserman concerning the above referenced Project. The Draft Revised Environmental Impact Report (DREIR) is flawed for a number of reasons. First, it purports to be a project EIR, but in effect it defers analysis of a number of project components (such as the determination of building envelopes, analysis of the tentative map, General Plan and zoning changes, and development of specific mitigations) until a later time. Second, the Project impact analysis is completely inadequate since it fails to address a number of indirect and cumulative impacts that will result from the Project. For instance, the DREIR simply considers the loss of individual Monterey pine trees, but does not consider the project's fragmentation of the pine forest by interspersing development among the pine forest. Accordingly, the DREIR must be revised and recirculated for public comment.

BW 1-1

Specific problems with the DREIR are outlined below.

1) The Project includes General Plan and zoning amendments that increases density of the property from Low Density Residential to Medium Density Residential. The reason stated for the General Plan and zoning amendments is that it will allow clustering of the inclusionary housing units. Is it the contention of the County and/or applicant that inclusionary housing is not permitted under the current General Plan and zoning designations?

BW 1-2

2) What is preventing the applicant from building inclusionary housing under the existing General Plan and zoning designations?

BW 1-3

Ms. Alana Knaster
Re: September Ranch
Page 2
February 28, 2005

3) The DREIR fails to include any analysis of the impact of the General Plan and zoning amendments. Please provide a comparison and analysis of the Project with and without the General Plan and zoning amendments.

BW 1-4

4) The Project must be consistent with the Carmel Valley Master Plan ("CVMP"). The CVMP requires preservation of the rural character of Carmel Valley. The DREIR on p. 4.1-3 states that "the scale and density of the proposed residential units would be compatible and complement the existing equestrian facilities." It also concludes that "[t]he project site is surrounded by existing and/or proposed residential land use and the introduction of residential land use similar in nature, scale, and density is considered consistent with the pattern of land use in the project area." The inclusionary housing units, however, are clearly not in keeping rural character of Carmel Valley. By no stretch of the imagination can attached condominium or apartment style housing be considered rural. Please revise the DREIR to state that multi-family housing is not "rural" in nature.

BW 1-5

5) Is there a County policy or ordinance that allows the multi-family housing to be considered "rural"?

BW 1-6

6) Ms. Wasserman owns property that is adjacent to the Project's inclusionary housing units. Her parcel, and the parcels around her, are developed or slated for single-family dwellings. Accordingly, multi-family housing directly next to single-family dwellings cannot be considered a "residential land use similar in nature, scale, and density" or "consistent with the pattern of land use in the project area." To the contrary, they are two entirely different types of residential development.

BW 1-7

7) The DREIR fails to address impacts from nighttime lighting and noise from inclusionary housing on adjacent single family dwellings. Please provide the analysis and recirculate the document for public comment.

BW 1-8

8) Is the applicant foreclosed from constructing inclusionary housing consisting of single-family dwellings?

BW 1-9

9) What alternative locations and configurations are there for the inclusionary housing?

BW 1-10

10) Recent rains in the area have left much of the site where the inclusionary units will be constructed inundated with water. Ms. Wasserman has personally observed this problem on the Project site. The DREIR fails to address the impact from flooding and what will be done to prevent flooding of these units. Please provide analysis of the runoff and flooding of the area where the inclusionary units will be constructed.

BW 1-11

Ms. Alana Knaster
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Page 3
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11) The DREIR fails to address how and where the excess runoff that now floods the location for the inclusionary units will be diverted. Please provide analysis of effects and mitigations resulting from the diversion of runoff that currently pools where the inclusionary housing is located.

BW 1-12

12) As p. 4.1-2 states, the CVMP imposes a quota and allocation on residential units. There are currently only 587 units remaining. This project will eat up nearly one-fifth of the remaining quota. The DREIR never addresses the impact that this large project will have on other landowners. Given the Project's large number of units that will use the remaining quota, what impacts are there to other landowners who may be seeking entitlements in Carmel Valley

BW 1-13

13) The DREIR states that 782.8 acres of open space will be set aside. The DREIR further contends on p. 4.1-5 that

"[t]he project will also allow for 463.4-acres of common area open space; in total, open space accounts for nearly 88 percent of the total site. This is consistent with CVMP policies, encouraging the use of open space as a buffer between developments that provide distinctions between rural and suburban areas within the Valley."

BW 1-14

This statement is a ruse. As can be seen from the figures and maps provided in the DREIR, the development is scattered throughout the Project site. Accordingly, remaining open space is fragmented. The open space component of the Project fails to provide any distinction between rural and suburban areas of the valley. The entire Project site will be scattered with residential development. Why does the DREIR fail to address the fragmentation of open space?

14) It appears that much of the open space that is delineated in the DREIR has serious development constraints such as access or slope. Therefore, many of these lots could not be developed anyway. Accordingly, any benefit of open space cited in the DREIR is merely a ruse. How much of the open space could be developed if it were not set aside as open space?

BW 1-15

15) The Project will result in the loss of 2,692 Monterey Pines. This is a significant loss of a rare species that only has native populations in Cambria, Ano Nuevo, and the Monterey Peninsula. The proposal also violates policy CVMP Policy 7.1.1.1 which requires that "Areas of biological significance shall be identified and preserved as open space." Please provide an explanation as to why the pine forest is not being set aside as open space.

BW 1-16

16) The DREIR fails to address the fragmentation of Monterey pine forest. While the direct loss of trees is discussed, the effect of development in and among the forest has not been addressed. Exhibit 4.9-1 of the DREIR is a vegetation map which shows lots scattered throughout the pine and oak forest. Moreover, as the DREIR states on p. 4.9-6, the Monterey Pine/Mixed Oak Woodland contains important understory plants that provide seasonal food

BW 1-17

Ms. Alana Knaster
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sources for birds and mammals. Accordingly, the DREIR must be revised and recirculated for public comment to include analysis of the impacts due to fragmentation of the Monterey pine forest, and the DREIR must provide mitigations or alternatives that avoid fragmentation of this important resource.

BW 1-17
 CONT

17) The DREIR concludes that there is no cumulative impacts to Monterey pine forest because the trees will be replaced at a 3:1 ratio. The problem with this analysis is that it once again ignores the fact that fragmentation of the habitat will occur. Therefore, there will be substantial impacts to pine forest's ability to sustain itself over the long term. With the loss of trees contemplated by the Pebble Beach company, and the already fragmented pine forests at Canada Woods and Canada Woods North, there is a significant cumulative impact to pine forests that has not been addressed. Indeed, with fragmentation of some of the last remaining unfragmented pine forests on the Monterey Peninsula, the cumulative impact is significant and unmitigable. The biggest problem associated with the pine forest in Cambria is due to inability to properly manage the population because the habitat is fragmented and interspersed with homes. Fire suppression becomes necessary, thus, removing the importance of fire which helps sustain the trees, and developed sites cannot be candidates for using fire as a management tool. Please provide mitigations or project changes to address these impacts.

BW 1-18

18) The DREIR defers impact analysis and formulation of mitigation measures. The DREIR allows the applicant to do surveys or develop plans after approval of the DREIR and certain project components. Such deferral in analysis and formulation of mitigation measures violates CEQA.

“[W]here a mitigation measure embodies nothing more than the hope that the lead agency or applicant, with more effort or analysis, can somehow find a solution to a thorny environmental problem, an agency may violate CEQA in concluding that such a measure will render a significant effect less than significant.”

Remy, et al., *Guide to California Environmental Quality Act* (1999 [Tenth] Edition), p. 425. In *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, the court set aside a county's approval of a conditional use permit authorizing construction of a sewage treatment plant to serve an existing development that was proposed for expansion. The court held that the County Board of Supervisors had violated CEQA by approving the project without first resolving uncertainties regarding the project's potential to cause significant environmental impacts. Among the conditions of approval were directions to the applicant and planning staff to develop and implement concrete mitigation measures *after* project approval. The court concluded that, because the success of mitigation was uncertain, the agency could not have reasonably determined that significant effects would not occur.

BW 1-19

Ms. Alana Knaster
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The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Code of Regulations, title 14, section 15070, subdivision (b)(1) provides that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures *'before the proposed negative declaration is released for public review....'* Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law. By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. [Citation]. A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. [Citation].

Sundstrom, 202 Cal.App.3d at 306-307 [italics in original, underline added].

Examples of deferral of analysis and mitigation in the September Ranch DREIR include, but are not limited to, the following:

- a) Aesthetic impacts: p. 4.11-13 of the DREIR requires the submission of a tentative map to be approved by the Planning and Building Inspection Department, which will limit building heights and establish building envelopes. However, there are no standards directing the Department on how to accomplish the required mitigation. The lots must be defined in the DREIR, and the impacts of the lots must be discussed and mitigated. The DREIR purports to be a Project EIR. Please provide detailed aesthetic analysis in the DREIR.
- b) Geologic Investigation: The DREIR at p 4.2-10 states that "[p]rior to the issuance of grading permits, the geologic investigation shall be submitted to the Director of Planning" Please provide geologic investigation for the DREIR.
- c) The DREIR at p. 4.4-11 fails to provide analysis as to the severity of the impacts from stormwater runoff and fails to state what combination of BMPs is necessary to mitigate for the impacts. Please provide a project level analysis of

BW 1-19
 CONT

Ms. Alana Knaster
 Re: September Ranch
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impacts of the Project and the specific BMPs that will be employed to counter the effects of the development.

d) The analysis of impacts to species on pages 4.9-13 and 14 state that either "the species was assessed for occurrence, but no focused surveys were conducted" or simply that "[n]o surveys for this species have been conducted to date." The point of a project DREIR is to analyze the impacts before any project approvals are made. The DREIR simply requires the applicant to conduct surveys for the tentative map process or the prior to the issuance of grading permits. This is a clear violation of CEQA. Please provide required surveys for the DREIR.

BW 1-19
 CONT

Because these surveys, analyses, and investigations were not conducted in preparation of the DREIR, they must be completed before certification of the DREIR, and the DREIR must be revised and circulated for public comment.

19) The DREIR concludes that the Planning Commission Recommended Alternative is the environmentally superior project, but states that it would not achieve all objectives of proposed project. (DREIR p. 6-24.) However, the objective is simply stated "to provide market rate and low- and moderate-income housing" (DREIR p. 3-11). It does not state that any particular number of units is an objective. Of course the applicant wants to maximize profitability and derive the largest number of units possible. However, if the number of units the measure of the project objective, only the proposed project can fully meet the project objectives. The consultant is essentially becoming the advocate for the Project instead of providing an unbiased view of the Project and its objectives.

CEQA requires the City to set forth a reasonable range of feasible alternatives which "offer substantial environmental advantages over the project proposal". *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)*, *supra*, 52 Cal.3d at 566. CEQA Guideline 15126.6(b). "[I]n evaluating the scope of alternatives to be analyzed in an EIR, *each case must be evaluated on its facts*, which in turn must be evaluated in light of CEQA statutory purposes." *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App. 4th 712, 739; see also, *Goleta II* at 566; *Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission* (1992) 10 Cal.App.4th 908, 919. CEQA requires that the Board of Supervisors be given the ability to make a reasoned choice among the alternatives. *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751.

BW 1-20

When agencies have excluded consideration of, or dismissed a project alternative on the basis of, such a narrow project description, the courts have found such a position untenable. *See*,

Ms. Alana Knaster
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for instance, *Save the Niobara River Association, Inc. v. Andrus* (D. Neb. 1977) 483 F.Supp. 844¹, where an agency attempted to rely on a narrow project description for "irrigation" to exclude consideration of an alternative that included water conservation. *See also, Kings County Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d at 735-737 where respondent agency could not be freed of obligation to prepare a detailed analysis of an alternative using natural gas as a power plant fuel simply because the applicant, prior to commencing CEQA review, contracted with a utility to generate power with coal.

BW 1-20
 CONT

By narrowly defining the Project objectives, instead of simply defining the Project objective as being the development of a residential subdivision, the DREIR has ensured that only the proposed Project would fit the criteria outlined in the DREIR. The statement in the DREIR that the Planning Commission Alternative does not achieve all of the objectives of the Project must be stricken. Please revise the Alternatives analysis to reflect to the true project objective.

20) Assuming, as the DREIR contends, that the September Ranch Aquifer ("SRA") is actually a distinct unit from the Carmel Valley Aquifer, Ms. Wasserman's property overlies the SRA and the pumping on the September Ranch will negatively affect her property. On figure 3-4 of the DREIR, her property is denoted as APN 015A-361-08. This parcel is within the so-called September Ranch watershed. *See* Figure 4.3-4a. Ms. Wasserman has a well on her property that currently serves all her water needs. The DREIR provides a list of production wells in the SRA on p. 4.3-45, Table 4.3-9. Ms. Wasserman's well is not listed. The DREIR fails to address any impact to adjacent landowners, such as Ms. Wasserman. Accordingly, the DREIR must be revised to address impacts to these adjacent landowners and the document recirculated for public comment. This is especially crucial given the severe impacts that could occur to adjacent landowners.

BW 1-21

21) Page 7-3 of the DREIR states that "the September Ranch property and the boundaries of the groundwater basin are co-extensive; thus no other properties overlie the

BW 1-22

¹ California courts have looked to federal cases interpreting the latter statute as "strongly persuasive" authority, because CEQA was modeled on NEPA. *Environmental Defense Fund, Inc. v. Coastside Water District* (1972) 27 Cal.App.3d 695, 701; Remy, et al., *Guide to CEQA* 10th ed. (1996) Ch. II, p. 35. Because CEQA is viewed as more protective of the environment, NEPA cases should be considered the "floor" for interpretation, rather than a ceiling. Remy, et al., *Guide to CEQA* 10th ed. (1999) Ch. II, p. 35, *citing San Francisco Ecology Center v. City and County of San Francisco* (1976) 48 Cal.App.3d 584, 590-591.

