SECTION 5
RESPONSES TO COMMENTS ON RECIRCULATED DRAFT REIR (FEBRUARY 2006)

5.1 Introduction

In accordance with § 15088 of the California Environmental Quality Act (CEQA) Guidelines, the County of Monterey as the lead agency evaluated the comments received on the Recirculated Draft REIR (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 Recirculated Draft REIR was distributed for a 45-day public review period by the County of Monterey on February 15, 2006. The County used several methods to elicit comments on the Recirculated Draft REIR. Copies of the Recirculated 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 Recirculated 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of the Draft REIR for the September Ranch Subdivision Project SCH No. 1995083033 (December 2004) that have been superseded by the Recirculated Portion of the Draft REIR for the September Ranch Subdivision Project SCH No. 199508033 (February 2006) this section refers to the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."

5.2 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 3, Master Responses. Master Responses are coded as MR-1, MR-2, etc. and numbered consecutively to follow the order of the letters that raise the issue, e.g., MR-1 is first referenced in the Monterey Pine Forest Watch Response (MPFW) all subsequent letters requiring that response are referenced as MR-1.

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

Arnold
Schwarzenegger
Governor

Sean Walsh
Director

Memorandum

Date: February 21, 2006

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 I 2-1

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

MONTEREY COUNTY
Resource Management Agency
PLANNING AND BUILDING INSPECTION DEPARTMENT
168 W. ALISAL ST. 2nd FLOOR, SALINAS, CA 93901
PERMIT CENTER LOCATIONS:
☐ SALINAS OFFICE: 168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901 FAX: (831) 757-9516; PHONE: (831) 755-5025
☐ COASTAL OFFICE: 2620 FIRST AVE., MARINA, CALIFORNIA 93933: FAX: (831) 384-3261; PHONE: (831) 883-7500 (Building only)
http://www.co.monterey.ca.us/pbi/

February 15, 2006

PUBLIC NOTICE - NOTICE OF VAILABILITY

RECIRCULATED PORTION OF THE REVISED DRAFT ENVIRONMENTAL IMPACT REPORT (RDEIR) for the September Ranch Subdivision and Combined Development Permit located in Carmel Valley

- ✓ **County File # PLN95062 & PLN050001**
  - o **(PLN050001 is used by staff for administrative purposes only so revised environmental review documents may be tracked subsequent to the Court's judgment & subsequent Court of Appeal decision).**
- ✓ **State Clearinghouse Number: 1995083033**

NOTICE IS HEREBY GIVEN that the County of Monterey is seeking written comment on the Recirculated Portion of the RDEIR on the September Ranch Subdivision and Combined Development Permit in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088.5 for recirculation of a portion of an EIR prior to certification. This public review period is established for the purpose of receiving written comments on the accuracy and adequacy of the Recirculated Portion of the RDEIR together with other information relative to the issues analyzed in the environmental document and their potential impacts.

NOTICE IS HEREBY FURTHER GIVEN that said comments will be received from February 15, 2006, until 4:30 PM on Friday, March 31, 2006. The Final REIR will include all comments received and responses to those issues which are significant pertaining to the Revised DEIR previously circulated for public review in January 2005 and the Recirculated Portion of the RDEIR currently undergoing public review.

The Recirculated Portion of the RDEIR addresses and analyzes the following issues:
- ✓ Biological Resources
- ✓ Water Supply & Availability
- ✓ Growth Inducement
- ✓ Cumulative effects as they relate to water supply & availability and biological resources (steelhead and red-legged frog)
- ✓ Project Alternatives

Revised Draft Environmental Impact Report required per the decision of the Court of Appeals:
This document was circulated for public review beginning in January 2005. The following is a list of potentially adverse environmental effects that were analyzed in the RDEIR:
- ✓ Land Use and Planning
- ✓ Geology and Soils

Carmel Valley Branch Library
65 West Carmel Valley Road
Carmel Valley, CA

831.659.2377
Open to the Public:
Tuesday & Thursday, 11 AM to 7 PM
Wednesday & Friday, 10 AM to 5 PM
Saturday, 11 AM to 5 PM
Closed Sunday & Monday

(Carmel Valley Branch Library is located 2 miles east of Laureles Grade on the left side of Carmel Valley Road between Ford and Pilot Roads)

- City of Carmel-by-the-Sea
  Harrison Memorial Public Library
  Reference Section
  Ocean Avenue & Lincoln
  Carmel, CA

  831.624.7323 (Reference Section)
  Open to the Public:
  Monday, 1 – 5 PM
  Tuesday & Wednesday, 11 AM - 8 PM
  Thursday & Friday, 11 AM – 6 PM
  Saturday, 1 - 5 PM
  Closed Sunday

- A copy of the entire document and technical appendices are available for review on the County of Monterey Planning & Building Inspection Department Web Site (Home Page).
  Link is: http://www.co.monterey.ca.us/pbi/

- A copy of the Recirculated Portion of the RDEIR and the technical appendices may be purchased at the Planning and Building Inspection Department for $50. The document is also available on CD for $15. Checks should be made payable to the County of Monterey.

Final Action & Public Notice: Public hearings for action on the final EIR and to determine if it is complete and adequate will be held subsequent to this review at a time and place to be specified by public notice including: 1) legal advertisement in a local newspaper of general circulation; 2) posting on site; 3) direct mailing to property owners within 300 feet; and 4) direct mailing to those who have requested notification. The Board of Supervisors is the final decision-making body for action on the environmental documents and the project.

For additional information contact:
Alana Knaster, Interim Director, Monterey County Planning and Building Inspection Department

- 168 W. Alisal St., 2nd Floor
  Salinas, CA 93901
- Phone: 831.755.5322
- E-mail: knastera@co.monterey.ca.us
- Fax: 831.757.9516

Written comments should either be hand-delivered or sent to Ms. Knaster at the above address by 4:30 PM on Friday, March 31, 2006.

Notice of Completion *Supplementary Document M*

Mail to: State Clearinghouse, 1400 Tenth Street Sacramento, 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: 168 West Alisal Street, 2nd Floor
City: Salinas, CA Zip: 93901-2680

Contact Person: Alana Knaster
Phone: (831) 755-5322
County: Monterey

***Project Location**
County: Monterey
Cross Streets: Carmel Valley Road
City/Nearest Community: Carmel Valley
Zip Code: 93923 Total Acres: 891
Assessor's Parcel No. 015-171-010; 015-171-012; 015-361-013; 015-361-014 Twp. Range: Base:
Within 2 Miles: State Hwy #: 1 Waterways: Carmel River
Airports: n.a. Railways: n.a. Schools: Carmel River School

Document Type
CEQA: ☐ NOP ☐ Supplement/Subsequent NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ EIR-Final ☐ EA ☐ Final Document
PROPOSED ☐ Neg. Dec ☐ Other ☐ Draft EIS ☐ Other
☒ Draft EIR (Recirculated-SCH NO. 1995083033) ☐ FONSI

Local Action Type

RECEIVED FEB 15 2006 STATE CLEARINGHOUSE

☐ General Plan Update ☐ Specific Plan ☒ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☒ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Other:

Development Type

☒ Residential: Units 109 Acres 891 ☒ Water Facilities: Type: Mutual Water Supply Company MGD
☐ Office: Sq.ft. ____ Acres ___ Employees ____ ☐ Transportation/FC: Type:
☐ Commercial: Sq.ft. ___ Acres ___ Employees ____ ☐ Mining: Mineral
☐ Industrial: Sq.ft. ____ Acres ___ Employees ____ ☐ Power: Type ___ Watts
☐ Educational ☐ Waste Treatment Type:
☒ 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/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☒ Cumulative Effects
☐ Fiscal ☐ Recreation/Parks ☒ Vegetation ☐ Other: Hazards- Emerg. Access/Egress

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-S; LDR/2.5-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: 2 - 15 - 2006

SCH COMPLIANCE 4 - 3 - 2006

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

AQMD/APCD 20

(Resources: 2 / 18)

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
X Forestry & Fire Prot
X Historic Preservation
X Parks & Rec
___ Reclamation Board
___ Bay Cons & Dev Comm
X DWR
X OES (Emergency Svcs)

Bus Transp Hous
___ Aeronautics
___ CHP
X Caltrans # 5
___ Trans Planning
X Housing & Com Dev
___ Food & Agriculture
___ 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
___ SWRCB: Wtr Quality
___ SWRCB: Wtr Rights
X Reg. WQCB # 3
___ Toxic Sub Ctrl-CTC

Yth/Adlt Corrections
___ Corrections

Independent Comm
___ Energy Commission
X NAHC
___ Public Utilities Comm
X State Lands Comm
___ Tahoe Rgl Plan Agency

___ ___
Conservancy

Other:

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

Memorandum

RECEIVED

Mar 15,
APR 4 - 2006

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Date: March 10, 2006

To: All Reviewing Agencies

From: Scott Morgan, Senior Planner

Re: SCH # 1995083033
September Ranch Subdivision

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 II 2-1

cc: Alana Knaster
Monterey County
Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Notice of Completion *Supplementary Document M*

Mail to: State Clearinghouse, 1400 Tenth Street Sacramento, 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: 168 West Alisal Street, 2nd Floor
City: Salinas, CA Zip: 93901-2680

Contact Person: Alana Knaster
Phone: (831) 755-5322
County: Monterey

Project Location
County: Monterey
Cross Streets: Carmel Valley Road
City/Nearest Community: Carmel Valley
Zip Code: 93923 Total Acres: 891
Assessor's Parcel No. 015-171-010; 015-171-012; 015-361-013; 015-361-014 Twp. Range: Base:
Within 2 Miles: State Hwy #: 1 Waterways: Carmel River
Airports: n.a. Railways: n.a. Schools: Carmel River School

Document Type
CEQA: ☐ NOP ☐ Supplement/Subsequent
☐ Early Cons ☐ EIR-Final
PROPOSED ☐ Neg. Dec ☐ Other
☒ Draft EIR (Recirculated-SCH NO. 1995083033)

NEPA: ☐ NOI Other: ☐ Joint Document
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☐ FONSI

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

RECEIVED FEB 15 2006 STATE CLEARINGHOUSE

Development Type
☒ Residential: Units 109 Acres 891
☐ Office: Sq.ft. Acres Employees
☐ Commercial: Sq.ft. Acres Employees
☐ Industrial: Sq.ft. Acres Employees
☐ Educational
☒ Recreational Equestrian Center
☒ Water Facilities: Type: Mutual Water Supply Company MGD
☐ Transportation/FC: Type:
☐ Mining: Mineral
☐ Power: Type Watts
☐ Waste Treatment Type:
☐ Hazardous Waste: Type ☐ Other:

Project Issues Discussed In Document
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☐ Agricultural Land ☐ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☐ Air Quality ☐ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
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☐ Coastal Zone ☐ Noise ☐ Solid Waste ☒ Growth Inducing
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land Use
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☒ Cumulative Effects
☐ Fiscal ☐ Recreation/Parks ☒ Vegetation ☐ Other: Hazards- Emerg. Access/Egress

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-S; LDR/2.5-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: 2 - 15 - 2006
SCH COMPLIANCE 4 - 3 - 2006

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

AQMD/APCD 20
(Resources: 2 / 18)

Project Sent to the following State Agencies

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

Other

Arnold
Schwarzenegger
Governor

Sean Walsh
Director

Memorandum

Date: March 15, 2006

To: All Reviewing Agencies

From: Scott Morgan, Senior Planner

Re: SCH # 1995083033
September Ranch Subdivision and Combined Development Permit

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information.

OPR III 2-1

cc: Alana Knaster
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

- ✓ Geology and Soils
- ✓ Water Quality
- ✓ Wastewater Treatment and Disposal
- ✓ Transportation and Circulation
- ✓ Air Quality
- ✓ Noise
- ✓ Cultural Resources
- ✓ Aesthetics
- ✓ Population, Housing and Employment
- ✓ Public Services and Utilities

The above list of potentially significant environmental effects does not include those issues addressed in the Recirculated Portion of the RDEIR.

Project Location: The September Ranch development site is located north of Carmel Valley Road across from the Brookdale Drive intersection in Carmel Valley. Assessor's Parcel Numbers for the site are: 015-171-010; 015-171-012; 015-361-013; 015-361-014.

Project Description: The subdivision of 891 acres into 94 market-rate residential lots, 15 lots or units for inclusionary housing; continuation of the existing equestrian facility open to the public on a 20.2 acre lot; and 783 acres 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; waste water treatment system or connection to the Carmel Area Wastewater District, a public system for collection and treatment of wastewater; drainage system; internal road system; tract sales office; and a security gate.

Proposed Site Improvements for the Subdivision: Site improvements would require approximately 100,000 cubic yards of grading, and tree removal. The project would also require a waiver of the County's policy prohibiting development on slopes in excess of 30 percent to allow for construction of internal access roads.

Carmel Valley Master Plan (CVMP) Land Use Designations and Zoning Classifications: The northerly portion of the property is 494 acres and is designated by the CVMP as "Rural Density Residential, 5+ acres/unit." This portion of the property is zoned "RDR/10-D-S" or 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" or Low Density Residential/2.5 acres/unit - Design Control - Site Control).

Available for Public Review at these Locations: Copies of the Recirculated Portion of the RDEIR and the technical appendices referenced in the environmental document are available for public review at the following locations:

- County of Monterey
  Resource Management Agency
  Planning & Building Inspection Department
  Permit Center
  168 W. Alisal, 2nd Floor
  Salinas, CA 93901

  831.755.5025 (Main Office Number)
  Open to the Public:
  Monday through Thursday, 7:30 to 4:30
  Friday, 7:30 – 12:30
  Closed Saturday & Sunday

ERRATA

Recirculated Portion of the Draft Revised Environmental Impact Report for the September Ranch Subdivision Project (State Clearinghouse No. 1995083033, PC 95062), County of Monterey (February 15, 2006).

All additions to the text are in bold/underline and all deletions from the text are stricken.

Section 4.3.3, Exhibit 4.3-4b — Water Supply and Availability

Replace the second Exhibit 4.3-4b (included twice) with the attached Exhibit 4.3-4c.

Note: Correction of compilation error.

Section 4.9.2, page 4.9-35 — Biological Resources

The fourth full sentence has been revised as follows:

> "Where tree removal would occur, ~~replacement~~ **dedication** of lost acreage will be at a 3:1 ratio."

Note: Correction of typographical error. This correction makes the text consistent with the original text at **[Mitigation Measure 4.9-2, page 4.9-24]**.

Section 5, page 5-6 — Cumulative Impacts

The second and third sentences in the third full paragraph have been revised as follows:

> "The project's Forest Management Plan includes mitigation, which requires that lost acreage of Monterey pines and coast live oak be ~~replaced~~ **dedicated** at a ratio of 3 acres for every 1 lost."

Note: See above.

Section 6, page 6-5 — Alternatives To The Proposed Project

The first and second sentences in the fourth full paragraph have been revised as follows:

> "The No Project Alternative would result in fewer land use and planning, geology and soils, ~~water supply and availability~~, hydrology and water quality, wastewater treatment and disposal, transportation and circulation, air quality, noise biological resources, cultural resources, aesthetics, and public services and utility impacts when compared to the September Ranch Subdivision project. However, this alternative would have greater **water supply and availability** and population, housing, and employment impacts."

Note: Correction of typographical error.

Section 6, page 6-18

The first sentence in the third full paragraph has been revised as follows:

> "This alternative would result in a reduction of 22 market rate residential units and ~~an increase of~~ ~~7~~ **15** inclusionary housing units, with an overall decrease of ~~12~~ **22** onsite residential units."

Note: Correction of typographical error.

Section 6, page 6-21

The first sentence in the first full paragraph has been revised as follows:

> "Due to the proposed reduction of ~~15~~ **22** units, the Twenty Percent Alternative would result in a decrease in water demand when compared to the September Ranch Subdivision project."

Note: Correction of typographical error.

Section 6, page 6-22

The last sentence in the second full paragraph has been revised as follows:

> "~~However,~~ Since the Twenty Percent Alternative result in locating ~~more units~~ **the same number of** units in ~~closer~~ proximity to Carmel Valley Road, this alternative is considered to have ~~greater~~ **the same** noise impacts in relation to the September Ranch Subdivision project."

Note: Correction of typographical error.

Section 6, page 6-23

The first and second sentences in the fourth full paragraph have been revised as follows:

> "When compared to the September Ranch Subdivision project, the Twenty Percent Alternative would result in less geology and soils, water supply and availability, hydrology and water quality, wastewater treatment and disposal, transportation and circulation, air quality, ~~noise~~, biological resources, cultural resources, and public services and utility service impacts. Both the Twenty Percent Alternative and the proposed project would have similar land use, **noise,** and aesthetic impacts."

Note: Correction of typographical error.

Appendix C: Hydrogeologic Report

The reference to "Attorney Work Product Privileged and Confidential" in the header portion of the "Project Specific Hydrogeologic Report – September Ranch Project" has been removed.

Note: Correction of typographical error.

5.2.1 State Agencies

OFFICE OF PLANNING AND RESEARCH I (OPR I)

Response to OPR I 2-1

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

OFFICE OF PLANNING AND RESEARCH II (OPR II)

Response to OPR II 2-1

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

OFFICE OF PLANNING AND RESEARCH III (OPR III)

Response to OPR III 2-1

Comment is noted. No specific comments on the Recirculated 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 23, 2006

MON-001-72.92
SCH# 1995083033

Alana Knaster
Monterey County Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

copy

Dear Ms. Knaster:

COMMENTS TO SEPTEMBER RANCH SUBDIVISION RECIRCULATED REVISED ENVIRONMENTAL IMPACT REPORT

The California Department of Transportation, 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. Attached is our correspondence dated February 1, 2005, regarding this development.

2. It appears that our comments regarding the mitigation for traffic/transportation impacts were not included in the latest version of the EIR. In short, while we generally concur with the study findings, we feel that the mitigation measures matrix table should specify the approximate mitigation dollar amount, and clarify that the fees are imposed from the Carmel Valley Master Plan Traffic Impact Fee Program. Currently, measure 4.6-3 implies that fees are negotiable as determined by the County.

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: Jim McKrell (D5)
Ron Lundquist (Monterey Co DPW)

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 2-1

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 2-2

   - $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 2-1

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

Response to DOT 2-2

Mitigation measure 4.6-3 on page 2-11 and page 4.6-18 of the Draft REIR has been revised to read as follows:

Contribute fair share fees, as outlined in the Carmel Valley Master Plan Traffic Mitigation Fee Ordinance Fee Schedule. Fees would be required for the following improvements:

- Signalizing the Carmel Valley Road/Dorris Drive intersection;
- Signalizing the Carmel Valley Road/Laureles Grade intersection; and
- Signalizing the Rio Road/Carmel Ranch Boulevard intersection.

As of June 30, 2004, the fee per market rate home was $18,992 per unit.

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

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

March 23, 2006

Alana Knaster, Interim Director
County of Monterey
Planning and Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Dear Ms. Knaster:

The California Department of Forestry and Fire Protection (CDF) has reviewed the September Ranch Subdivision (State Clearinghouse #1995083033). The Department has the following comments/concerns as noted below:

1. Zoning – The project involves the conversion of timberland to a non-timberland use – subdivision development. If the Monterey County Board of Supervisors will be approving a tentative subdivision map pursuant to the Subdivision Map Act [commencing with Government Code § 66410], an Exemption from Timberland Conversion for Subdivision (RM-91) is required. In addition, other permits are required [14 CCR § 1104.1(a), (b)]. In approving the subdivision, the County of Monterey must comply with CEQA and file a Notice of Determination with the Office of Planning and Research or with the County Clerk [PRC § § 21108, 21152]. A Timber Harvesting Plan will be required to be submitted concurrently with the Timberland Conversion Permit. DFFP 2-1

2. Forest Diseases - Monterey County is in the Zone of Infestation for the fungal diseases of pine pitch canker [*Fusarium circinatum*] and Sudden Oak Death [*Phytophthora ramorum*]. Assure disease control prevention measures are implemented during the construction phase of this project (see attachments). DFFP 2-2

3. Water Quality and Soils – A Certified Professional in Erosion and Sediment Control (CPESC) is recommended for preparation of a Soil Erosion Control Plan and Equestrian Center Management Plan to assure water quality and soil resources are adequately protected. DFFP 2-3

4. Air Quality – The statement "Replant vegetation in disturbed areas as quickly as possible" is not enforceable (page 2-11). Specify who will be in charge of the planting, what species will be planted (native seed/plants), and in what period following disturbance planting will occur (i.e., within 10 days). DFFP 2-4

5. Registered Professional Forester (RPF) – an RPF is required for the practice of forestry in California (see pages 2-14, 2-16) as opposed to an arborist or horticulturist. DFFP 2-5

6. Asymptomatic Trees (page 2-15) – Define what diseases this refers to, and for what species. DFFP 2-6

7. Typographical Error – page 4.9-4: "bit" should be "not". DFFP 2-7

8. Disturbance of Oak Trees and Sage – Assure compliance with 14 CCR § 4291 for home sites (page 2-17). DFFP 2-8

9. Fire Services – Justify the conclusion that there will be no increased demand for fire services (page 2-22). Fire Department personnel and equipment respond to medical aids, traffic collisions, and natural disasters, as well as fires. Consider the need for increased fire services in light of the following:

    a. The impact of an additional 109 residential lot developments in the area and the increased potential for fire starts from these lots/residences. DFFP 2-9
    b. The influx of 350 people in light of PRC § 4291 fire safe requirements and the increased fire service demand to medical aids, vehicle accidents and fires.
    c. Impacts to adjacent Jacks Peak Regional Park and the increased risk of wildfire which increases the need for fire services.