Ms. Alana Knaster
Re: September Ranch
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September Ranch basin. This, as shown above, is untrue. Please revise the DREIR to reflect the correct facts and recirculate the document for public comment.

BW 1-22
CONT

22) How can the DREIR list production wells within the SRA (Table 4.3-9) and also conclude that no other properties overlie the SRA?

BW-23

23) The fact that the DREIR erroneously concludes that no other properties overlie the SRA, and the fact that the a factor considered in the water rights evaluation is the is the "extremely limited hydraulic connectivity between the SRA and CVA," the water rights as to adjacent landowners within the SRA have not been taken into account. Please revise the DREIR to analyze the water rights of those properties within the SRA.

BW 1-24

24) Does September Ranch have a senior water right to Ms. Wasserman (APN 015A-361-08)?

25) The DREIR states that the appropriate baseline for pre-existing project conditions concerning water use is 3 AFY. (See DREIR p. 4.3-11). Yet, the DREIR on p. 4.3-11 concludes that "in relation to current conditions, project implementation will provide greater housing opportunities while reducing onsite water usage by 41.79 AFY." Accordingly, the DREIR is not using the baseline of 3 AFY to determine environmental effects. This statement is completely at odds with the comparison to baseline conditions. Please revise the DREIR accordingly.

BW 1-25

26) How does the County reconcile the DREIR's statement at 4.3-11 that the project will reduce onsite water with the Court's decision in *Save Our Peninsula Committee, et al. v. Monterey County Board of Supervisors, et al.* (2001) 87 Cal.App.4th 99?

27) DREIR p. 4.6-20, states that "an outbound driver would have a sight distance of approximately 375 feet looking to his right (or looking west), which does not meet the Caltrans standard for being able to see a 6 inch object on the Brookdale Drive." The DREIR then concludes, "[h]owever, given that many vehicles are approximately three feet tall, much higher than 6 inches, drivers on Carmel Valley Road and drivers on September Ranch Road should be able to see each other from 600 feet away." The DREIR then recommends a warning sign and stoplight as mitigation. Why did Caltrans adopt a six inch standard if cares a three feet in height?

BW 1-26

28) If Caltrans developed a height of six inches as the standard, the Project will still fail to comply with Caltrans standards. Please revise the DREIR to reflect that the Project does not meet Caltrans specifications for sight distance.

Ms. Alana Knaster
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29) With additional traffic on Carmel Valley Road, will adjacent landowners such as Ms. Wasserman, experience additional hazards because of the result of lack of sight not meeting Caltrans standards?

BW 1-27

30) The DREIR only addresses impacts associated with sight distance from the September Ranch Project. However, the September Ranch access road will create additional problems for ingress and egress of adjacent landowners. Please address the added difficulty that adjacent landowners will experience as a result of additional traffic coming from September Ranch Road.

BW 1-28

31) The DREIR fails to address the impacts of increased traffic on ingress and egress for adjacent properties. Please provide more detailed analysis of traffic impacts at the intersection of Carmel Valley Road and September Ranch Road that will affect neighboring property ingress and egress.

32) Is there an alternative access to September Ranch that would fully comply with Caltrans' sight distance standards?

BW 1-29

33) The DREIR fails to address noise created by additional traffic on nearby residences. This must be addressed in the DREIR in order to make the document legally adequate.

BW 1-30

34) Do traffic counts for the Project include residents living in guest houses and second units, gardeners, nannies, servants, and other employees of future residents of September Ranch? Please explain and revise traffic figures as necessary.

BW 1-31

35) Where will a transit stop be located? In front of single family homes already on Carmel Valley? In front of September Ranch? Near the inclusionary housing units?

BW 1-32

36) The impact of a transit stop can vary depending on its location. The negative impacts of noise and exhaust from the stopping and starting of buses must be addressed. Accordingly, the impacts from the location of the bus stop must be assessed and the alternative location with the least impacts should be chosen. Please provide the relevant analysis and mitigations.

BW 1-33

Ms. Alana Knaster
Re: September Ranch
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February 28, 2005

Thank you for your consideration of these comments. I look forward to your responses.

Very truly yours,

WITTWER & PARKIN, LLP

A handwritten signature in black ink, appearing to read "W.P. Parkin", written in a cursive style.

William P. Parkin

cc: Brigitte Wasserman

BRIGITTE WASSERMAN (BW)

Response to BW 1-1

Building envelopes have been proposed for all of the parcels. A number of parcels also have development envelopes. These will be finalized prior to the filing of the final map, but will be consistent with the mitigation measures and conditions imposed on the project. Please see SOCR 1-135.

As noted on page 3-1A and 4.1-7 of the Draft REIR the proposed project is consistent with the CVMP and zoning ordinance designations for the project site; therefore, the proposed project will not require a General Plan Amendment.

Additionally, please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to BW 1-2

Please refer to Response to BW-1

Response to BW 1-3

Please refer to Response to BW-1.

Response to BW 1-4

Please refer to Response to BW-1. Additionally, the September Ranch project will result in less development than is allowed under either the Carmel Valley Master Plan or the Slope Density Formula (see page 4.1-4 of the Draft REIR).

Response to BW 1-5

Please refer to Response to SOCR-32.

Response to BW 1-6

Please refer to Response to SOCR-32. The Monterey County General Plan, Carmel Valley Master Plan, and the County Zoning Ordinance guide development on the project site. As noted on page 3-1A and 4.1-7 of the Draft REIR the proposed project is consistent with the CVMP and zoning ordinance designations for the project site. While there is no definition of rural provided by the comment, there are no policies or ordinances that apply to the September Ranch project that either require or forbid characterization of multi-family housing as “rural.”

Response to BW 1-7

Please refer to the Recirculated Draft REIR, MR-14: Aesthetics – Inclusionary Housing, and Response to SOCR-32.

Response to BW 1-8

The Noise Impact Analysis does not distinguish between the noise generated by the inclusionary housing units and the market rate residential units. As stated on page 4.8-3 of the Draft REIR, noise level increases are considered excessive or substantial if they violate standards or measurably increase the noise level in an area that is already in violation of standards.

The greatest long-term noise impact associated with residential projects is an increase in traffic related noise. Traffic noise impacts are generally analyzed to both insure that the project will not adversely impact the acoustic environment of the surrounding community and to insure that the project site is not exposed to an unacceptable noise resulting from the ambient noise environment. As identified in Table 4.8-3 of the Draft REIR, at a 50-foot reference distance from the centerline of 27 area roadway segments. The largest project traffic related noise increase is +0.2 dB along Carmel Valley Road near the project site. Changes in project related traffic noise will be less than 1.5 dB, the threshold of human perception under laboratory conditions.

As stated on page 4.11-13 of the Draft REIR, the introduction of new sources of light within the project area may be potentially significant and intrusive to surrounding residences since, with the exception of the equestrian facilities; the site does not currently generate night lighting. Moreover, it is noted that the most prominently visible source of light will be as a result of the inclusionary housing. The proposed tree screen in conjunction with Mitigation Measures 4.11-4 and 4.11-5 will reduce the impacts of night lighting.

Response to BW 1-9

The inclusionary housing will consist of single-family units that are of greater density and smaller lots than the market rate residential units. References to multi-family residential units have been omitted from the Draft REIR on pages 4.1-3, 4.3-40, 4.5-4, 4.5-6, and 4.8-7. These revisions are included in Section 6, Errata.

Response to BW 1-10

Please refer to MR-14: Aesthetics – Inclusionary Housing.

Response to BW 1-11

As identified on page 4.4-2 of the Draft REIR, according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the project site is situated within Zone C, an area of minimal flooding. The project will incorporate a series of detention basins, all of which will be designed to meet the runoff created during a 100-year storm event effectively. As required facilities will be designed in accordance with the Monterey County Water Resources Agency (MCWRA) criteria that require that detention facilities are sized to store the difference between the 100-year post development runoff and the 10-year pre development runoff while limiting the discharge to the 10-year pre-development runoff rate. If runoff from individual lots cannot be directed to a detention basin, onsite retention or detention shall be constructed in accordance with the requirements of the MCWRA (see page 4.4-9 of the Draft REIR). Final design of the facilities is subject to the review and approval of the MCWRA and the Monterey County Public Works Department.

Response to BW 1-12

Please refer to Response to BW-11 and Exhibit 4.4-2, Drainage Detention Basins, of the Draft REIR.

Response to BW 1-13

As outlined in CEQA Guidelines section 15204(a), a Lead Agency need only to respond to significant environmental issues and does not need to provide all information requested by reviewers. This comment does not address an environmental issue, and no further response is required.

Response to BW 1-14

As noted on page 3-2 of the Draft REIR, the project includes 782.8 acres of open space, comprising 87.9 percent of the entire project site. Of these 782.8 acres, 463.4 are common open space. Open space is situated throughout the project site providing a buffer between the project site itself and the public views into the project site. As discussed on page 4.11-13 of the Draft REIR, the project will not result obstruct view of surrounding mountains, Carmel River, or other sensitive viewsheds. Mitigation is provided in Section 4.11, Aesthetics of the Draft REIR to reduce the visibility of the project site from Carmel Valley Road and to preserve the rural character of the project site. In addition, three inclusionary housing alternatives were presented in the Recirculated Draft REIR to address concerns related to the visibility of the inclusionary housing.

Response to BW 1-15

As stated on page 4.1-4 of the Draft REIR, under the slope density formula a maximum of 294 units could be developed on site. Regardless of topography or development constraints, the project will retain 782.8 acres of open space.

Response to BW 1-16

Please refer to Responses to MR-4: Loss of Trees & Mitigation for Tree Removal and MR-5: Monterey Pine Forest Biological Sensitivity.

Response to BW 1-17

Please refer to Response to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to BW 1-18

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal, and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to BW 1-19

CEQA Guideline section 15126.4(a) states, "Formulation of mitigation measures should not be deferred until some future time. However, mitigation measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." Given that the visual sensitivity of each lot and/or building envelope is

unique, varying in part depending on topography and screening, it is not possible to set forth a quantitative standard (*i.e.*, building height) that is universal to each lot and/or building envelope. However, Mitigation Measure 4.11-1 sets forth performance standards of protecting the public viewshed by avoiding ridgeline development, preserving existing screening vegetation, and limiting building heights of the homes situated on the lots overlooking Carmel Valley Road to reduce visibility and screen buildings. Site development standards are set forth in the Monterey County Code Title 21, which limit the maximum residential building height and define the maximum buildout within a building envelope. The project is also subject to the Carmel Valley Master Plan policies, more specifically policies 26.1.9.1, 26.1.26, 26.1.28, and 40.2.1.3, all of which set forth performance standards in relation to the protection of viewsheds.

This is in reference to the Monitoring Action for Mitigation Measures 4.2-1 through 4.2-4. The mitigation measures themselves set forth the performance standards in accordance with CEQA Guideline 15126.4(a).

The Draft REIR recognizes that there are potentially significant water quality project-related impacts. The Draft REIR outlines typical best management practices (BMPs) that are included in the County's National Pollution Discharge Elimination System (NPDES) permit; as stated on page 4.4-11 of the Draft REIR, the project will incorporate the specific measures outlined or their equivalent. As stated on page 4.4-5 of the Draft REIR, "The Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA), states discharge of pollutants into waters of the United States from any points source is unlawful unless it complies with the NPDES permit.

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to BW 1-20

Please refer to Response to SOCR 1-12.

Response to BW 1-21

Comment noted. The statement in the December 2004 Draft REIR at page 7-3 was an error that did not affect the impact analysis and that was revised in the Recirculated Draft REIR (Feb. 2006). In both instances, the impact analysis accounted for other wells overlying the SRA. For example, pages 4.3-45 to 4.3-46 of the Recirculated Draft REIR evaluates whether the proposed project would affect the sustainable yield of the SRA during average and below average water years, taking into account future production by other overlying wells. To identify other production wells, the Recirculated Draft REIR reviewed pumping records provided by the Monterey Peninsula Water Management District, updating the 1997 data identified by Todd Engineers, and the results are identified in Table 4.3-7. The sustainable yield calculation is discussed in the text and summarized in Table 4.3-8.

Based on the available data, the EIR concluded that the proposed project would not adversely affect the sustainable yield of the SRA, and therefore there are no long-term impacts to other water users overlying the SRA. See Section 4.3.

Well production records were obtained from the MPWMD and the SWRCB files. The Wasserman well did not appear in any of these records. The comment does not provide any information

regarding the quantity of production from this well. The Wasserman well is located geographically so that project pumping would not affect her well, and the Final EIR adopts a performance standard requiring wells to be located to avoid drawdown of neighboring wells. Finally, although the comment provides no data regarding pumping, the sustainability analysis provided in the Recirculated Draft REIR could accommodate the quantity reasonably anticipated from several additional wells (within the range of the available well pumping data noted in the EIR) without affecting the sustainability analysis or conclusion.

Response to BW 1-22

Please see Response to BW 1-21.

Response to BW 1-23

Please see Response to BW 1-21. The statement regarding other overlying users was corrected in the Recirculated Draft REIR, and does not affect the analysis or conclusions.

Response to BW 1-24

Under California law, landowners who overlie the groundwater basin and retain their water rights would have an overlying correlative right that is of equal priority to other overlying rights, such as that of the proposed project.

Response to BW 1-25

The Recirculated Draft REIR uses 3 AFY as the environmental baseline. The statement regarding existing uses and reduction is not a significance conclusion; it is provided in the interest of full information regarding the capacity of the basin in light of existing conditions over the past 11 years.

Response to BW 1-26

The six-inch standard was established to allow drivers to react to a small object on the roadway.

Response to BW 1-27

The addition of project traffic to a signalized intersection of Carmel Valley/ Brookdale Drive/September Ranch Road is not expected to increase the accident rate at the intersection.

Response to BW 1-28

The signalization of Carmel Valley Road/Brookdale Drive/September Ranch Road is expected to create gaps in Carmel Valley Road traffic and thus make it easier for traffic to enter and exit adjacent properties on Carmel Valley Road.

Response to BW 1-29

An alternative access was not studied and TJKM did not evaluate the sight distance at alternative access points for September Ranch.

Response to BW 1-30

Table 4.3-8 of the Draft REIR identifies the existing plus project CNEL at a 50-foot distance from the centerline of 27 project area roadway segments. As identified on page 4.8-6 of the Draft REIR, the largest noise increase directly related to the project is 0.2 dB along Carmel Valley Road near the project site, less than the 1.5 dB threshold of human perception under laboratory conditions.

Response to BW 1-31

Please refer to MR-10: Trip Generation & Distribution.

Response to BW 1-32

The actual location of the transit stop has not been determined. However, as outlined in the County of Monterey Draft Conditions of Approval for the proposed project, “The project applicant shall submit plans to install a safe transit stop(s) convenient to the project entrance, subject to the review and approval of the County Public Works Department and after consultation with the transit planner at Monterey Salinas Transit. The applicant shall provide a pull out in each direction, and onsite signage at the site entrance showing the transit schedule and map”

Response to BW 1-33

As noted on page 4.8-4 of the Draft REIR, the noise impact analysis included a future noise impact analysis based upon the vehicle mixes and speeds observed during onsite monitoring. This would include current mass transit vehicles that travel along Carmel Valley Road and State Route 1. As noted the location of the transit stop has not been determined. Currently, Monterey Salinas Transit operates the Carmel Grapevine Express, which runs in the project area once an hour between 7 AM and 7 PM during the weekdays and 8 AM and 7 PM during the weekends. As noted in Mitigation Measure 4.6-7, while the exact location of the transit stop has not been determined; however it is noted that the stop is to be convenient to both the inclusionary housing and the equestrian center (please see Response to Comment BW-132). The equestrian center is not considered a noise sensitive land use and mitigation has been provided to reduce noise related impacts associated with the inclusionary housing component. In relation to air quality, extremely minor emissions associated with the brief (2-3 minutes or less) idling of buses at the proposed bus stop as they pick up passengers once an hour during normal hours of operation does not contribute substantially to the project’s total emissions burden, and total emissions with this mitigation measure will still be below the District’s threshold of significance published in the “CEQA Air Quality Guidelines.” Therefore, implementation of this mitigation measure will result in less than significant air quality impacts.

Robert Hale
813 Cypress St.
Monterey, CA 93940
21 February 2005

Alana Knaster
Monterey County Planning

RE: September Ranch Draft REIR Comments

I have the following comments regarding the Draft REIR for the September Ranch Project.

1) *Non-compatiblity with surrounding land use.* Del Mesa Carmel to the west clustered it's development at lower elevations and preserved substantial contiguous open space adjoining Jacks Peak Park. The proposed developement is the opposite with developement and roads up to the Jacks Peak boundary.

CVMP policy 34.1.1.2 indicates clustering is advisable when open space is created that buffers development from preserved open space. This project has it all backwards, by dispersing development it uses open space to separate houses rather than to buffer the undeveloped area from the developed area.

This project needs an alternative that concentrates the housing and roads on the southern portion and preserves intact the upper portion.

RH 1-1

2) *Visual Impacts* - The REIR fails to address the impacts on the viewshed from the prominent public viewpoint in Jacks Peak which is along the Sage trail just west of the East Parking Area. In particular lots 99 and 100 would very likely be quite visible from the park. Please address alternate locations for these lots.

RH 1-2

3) *Detention basin below lots 82 and 83* along the Emergency access easement. During the extremely wet February 1998 I don't recall observing runoff from the watershed that lies along the dirt road going up to lots 82-84, while the main Roach Canyon nearby had perhaps several cfs of water. Why is a detention basin needed here when the project is unlikey to increase runoff in this dry sub-watershed?

RH 1-3

4) *Recreation 4.13-5.2* - Easement access to Jacks Peak park from Carmel Valley Road. When the project was approved in 1998 by the Board of Supervisors this included the Morgen's offer of a trail or trail easement and dedication of Open Parcel C to the county for access to a trail to Jacks Peak from Carmel valley road. This should be required in this mitigation as it is very important link in the regional trail plan. Historical September Ranch offered extensive equestrian trail usage. All of

RH 1-4

these trails will now be converted to paved access roads. This loss of equestrian and potential foot recreational use is a major impact that the REIR does not address adequately.

RH 1-5
CONT

5) Impacts on biological resources of Jacks Peak Regional park preserve.

Several lots are located within 200 feet of Jacks Peak park with which will provide potential introduction of invasive weeds and pine pitch canker into the park. The mitigation admits that it can not stop the spread of pitch canker. The mitigation to support protection of the core Monterey Pine Forest centered at Jacks Peak Park would be to create a larger buffer of open space between lots and the areas of contiguous pine forest that extend into Jacks Peak park.

RH 1-6

6) Impacts of likely fire protection needs. The project site has an extreme fire hazard potential with steep chaparral slopes below forested ridgetops where the housing will be predominately located, but I see no mention of any fire management prescription. While building envelopes are defined the REIR does not address what will be allowed for clearance for fire protection. Do the building envelopes include a defenseable space that can be cleared for fire protection? or will additional acres outside of envelopes and along roads be altered? How many acres along the roads and around housing will be cleared or otherwise substantially altered for fire protection? Current CDF policy for wildland interface such as the September project is for a 100 foot clearance.

RH 1-7

7) Recreational provisions - 4.13-5.1 In addition to considering in lieu payments or dedication why not consider donation or selling land to the county or monterey regional park district. Since about 800 feet of the project site adjoins Jacks Peak County Park, consider an option to donate acreage to the County for inclusion into Jacks Peak park and expand the opportunities for recreation. See comment 15 for more specific alternatives to consider.

RH 1-8

8) Mitigation measure 4-9.5 which attempts to mitigate for the effect of fragmented development on pine pitch canker spread. Clearly states that the spread of pitch canker can not be stopped, but perhaps slowed. Well if the impact is the potential introduction of pine pitch canker into pristine woods then clearly it can not be mitigated and this remains a long term potentially significant impact. The only way for the project to avoid this impact is to preserve as open space contiguous chunks of pine forest that do not have roads and development slicing throughout them as the current project does, by deleting lots in the northern portion of the project.

RH 1-9

9) Grasslands 4.9-7 In the discussion of grasslands it is not clear

RH 1-10

what percentage of the 62 acres are non-native, native perenial and/or coastal praire nor is there any way to know what the 18 acres that are impacted are? The more important issue is how many acres of native grassland/coastal praire are going to be impacted and what percentage is this of total native grasslands? Grasslands are very subject to invasion by non-native grasses and bermuda buttercup. It is likely that native grasslands within 100 feet of a road or within lots (ie on lots outside of the building envelope) may be degraded. What acreage of native/coastal priare grasslands will preserved away from roads (>100feet) and outside of lots?

RH 1-10
CONT

10) *Grasslands Mitigation 4.9-9* Conservation easements and restricting planting of non-native plants is admirable, but it is the unintended urban weeds such as bermuda cup, Ehrharte erecta that invariable "hitch hike in" that need to be controlled by the Grassland Management Plan with a defined weed management program.

RH 1-11

11) *The Management Programs for Grassland and Chaparral* need to have a strong component of restoration of the weedy French Broom areas to either chapparal or native grassland. This can mitigate for the impacts of the development.

RH 1-12

12) *Preserveing Sensitive areas within lots* - While the goal of deeding portions of lots outside of building envelopes to a conservation easement is admirable, these are still peoples yards and degradation of the pristine qualities is inevitable as walking, the impacts of pets urinating and general weediness (think of bermuda buttercup, Erharta erecta grass that invarable appear with humans) spread gradually away from envelopes. The REIR indicates that 71.37 acres of roads and building envelopes. What is the total acreage for all the lots? It is not fair to include only the envelops as the altered acreage, one must also include the lot acreage as the potential alteration acreage.

RH 1-13

13) *Conservation Easements* -what will be actions will be allowed in conservation ieasements? While tilling is prohibited it appears that the manager can authorize oth other activiities. Of particular concern would be clearance and thinning of vegetation for fire protection. Over time clearance will degrade the ecological value of the area.

RH 1-14

14) *Emergency access easement* - Given that with prior approval of the project, the developer offered a trail along this easement to Jacks Peak, how will this easement be developed and maintained? And how will this impact the use of it as a trail?

RH 1-15

15) Impact 4.9.1 To prevent introduction of non-native weeds it is imperative to adopt strict regulations to ensure that all vehicles and construction equipment is washed clean before entering the project area and disturbed construction areas controlled of weeds that grow.

RH 1-16

16) Mitigation 4.9.2 - Destruction of 34.9 acres of Monterey Pine/Oak Forest
 With the 3:1 ratio this means 104.7 acres of Monterey Pine/oak forest will need to be replaced. Where does the applicant plan to find these acres?, given that there is a commitment to maintain the chaparral and grasslands. Typically if Monterey pines are not growing somewhere it is because they can't due to lack of soils. What will happen if the acreage can not be found? What further mitigation, such as preservation of offsite pine forest, would be required if it is not possible to satisfy the 3:1 acreage ratio.

RH 1-17

Secondly, a pine/oak forest is a community of plants and mychorriza and not just simply individual trees. You can not effectively establish a forest without also co-planting the native shrubs that occur within the forest. The forest management plan must include plantings of perenial shrubs located within the native forest.

RH 1-18

17) The forest, chaparral and grassland management plans need a dedicated and funded active weed management program that surveys and removes non-native plants that are found to be expanding into the open space/conservation easement areas. Without a weed management plan efforts to preserve the natural values are likely to be ineffective.

RH 1-19

18) Alternatives. - The Planning Commission Alternative presented as the does not reflect what the Planning Commission recommended in 1998. I attended the hearing and it was shown and described as half the size (49 market lots) with the lots located on the lower southern portions of the parcel, leaving the pines on the upper slope in open space. The REIR though retains lots 94-100 which extend up the west ridge to Jacks Peak park. The alternative should be constructed as the proposed project with lots 80-100,102 and 45-58 removed. That would leave actually 58 market rate lots, but would preserve the northern portion of the parcel.

RH 1-20

19) Other alternatives- Please consider and analyze the possiblity of the ollowing two alternatives that would preserve recreational values and Monterey Pine/oak woodland and scenic vistas for public enjoyment.

RH 1-21

a) the proposed project with lots 81-100 and 102 deleted and retained as open space. This would allow the current ranch road network from parcel C to exist as a recreational trail network (see map below) . I would suggest Monterey Regional Park district could maintain this as Regional Park by either acquisition of acreage or just the trail easements This would still leave 73 market rate lots.

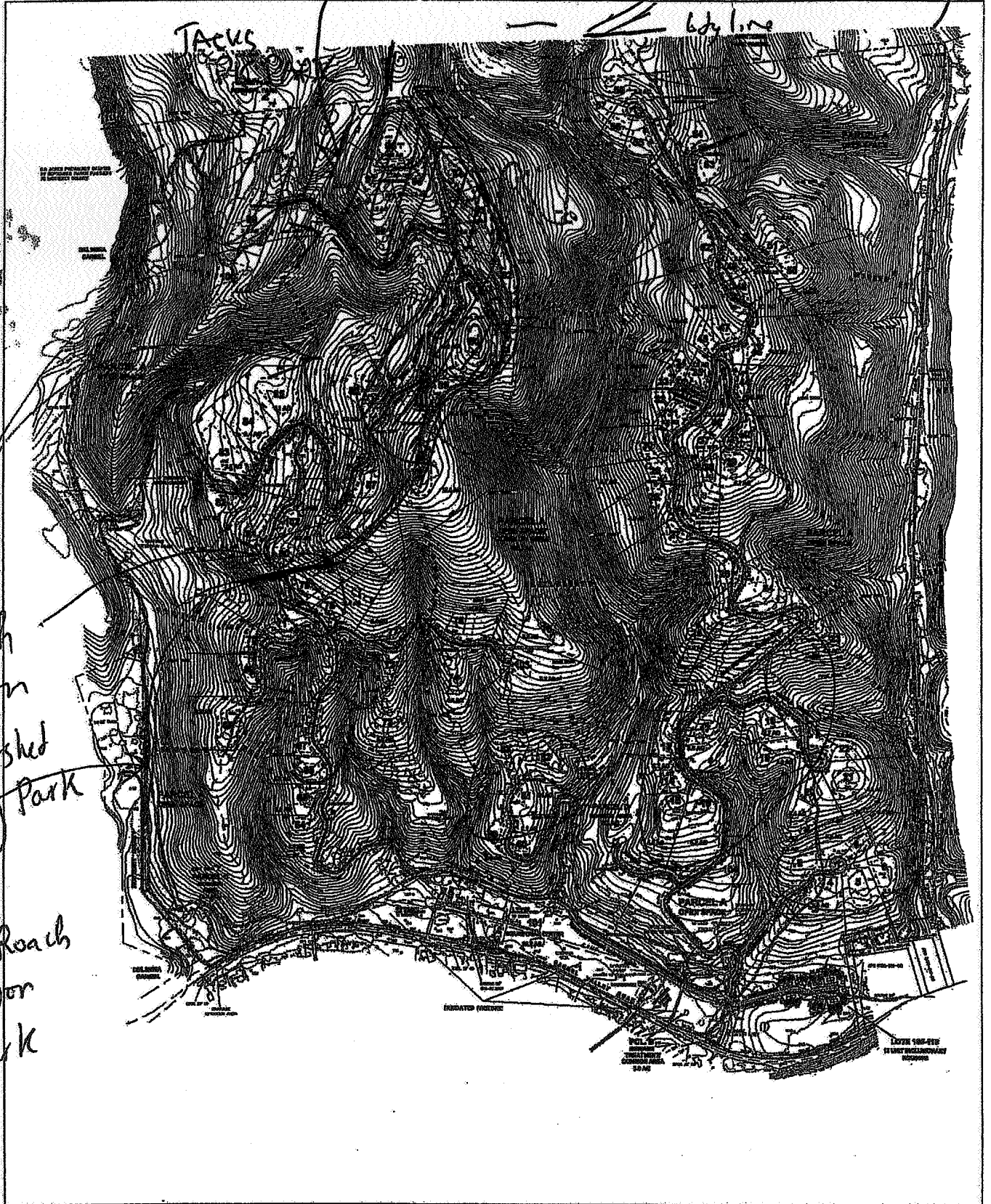
b) the proposed project with lots 86, 88-100 deleted and retained in open space or transfered/purchased as an addition to Jacks Peak county park. This would add a trail loop, preserve adjoining pine forest and provide for new scenic vistas to Jacks Peak. This would retain 80 market lots. Even just deleting lots 93-100 and adding a smaller portion to Jacks Peak Park would leave 86 market rate lots, but still add recreational opportunities to Jack's Peak Park.