If you need any further information, please contact Jan Bray at the San Benito-Monterey Unit Headquarters, phone number (831) 333-2606.

Sincerely,

George Haines
Unit Chief

By

Jan Bray
VMP Coordinator/Unit Forest

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (DFFP)

Response to DFFP 2-1

It is noted that the project will involve the conversion of timberland to non-timberland use and will require an Exemption from Timberland Conversion for Subdivision (RM-91) and that a Timber Harvesting Plan (THP) is required to be submitted concurrently with the Timberland Conversion Permit. Please note that in the Recirculated Draft REIR, mitigation measures have been incorporated into the proposed project to limit tree removal. As noted in Mitigation Measures 4.9-2 through 4.9-6, performance standards, including but not limited to, the dedication of open space, tree replacement and the protection of trees being retained have been identified that reduce impacts to less than significant.

The THP is the environmental review documents submitted by landowners to California Department of Forestry outlining what timber he or she wants to harvest, how it will be harvested, and the steps that will be taken to prevent damage to the environment. THPs are prepared by registered professional foresters who are licensed to prepare these comprehensive, detailed plans. The THPs must meet all requirements of the California State Forest Practices Act, which is administered by the California Department of Forestry and Fire Protection. These plans include sale layout, marking and cruising, road location and design, logging system planning, erosion control, archeology, and plant and wildlife habitat mitigation. These plans require a cumulative impact report on the entire watershed where the timber harvest plan is located.

Response to DFFP 2-2

Please see Response to Comment on the Recirculated Draft REIR MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to DFFP 2-3

As discussed in Section 4.4 of the Draft REIR, the project applicant will be required to submit for review and approval to the Monterey County Public Works Department and the Monterey County Water Resources Agency evidence of a General Construction Activity Storm Water Permit, which will require adherence to the County National Pollution Discharge and Elimination System Permit and a Storm Water Pollution Prevention Plan and a drainage plan prepared by a qualified professional.

Response to DFFP 2-4

Mitigation Measure 4.7-1 provides a list of typical Best Available Control Measures (BACMs) (See page 8-2 of the Monterey Bay Unified Air Pollution Control District CEQA Air Quality Guidelines); the monitoring action for Mitigation Measure 4.7-1 requires the preparation of a grading plan, subject to the review and approval of the Monterey County Planning and Building Inspection Department, which will incorporate the BACMs. The grading plan will specify who will be in charge of planting, the types of plantings, and the time in which planting shall occur.

Response to DFFP 2-5

The comment is note, the tree replacement plan identified in Mitigation Measure 4.9-3 on page 2-14 and 4.9-24 of the Recirculated Draft REIR will be prepared by a registered professional forester. Additionally, the last bullet point of Mitigation Measure 4.9-4 on page 2-16 and 4.9-25 is revised to read as follows:

- Require protection of oak and Monterey pine trees located outside the designated development envelopes unless proved to be diseased or unhealthy as determined by a registered professional forester.

These revisions are included in this document, see Section 6, Errata.

Response to DFFP 2-6

Based on additional information regarding pitch canker and an asymptomatic cone bearing parent and the disease resistance of its progeny, the following will be removed from the first sentence on Page 4.9-24, Mitigation Measure 4.9-3 last section:

… collected from asymptomatic trees, …

This revision is included in this document; see Section 6, Errata.

Response to DFFP 2-7

Comment noted.

Response to DFFP 2-8

As required, the project will be in compliance with Title 14 of the California Code of Regulations Section 4291.

Response to DFFP 2-9

As identified in the Draft REIR (see page 4.13-2), Michael Brandman Associates consulted with the Carmel Valley Fire Protection District. The project applicant will be required to pay annexation fees, which will assist in funding projects identified in the Capital Improvement Plan for the Mid-Valley Fire Station. Payment of these fees, as required, reduces the project's fire service impacts to less than significant.

As identified on page 4.13-1, project design will be in accordance with national standards and California ordinances regarding roofing materials, defensible space, and the distance of ornamental vegetation from buildings.

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 94599
(707) 944-5500

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.

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

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

Codes:

FT	Federally listed as Threatened
FE	Federally listed as Endangered
CNPS 1B	California Native Plant Society - List 1B
SR	State listed as Rare
SE	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.

CDFG 1-4 CONT.

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 1-5

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

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 DREIR 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

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

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

CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

Response to CDFG 2-1

Surveys for 23 special status plants have been conducted over the site. However, the building envelopes, approximately 0.33 acres of each 5-acre site, will be limited to comply with the Monterey County regulations and will require County approval prior to issuance of individual building permits. In addition, only 4 species were observed on site, Pacific Grove clover, small-leaved lomatium, California adder's tongue, and Michael's piperia. Only the Pacific Grove clover, which occurs in closed cone coniferous forest and Valley and foothill grasslands, is California rare. A total of 866.77 acres will be open space in which suitable habitat occurs for special-status plants.

Response to CDFG 2-2

The comments are noted that Yadon's piperia is federally endangered and that the Pacific Grove clover is State rare. On page 4.9-10, the first paragraph under Federal and State Threatened and Endangered Species is revised as follows:

> It was initially determined that eight special status plant species had the potential to occur on the site, including CNPS List 1B Monterey pine, CNPS List 1B Hickman's onion (*Allium hickmani*), CNPS List 4 Gairdners yampah (*Perideridia gairdnen*), federally endangered and CNPS List 1B Yadon's piperia (*Piperia yadoni*), CNPS List 1B Santa Cruz clover (*Trifolium buckwestorium*), California rare and CNPS List 1B Pacific Grove clover (*Trifolium polydon*), CNPS List 4 small-leaved lomatium (*Lomatium parvifolium*), and the CNPS List 4 California adder's tongue (*Ophioglossum californicum*) (Denise Duffy and Associates 1998). Another federally-listed species addressed in this Draft REIR is the Monterey spineflower (*Chorizanthe pungens* var. *pungens*), a federally threatened and CNPS list 1B. Please refer to Appendix A of Appendix H of this REIR for a list of special status plant species and their survey dates.

The revision is referenced in Section 6, Errata.

Response to CDFG 2-3

The comment is noted. Project implementation will occur in accordance with Carmel Valley Master Plan Policy 11.1.1.2, as required, which will in part require that the County Planning Department maintain records of the locations of all rare or endangered plant species, such as the CNPS List 1B Pacific Grove clover and that the location shall be noted on resource maps. In addition, as identified in Mitigation Measure 4.9-11, the applicant is required to identify the population of Pacific Grove clover and the roadway realignment on the tentative map. As identified in Mitigation Measure 4.9-10, the applicant is required to consult with CDFG in regard to any special status plant species that may potentially be affected by the proposed project. At such time, CDFG may review the roadway realignment in regards to hydrology concerns.

Response to CDFG 2-4

Please refer to Response to ZA 2-5.

Response to CDFG 2-5

The comment is noted. The second bullet point of Mitigation Measure 4.9-12 has been revised as follows:

- The CDFG Central Coast Regional office does allow grading/or tree removal to occur if nesting birds are observed onsite, providing that a 500-foot buffer zone is created around the observed nest. Because nests may occur in the middle of the grading area, this method is not advised.

This revision is included in Section 6, Errata of this document.

Response to CDFG 2-6

The proposed project does not include the removal of Lots 30-58 as a block as this is not necessary to mitigate impacts to the forest or forest habitat, please see MR-4 (Loss of Trees and Mitigation for Tree Removal), MR-5 (Monterey Pine Forest Biological Sensitivity), MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility); however, as identified the Recirculated DREIR Section 6.0 alternatives are evaluated that remove some lots in order to reduce impacts to trees.

Response to CDFG 2-7

As stated on page 4.9-11 of the Recirculated Draft REIR, "…during the focused surveys conducted in April 2005 a small colony of unidentifiable species of piperia was observed onsite, a later survey in May 2005 determined that the species was Michael's piperia and not Yadon's piperia."

Response to CDFG 2-8

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications; MR-2: Adequacy of Mitigation Measures; MR-4: Loss of Trees and Mitigation for Tree Removal.

Response to CDFG 2-9

The comment is noted that the Recirculated Draft REIR contained some addition analysis of potential direct and cumulative impacts to the red-legged frog and other species of concern from the result of the project's water use and the potential effects on aquatic habitats of the Carmel River and Carmel River watershed. No specific comments/questions on the Recirculated Draft REIR were made and no further response is required.

Response to CDFG 2-10

As noted in the Recirculated DREIR, water will be pumped throughout the year. Section 4.9 of the Recirculated DREIR refers in part to monthly impacts on the Carmel River; in terms of annual impacts, the Recirculated DREIR conservatively evaluates a maximum potential impact of a 1:1 reduction in the CVA and Carmel River of 57.21 AFY. Please see MR-18: Hydrology and Water

Availability. This is considered an unlikely scenario, but even at that maximum potential impact, the physical change to Carmel River flow does not affect the essential functions of steelhead in the Carmel River. Please see MR-20 (Aquatic Biological Resources).

Response to CDFG 2-11

The Recirculated Draft REIR Table 4.3-9 values translate to 0.01 to 0.05 %, not 0.13%. The 1,000 AF "yield" of the Carmel River is of limited relevance to the analysis in the Recirculated Draft REIR, as the Recirculated Draft REIR relies on actual gauge readings in the Carmel River to identify flows, rather than assuming a third party number based on unknown assumptions. Again, CEQA prefers actual data to interpreted numbers where available and feasible, and the Recirculated DREIR has attempted to so provide. The Recirculated Draft REIR, Section 4.9 presents the opinion of expert hydrologists and biologists, including Entrix, Inc., that a reduction in River flow of 0.034 cfs would be less than significant because it would not affect the essential functions of steelhead in the potentially affected area of the Carmel River, including the lagoon. See MR-20 (Aquatic Biological Resources). It is noted that DFG supports CAWD receipt of project wastewater with the potential for wastewater flows to augment flows in the lagoon, which is anticipated to occur.

Response to CDFG 2-12

The Recirculated Draft REIR, Section 5.0 provides a quantitative analysis of potential cumulative impacts to Carmel River resources. The Carmel River is not legally declared over-drafted in a manner that precludes the type of water use proposed by the project. Please see MR-19: Significance Thresholds for Water Supply & Availability. Based on the quantitative analysis in Sections 5 of the Recirculated Draft REIR, the Recirculated Draft REIR concludes that cumulative impacts would be less than significant.