RH 1-21
CONT

Thank you for your consideration,

Robert Hale
Robert Hale

add to Jacks Peak Regional Park 196)



Source: Whitson Engineers, January 2003.



Michael Brandman Associates

21370002 - 12/2004 | 3-3_site plan.cdr

Exhibit 3-3
Site Plan

SEPTEMBER RANCH SUBDIVISION PROJECT • REIR

ROBERT HALE (RH)

Response to RH 1-1

Please refer to Section 6 of the Draft REIR that contains Alternatives to the proposed project, as does Section 6 of the Recirculated Draft REIR; please see MR-14: Aesthetics – Inclusionary Housing, and Response to SOCR-39.

Response to RH 1-2

As discussed on page 4.11-13 of the Draft REIR, “in an effort to ensure the overall visual quality of the site is maintained, a visual field survey of the site and adjacent areas was conducted to assess the existing visual character of the property from key vantage points. This included the siting of the lots through staking and flagging in an effort to identify the location of final building envelopes to minimize potential viewshed impacts. More specifically, siting of these lots were established by taking into consideration both topography and elevations in relation to public vantage points and transportation routes.”

Response to RH 1-3

Final design and approval of the detention facilities is subject to the review and approval of the Monterey County Water Resources Agency and the Monterey County Public Works Department.

Response to RH 1-4

Please see Response to SOCR 1-31.

Response to RH 1-5

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to RH 1-6

Please refer to MR-9: Fire Danger/Provision of Services.

Response to RH 1-7

The proposed project is in compliance with all applicable regulations, ordinances, and policies regarding the provision of parkland. As shown on Exhibit 3-3, Site Plan of the Draft REIR, the project applicant previously granted five acres in the northwestern portion of the project site adjacent to Jacks Peak Regional Park to the County of Monterey. As discussed in Response to SOCR-31, the applicant in coordination with the Monterey County Parks Department shall dedicate trail easements to the County for connection of future trails with existing trails and local access will be provided to the hiking and riding trails and links in the County park system.

Response to RH 1-8

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to RH 1-9

Please refer to MR-6: Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility.

Response to RH 1-10

Please refer to MR-8: Weed Control.

Response to RH 1-11

Please refer to MR-8: Weed Control.

Response to RH 1-12

Please refer to Response to SOCR 1-135.

Response to RH 1-13

Please refer to Response to SOCR 1-135.

Response to RH 1-14

Trail easements will be dedicated prior to the recordation of the final subdivision map. All trail easements will be developed and maintained in accordance with the Greater Monterey Peninsula Area Plan.

Response to RH 1-15

Please refer to MR-8: Weed Control.

Response to RH 1-16

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to RH 1-17

Please refer to MR-2: Adequacy of Mitigation Measures.

Response to RH 1-18

Please refer to MR-8: Weed Control.

Response to RH 1-19

The comment is noted; please refer to the 73/22 Inclusionary Housing Alternative in the Recirculated Draft REIR, Section 6. Please see also MR-16: Staff Recommended Alternative.

Response to RH 1-20

Please refer to Response to SOCR 1-118, and Response to SC 1-10. In addition, please note that three additional alternatives were analyzed in the Recirculated Draft REIR, Section 6.0.

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25 February 2005

Monterey County Planning & Building Inspection Department
2620 1st Avenue
Marina, CA 93933

We, the undersigned Richard Dunn and Virginia Dunn, permanent residents and registered voters of Carmel Valley, Monterey County, California, submit these comments as to the Draft Revised Environmental Impact Report for the September Ranch Subdivision Project. For ease of reference our comments are keyed to the Draft REIR numbered sections, paragraphs and pages.

Inconsistencies

2.2 and 3.3: Paragraph 2.2 says that "the proposed project will result in the construction of 109 residential units; but 3.3 says "the project will result in the development of 94 market rate residential lots and 15 units of inclusionary housing," a total of 111 residential units.

RVD 1-1

2.2 and Exhibit 3-3: Paragraph 2.2 says that "the projects development on the 891-acre project site is situated in the southern portion of the property;" but the Site Plan, Exhibit 3-3, clearly shows that what are described as Phases 3 and 4 in paragraph 3.2 are located in the northern portion of the property. Examination of the Site Plan, Exhibit 3-3, shows that in fact about one-half of the development is located in the eastern portion of the property and extends from the north boundary to the south boundary; and that in fact about one-half of the development is located in the western portion of the property and extends from the north boundary to the south boundary.

RVD 1-2

4.1-8 and Exhibits 3-3 and 3-4: Paragraph 4.1-8 says that the 15 units of inclusionary housing are to be located in the southwest corner of the site, but the Site Plan, Exhibits 3-3 and 3-4, show them to be located in the southeast corner of the site.

RVD 1-3

2.1,3.2 and Exhibit 3-3: These citations are not consistent in the use of the terms "common open space," "Open Space," and "open space common area." 2.1 uses the term "common open space," 3.2 uses the term "Open Space," and the Site Plan, Exhibit 3-3, uses the term "open space common area." While open space may be dedicated to that purpose in perpetuity, common area could subsequently be used by a homeowners' association for the construction of common facilities. The proposed uses and limitations as to these areas must be clarified and determined.

RVD 1-4

Water Supply and Availability

4.3 et seq.: This entire section is replete with what can only be described as carefully crafted, qualified phrases and statements which establish nothing as a matter of actual fact. Examples follow.

4.3, fifth paragraph: "KJC also concludes that the project will have less than significant effect on the adjacent Carmel Valley Aquifer (CVA)—."

4.3.2 on page 4.3-4: "there is relatively little exchange of water between SRA and the CVA;" and "pumping in the SRA is unlikely to affect the CVA."

4.3.2 on page 4.3-10: "Therefore, it is expected that there is almost no effect of pumping in the SRA to the CVA AQ3," and "Therefore, there appears to be sufficient water in AQ3 with the excess flow to meet the needs of the riparian and pre-1914 appropriate rights holders," and "it appears that sufficient groundwater is available in storage in AQ4," and "there appears to be sufficient water in AQ4," and "Under existing conditions there appears to be sufficient water on aggregate in AQ3 and AQ4—."

RVD 1-5

4.3.3 on page 4.3-13: "If the" (Hatton canyon) "fault extends upward to near the terrace surface, it could form a full or partial (leaky) barrier to groundwater flow."

4.3.3 on page 4.3-36: "The groundwater elevations contoured during the aquifer test suggest a greater influence on water levels in the September Ranch basin compared to water levels in the CVA, although it appears the aquifer test did have some influence on the CVA."

4.3.4 on page 4.3.47: "it is likely that the groundwater in the SRA and CVA would maintain similar water levels - i.e. near natural gradient;" and "it is unlikely that the proposed usage of groundwater in the SRA would induce further declines in water levels in neighboring wells."

4.3.4 on page 4.3-48: "The effect of pumping in the September Ranch Basin in average years will not affect the CVA significantly because recharge most likely exceeds usage."

RVD 1-5
CONT

In summary, all of the foregoing qualified assertions cannot serve as the basis for any logical conclusions based on established facts.

4.3.4, Project Impacts, on page 4.3-42: In the first complete paragraph on this page it is "suggest"ed that "the projected project demand from the SRA will not result in a reduction of groundwater storage volume in the CVA." This suggestion or assertion is not supported by the evidence and is contrary to facts and logic. Obviously, pumping from the SRA in any given year is going to reduce flow to the CVA, and thus reduce the volume of water stored in the CVA, contrary to applicable lawful restrictions and mandates. In the same section, in the second paragraph under "Groundwater Storage" on page 4.3-31 it is acknowledged that "seasonally excess groundwater from the SRA spills over and serves as recharge to the CVA." Again, obviously, pumping from the SRA can only reduce flowage to the CVA.

RVD 1-6

And note that on page 4.3-34 it is expressly set forth that "The MPWMD and the Monterey County Health Department take the position that during severe droughts all infiltrated moisture is taken up by vegetation and other losses resulting in zero recharge being available to the groundwater basin. KJC disagrees with this, alleging that it is precluded by a Mediterranean climate, but what evidence is there to support KJC's difference of opinion? None.

4.3.4, Consistency with Relevant Plans and Policies, on page 4.3-48: CVMP Policy 26.1.22 prohibits further development in the area of September Ranch "until a need is demonstrated through public hearings." To the best of our knowledge, no hearing has established any need whatsoever for this development. And in the consistency analysis on this page it is expressly acknowledged that "no water is available for this project in the County's allocation."

RVD 1-7

Traffic

4.6 et seq.-Transportation and Circulation: Studies of existing levels of service (LOS) at ten intersections are summarized in Table 4.6-1 on pages 4.6-9 and 4.6-10. Four of those intersections currently operate at unacceptable levels of service.

RVD 1-8

4.6.2 Project Impacts: Table 4.6-2 notes that the proposed project will generate an additional 1053 daily vehicle trips, which will increase congestion on project area roadways, leading to LOS deficiencies at five intersections (page 4.6-12). And on that page it is stated that traffic is expected to travel to and from the site according to certain percentages, which vary from 33% to 2% for specified intersections. There is no recognition or discussion of the fact that 100% of the traffic will be traveling on Carmel Valley Road. It matters not where it originates or what intersections it crosses, the entire 100% will be on Carmel Valley Road!! The Draft REIR fails to address this issue in any detail.

RVD 1-9

Page 4.6-17: Following Table 4.6-3 it is acknowledged that five of the ten intersections will operate at below standard LOS under the project scenario!! To state that the two Mitigation Measures, 4.6-1 and 4.6-2 on page 4.6-18 "would reduce vehicle trip generation and LOS impacts to less than significant" is utterly ridiculous when, as stated following Table 4.6-3, five of the ten intersections studied would operate below standard LOS under the project scenario.

RVD 1-10

In general: This section, dealing with traffic, fails to deal with the problem of noise resulting as a result of the increased vehicular traffic and the effect on those living adjacent to Carmel Valley Road.

Carmel Valley Master Plan Policy 39.16 requires the Board of Supervisors to limit developments in the Valley until the Hatton Canyon Freeway is under construction. It is an established fact that the freeway will not be built. Therefore, the September Ranch Subdivision should not proceed until some acceptable substitute for the freeway has been planned and is under construction. The Draft REIR fails to address this issue in any way.

RVD 1-11

Biological Resources

4.9 et seq.: It is acknowledged on page 4.9-9 that within the project site there are two special status natural communities that are considered rare - the Monterey pine forest and the coastal terrace prairie. Project threats to these rare communities, such as genetic contamination, development fragmentation and pine pitch canker are described on page 4.9-10. It then states only seven individual pines of those "evaluated" revealed visible symptoms of pine pitch canker; but how many were evaluated? There is no disclosure as to this, so how can we judge whether seven is or is not a significant number? And on page 4.9-13 it is acknowledged that approximately 34.9 acres of native Monterey pine forest will be impacted by the September Ranch project. Mitigation and monitoring measures described on pages 4.9-24 through 4.9-27 seem impractical and impossible of achievement. Those measures themselves fail to mention that new plantings of pines on a three for one basis (a total of 8,076 pines!!) require lots of water; and that coastal oaks on a three for one basis (a total of 2,670 oaks!!) do not like irrigation or lots of water.

RVD 1-12

Aesthetics

4.11 et seq.: Views from surrounding areas (4.11.1 on page 4.11-1) omit any reference to or photograph of the entire area to the west of the project!!! The entire area to the west is owned by the Del Mesa Carmel Community Association, which includes 289 residences, about 75 of which are situated across Roach Canyon from the project and will be seriously and adversely affected by it. During the construction phase, projected to extend over a ten year period, The Del Mesa area will suffer the noise, the dust, the dirt and the disruption of this project! And, as acknowledged in 4.11.2, the project will result in a significant impact if it degrades the visual character of the site and its surroundings; and if it creates new sources of light which adversely affect day or nighttime views of the area. Both of these factors are inevitable and irremediable consequences of the proposed project.

RVD 1-13

Lots 64 through 100 within the project area run north and south through the west half of September Ranch, adjacent to Del Mesa Carmel. And, contrary to statements in the Draft REIR, the building sites on many of these lots are clearly on the top of the terrain features (ridges, knolls, noses) on which the lots are laid out. Anyone with a basic knowledge of

map reading can read the contour lines and see that this is the case and that these building sites are clearly on top of the dominant terrain features, regardless of how named: i.e. ridges, knolls or noses. They will be directly across Roach Canyon from about 75 Del Mesa residences, "right in our face," and totally eliminate "the perceived rural character of Carmel Valley" for all of the viewers.

RVD 1-13

Cumulative Impacts

5.1 et seq.: In the third paragraph on page 5.1 it is pointed out that the Carmel Valley Master Plan (CVMP) provides that "as a general policy, no more than 25 lots per year may be located in any one subdivision." The September Ranch proposes at least 119 lots, more than 4 1/2 times the number permitted by the CVMP!!! No evidence is cited anywhere in the Draft REIR to justify violating this CVMP policy!

RVD 1-14

On page 5-4 it is stated that under the second scenario, wastewater generated at the project site will contribute to a cumulative increase and a cumulative demand for Carmel Area Wastewater District services. No evidence is cited to establish that the CAWD is obligated or will in fact agree to provide such services.

RVD 1-15

On page 5-13 under the topic of "Aesthetics" it is stated again that "the project will not result in the development of home sites along ridgelines--." Once again, a careful study of the map establishes beyond question that a significant number of the building sites on Lots 64 through 100 are clearly on top of terrain features (ridges, knolls or noses) and the effect of that will be to obstruct the view from Del Mesa Carmel and eliminate "the perceived rural character of Carmel Valley."

RVD 1-16

5.1.2 Conclusion: This paragraph on page 5-15 concludes with the assertion that the "project is not anticipated to contribute to significant unavoidable cumulative impacts that cannot be feasibly mitigated to levels that are considered less than significant." (Underlining added for emphasis.) This is a final example of a well crafted, carefully qualified statement that makes no positive statement as a matter of unqualified fact. How can anyone rely on this conclusion when the composer writes in such a disingenuous manner?

RVD 1-17

Richard T. Dunn
Virginia B. Dunn

RICHARD AND VIRGINIA DUNN (RVD)

Response to RVD 1-1

The proposed project would result in the construction of 109 unit's total, 94 of which are market rate residential units and 15 of which are inclusionary housing units. Please refer also to MR-16: Staff Recommended Alternative.

Response to RVD 1-2

The comment is noted. The sentence is omitted from the Draft REIR.

Response to RVD 1-3

The correction is noted. The first sentence of the second paragraph has been revised as follows:

Currently, the project proposes to construct 15 residential units to be developed on 5.3 acres within southeastern corner of the site.

This correction is included in Section 6, Errata of this document.

Response to RVD 1-4

Please refer to Response to SOCR-19 and SOCR-24.

Response to RVD 1-5

Please see Response to RVD 2-2. All statements are based on independent and professional re-evaluation of raw data, objective finds, and conclusions. Please see MR-18: Hydrology & Water Availability.

Response to RVD 1-6

Please see MR-18: Hydrology & Water Availability for clarifications on reduction of flow to the CVA, on CVA GW storage, and reduced recharge (not zero) during severe drought periods.

Response to RVD 1-7

As stated on page 4.3-49 of the Draft REIR, "In accordance with the CVMP, the project will be the subject of public hearings by the Monterey County Subdivision Review Committee, the County Planning Commission, and the County Board of Supervisors." Additionally, as noted on page 4.3-48 of the Draft REIR, "The proposed project does not have a water authorization from the County of Monterey and no water is available for this project in the County's allocation. Rather consistent with the CVMP, the proposed project will pump groundwater from the SRA for potable needs."

Response to RVD 1-8

The comment is noted and the Draft REIR acknowledges that four of the study are intersections currently operate at an unacceptable level of service (see pages 4.6-9 and 4.6-7 of the Draft REIR). No specific comments on the Draft EIR were provided; therefore, no further response is necessary.

Response to RVD 1-9

Since the project access will be from Carmel Valley Road, 100 percent of the project-related traffic was assigned to the Carmel Valley Road/Brookdale Drive/September Ranch Road intersection and to the segment of Carmel Valley Road that includes the project.

Response to RVD 1-10

As discussed on pages 4.6-18 and 4.6-19 of the Draft REIR, a combination of Mitigation Measures 4.6-1 through 4.6-7 will reduce project-related level of service impacts at the five intersections that will operate at an unacceptable LOS under the existing plus project conditions.

Response to RVD 1-11

The project's potential noise related impacts are discussed in Section 4.8, Noise, of the Draft REIR. In addition, please see Response to Comment LWMC 1-7.

Response to RVD 1-12

Please refer to MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility and MR-2: Adequacy of Mitigation Measures.

Response to RVD 1-13

Please refer to Response to DMCCA 1-8.

Response to RVD 1-14

The proposed project consists of 94 market rate residential units, which are subject to the CVMP annual allocation system and 15 inclusionary housing units that are not subject to the annual allocation but are subtracted from the 20-year quota. As stated on page 5-1 of the Draft REIR, subdivisions may be approved up to the maximum number of lots for the life of the tentative map. However, as a general policy, no more than 25 lots per year may be created in any one subdivision. As stated on page 3-11 of the Draft REIR, the project is planned to be built out over a ten year period. This is consistent with the CVMP allocation system.

Response to RVD 1-15

Please refer to Response to CAWD 1-1.

Response to RVD 1-16

Please refer to Response to DMCCA 1-8.

Response to RVD 1-17

The comment is noted. As outlined in CEQA Guidelines Section 15204(a), a Lead Agency only needs to respond to significant environmental issues. This comment does not address an environmental issue, and no further response is required.

Alana Knaster
Chief Assistant Director
County of Monterey
Planning and Building Inspection Department
2620 1st Avenue
Marina, CA 93933

RECEIVED
BY ASK DATE Feb 28, 2005

Dear Alana,

Just a few points that need clarification.

- (1) I have owned 6 horses of different sizes from a small pony to a very large warm blood. They were several different breeds – an appy, a Connemara, a thoroughbred and an Arabian. None of them, including the show horses who went on the Southern California Show Circuit in the middle of summer southern California heat, even came close to drinking 45 gallons of water a day. What is the source of the EIR’s claim that horses drink 45 gallons of water per day? MROB 1-1
- (2) Prior to sometime in 1992, there were three trails in the Ranch leading to two gates that went into Jacks Peak. What has happened to these trails? In the mitigation measure section I see that a trail may be dedicated “if feasible” to Canada Woods. What does “if feasible” mean? You mentioned a possible equestrian trail through Roach Canyon. Who would maintain this trail? Would it be open to the Public? Where would Horse trailers park? Would this trail be limited to only hikers and riders? Please address these alternatives, and the impacts of each, compared to what is proposed. MROB 1-2
- (3) Will the Red Barn remain in operation and open to the Public or will it be limited to September Ranch lot owners? What are the present activities at the Equestrian Center? Do these activities include clinics, shows, or vacation camps for kids? Any increase in traffic at the Equestrian Center will be a concern. What are the impacts of the planned activities at the Center? MROB 1-3
- (4) Why is there no manure management plan? How is the manure removed from the property now or is it? MROB 1-4
- (5) How many acres of pasture are irrigated now? I have driven through the canons of waters spraying my car and Carmel Valley Road many times and have observed the geese gathering in the ponded water. Please explain why this is not considered excessive irrigation and a waste of water? MROB 1-5
- (6) Are any second units (caretaker, guest and granny units) included in the traffic, water and wastewater impacts? Please provide specific references as to where they are included in the calculations. If not included, please address these impacts fully and provide full support for these conclusions. Please consider the MROB 1-6

requirements for this maintenance of this private open space? Is fencing allowed? Please discuss and explain.

MROB 1-7

(15) On page 4.1-8, it says the inclusionary housing is on the southwest corner of the property. Is this a typo? Please explain and correct.

MROB 1-8

(16) On page 4.3-6 why are the entities that reported pumping to the MPWMD but not the SWRCB assumed to be riparian users? Please explain and discuss the facts supporting this statement.

MROB 1-9

(17) On page 4.3.33, 4th paragraph it says rainfall data was collected at the San Clemente Dam was used. Is there a rain gauge closer to September Ranch? How was the 15.1 percent reduction factor selected? Please discuss and explain.

MROB 1-10

(18) On page 4.3-40, specifically table 4.3-6, and the last sentence of the first complete paragraph, it indicates that the total demand excludes water needed to irrigate the pastures (the previous 1998 Final EIR and as indicated in Section 4.5 this Draft REIR reclaimed wastewater would be used to irrigate the pastures. Please discuss and explain this discrepancy

MROB 1-11

(19) Has the lagoon restoration project eliminated to need for CAWD to pump more treated water into the Lagoon? Aren't the most critical months for the steelhead in the winter and early spring rather than summer and fall? Please discuss and explain.

MROB 1-12

(20) On page 4.3.48 under CVMP Policy 26.1.22 indicates that developed areas should be evaluated in light of resource constraints, ie water and that no further development should be considered until a need has been demonstrated through public hearings. Has a need been made for 94 more mansion homes in Carmel Valley? Please explain how this project is consistent or inconsistent with CVMP policy 26.1.22

MROB 1-13

(21) Page 4.4-9 First complete paragraph indicates that there will be two detention basins in Watershed A, one to be located within the western portion of Roach Canyon and the other on the south side of the 15-unit inclusionary housing. How does this compare with what is shown on Exhibit 4.4-2?

MROB 1-14

(22) 4.4-9 The last sentence of the last complete paragraph, does this mean that additional detention basins may be needed? Please explain what the last sentence means in detail.

MROB 1-15

(23) On page 4.6-9, table 4.6-1, it indicates that the intersection of Carmel Valley Road and Brookdale Driver operates at LOS F and LOS E. Is there a traffic count that supports this conclusion? It is my experience that traffic does not come out of this intersection because the owners in that subdivision do not use Brookdale because of sight lines. I do not believe that the County plans or has money to install a left-turn channelization at Brookdale due to the excessive cost. Please discuss and explain.

MROB 1-16

(24) On page 4.6-10, table 4.6-1 (cont.), I notice that the intersections of this entire table were not collected traffic data, but from software using TRAFFIX. Carmel Valley Road is unique and cannot be adequately analyzed from a traffic manual or some generalized software. It is a rural road with some urban elements and those elements are located toward the mouth of Carmel Valley, not near September Ranch. So, any traffic analysis without an actual traffic count is misleading. Supervisor Potter's Blue Ribbon Road Committee, comprised of Valley residents and CV Developers Tom Gray and Alan Williams, have agreed that the signalization of Laureles Grade and CV Road and Dorris Drive and Carmel Valley Road would not constitute safety improvements so and are not presently on the current list of things to be done. In fact, can you explain how a stoplight at CV Road and Laureles Grade could have prevented the recent death and accident at that intersection? Any failure of breaks by a truck coming from the grade cannot be prevented by a stoplight! This committee has been focused on safety improvements rather than the new DEIR capacity improvements. Please discuss and explain.

MROB 1-17

(25) On page 4.6-10 under Roadway Segment Analysis, the second to that 1st sentence in the final paragraph indicates that the PM peak hour traffic volumes were approximately 10 percent of the average traffic volume. What is the source for this assumption? I have questioned both am and pm peak hour traffic counts for several years with Public Works and they have admitted that they do not have this information. Please discuss and explain in detail.

MROB 1-18

(26) On page 4.6-11, the first sentence of the first paragraph indicates that Carmel Valley Road is a two-lane rural highway. And goes on to indicate that segment information can be found in the HCM. Any information based on the statement is not correct. Please explain and discuss.

MROB 1-19

(27) Page 4.6-11 under Project Analysis and Mitigation Measures, bullet point number one, please explain why when segment seven is already over LOS D that September Ranch will not result in an increase in traffic in this heavily impacted segment of Carmel Valley Road? And why September Ranch will not exceed both

MROB 1-20

- individually and cumulatively the present LOS? And please explain why bullets 3 and 4 in this section do not apply. Discuss and explain in detail. MROB 1-20
CONT
- (28) Please explain how bullet #2, no degradation below LOS C, will be accomplished if September Ranch is approved? MROB 1-21
- (29) On Page 4.6-12, why is the trip generation factor of 9.57 used when Public Works has generally accepted a factor of 10? Where is the source for the 83 peak am hour and 111 pm peak hour trips. Please explain and discuss. MROB 1-22
- (30) Page 4.6-12, Please explain and discuss the references and sourcing for the trip distribution assumptions. How is it possible to predict the direction the owners of September Ranch will be traveling who no one knows who these owners will be? Why isn't the footnote on 1 on this page included in Exhibit 4.6-2? Please explain. MROB 1-23
- (31) If these assumptions are extended to Exhibit 4.6-3, how valid is this exhibit? Please explain. Where is the documentation supporting the EIR consultant's assumptions? MROB 1-24
- (32) In the Crossroads traffic study, the intersection of Carmel Rancho Blvd. and Rio Road was stated to operate at LOS A and LOS D at peak am and pm hours. In the Rancho Canada traffic study, this same intersection was stated to operate at LOS F. Please explain and discuss the discrepancy and justify why any mitigation fees should be paid for toward installing this stoplight now. MROB 1-25
- (33) On page 4.6-19, please explain how putting overlap phasing improvements in front of September Ranch, opposite Garland Park, and near Laurles Grade would reduce the vehicles trip generation from September Ranch to less than significant. MROB 1-26
- (34) Please explain how installing a MST stop adjacent to September Ranch would reduce vehicle trip generation and LOS impacts to less than significant? MROB 1-27
- (35) Please discuss and explain how building 109 units at September Ranch would not extend an already reduced Sheriff's Department. There now are no patrols in Carmel Valey between 2 and 6am daily. Also explain how placing these units in a high fire danger area will not overextend the resources of the Mid-Valley Fire Department. MROB 1-28

(36) If September Ranch will contain 350 people (approximately 3.21 persons per household), please discuss and explain how only 20 children will attend grades K through 12.