Response to CDFG 2-13

The Recirculated Draft REIR, Section 4.9 quantifies maximum potential maximum impact to Carmel River flow as .034 cfs on a monthly basis. In light of this conclusion it is neither feasible nor helpful to further calculate reductions on the degree, date, and (finer scale) rate on the dry back of the River's wetted front. The Recirculated Draft REIR, page 4.3-48 second paragraph states that reduction of flows would likely occur in the summer months and during those months the baseline condition is that the River has no flows under existing pre-project conditions. The Recirculated Draft REIR, page 4.3-48, paragraph four states that, since there are no flows in the River, reduction cannot be quantified by comparison with the USGS gauge readings.

Response to CDFG 2-14

Please refer to Response to SOCR 1-69.

Response to CDFG 2-15

Measures are proposed that would limit project water use to a maximum cap at 57.21 AFY evaluated in the Recirculated Draft REIR. Please see MR-17: Water Demands.

Response to CDFG 2-16

Please see Responses to CDFG 2-1 to 2-15 and MR-19: Significance Thresholds for Water Supply and Availability, and MR-10: Aquatic Biological Resources. As noted in the Recirculated Draft REIR, it is anticipated that wastewater generated by the project would be used where feasible to augment inflow to the Carmel Lagoon. Please see Response to CAWD 2-1.

Response to CDFG 2-17

Section 4.9 of the Recirculated Draft REIR and the Final EIR incorporate several of CDFG's suggestions, as noted above. Please see Responses to CDFG 2-1 to 2-15.

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 • 831/647-9411 • FAX 831/647-8501

March 28, 2006

Ms. Alana Knaster, Interim Director
Monterey County Planning and Bldg. Inspection
168 West Alisal Street
Second Floor
Salinas, CA 93901

SUBJECT: RECIRCULATED PORTION OF DRAFT REVISED EIR FOR SEPTEMBER RANCH

Dear Ms. Knaster:

The District has no comments on the Recirculated Portion of the Draft Revised EIR. Thank you for sending the document for our review. MBUAPCD 2-1

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

5.2.2 Regional Agencies

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (MBUAPCD)

Response to MBUAPCD 2-1

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

AMBAG
ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

April 4, 2006

Ms. Alanna Knaster
Monterey County
Planning & Building Inspection
168 West Alisal, Ste. 2nd Floor
Salinas, CA 93901

Re: MCH# - 20060303 - Revised Environmental Impact Report for September Ranch Subdivision

Dear Ms. Knaster:

AMBAG's Regional Clearinghouse circulated a summary of notice of your environmental document to our member agencies and interested parties for review and comment.

AMBAG 2-1

The AMBAG Board of Directors considered the project on **April 1, 2006** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,

Nicolas Papadakis
Executive Director

SERVING OUR REGIONAL COMMUNITY SINCE 1968
445 RESERVATION ROAD, SUITE G ✦ P. O. BOX 809 ✦ MARINA, CA 93933-0809
(831) 883-3750 ✦ FAX (831) 883-3755 ✦ www.ambag.org

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)

Response to AMBAG 2-1

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

Knaster, Alana x5322

From: Tim Jensen [tjensen@mprpd.org]
Sent: Monday, April 03, 2006 10:38 AM
To: Knaster, Alana x5322
Cc: Joe Donofrio (GM)
Subject: DREIR September Ranch

Good Morning Alana:

The Park District has reviewed the DREIR and was unable to determine whether or not its previous concerns over public viewshed were addressed. I have attached the previous correspondence on this issue. The Park District remains concerned over this issue and would appreciate a reply from the County as to where and how it is addressed in the DREIR. The Park District was told by the project representative that there would be very limited and negligible view impacts, but The Park District would prefer to see the issue addressed and discussed in the DREIR. Thank you.

MPRPD 2-1

Tim Jensen
Special Projects & Planning Manager
Monterey Peninsula Regional Park District
60 Garden Court, Suite 325
Monterey, California 93940
Desk: 831-372-3196 x2
Facs: 831-372-3197
Web: www.mprpd.org

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

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.

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.

   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.

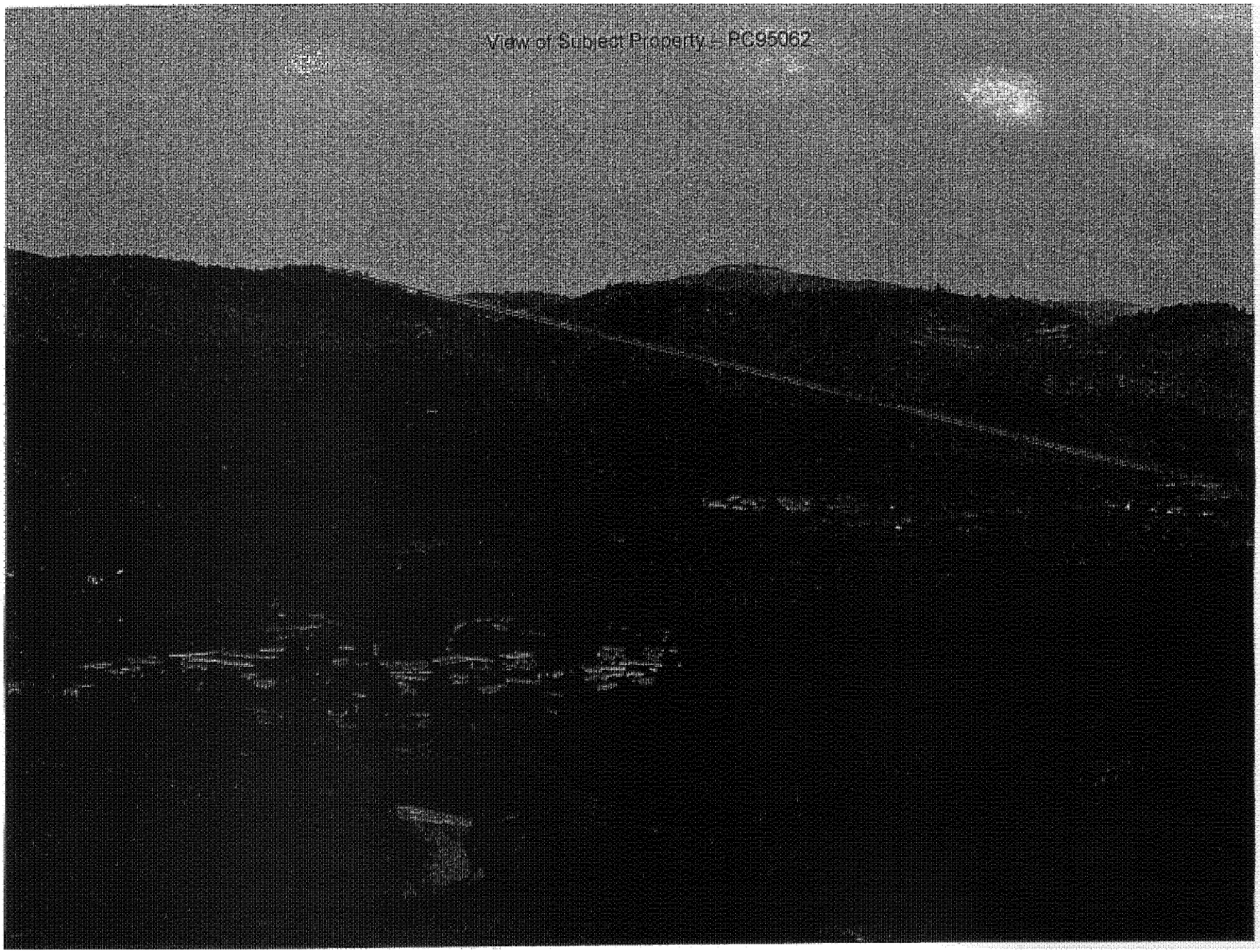
A reduced density project will serve the community by better conforming to the character, rural land use, and parkland viewshed uniqueness of the area.

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 PARK DISTRICT (MPRPD)

Response to MPRPD 2-1

Please refer to Response to MPRPD 1-1 through MPRPD 1-4.

Carmel Area Wastewater District

P.O. Box 221428 Carmel California 93922 ❖ (831) 624-1248 ❖ FAX (831) 624-0811

Ray von Dohren
General Manager

Mark S. Scheiter
Superintendent

Robert R. Wellington
Legal Counsel

March 28, 2006

Ms. Alana Knaster
Interim Director
Monterey County Planning and Building Dept.
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Comments and Clarifications to DEIR for September Ranch

Dear Ms. Knaster:

We have reviewed the draft environmental impact report for the subject project and have the following comments and clarifications:

1. The Carmel Area Wastewater District operates a secondary treatment facility with a design capacity of 3.0 mgd. In addition, we operate a tertiary facility at the same site as the secondary facilities with a capacity of 1.8 mgd. Wastewater effluent, when it is not being supplied to the tertiary facilities, is discharged via an ocean outfall. Water from the tertiary facilities is used primarily for golf course irrigation. Two months ago, a storage reservoir went on line for the recycled water, which should increase usage by approximately 150 acre feet per year, bringing total annual golf course usage to approximately 830 acre feet. Moreover, the District will continue to provide tertiary water to the Carmel River riparian habitat. This water positively impacts the water quality and quantity of water in Carmel Lagoon. We have been providing water in this way for the past two years and believe, as have representatives from the California Department of Fish and Game, the California Department of Parks and Recreation, the Carmel Steelhead Association and the National Marine Fisheries Service of NOAA, there has been a substantial positive impact to the Lagoon environment from this water. CAWD 2-1

Ms. Alana Knaster
Interim Director
Monterey County Planning and Building Dept.

March 28, 2006

The more wastewater influent available for these uses the better, since demand for water is normally high. At present, the District recycles approximately 45% of its wastewater flow. Construction of the District's microfiltration - reverse osmosis facilities will begin in June. By the Fall of 2007, another 150 acre feet of recycled water will be used for golf course irrigation, bringing the total annual usage for all components to over 1000 acre feet. The District will be recycling more than 50% of the total influent flow and more demand is expected. CAWD 2-1

2. Nitrates in an enclosed restricted groundwater basin are always a problem when the basin is under a populated area with a relatively high concentration of septic tanks. The situation is exacerbated if the basin also serves as a water supply. Any wastewater system that returns treated wastewater to the basin without removing nitrogen will make that situation worse. CAWD 2-2

3. Individual package plants, when regional facilities are available, have a net negative impact on energy usage, hazardous chemicals and will normally cost substantially more, both in capital costs and operation and maintenance, than if service is provided by the regional system. CAWD 2-3

4. On February 7, 2005 the District submitted comments on the DEIR for September Ranch. We stated that wastewater capacity of the project is available. This continues to be true. We can serve September Ranch and certainly would be happy to provide that service. CAWD 2-3

If you have any questions, please give me a call.