MROB 1-29

(37) Table IV, Appendix E: Trip Generation of approved/pending projects. Please discuss and explain the discrepancies. Example: Quail Meadows has a 2 after it. Yet in the footnotets 2 refers to the Mixed Use Trip Generation obtained from the Rio Road Mixed Use Development Traffic Analysis, Higgins, May 13, 1996. This discrepancy continues throughout the list. Please correct. Please explain how the consultant determined both the am and pm peak trips and where is that source?

MROB 1-30

(38) In this section, the following corrections need to be made. For example, Sunrise will have 78 residents not 64 and the correct trip count from a CVA survey of Monterey Peninsula assisted Living Facilities indicates that the correct daily car trip count of 210 not 112. Canada Woods/Tehama count should be 1,000 trips, including golf traffic, plus the count listed for the Home Improvement Center. The Rancho San Carlos figure should include the secondary units and it does not. The following projects have either not been identified correctly or omitted from this list: the Holman Ranch project was not for 3 single family homes but for the production of 50,000 cases of wine annually and a tasting room. The latest proposal for the Agha subdivision was not for 18 single family homes but for 172 single family residences. In addition, in the past 2 years proposals were presented for the Condon Subdivision, the CV Airport Subdivision, expansion of Robles Del Rio Lodge, the Gardner Tennis Ranch (Is consists of over 30 buildable lots right now), the Dow Mitchell 89 affordable rental units, Stemple affordable units in Cv village, a bed and breakfast on the Robles Del Rio Area, and the 280 Rancho Canada Village. Please discuss and explain why these projects with either not included or not described correctly. And please explain in detail how a cumulative analysis can be correctly made without the inclusion of these projects.

MROB 1-31

(39) Please explain how this project complies with the provisions of the Quimby Act. And please discuss and explain where the recreation facilities are located for the lot owners at September Ranch.

MROB 1-32

Due to the traffic impacts and the lack of adequate traffic mitigation, the unanswered questions about secondary units, and unanswered questions about fire and police protection, I can only support the No Project/No development alternative. In fact, the other three alternatives do little to allay my concerns in these areas.

MROB 1-33

Thank you for your consideration.

Margaret Robbins
Margaret Robbins
3850 Rio Road #26
Carmel, CA 93923
February 28, 2005

MARGARET ROBBINS (MROB)

Response to MROB 1-1

The water use number represents all water uses by the horses including not only drinking water but washing and other incidental uses. Equine consumptive needs is estimated in 1.5 Animal Units (AU) wherein AFY equals $1.5 \text{ AU} \times .017 = \text{AFY}$.

Response to MROB 1-2

The project site is privately owned and no easements of record or easements established by a judge of a court of competent jurisdiction which grant the public at large right of access to, or use of, property within the proposed project site exists. Please see Response to SOCR 1-31.

Response to MROB 1-3

Equestrian center operations will not be altered as a result of project implementation, thus activities at the equestrian center were considered in the traffic impact analysis and the appropriate Institute of Traffic Engineers traffic generation rates were applied to this component.

Response to MROB 1-4

The proposed project is not introducing any uses that would require the implementation of a manure management plan.

Response to MROB 1-5

Please see Responses to SOCR 1-48 and DMCCA 1-18.

Response to MROB 1-6

Please see MR-17: Water Demands. Wastewater will be treated offsite. Under draft conditions of approval, see MR-2: Adequacy of Mitigation Measures, auxiliary units would not be allowed. Additionally, please see MR-11, Trip Generation and Distribution.

Response to MROB 1-7

Please refer to Mitigation Measure 4.9-1 on page 4.9-22 and 4.9-23 of the Recirculated Draft REIR for the maintenance of private open space. As outlined in Mitigation Measure 4.9-1, fencing is limited to the designated development envelopes and in order to maintain areas for wildlife movement fencing of parcel boundaries is prohibited.

Response to MROB 1-8

Please see Response to RVD 1-3.

Response to MROB 1-9

Water users not reporting to the SWRCB were assumed to be riparian users because if they were appropriative users, they would be required by law to report to the SWRCB. The Recirculated Draft REIR assumes that other water users obey the law, and there is no evidence to suggest otherwise.

Response to MROB 1-10

There is no rain gauge closer to the project site. The 15.1% reduction factor was established in the Todd 1992 analysis with concurrence by the MPWMD.

Response to MROB 1-11

Please see Response to MROB 1-5.

Response to MROB 1-12

As stated on page 4.5-8 of the Draft REIR, CAWD anticipates that after meeting its contractual agreements, tertiary water would be available to augment the freshwater flow to the Carmel Valley Lagoon. The critical months for steelhead in the Carmel River are winter (December 15 through April 14) when they migrate up streams and spawn, and in the spring (April 15 through May 31) when the smolt leaves the streams after the winter spawn. Additionally, please refer to the Recirculated Draft REIR, Section 4.9.

Response to MROB 1-13

Please refer to Response to RVD 1-7.

Response to MROB 1-14

Please see Response to Comment DMCCA 1-3.

Response to MROB 1-15

If runoff from individual lots cannot be directed to one of the detention basins identified on Exhibit 4.4-2, on site retention or detention facilities shall be constructed on such lot. The facility will be required to be designed in accordance with the requirements of the Water Resources Agency.

Response to MROB 1-16

AM and PM peak period traffic counts were conducted at the intersection of Carmel Valley Road and Brookdale Drive in December 2002. These counts are the basis for the LOS calculations.

Response to MROB 1-17

All of the LOS calculations for the study area intersections are based on turning movement counts conducted in the AM and PM peak periods in December 2002, with the exception of the intersection of Highway 68 and Laureles Grade Road, at which AM and PM peak period counts were conducted in June 2003. A signal cannot prevent brakes from failing.

Response to MROB 1-18

Based on various counts conducted over time and at various locations, it is quite common for the peak hour volume to be approximately ten percent of the daily volume.

Response to MROB 1-19

The Manual of Uniform Traffic Control Devices 2003 Supplemental Signal Warrants defines a rural road as, “having a critical speed of major street traffic greater than or equal to 40 miles per hour or being in a built up area of isolated community of less than 10,000 population. Based on this definition Carmel Valley Road is a rural highway.

Response to MROB 1-20

Existing volume on Carmel Valley Road between Rancho San Carlos Road and Schulte Road during the PM peak hour is approximately 1,630 vehicles per hour (vph) total in both directions. With September Ranch, this volume is expected to increase by approximately 78 vph to 1,708 vph. This relatively small increase (4.8%+78/1,630) is not expected to “result in substantial safety risks” (bullet 3). The project’s proposed access point, when signalized and properly alerted (as identified in Mitigation Measures 4.6-8 and 4.6-9) is not expected to “substantially increase hazards due to a design feature” (bullet 4).

Response to MROB 1-21

The second bullet identifies that the project will have a significant impact if it will result in the degradation below LOS C for those rural roads now operating at LOS C or better. Within the project area, there are two rural highways: Carmel Valley Road and Laureles Grade Road. Under existing conditions there are three intersections along the study area rural roads that operate below LOS C (Carmel Valley Road and Brookdale Drive; Carmel Valley Road and Dorris Drive; and Carmel Valley Road/Laureles Grade Road). Under existing conditions all study area rural roadway segments studied operate at LOS C or better. Project traffic will not result in rural roadway study area intersection to be degraded from LOS C to worse and project traffic can be accommodated on all study area rural roadway segments. Moreover, the analysis of the existing plus project conditions indicate that individually the proposed project is not expected to cause an existing study area intersection to degrade from LOS C to LOS D. Additionally, the proposed project includes mitigation that will contribute to the improvements of study area intersections that currently operate at an unacceptable LOS (LOS D or worse).

Response to MROB 1-22

The trip generation rate of 9.57 is based upon the single-family generation rate published in the Institute of Transportation Engineers, *Trip Generation Manual 6th Edition*. ITE trip generation rates forecast vehicle trips based upon land use and are considered the professional standard.

Response to MROB 1-23

Future residents of September Ranch are assumed to have similar travel characteristics as existing residents in the area. Therefore, the trip distribution assumptions are mainly based on existing counts.

For example, the 12 percent of traffic that is expected to travel to and from the south on Highway 1 is based on the existing AM peak volume turning onto southbound Highway 1 from Rio Road divided by this volume plus traffic from eastbound Rio Road traffic and westbound Carmel Valley Road turning onto northbound Highway 1. Mathematically this amounts to roughly 12 percent [= (106 +37)/(106 +37 + 177 +906)]. Footnote 1 is an explanation of the trip generation calculations and was not included in Exhibit 4.6-2 because this exhibit is intended to depict the study area intersections lane configurations.

Response to MROB 1-24

Project trip generation (with trip distribution) results in project trip assignments. These assignments, when combined with existing volumes presented in Figure 4.6-3 form the foundation of the existing plus project LOS analysis.

Response to MROB 1-25

The intersection of Carmel Rancho Road and Rio Road was not studied as part of the September Ranch Traffic Impact Study and therefore it is beyond the scope of this project to explain the calculated LOS discrepancies presented in other studies that included this intersection.

Response to MROB 1-26

Overlap signal phasing is intended to improve intersection operations; however, it will not reduce vehicle trip generation.

Response to MROB 1-27

A MST stop adjacent to the September Ranch project would reduce vehicle trip generation of residents choose to use transit. This mitigation in combination with Mitigation Measures 4.6-1 through 4.6-7 collectively reduces vehicle trip generation and LOS impacts to less than significant.

Response to MROB 1-28

As noted on page 4.13-3 of the Draft REIR, the Monterey County Sheriff's Department indicated that additional staff is needed to serve the proposed project. The applicant will be required to pay a fee that is assessed by the County to offset the service costs associated with new development. The payment of this fee will assist in providing the funding for additional staff. Similarly, the Mid-Valley Fire Department has identified that the project will require annexation into the district and the applicant will be required to pay annexation fees. As noted on page 4.13-2 of the Draft REIR, CVFD has indicated that the payment of the annexation fees will assist with funding of projects identified in the Capital Improvement Plan for the Mid-Valley Fire Department, including station expansion and the purchase of new fire apparatus. In addition, the Sheriff added a condition that requires the applicant to provide a "drop down" space for deputies within the subdivision.

Response to MROB 1-29

Generation rates were provided to the County from the Carmel Unified School District (CUSD). As discussed on page 4.13-4 of the Draft REIR, the generation rate is 0.081 for students K-5, 0.045 for

students 6-8, and 0.053 for students grades 9-12. Overall the CUSD formula projects 0.18 students per residential unit. This calculates to 20 students.

Response to MROB 1-30

Quail Meadows should have a “1” after it rather than a “2.” The 1 refers to the Quail Meadows Study prepared by Higgins Associates in 2001.

Response to MROB 1-31

The list of approved and pending projects was based on information provided by the County in 2003.

Response to MROB 1-32

Monterey County Code Section 19.12.010 was adopted by the Monterey County pursuant to Section 66477 of the Government Code (the Quimby Act), which provides for the dedication of land or the payment of fees in lieu thereof for park and recreational facilities as a condition of approval of a tentative map or parcel map. Monterey County Code Section 19.12.010 requires that 0.003 acres/person x 3 persons/dwelling unit x number of proposed dwelling units within the Monterey County shall be devoted to active park and recreational land uses or the payment of in lieu fees to provide active park and recreation improvements that reasonably serve the residents of new subdivisions.

The Parks Department has imposed conditions on the applicant that include a combination of a dedication trail easements and dedication of land and reaction to improvements in accordance with Section 19.12.010(D). The applicant will also be required to prepare and submit a park and recreation plan for approval by the Direction of Parks.

Response to MROB 1-33

The comment is noted that the commentor supports the No Project/No Development Alternative.

Knaster, Alana x7526

From: suzi bluford [suzibluford@sbcglobal.net]
Sent: Friday, February 25, 2005 10:17 AM
To: Knaster, Alana x7526; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 724-8228; 100-District 3 (831) 385-8333
Subject: re september ranch

Dear Alana and Monterey County Board of Supervisors,
I am writing to object to the proposed September Ranch plans:

September Ranch

File Number(s):
PLN050001 (Combined Development Permit)
GPZ050001 (General Plan Amendment and Rezoning)
Note: The original file number for this project was PC95062

Location:
(vicinity map)
Carmel Valley Road
(Assessor Parcel Numbers: 015-171-010-000, 015-171-012, 015-361-013-000 and 015-361-014-000)

The proposed changes will severely diminish my quality of life, the value of my property and goes against everything I understood to be true about what could be done legally with the property when I moved here almost thirty years ago.