Very truly yours,

CARMEL AREA WASTEWATER DISTRICT

Ray von Dohren

RvD/faw

Ray von Dohren
General Manager

CARMEL AREA WASTEWATER DISTRICT (CAWD)

Response to CAWD 2-1

The comment is noted and it is acknowledged that the CAWD had been providing tertiary water to the Carmel River riparian habitat, positively impacting the water quality and quantity in the Carmel Lagoon. As noted by CAWD, more wastewater influent available for these uses is beneficial. The proposed project will be connecting to the CAWD and therefore, providing the CAWD with an additional supply of wastewater to be tertiary treated and returned to the Carmel River.

Response to CAWD 2-2

The proposed project does not include a wastewater system that returns treated wastewater to the basin without removing nitrates.

Response to CAWD 2-3

The proposed project will connect with the CAWD and will not include an individual package plant.

Response to CAWD 2-4

Please refer to Response to CAWD 1-1.

MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
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April 3, 2006

Alana Knaster, Interim Director
Monterey County Planning and Building Inspection Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Subject: Comments on Recirculated Portion of the Revised Draft Environmental Impact Report for September Ranch Subdivision Project – Part 1

Dear Ms. Knaster:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on the Recirculated Portion of the Revised Draft Environmental Impact Report (RDEIR) for the September Ranch Subdivision Project, which was prepared for Monterey County by Michael Brandman Associates and is dated February 2006. 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, the Draft EIR on December 15, 1997, the NOP for the RDEIR on March 21, 2003, and the RDEIR on March 18, 2005 (**Enclosure**). These previous comments are provided here for reference purposes. Our comments on the Recirculated Portion of the RDEIR for the September Ranch Subdivision Project are provided below. Please note that, because of the complexity of the hydrogeologic analyses, our comments are being provided in two parts. Part 1, which follows, focuses on the accuracy of the projected water demand for the proposed project. Part 2, which will be provided by Wednesday, April 5, focuses on the yield analysis and potential impacts on the Carmel River system and dependent resources. I apologize for the delay in getting Part 2 to you.

Projected Water Demand

Page 4.3-1 and page 24 of Appendix C: The applicant has estimated water demand for the September Ranch project at 57.21 AFY. The factors used to obtain this estimate include 0.5 AFY for single-family residences, 0.231 AFY for the inclusionary housing, 3 AFY for the equestrian center, and 3.74 AFY for system losses. The equestrian center and the existing single-family residence's water use are considered the "baseline" use for purposes of estimating increased demand. The water factor for single-family residences (0.5 AFY) would provide enough water for a single family home with minimal landscaping and with no swimming pool. District (and County) law requires installation of low water use plumbing and incentives are provided to install ultra-low water

MPWMD2A 2-1

consumption appliances to further reduce potential consumption. The factor for the inclusionary housing supplies enough water for a basic 2.5 bathroom home. Additional water for landscaping and irrigation is not included in the factors. Factors are based on estimated demand and are not verified by actual water use as Cal-Am does not allow access to individual consumption records. MPWMD2A 2-1

The District believes that water needs for the September Ranch project have been underestimated. Based on water permits issued in newer subdivisions within the District over the past four years (i.e. Pasadera, Monterra, Quail Meadows, etc.), staff has seen greater water demand projections than were used in the original September Ranch water needs estimates for similarly sized lots. The September Ranch water demand estimates appear not to take into consideration water needs for swimming pools or auxiliary units and inadequately address landscape water needs. Importantly, landscape water needs should be reconsidered in light of a 2004 ordinance adopted by the District that requires landscape irrigation plans and a water budget for every parcel that is greater than 10,000 square-feet in size. Again, "typical" landscape water needs in the newer subdivisions of Pasadera, Monterra and Quail Meadows tend to exceed the interior water use projection by two to three or more times. Landscape budgets in these areas are ranging from approximately 0.5 AFY to 1.5 AFY and are based on actual landscape plans specific to the project site. Without adequate restrictions on the size and types of uses and/or landscape limitations, final water demand will likely exceed the factor that was used by the consultant, in some cases by more than two times the 0.5 acre-foot estimate. MPWMD2A 2-2

The District also questions the estimated water needs for the equestrian center, common areas and other non-residential uses (i.e., the sales office, site security, etc.). The Recirculated Portion of RDEIR states that the existing horse boarding facility will remain. However, there is no breakdown of the water uses at the equestrian center, other than the estimated 45 gallons per horse per day. It appears that this factor does not take into consideration irrigation needs of the pasture land. The baseline use figure may be 2.5 AFY for the equestrian center, however recent water use, including pasture irrigation, has been considerably higher. If the existing facility continues operation at its current level, it stands to reason that more than 2.5 AFY will be required. MPWMD2A 2-3

Finally, the estimated system loss is just under seven percent (7%) of the estimated consumption for the project. While a new system may achieve this desirable level of system losses, it may not be achievable over time. This has been evident in the system losses associated with other "newer" Monterey Peninsula water systems, such as Ryan Ranch and Hidden Hills, where system losses for Water Year 2005 were reported as 11.8% and 14.8%, respectively. MPWMD2A 2-4

In conclusion, the factor used for the single-family homes (including landscaping) is low based on the District's experience with landscape water budgets. The water use for the equestrian center may be low if the existing operation is continued. Without sufficient restrictions on the size and types of uses and/or landscape limitations, final water demand will likely exceed the estimated demand. The County should add conditions to ensure that water use is maintained within the projected water demand if the project is approved. Conditions could be coordinated with the District to allow enforcement by either party and to allow review of actual consumption over time. MPWMD2A 2-5

Thank you for the opportunity to review the Recirculated Portion of the RDEIR 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.

Sincerely,

David A. Berger
General Manager

Enclosure

cc: Henrietta Stern MPWMD Project Manager
Joe Oliver MPWMD Water Resources Manager

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD2A)

Response to MPWMD2A 2-1

Please see MR-17: Water Demands.

Response to MPWMD2A 2-2

Please see Response to MPWMD2A 2-1.

Response to MPWMD2A 2-3

Please see Recirculated Draft REIR, page 4.3-11 and Response to MPWMD2A 2-1. The project does not propose continuing irrigation of pasture land.

Response to MPWMD2A 2-4

Please see Response to MPWMD2A 2-1. System losses of 7% are acceptable to County Environmental Health in light of past experience; the water cap will prevent use in excess of 57.21 AFY.

Response to MPWMD2A 2-5

Please see Response to MPWMD2A 2-1. In response to MPWMD's recommendations, the County is proposing measures and conditions to control/enforce water use at or under 57.21 AFY.

MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

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April 7, 2006

Alana Knaster, Interim Director
Monterey County Planning and Building Inspection Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Subject: **Comments on Recirculated Portion of the Revised Draft Environmental Impact Report for September Ranch Subdivision Project – Part 2**

Dear Ms. Knaster:

Following is Part 2 of the comments by the Monterey Peninsula Water Management District (MPWMD or District) on the Recirculated Portion of the Revised Draft Environmental Impact Report (RDEIR) for the September Ranch Subdivision Project, which was prepared for Monterey County by Michael Brandman Associates and is dated February 2006. The District's Part 1 comments were provided in a letter dated April 3, 2006, and focused on the projected water demand for the project. The Part 2 comments center on the proposed water supply and potential impacts to the Carmel River system, which includes surface water in the Carmel River and groundwater in the underlying alluvial aquifer. Specifically, the Part 2 comments focus on the physical impacts of operation of the project on subunit three (AQ3) of the Carmel Valley Aquifer (CVA).

Proposed Water Supply

Page 4.3-14, third paragraph: The reference to Water Year 1998 as a "below average period" is incorrect and should be corrected. As indicated in our March 18, 2005 comments of the DREIR (page 3), 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. In addition, simulated unimpaired runoff at the San Clemente Dam site in WY 1998 was approximately 226,900 acre-feet (AF), again clearly above the long-term average of 69,100 AF. Based on this simulated unimpaired runoff, WY 1998 was classified as an "Extremely Wet" year. The District's classification of Water Years 1902 through 2005, based on simulated unimpaired flow at the San Clemente Dam site, is enclosed for your records and review (**Enclosure 1**). Also enclosed for your records is the *Carmel River Basin Runoff Index* that was used to classify the individual years, based on selected exceedence frequencies (**Enclosure 2**). MPWMD2B 2-1

Exhibit 4.3-3: This map is helpful in that it shows the mapped extent of the AQ3 in relation to the September Ranch site area and watershed boundary. It would be useful to show the location of the existing main production well for September Ranch, i.e., SR1, and planned future production wells on Exhibit 4.3-3 relative to AQ3. Based on State Water Resources Control Board (SWRCB) Order No. WR 95-10, groundwater with the mapped extent of AQ3 is subject to SWRCB's water right permitting authority. MPWMD2B 2-2

Exhibits 4.3-4a, 4.3-5, 4.3-6, 4.3-7: These maps should show the full mapped extent of AQ3. As shown, the extent of the September Ranch Groundwater Basin (Exhibit 4.3-4a) and September Ranch Aquifer boundary (Exhibit 4.3-5, 4.3-6, and 4.3-7) includes a portion of the mapped area for AQ3. On page 4.3-47, this portion of the CVA is described as occupying about 35% of the total SRA aquifer. As depicted, these exhibits misrepresent the areal extent of the SRA and suggest that the M-M' cross section is the boundary between SRA and CVA. Also, the basis for including intermediate groundwater contour lines to the nearest 0.1 of a foot in the western half of the SRA should be provided. Normally, these 0.1-foot contours lines would be a lighter "weight" to distinguish them from the 1.0-foot contour lines. MPWMD2B 2-3

Page 4.3-33, sixth paragraph: As discussed above and in our March 18, 2005 comments, the period "1997 (October through December) and 1998 (January through September)", i.e., WY 1998, should not be used to "represent" average rainfall years. MPWMD2B 2-4

Page 4.3-34, first paragraph: The logic that, because WY 1999 received "markedly below average surface recharge", water levels recorded in WY 1999 could be used to represent a "low surface recharge year" is confused and misleading. WY 1999 received below average surface recharge, i.e., 5,091 AF, because it followed an extremely wet year in which AQ3 remained full until May 1999. Thus, the below average surface recharge that was simulated for WY 1999 was due to limited available storage capacity in AQ3, not limited surface flow available for recharge. In contrast, WY 1994 received the lowest amount of simulated surface recharge, i.e., 4,720 AF, because of limited surface flow available for recharge, not because of limited available storage capacity. As simulated, storage capacity in AQ3 never filled during WY 1994. The processes that control recharge vary and different circumstances can produce similar results. It is incorrect to suggest that the water levels that were recorded in WY 1999 are associated with below average rainfall or runoff. MPWMD2B 2-5