SB 1-1

The density of homes is not in keeping with the rural nature of Carmel Valley and would be an eyesore to the neighbors. The area mentioned for this part of the plan has in the past accumulated a great deal of standing water and I want to ask how the developers plan to deal with that. I also want to ask about the increased noise level and the impact on Carmel Valley road which is also overloaded with traffic at this time.

SB 1-2

The proposed eir states that hundreds of trees will have to be cut down - why?

SB 1-3

I do not want dozens of new homes and the associated noise, increased traffic, construction noise associated with this kind of development put within a few hundred yards of my home. This is not why I chose Carmel Valley as my home and I feel that the quality of my life will be severely impacted in a negative way if this proposal is allowed to go through.

SB 1-1

You may contact me at my email address or
Suzi Bluford
6965 Carmel Valley Rd
Carmel CA 93923

to answer my questions.
Thank you for your consideration.

Sincerely,
Suzi Bluford

SUZI BLUFORD (SB)

Response to SB 1-1

The comment is noted.

Response to SB 1-2

Please refer to MR-14: Aesthetics – Inclusionary Housing. As noted in Section 4.4, Hydrology and Water Quality, the project will include a series of detention basins. The preliminary size of the basins are shown on Exhibit 4.4-2 of the Draft REIR and summarized in Table 4.4-4 on page 4.4-10 of the Draft REIR. Final design of the facilities is subject to the review and approval of the Monterey County Water Resources Agency (MCWRA) and the Monterey County Public Works Department. In the event that runoff from individual lots cannot be directed to a detention basin, such lots must construct onsite retention or detention basins in accordance with MCWRA.

Noise modeling prepared for the Noise Impact Analysis prepared for the proposed project did not identify any noise impacts to offsite sources. As discussed in Section 4.8 of the Draft REIR, potential noise impacts associated with the inclusionary housing component of the proposed project will be reduced to less than significant with the recommended mitigation.

Response to SB 1-3

Please refer to Response to SOCR 1-112 and SOCR 1-118.

Response to SB 1-4

The comment is noted that the commentor is not in support of the proposed project.

Monterey County Planning Dept
2620 First Avenue
Marina CA 93933

Dear Planning Dept

September Ranch development -

I am worried about the increased demands that this development would make on our limited water supply. I also want to support efforts to protect the native Monterey Pines in their habitat.

It is important to protect this gene pool because of the valuable world-wide forestry industry that depends on the Monterey Pine. I would appreciate any move made by the Planning Dept to limit the number of Monterey Pines on September Ranch that would be cut down as a result of this project.

Sincerely

Linda Agerbak



Linda Agerbak
25 Paso Hondo
Carmel Valley, CA 93924

LA 1-1

LINDA AGERBAK (LA)

Response to LA 1-1

Please refer to the Recirculated Draft REIR and MR-4: Loss of Trees & Mitigation for Tree Removal.

Valenzuela Springs
575 Viejo Road
Carmel, CA 93923

BY ASH 2-9-05

The Board of Supervisors of Monterey County
C/o Ms. Alana Knaster
Chief Assistant Director
Planning and Building Inspection Department
County of Monterey
2620 2nd Avenue
Marina, CA 93933

Feb. 9, 2005

RE: September Ranch DEIR

Dear Members of the Board of Supervisors,

This letter is in response to the September Ranch DEIR.

In 1961 my late husband, Talcott, and I purchased a parcel of land which included Jacks Peak itself with the hope that it might become the core of and a catalyst for a park along Loma Alta Ridge which would at once conserve a large part of our beautiful pine forest, provide a scenic back drop for the Monterey Peninsula and provide a bit of wilderness close to town for recreation and enjoyment. With the help of The Nature Conservancy and the support of the entire community this dream became a reality when, in 1976, Jacks Peak County Park opened for public use.


MBDTB 1-1

I believe the proposed September Ranch development endangers that legacy by threatening the biological and aesthetic integrity of the Park. To mitigate this threat, which is not addressed in the DEIR (see Sec. 4.13.5), I ask that the parcels closest to the Park boundary, parcels 48 through 58 and 90 through 100, be relocated and those lands plus the adjacent open space dedicated to Monterey County for inclusion in the Park or placed in permanent conservation easement as shown on the enclosed map.

Please find enclosed a letter which I sent to the Planning Department in response to the NOP in March 2003 on this same subject.

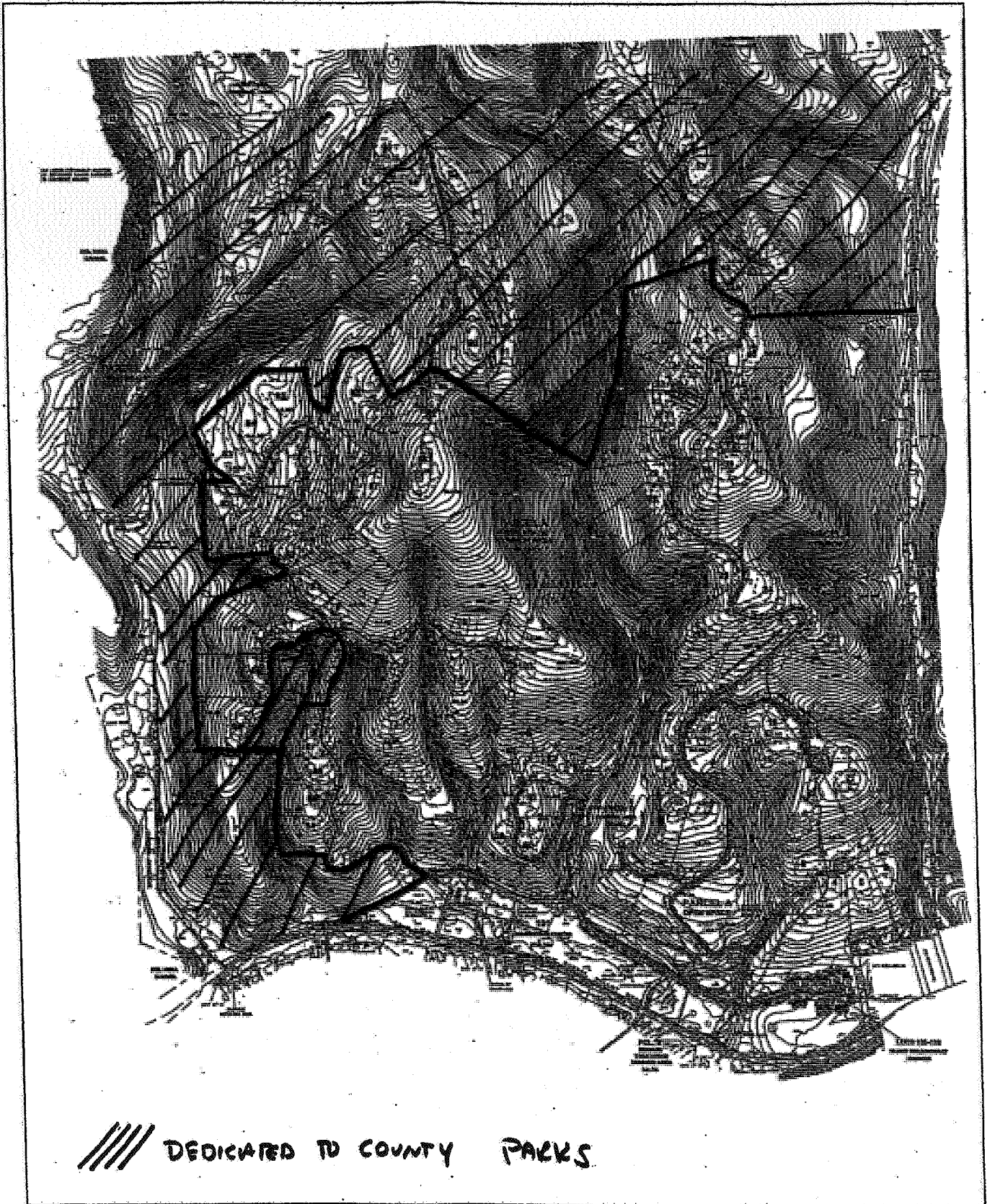
Because the entire Bates family shares my concerns about the threats of the proposed development to the Park, my son, David, joins me in signing this letter.

Sincerely,


Margaret P. (Mrs. Talcott) Bates

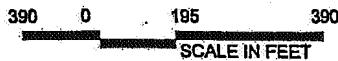

David Talcott Bates

Enclosures: 1. Map of area proposed for dedication to Monterey County for inclusion in Jacks Peak County Park
2. Letter of Ms. Alana Knaster, Planning and Building Inspection Department dated March 6, 2003



//// DEDICATED TO COUNTY PARKS

SOURCE: Whitson Engineers, January 2003.



Michael Brandman Associates

Exhibit 3
Site Plan

*Valenzuela Springs, 575 Viejo Road, Carmel, CA 93923
Telephone and Fax 831-375-4845*

Ms. Alana Knaster
Chief Assistant Director
Planning and Building
Inspection Department
County of Monterey
2620 2nd Avenue
Marina, CA 93933

March 6th, 2003

Dear Ms. Knaster:

This letter is in response to your "NOP" for the September Ranch development proposal.

In 1961 Talcott Bates (Margaret's late husband and David's father) and Margaret purchased a parcel of land, including Jacks Peak itself with a view to its becoming the core of and catalyst for a 2000 acre park along Loma Alta Ridge. Talcott and Margarets' vision was of a park large enough to provide meaningful conservation of the Monterey Pine Forest and its related flora and fauna, to preserve the scenic backdrop for the peninsula cities and Carmel Valley, and to provide recreational opportunities for walkers and hikers in a wilderness environment close to town.

The park began to take form after Talcott and Margaret contributed their Jacks Peak Property to the Nature Conservancy, however Talcott's efforts to involve landowners to the south and east were unsuccessful. The result was a park smaller than he had hoped and without access for Carmel Valley. Subsequent development to the south of the Park, particularly Pacific Meadows and less so Del Mesa Carmel were consistent with Talcott's vision.

We are concerned that the proposed development of September Ranch threatens this vision because of the large numbers of houses planned and the proximity of many of the parcels to the Park's southern boundary. Where there are homes, there are people, dogs, cats, horses and invasive plants all significantly affecting the Park.

Our particular concerns are the impact of the proposed development

on the conservation value of the existing Park, now largely untrammelled wilderness, and on the views from the Park itself. The proposed development along the Park boundary would also be visible from Palo Corona Ranch and, more distantly, from Highway 1.

Because the conservation and scenic impacts would be significant we recommend that the developers mitigate these impacts by eliminating Parcels 48-58 and 90-100 and dedicating to Monterey County Parks, the land currently planned for these parcels plus the adjacent portions of Parcel A as shown on the attached map.

We believe these actions would substantially mitigate the impact of the development on Jacks Peak Park and further the vision Talcott Bates had so many years ago.

Thank you for giving consideration to our concerns.

Sincerely yours,

Margaret P. Bates

Mrs. Talcott Bates

David O. Bates

David Talcott Bates



SOURCE: Whitson Engineers, January 2003.



Michael Brandman Associates

21370002 - 01/2003



Exhibit 3
Site Plan

MARGARET BATES AND DAVID TALCOTT BATES (MBDTB)

Response to MBDTB 1-1

As discussed in Sections 4.9 and 4.11 of the Draft REIR and Recirculated Draft REIR, with mitigation the September Ranch Subdivision project will have less than significant biological resources and aesthetic impacts. Please see MR-20: Aquatic Biological Resources. Additionally, the Recirculated Draft REIR included three additional alternatives, including a 73/22 Inclusionary Housing Alternative that limits the amount of development in the northern portion of the project site adjacent to Jacks Peak Regional Park and Monterra Ranch. None of the alternatives presented in the Draft REIR or the Recirculated Draft REIR have been eliminated from consideration and the Monterey County Board of Supervisors will have the opportunity to weigh the merits of this alternative in relation to the proposed project in its consideration of whether to certify the REIR and approve the project.

Staub Forestry &
Environmental Consulting



RECEIVED

BY ASK DATE 2-28-05

February 28, 2005

County of Monterey
Department of Planning and Building Inspection
Alana S. Knaster, Chief Assistant Director
2620 1st Avenue
Marina, CA 93933

Forester's Comments on September Ranch Draft EIR

As the professional forester who prepared two supplemental forestry reports on the current project, I have reviewed the Draft EIR and suggest the following revisions to improve clarity and technical accuracy.

1. Page 4.9-10 – Revise the last sentence of the 3rd full ¶ to read “For example, Jack’s Peak County Park, located higher than 600’ above sea level, has almost no trees with pitch canker symptoms as of the end of 2004.” Symptoms were finally observed on a handful of trees within Jack’s Peak County Park in 2004.

SF 1-1

2. Page 4.9-23 – Replace “roadway development” with “full project development” at the end of the last full sentence in the bottom ¶ on the page. These tree removal estimates include all tree removal associated with all site development contemplated by the project including home and driveway construction on individual lots. Of this total, roadway development is estimated to remove just over 900 trees.

SF 1-2

3. Page 4.9-24 – Measures to mitigate Biological Resources Impact 2 – Impacts to Monterey pine/coast live oak forest should be clarified by separating measures to permanently dedicate acreage of Monterey pine forest in scenic and conservation easements from measures to replace trees removed by replanting with local native stock.