Table 4.3-2: The indication that approximately 100 AF or 33% of the "average rainfall seasons" storage in SRA is in the Qoa_2 unit, which is considered an aquitard (page 4.3-12), should be discussed. Specifically, will operation of the project necessitate use of the storage in the Qoa_2 unit, and if so, how? MPWMD2B 2-6

Page 4.3-35, second paragraph: It is unclear how the "recharge estimates were established by subtracting surface runoffs from precipitation on a monthly basis". What "runoffs" were calculated for WY 1996, 1997, and 1991? MPWMD2B 2-7

Page 4.3-36, fifth paragraph: As discussed above, using WY 1998 water levels and indicating that they represent "normal rainfall and recharge" conditions is misleading. The water levels recorded in WY 1998 represent wet conditions. MPWMD2B 2-8

Page 4.3-37, third paragraph: The existing main production well for September Ranch, i.e., SR1, is referenced with respect to Well C, but is not shown on any of the exhibits. The location of this well should be shown on Exhibits 4.3-3, 4.3-4a, 4.3-5, 4.3-6, and 4.3-7. MPWMD2B 2-9

Page 4.3-42, sixth paragraph: The discussion regarding the water balance for the SRA is unclear and raises several questions. Kennedy/Jenks Consultants' (KJC's) assumption that "where water neither recharges the SRA nor is consumed for the September Ranch Project, it must flow to the CVA, whether or not this can be demonstrated", (underlining added) is not supported factually. KJC's water balance analysis should be able to reasonably account for inflows, outflows and change in storage. As presented, during average years, inflow to SRA ranges from 244 to 262 acre-feet per year (AFY). Under baseline conditions, groundwater production for September Ranch is 3 AFY. Therefore, under baseline conditions during average years, 241 to 259 AF of inflow is available for recharge and is "rejected" to the CVA. **The EIR needs to explain how, under baseline conditions during average years, this amount of rejected recharge (241-259 AFY) is transmitted to AQ3, given the "limited connectivity" between SRA and CVA that is assumed by KJC (e.g., page 4.3-14).** If the connection along the M-M' cross section is as restrictive as assumed by KJC, then the rejected recharge must accumulate as storage in the SRA or emerge as surface flow and leave the basin. Field observations do not support either of these possibilities. MPWMD2B 2-10

If the groundwater exchange between SRA and CVA cannot be "demonstrated", then an alternative conceptual model should be considered, including greater exchange through the Qoa_1 and/or Qoa_2 units. For example, if it is assumed that the Qoa_2 unit is more transmissive and the groundwater exchange across the M-M' cross section is greater (i.e., less limited), then the movement of the rejected recharge from SRA to CVA under baseline conditions during average years could be explained.

In this regard, the hydraulic conductivity value for the Qoa_2 unit used in KJC's analyses was derived from a laboratory permeameter test of a single core, which yielded a value of 0.14 gal/day/ft^2. This value is anomalously low when compared with estimates from other nearby locations, and appears to in part to explain why KJC believe that the Darcy flux methodology is unreliable for estimating the actual volume of groundwater exchange between the SRA and CVA. For example, groundwater flow in the underlying Monterey Formation (considered to be much less permeable than the Qoa_2 unit) was estimated as part of the data analysis for the nearby Cañada Woods North subdivision EIR. In that document, hydraulic conductivity of the Monterey Formation was estimated at 1.2 gal/day/ft^2, which is an order of magnitude **greater** than that assumed for the Qoa_2 unit at September Ranch[1].

[1] See page 4.4-11 of the *Final EIR for Canada Woods North*, dated December 17, 1996. Hydraulic conductivity utilized in calculation is 0.16 feet/day, equal to 1.2 gal/day/ft^2.

Similarly, the EIR for Santa Lucia Preserve project utilized a hydraulic conductivity value of 0.26 gal/day/ft^2 for average fractured bedrock conditions (which include the Monterey Formation), which is **greater** by a factor of two than that assumed for the Qoa_2 unit at September Ranch[2]. The rationale for selecting the anomalously low Qoa_2 unit hydraulic conductivity value should be justified in light of these other nearby estimates. MPWMD2B 2-10

Page 4.3-44, second paragraph: The conclusion that the "effect of pumping in the September Ranch basin in average years does not impact the CVA significantly because recharge to the SRA exceeds groundwater usage in the September Ranch basin", is unclear. While there may be sufficient recharge to meet the projected demand for the September Ranch Project (57.21 AFY), it does not necessarily follow that the CVA will not be impacted by reduced recharge due to the increased pumping for the September Ranch Project.

Under baseline conditions, September Ranch pumps 3 AFY. Under the proposed project conditions, September Ranch will pump 57.21 AFY. Therefore, the project will pump and use an additional 54.21 AFY. With the proposed project, this amount of groundwater (54.21 AFY) will be intercepted, used, and made unavailable to AQ3. Over the five-year simulated period from April 1987 through March 1992, there was available storage capacity in AQ3 to receive and store this amount of water. During this period with the project, approximately 270 AF (54.21 AFY x 5 years = 271 AF) will not reach AQ3. Under baseline conditions, this quantity would reach AQ3 and would result in increased groundwater storage in the CVA.

Page 4.3-47 sixth paragraph: This monthly analysis of "potential flow reduction to the Carmel River" was added in response to a comment by the SWRCB. While a monthly breakdown of the groundwater exchange between the SRA and CVA with and without the project under normal and below normal conditions is useful, the derivation of the values in Table 4.3-9 is unclear. **Enclosure 3** shows the cubic feet per second (cfs) values of groundwater between the SRA and CVA in Table 4.3-9 and the acre-foot equivalents for each month. The computed values in **Enclosure 3** do not match the "Annual Cumulative Recharge Values" developed in Table 4.3-3 or the "Total Flow" values developed in Table 4.3-6. In addition, the differences in spillover to the CVA between the two cases do not match the projected water demand for the September Ranch Project. The derivation of these values should be clarified to ensure that they are properly interpreted.

Also, it is important to note that increased production for the September Ranch Project will reduce recharge to the CVA that may have a delayed effect on Carmel River flow. By causing reduced storage in the CVA during the summer months, additional water will need to be recharged in the fall and winter months before surface flows resume.

Appendix C, page iv, paragraph 5: This paragraph introduces a new reason why the impact of pumping from the SRA on the CVA during extended drought periods will be minimized. The MPWMD2B 2-11

[2] See page 8-34 of the *Final EIR for Santa Lucia Preserve Project*, dated September 14, 1995.

rationale -- independent sources of recharge -- is not discussed in Section 4.3 and is questionable. The text indicates that the CVA is 'fed by source waters upstream of the Carmel River, while the SRA is being recharged by the watershed uplands". As acknowledged by KJC on page 10 and 11 of Appendix C, the CVA receives approximately 2,600 AFY of recharge along the sidewalls of the CVA AQ3 reach. Importantly, "a small portion of this recharge is attributable to originate from the SRA and would be affected by increased pumping from the SRA". In this context, the CVA and SRA share the same source of recharge from upland areas in the watershed and, therefore, do not have independent sources of recharge. It is correct to indicate that the CVA also receives subsurface recharge from subunit two (AQ2) of the CVA. MPWMD2B 2-11

Appendix C, page 16, paragraph 4: The text indicates that water levels in Well D in the 1992 aquifer test recovered at slow rates after the pumping tests. Well D did not exist in 1992, it was installed for the 1996 aquifer test. MPWMD2B 2-12

Appendix C, page 30: As shown in the unnumbered table, the mean monthly flow values for the Carmel River near Carmel for WY 1987 are off by one month. The values are correct, but apply to February, March, and April, respectively. Also the operation described in the "Difference" rows, e.g., Case 1a minus Case 1b, is incorrect. It should be "Case 1b minus Case 1a" to preserve the correct sign. MPWMD2B 2-13

Appendix C, Table 3: The annual values shown as "Total Storage" actually represent the average of the 12 end-of-month storage values during the specified calendar year. For example, the value shown for 1994 is 17,374 AF. During this year, end-of-month values ranged from 19,433 AF to 14,586 AF, and averaged 17,374 AF. MPWMD2B 2-14

Thank you for the opportunity to review the Recirculated Portion of the RDEIR 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.

Sincerely,

David A. Berger
General Manager

Enclosures

cc: Henrietta Stern — MPWMD Project Manager
Joe Oliver — MPWMD Water Resources Manager

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CLASSIFICATION OF UNIMPAIRED CARMEL RIVER FLOWS AT SAN CLEMENTE DAM SITE
(RUNOFF IN ACRE-FEET)

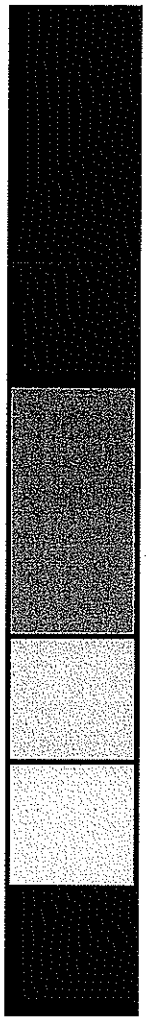
Water Year	Runoff	Classification	Water Year	Runoff	Classification
1902	58,872	Normal	1954	29,467	Dry
1903	63,516	Normal	1955	26,496	Dry
1904	36,704	Below Normal	1956	128,805	Wet
1905	73,489	Above Normal	1957	31,002	Below Normal
1906	111,242	Wet	1958	154,843	Extremely Wet
1907	166,057	Extremely Wet	1959	29,702	Below Normal
1908	46,177	Normal	1960	20,780	Dry
1909	127,394	Wet	1961	9,278	Critically Dry
1910	53,977	Normal	1962	50,942	Normal
1911	143,892	Extremely Wet	1963	86,582	Above Normal
1912	24,611	Dry	1964	26,977	Dry
1913	12,933	Critically Dry	1965	49,941	Normal
1914	120,075	Wet	1966	27,892	Dry
1915	110,110	Wet	1967	114,304	Wet
1916	136,932	Extremely Wet	1968	13,177	Critically Dry
1917	71,580	Above Normal	1969	174,213	Extremely Wet
1918	37,917	Below Normal	1970	53,112	Normal
1919	42,107	Normal	1971	32,707	Below Normal
1920	35,198	Below Normal	1972	14,680	Critically Dry
1921	49,583	Normal	1973	113,269	Wet
1922	104,977	Wet	1974	86,102	Above Normal
1923	71,493	Normal	1975	87,211	Above Normal
1924	13,304	Critically Dry	1976	6,358	Critically Dry
1925	34,626	Below Normal	1977	2,855	Critically Dry
1926	80,608	Above Normal	1978	151,421	Extremely Wet
1927	92,274	Above Normal	1979	50,087	Normal
1928	45,261	Normal	1980	143,395	Extremely Wet
1929	33,188	Below Normal	1981	41,445	Below Normal
1930	30,988	Below Normal	1982	130,522	Extremely Wet
1931	9,988	Critically Dry	1983	318,987	Extremely Wet
1932	79,097	Above Normal	1984	69,179	Normal
1933	14,383	Critically Dry	1985	26,611	Dry
1934	49,058	Normal	1986	125,911	Wet
1935	58,486	Normal	1987	15,551	Dry
1936	70,684	Normal	1988	10,083	Critically Dry
1937	85,456	Above Normal	1989	10,248	Critically Dry
1938	161,366	Extremely Wet	1990	8,606	Critically Dry
1939	18,297	Dry	1991	25,965	Dry
1940	102,907	Wet	1992	41,777	Normal
1941	229,468	Extremely Wet	1993	109,505	Wet
1942	126,930	Wet	1994	13,313	Critically Dry
1943	71,489	Normal	1995	153,118	Extremely Wet
1944	48,730	Normal	1996	75,412	Above Normal
1945	51,264	Normal	1997	98,561	Above Normal
1946	44,886	Normal	1998	226,901	Extremely Wet
1947	14,743	Dry	1999	47,206	Normal
1948	14,703	Dry	2000	69,507	Normal
1949	31,955	Below Normal	2001	46,625	Normal
1950	25,543	Dry	2002	32,463	Below Normal
1951	47,061	Normal	2003	56,022	Normal
1952	128,995	Wet	2004	36,269	Below Normal
1953	54,446	Normal	2005	111,356	Wet

Notes:
1. Year type classifications are based on the Carmel River Basin Runoff Index.
2. Outlined years indicate two or more consecutive dry or critically dry years and are defined as hydrologic droughts.
3. Runoff values for Water Years 1902-2002 were reconstructed by the Monterey Peninsula Water Management District. The runoff values for WY 2003, WY 2004, and WY 2005 were computed by California American Water

Monterey Peninsula Water Management District

CARMEL RIVER BASIN RUNOFF INDEX
WATER YEAR CLASSIFICATION
(All Values in Acre-Feet)

WATER YEAR CLASS	UNIMPAIRED RUNOFF
EXTREMELY WET	129,600 AF
WET	101,800 AF
ABOVE NORMAL	71,500 AF
NORMAL	50,500 AF
	41,700 AF
BELOW NORMAL	29,500 AF
DRY	14,700 AF
CRITICALLY DRY	



Note:
Classifications are based on selected exceedence frequency values computed from the long-term reconstructed unimpaired flow record at the San Clemente Dam site (1902-2003). "**Extremely Wet**" refers to flows exceeded 12.5% of the time; "**Wet**" refers to flows exceeded between 12.5% and 25% of the time; "**Above Normal**" refers to flows exceeded between 25% and 37.5% of the time; "**Normal**" refers to flows exceeded between 37.5% and 62.5% of the time; "**Below Normal**" refers to flows exceeded between 62.5% and 75% of the time; "**Dry**" refers to flows exceeded between 75% and 87.5% of the time; and "**Critically Dry**" refers to flows exceeded less than 87.5% of the time.

Maximum Spillover from SRA to CVA-AQ3

Month	Below Normal Precipitation: WY 1987					
	Case 1b: w/o Project		Case 1a: w/ Project		Difference	
	Spillover		Spillover		Spillover	
	CFS	AF	CFS	AF	CFS	AF
Oct-86	0.000	0.00	0.000	0.00	0.000	0.00
Nov-86	0.052	3.09	0.019	1.13	0.033	1.96
Dec-86	0.094	5.78	0.061	3.75	0.033	2.03
Jan-87	0.211	12.97	0.178	10.94	0.033	2.03
Feb-87	0.392	21.77	0.359	19.93	0.033	1.83
Mar-87	0.257	15.80	0.224	13.77	0.033	2.03
Apr-87	0.034	2.02	0.001	0.05	0.033	1.97
May-87	0.024	1.48	0.000	0.00	0.024	1.48
Jun-87	0.000	0.00	0.000	0.00	0.000	0.00
Jul-87	0.000	0.00	0.000	0.00	0.000	0.00
Aug-87	0.000	0.00	0.000	0.00	0.000	0.00
Sep-87	0.000	0.00	0.000	0.00	0.000	0.00
Total		**62.90**		**49.58**		**13.33**

Month	Normal Precipitation: WY 1996					
	Case 2b: w/o Project		Case 2a: w/ Project		Difference	
	Spillover		Spillover		Spillover	
	CFS	AF	CFS	AF	CFS	AF
Oct-95	0.000	0.00	0.000	0.00	0.000	0.00
Nov-95	0.018	1.07	0.000	0.00	0.018	1.07
Dec-95	0.943	57.97	0.910	55.94	0.033	2.03
Jan-96	0.823	50.59	0.790	48.56	0.033	2.03
Feb-96	1.465	81.34	1.434	79.62	0.031	1.72
Mar-96	0.399	24.53	0.365	22.44	0.034	2.09
Apr-96	0.247	14.69	0.214	12.73	0.033	1.96
May-96	0.356	21.88	0.323	19.86	0.033	2.03
Jun-96	0.000	0.00	0.000	0.00	0.000	0.00
Jul-96	0.000	0.00	0.000	0.00	0.000	0.00
Aug-96	0.000	0.00	0.000	0.00	0.000	0.00
Sep-96	0.002	0.12	0.000	0.00	0.002	0.12
Total		**252.20**		**239.15**		**13.05**

Source: September Ranch Hydrogeologic Report, Kennedy/Jenks Consultants, February 2006

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD2B)

Response to MPWMD2B 2-1

Comment noted and text revised accordingly. This change does not affect calculations in tables or findings.

Response to MPWMD2B 2-2

SR1 will be added to AQ3 map. Please see Response SOCR 1-69 and MM 4.3-4 (well locations), as outlined below and identified in Section 6, Errata of this document.

4.3-4 The location of future wells on the September Ranch project site shall be based upon the following:

- Wells will be located based on long-term pumping tests designed and executed to yield information on the radius of influence of potential multiple pumping wells.
- Project applicant will ensure that representative transmissivities for the three aquifer units are made available for informed decisions on placement of future wells to ensure new wells will not impact existing wells.
- Prior to issue of permits for new wells, the County will review and approve well site plans to ensure new wells will not impact existing wells.

Response to MPWMD2B 2-3

The figures depict the extent to which the CVA is "collocated with" or extending inside of the SRA. Collocation is sufficient to describe the overlap between the SRA and CVA.

Response to MPWMD2B 2-4

WY 1996 and 1997 were used to calculate recharge and drawdowns (Table 4.3.3). Although the original analysis was accurate, to address the District's concerns, supplemental estimates using WY 2000 and WY 2001 as normal rainfall recharge years have been calculated for the response to comments. The results are presented below:

Annual Cumulative Recharge Values

Average Water Year	San Clemente Dam Rainfall (in)	September Ranch Site Precipitation Over 561 Acres (AF)	Net Recharge with ET-loss of 70% Adjusted for Infiltration (AF)	Below Average Water Years	San Clemente Dam Rainfall (in)	September Ranch Site Precipitation Over 561 Acres (AF)	Net Recharge with ET-Loss of 70% Adjusted for Infiltration (AF)	Net Recharge with ET-Loss of 85% (AF)[1]
2000	20.37	760.9	228.5	1987	11.02	437.4	131.2	65.6
2001	20.99	785.54	235.9	1988	11.07	439.4	131.8	65.9
—	—	—	—	1989	12.80	508.0	152.4	76.2
—	—	—	—	1990	13.09	519.6	155.9	77.9
—	—	—	—	1991	16.87	669.9	182.2	81.7
Yearly Average			**232.2**	**—**	**—**	**—**	**151**	**73**

Note: Estimated runoffs were subtracted from ET-loss for corrected recharges rates (see Table 1).

Response to MPWMD2B 2-5

Please refer MR-18 Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA). The difference in storage between WY 1999 and 1994 has been evaluated and the comment by the District that reduced recharge in WY 1999 is due to limited storage is acknowledged. Based on Enclosure 1 in District comments, the runoff for 1999 is 47,206 AF and average below normal years is 37,000 AF. KJC notes that WY 1999 did receive below normal rainfall of 17.41 inches or 3.96 inches below normal (Source: California-American Water Company, Monterey Division).

In MR-18: Hydrology and Water Availability (HMR-1), it is noted that recharge determines the sustainability of existing and future consumptive use of groundwater in the SRA and since storage capacity is larger than predicted annual recharge, the precise storage determination in this case is of secondary importance to recharge.

Response to MPWMD2B 2-6

The approximate 100 AF storage in Qoa2 was derived from saturated thicknesses of Qoa2 based on water table elevations for year 1997, 1998, and 1999. Corresponding total volumes were calculated from saturated thicknesses.

Response to MPWMD2B 2-7

Please refer to MR-18: Hydrology &Water Availability (HMR-1 - Groundwater Recharge in the SRA). The statement re: subtracting surface runoffs from precipitation is a generic one. Surface runoff is effectively zero.

Response to MPWMD2B 2-8

The text has been revised to eliminate reference to 1998 water year as below average rainfall. A modification has been made on page 4.3-14, paragraph 3. This reference does not affect calculations in tables or findings.

Response to MPWMD2B 2-9

See Response to MPWMD 2-8.

Response to MPWMD2B 2-10

Please refer MR-18: Hydrology & Water Availability (HMR-2 - Water Balance).

Re: Page 4.3-44, paragraph 2, please refer to MR-18: Hydrology & Water Availability (HMR-3 - Significance of Impact on the CVA & Carmel River in Terms of Fisheries).

Page 4.3-47, paragraph 6, please refer to MR-18: Hydrology & Water Availability (HMR-3 - Significance of Impact on the CVA & Carmel River in Terms of Fisheries). Detailed clarifications on derivation of the potential spill over values are presented in HMR-3. In-addition, a more conservative analysis of one-to-one project demand versus potential reduction of spill over is presented in HMR-3. Two evaluations of potential spill-over (or reduced spill-over) to the CVA are intended to demonstrate the very small and indiscernible amount of flow change to the CVA and Carmel River based on two different methods of analysis - i.e. with or without the consideration of limit groundwater exchange. Both analyses demonstrate that the change would be less than significant. See Recirculated DREIR, Section 4.9 and MR-20: Aquatic Biological Resources.

Response to MPWMD2B 2-11

Please refer to 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 Rive in Terms of Fisheries, and HMR-4 - Significance of Impact on Existing CVA Groundwater Users).