Mitigation Measure 4.9-2 would include only the requirement to dedicate as permanent open space 3 times the acreage of Monterey pine/coast live oak forest that will be developed. The project’s proposed permanent dedication of forest acreage as open space far exceeds this standard by permanently dedicating approximately 11 times more acreage of pine and oak forest than is being developed.

SF 1-3

Mitigation Measure 4.9-3 would include all items related to individual tree replacement and replanting and should consolidate and clarify measures currently contained in Draft EIR MM

4.9-2 and 4.9-3. The following key items should be listed:

- All oaks and pines 6" or larger removed by the project shall be replaced on a 1:1 basis by planting or transplanting trees in areas of suitable soils as determined by a qualified tree professional.
- All replacement trees shall be of local, native stock. All replacement Monterey pines shall be from on-site native stock.
- The location and species of all required replacement trees planted shall be mapped so they can be monitored for successful establishment over a five year period. The monitoring period shall be extended for individual trees that die or are in poor health and must be replaced.
- Most replacement trees shall be of a small size (cell or one gallon) as studies have shown that small trees more readily adapt to a site and grow larger over the mid- to long-term.
- Require that tree removal of native oaks and pines 6" or larger for future lot construction be subject to County approval and appropriate tree replacement. A tree protection plan detailing tree removal and replacement and protection measures for retained trees shall be required for each lot where trees 6" or larger will be removed. The plan shall be considered a site specific amendment to the Forest Management Plan for the project, which applies to all lots.

SF 1-3
CONT

4. Page 4.9-25 – All EIR measures to protect trees being retained should be listed in Mitigation Measure 4.9-4. This includes the item contained in Draft EIR MM4.9-2 requiring protection of oaks and Monterey pines located outside designated development envelopes. Revise bullet item #1 under draft MM 4.9-4 to read "Minimize impacts to retained trees by individually cutting adjacent removal trees."

SF 1-4

5. Page 4.9-26 – 3rd full sentence at top of page: Replace "...throughout the Monterey pine forest..." with "within sections of the Monterey pine forest..."

- 2nd to last sentence in top of page ¶: Delete "airborne" so sentence reads simply "...beetles can also spread spores of the fungus..."

- Revise Mitigation Measure 4.9-5 on several points:

- First bullet should read: "Minimize removal or severe pruning of trees during periods of peak bark beetle activity, particularly during maximum growth during the spring. Remove or chip trees and debris promptly and in accordance with handling guidelines of the Oak Mortality Task Force and Agricultural Commissioner for oaks and the Pitch Canker Task Force for pines." There is no reason to restrict major tree work solely to winter months, when soil moisture conditions can result in adverse impacts, as long as proper handling procedures are followed and the worst season is avoided.
- 2nd bullet should be deleted. Storm and lightning damaged trees should be retained unless they pose a hazard. On a case by case basis, accessible broken material from damaged trees should be removed or treated to minimize bark beetle brood material.
- 3rd bullet should be revised. As with damaged trees above, recently killed trees and branches should not be removed or chipped unless hazardous and/or are easily accessible and a judged to be pose a significant threat of spreading disease or insect infestation.

SF 1-5

• Revise 4th bullet slightly: “Encourage healthy growth of trees. Susceptibility to beetle attack increases with poor health or damage due to breakage, wounding, or soil compaction.”

SF 1-5
CONT

6. Page 4.9-27 – Mitigation Measure 4.9-6 should be revised. The Forest Management Plan (FMP) for the project prepared by Hugh Smith in 1995 remains applicable and provides a great deal of detail (pages 15 – 17) to guide cutting, filling and other construction and landscaping activity near trees. Standard tree protection measures outlined there could be provided in more of a list form if necessary.

- The language in the first bullet should be revised to reflect that information: “Avoid grading, filling, and all construction activity within the dripline of oak trees wherever possible. Any construction or activity within oak driplines should be reviewed and approved by a qualified forester or arborist with their recommendations for protection as appropriate.”

SF 1-6

- 2nd bullet revision: Any requirement for CCRs to protect oaks might reference the FMP for informational purposes but would be a condition of project approval, not a part of the FMP.

- 2nd bullet revision: The last sentence prohibiting irrigation within an area 1/3 larger than the dripline of oak trees should be deleted for a couple reasons. First, the question of irrigation is already covered as Management Measure L on page 22 of the FMP. Secondly, recent research has indicated that occasional irrigation away from the trunk and within only the feeding zone portion of the root system is not only not harmful, but may in some instances improve tree health.

7. Page 4.9-32 - In the second bullet under Mitigation Measure 4.9-13 the lesser than sign (<) should be replaced by a greater than sign (>) so it is large trees (>24" dbh).

SF 1-7

8. Page 4.9-33 – The **Monitoring Action** at the top of the page could be revised to indicate that biological monitoring reports shall provide information about not disturbing roosting/nesting bats and that steps to avoid removing bat roost trees shall be included in the Forest Management Plan.

SF 1-8

Submitted by:

Stephen R. Staub
Registered Professional Forester
License Number 1911
ISA Certified Arborist #WE-6739A

February 28, 2005

STAUB FORESTRY (SF)

Response to SF 1-1

Please see page 4.9-9 of the Recirculated DREIR.

Response to SF 1-2

Please see page 4.9-24 of the Recirculated DREIR.

Response to SF 1-3

Please see pages 4.9-24 and 4.9-25 of the Recirculated DREIR.

Response to SF 1-4

Please see page 4.9-25 of the Recirculated DREIR.

Response to SF 1-5

Please see page 4.9-26 of the Recirculated DREIR.

Response to SF 1-6

Please see page 4.9-27 of the Recirculated DREIR.

Response to SF 1-7

Please see page 4.9-32 of the Recirculated DREIR.

Response to SF 1-8

Please see page 4.9-33 of the Recirculated DREIR.

MONTEREY COUNTY



DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION	EMERGENCY MEDICAL SERVICES	HEALTH PROMOTION
ANIMAL SERVICES	ENVIRONMENTAL HEALTH	PRIMARY CARE
BEHAVIORAL HEALTH	FAMILY & COMMUNITY HEALTH	PUBLIC GUARDIAN

March 25, 2005

Alana Knaster
 Planning and Building Inspection Department
 2620 1st Avenue
 Marina, CA 93933

RE: **DRAFT REVISED ENVIRONMENTAL IMPACT REPORT FOR THE SEPTEMBER RANCH SUBDIVISION PROJECT - PC-95062**

Dear Alana,

The Monterey County Health Department, Division of Environmental Health, (MCDEH), received the referenced document on February 25, 2005 and has now had the opportunity to review this report. MCDEH will be a responsible agency for the issuance of a water system operating permit if the total number of connections is under 200. The water system permit will be issued pursuant to the Local Primacy Agency Agreement with Department of Health Services, Division of Drinking Water and Environmental Management (CDHS). This document will have to satisfy the CEQA requirements for the issuance of the water system permit. Generally, the California Health and Safety Code permitting requirements and the Monterey County Code, Subdivision ordinance address issues of a feasibility nature that need to be present up front in order to consider an application complete. The discussion of the proposed water system does not meet the requirements of the State water system permitting process or of the Monterey County Code, Title 19. The Draft REIR identifies some of the feasibility issues needed for permit processing, but fails to identify others. The following listing is compiled from the subdivision ordinance and the permit requirements of the California Health and Safety Code.

EH 1-1

I was unable to find any discussion of the type of entity that was going to supply the water to the proposed distribution system. MCC 15.04.040 and MCC 19.03.015 require the following:

EH 1-2

- *Water System Consolidation Letter - To include the identification of all existing public water systems located within one mile and the feasibility of incorporating into the existing system or being owned, operated or managed by a satellite agency.*

The DREIR should discuss options for consolidation or operation by a Public Utility.

- *If the system is to be operated by an existing agency then a Valid "Can and Will Serve" Letter, and Financial Arrangements must be secured. - MCC 19.03.015 This letter should document ability to serve with expiration date in place.*

EH 1-3

Page two
March 25, 2005

- *Additional Technical, Managerial and Financial (TMF) Water System Requirements as Summarized below: — MCC 15.04.040, MCC 19.03.015, Health and Safety Code (H&SC) 116540 Source Water Assessment Program (SWAP) evaluation including a map of potential contaminating activities that could affect the system, i.e. onsite wastewater systems:
Description of type of ownership.
Operator training certification.
How legal, engineering and other professional services will be provided.
Budget projection including revenues, expenditures, and rate structure.
Equipment replacement reserve fund and prioritized plan for capital improvements.*
- *Complete Source Water Quality Analysis and Best Available Treatment technology plan with estimated start-up and operating costs.*

EH 1-3
CONT.

The water quality information of the actual supply wells must be current and complete. The chemical results should be reported for each proposed production well. The state and federal arsenic standard is being revised, (made more stringent) and consequently many existing systems will require treatment. What are the arsenic levels of the proposed supply wells? Will treatment for arsenic be necessary? The report does identify that TDS, Iron and Manganese exceed the Maximum Contaminant Levels. How will the treatment waste products be disposed?

EH 1-4

We offer the following specific comments:

3.4 Intended Uses of the Draft EIR, Responsible Agencies, and Approvals Needed

This section does not list a Use permit for the water system.

This section lists a Use permit for the proposed sewage treatment facilities. If the wastewater is connected to the Carmel Area Wastewater District, (CAWD), which is the preferred alternative, the MCDEH will not require a permit pursuant to MCC 15.23, Sewage Treatment and Reclamation Facilities.

EH 1-5

4.3.4 Project Impact

Page 40. The demand for the project is based on 0.50 AFY for single-family dwellings and 0.231 AFY per unit for multi-family areas. This Draft REIR proposes that pastureland be irrigated with reclaimed water. This section should discuss that second units would not be allowed under this scenario and whether personal vineyards would be allowed. It should also discuss how the pasture irrigation would take place if the preferred alternative of connection to the CAWD is implemented.

EH 1-6

Page 44. The project proposes that wastewater that is not reclaimed onsite to irrigate the pasture would be conveyed to the CAWD and potentially disposed to the lagoons. Does this indicate that there would be a tertiary treatment plant and connection to the CAWD? Or in the event of connection to the CAWD, would the wastewater applied to the pasture be of a lesser quality than tertiary treatment. If so, this should be discussed and potential impacts to groundwater from wastewater identified. Also does the CAWD have approval from the RWQCB for disposal of wastewater to the lagoons?

EH 1-7

Page Three
March 25, 2005

Page 47. This section discusses that project design features are included in the project to ensure that any future pumping wells will be appropriately located. Location to potential sources of contamination such as storm water detention basins and wastewater disposal areas must be evaluated as well. A map showing the existing and proposed wells in relationship to potential waste disposal and storage should be provided.

EH 1-8

4.4.1 Environmental Setting

Page 4.4-5. The discussion of groundwater quality is incomplete. See comments above.

EH 1-9

4.5.2 Project Impacts

Page 4.5-3, 4.5-4 and 4.5-6. Throughout the discussion of wastewater treatment and disposal, the possibility of installing leachfields to dispose of the treated wastewater in lieu of a wet weather storage facility is discussed. MCDEH does not support this proposal. It is also discussed that this would provide recharge as a benefit, but would not be subject to Recharge regulation by the CDHS. I am not aware that CDHS has made this determination or that the impact to groundwater quality from this type of disposal "storage" has been evaluated.

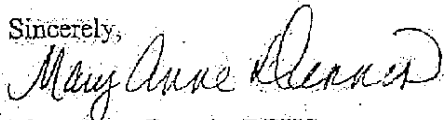
EH 1-10

Page 4.5-7. The report discussed the potential of using recycled water on private and multi-residential properties. The water system purveyor must provide a mechanism for enforcement to prevent potential cross-connections with potable drinking water supplies. A homeowner's association contract alone would not be effective. A complete cross connection control plan will be required prior to operation.

EH 1-11

Thank you for the opportunity to comment on this project.

Sincerely,



Mary Anne Dennis, REHS
Supervising Environmental Health Specialist

C: Betsy Lichti, PE
California Department of Health Services

MONTEREY COUNTY OF ENVIRONMENTAL HEALTH (EH)

Response to EH 1-1

Comment noted. It is noted that EH, County Planning and Building Inspection, Environmental Health, and EIR consultants have coordinated and consulted since receipt of EH's March 25, 2005 letter and EH has represented that its concerns outlined in this letter have been addressed. Please refer to Appendix A and MR-17: Water Demands.

Response to EH 1-2

A private mutual water company is proposed to manage water supply for the proposed project. However, it is noted the type of entity has little if any relevance to significant environmental impacts, and thus generally is considered the type of specific detail that is not required by CEQA. The project description has been revised and this revision is included in Section 6, Errata (see Revisions to page 3-2).

Response to EH 1-2

Please see Response to EH 1-2.

Response to EH 1-3

Please see Response to EH 1-2.

Response to EH 1-4

Please see Responses to EH 1-1 to EH 1-2.

Response to EH 1-5

The proposed project would connect to the CAWD.

Response to EH 1-6

Please refer to MR-17: Water Demands. The proposed project does not include continuing pasture irrigation.

Response to EH 1-7

Please refer to EH 1-7. The proposed project does not rely on the augmentation of lagoon flows with wastewater and that is not an element of the proposed project, although the potential for such augmentation is noted. Please direct further inquiries to CAWD.

Response to EH 1-8

Please refer to MM-4.3-4 (well locations) in Section 6, Errata.

Response to EH 1-9

Please refer to Appendix A.

Response to EH 1-10

The project would connect to CAWD.

Response to EH 1-11

Please see Response EH 1-11.