Response to MPWMD2B 2-12

Comment noted and text revised to reflect correction that the reference of Well-D is for the aquifer test conducted in 1996 and 1997.

Response to MPWMD2B 2-13

Comment noted, text corrected in the table regarding the mean monthly flow values for WY 1987 and also the subtraction of Case 1a - Case 1b.

Response to MPWMD2B 2-14

Comment noted, please also see MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on Existing CVA Groundwater Users, Lessened Impact).

From: Knaster, Alana x5322 [KnasterA@co.monterey.ca.us]
Sent: Monday, April 10, 2006 12:43 PM
To: LeWarne, Richard x4544; Novo, Mike x5192; Harder, Jennifer; Jason Brandman; Les Chau
Subject: FW: September Ranch RDEIR Comments - Part 3

More from our District folks.
-----Original Message-----
From: Darby Fuerst [mailto:Darby@mpwmd.dst.ca.us]
Sent: Monday, April 10, 2006 12:28 PM
To: Knaster, Alana x5322
Cc: Joe Oliver; Henrietta Stern; David Berger
Subject: September Ranch RDEIR Comments - Part 3

Following are comments on the *September Ranch Water Plan Summary* that was prepared by Questa Engineering Corporation (Questa) and dated April 3, 2006. The *Summary* was provided to the District on Wednesday, April 5, 2006 by the Monterey County Health Department.

The information in the *Summary* is significant in that it indicates that "water treatment facilities will be included at September Ranch to bring the mineral content into compliance with secondary (consumer acceptance) standards". These facilities were not discussed in the original EIR, revised EIR, or Recirculated Portion of the revised EIR. The facilities will include a reverse osmosis (RO) water treatment system to reduce the concentration of iron, manganese, and total dissolved solids in the groundwater pumped from the September Ranch Aquifer (SRA) for on-site domestic use. As indicated in Attachment C of the *Summary, September Ranch Preliminary Calculations for RO Treatment Reject Water Disposal,* the "RO reject water production" will be 15%. This "reject water" will require production of an additional 10.1 acre-feet per year (AFY) from the SRA. With this additional pumping requirement, total production from the SRA for the proposed project will be **67.3 AFY (57.2 + 10.1 = 67.3 AFY).**

MPWMD2 C 2-1

This amount of annual production from the SRA will exceed the annual recharge shown for Water Years 1987 and 1988 in Tables 4.3-3 and Table 4.3-6 in the Recirculated Portion of the Revised Draft EIR and will require the use of stored water. As suggested in our March 18, 2005 comments on the revised EIR (page 6, third paragraph), the EIR should provide an operations plan for the proposed water distribution that describes the number. location, and type of production wells that will serve the project. The *Summary* prepared by Questa provides this basic data, but does not provide sufficient detail on how the wells and proposed RO treatment system will be operated during the year. The revised EIR dated March 1998 referenced a draft *Operations and Maintenance Plan for the September Ranch Aquifer* that was prepared by Todd Engineers in October 1996. This plan included a monthly water balance analysis (Table 1, page 4) that showed the interaction between monthly recharge, pumping and storage in the SRA. This plan will need to be updated to reflect the new information developed by Kennedy/Jenks Consultants (KJC).

MPWMD2 C 2-2

How will this new information regarding water treatment facilities and increased groundwater production required for the proposed September Ranch Subdivision Project be included the CEQA review process?

Darby W. Fuerst, P.H.
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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD2C)

Response to MPWMD2C 2-1

Please refer to MR-17: Water Demands.

Response to MPWMD2C 2-2

Please refer to Response to SOCR 1-69.

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

March 31, 2006

Alana Knaster
Interim Director
Monterey County Planning and Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

SUBJECT: SEPTEMBER RANCH SUBDIVISION PROJECT RECIRCULATED DRAFT REIR

Dear Ms. Knaster:

LandWatch Monterey County staff has had an opportunity to review the document and has the following comments:

1. Historic Structure. The document does not address whether or not the farm house is historic, thus qualifying it for protection. This matter was raised during the site visit by the CVLUAC and Planning Commission, and staff indicated that it would be addressed in the revised environmental document. LWMC 2-1

2. Visual Impacts of Inclusionary Housing. The document does not address the impact of the affordable housing units on the viewshed from Carmel Valley Road. Again, this was a matter of considerable discussion during the site visit with the conclusion that the project would have a greater impact than identified in the RDEIR. While visual impacts are indirectly addressed on p. 6-29 with the conclusion that Reconfigured Alternative 94/15 would have a lesser impact than the proposed project, the document does not directly address the impact of the preferred alternative on visual resources. LWMC 2-2

3. SB 18. Requirements of SB 18 for consultation with the local Native American tribe have not been addressed. LWMC 2-3

4. Wastewater Treatment. The RDEIR project description indicated an on-site wastewater treatment system or a connection to the Carmel Area Wastewater District. This is reflected in the project description circulated on March 9, 2006, as well. However, p. 2-2 of the REIR indicates wastewater flows will be handled by the Carmel Area Wastewater District. A revised project description should be included in the Final REIR. LWMC 2-3

5. Future Demands for Riparian Water. On p. 4.3-8 the document states, "Estimates of future demands for riparian water based on changes/maturing of land uses because such estimates would be extremely speculative". Compare this with the statement on p. 5-2. "This following section analyzes the extent to which, as the project area experiences growth, the proposed project plus future demand for water would cumulative reduce water availability, and the significance thereof...". Future demands for riparian water should be quantified using the same project list for the cumulative analysis. LWMC 2-4

6. Water Analysis - Uncertainty. The section is replete with uncertainty and lack of conclusiveness as noted below (emphasis added). Without more certainty, findings that the project would not have a significant impact on water supply and riparian vegetation cannot be supported.

- p. 4.3-8. "Based on the MPWMD pumping date, actual water use **appears** to be significantly lower than that which an entity cites.
- p. 4.3-9. "It **appears likely** that all of the significant pre-1914 water rights have been identified through the methodology used by KJC.
- p. 4.3-9. "There is extremely limited hydraulic connectivity between the SRA and the CVA AQ3; and in most cases, it is **likely** to flow from the SRA to the CVA AQ3. It is extremely **unlikely** for the hydraulic gradient to allow flow from the CVA AQ3 to the SRA....When compared to the approximately 2,705 AFA that is needed to meet the estimated maximum annual use in AQ3..., it **appears** that sufficient groundwater is available... Therefore, there **appears** to be sufficient water in AQ3 with excess flow to meet the needs of the riparian...When compared to the approximately 11,845 AFA that is needed to meet the estimated maximum annual use in AQ4, it **appears** that sufficient groundwater is available...Therefore, there **appears** to be sufficient water in AQ4..." LWMC 2-5
- p. 4.3-10. "Under existing conditions, there **appears** to be sufficient water on aggregate in AQ3 and AQ4 to meet the needs of the ..."
- p. 4.3-11. "The selected baseline **appears** to be reasonable and representative..."
- p. 4.3-15. "In the previous Final EIR (1998), the SRA was treated as an aquifer with a fine storage and in limited communication with the adjacent CVA. KJC concurs with this conclusion and notes that recent evidence **does not suggest"** otherwise.
- p. 4.3-33. "Groundwater stored beneath the September Ranch project site is entirely within the **nearly** closed basin bounded **almost** entirely by Monterey Shale.
- p. 4.3-43. "KJC **suggests** that the estimated water level increases and their consistency with field data serve as ground-truthing parameters for water balance."
- p. 4.3-44. "...Kennedy/Jenks **cannot precisely establish** the actual limited volume of groundwater exchange...However, as indicated in Appendix D, it is **believed** that the level of exchange between the SRA and the CVA is one of one or two order of magnitude..."
- p. 4.3-46. "...Therefore, since there **appears** to be sufficient water in AQ3 with excess flow, pumping in the SRA will not have significant effect on water rights holders in AQ3...Therefore, since there **appears** to be sufficient water in AQ4 with excess flow to meet the needs of the riparian...pumping in the SRA will not have significant effect on water rights holders in AQ4...Hence, since there **appears** to be

sufficient water on aggregate in AQ3 and AQ4....., the project will not have an effect on those water rights users...."

- p. 4.3-47. "...September Ranch basin is **fairly** isolated.... Additional pumping wells would **most likely** be proposed in this area due to the presence of the relatively thick Qoa....Even with planned future addition...and given that the project usage limit is 57.21 AFY, it is **likely** that the groundwater in the SRA and CVA would maintain similar water levels...KJC concludes, based on the water balance, that it is **unlikely** that the proposed usage of groundwater in the SRA would induce further declines..." LWMC 2-5
- p. 4.3-52. "Even with planned future addition of pumping in this portion of the SRA..., it is **likely** that the groundwater gradient between the SRA and CVA will maintain its near neutrality...The effect of pumping in the September Ranch basin in average years will not affect the CVA significantly because recharge **most likely** exceeds usage..."

7. Biological Resources - Inconsistent References to Mitigation Measures

1. Measure 4.9-1, p. 4.9-22, references the Forest Management Plan, the Open Space Management Plan and the Grassland Habitat Management Plan which implies that these plans have been prepared.
2. Measure 4.9-3, p. 4.9-24, requires the applicant to submit a Forest Mitigation and Monitoring Plan. Is this the same as the Forest Management Plan?
3. Measure 4.9-6, p. 4.9-27, requires the applicant to submit a final Forest Management Plan. Is this the same as the Forest Mitigation and Monitoring Plan? This suggests there is a draft Forest Management Plan. If so, where is it described? Under Monitoring Action on the same page, the project applicant is required to submit a Forest Mitigation and Monitoring Plan. Is that the same as the final Forest Management Plan referenced in Measure 4.9-6? LWMC 2-6
4. Measure 4.9-7, p. 4.9-28, requires the applicant to submit a final Open Space Management Plan. This suggests there is a draft plan. Where is it described?
5. Measure 4.9-8, p. 4.9-29 requires the applicant to submit a final Grassland Management Plan. Is there a draft Plan?. If so, where is it described?
6. Page 5-6 references the project's Forest Management Plan which includes mitigation requiring that lost acreage of Monterey pines and coast live oaks be dedicated at a ratio of 3 acres for every 1 acre lost. This suggests there is a final plan which conflicts with statements above. Is the Forest Management Plan the same as the Forest Mitigation and Monitoring Plan?

8. Biological Resources - Adequacy of Mitigation Measures

- It appears that mitigation for most biological resource impacts will be addressed by management plans yet to be prepared and not available for current review. This is a deferral of mitigation that is inconsistent with CEQA requirements.
- Mitigation Measure 4.9-1 includes provisions regarding conservation easements that should be considered. Without assurance that these provisions are adopted, a finding that implementation of the measure will reduce site improvements to less than significant is unsupportable. LWMC 2-7
- Mitigation Measure 4.9-3 requires the replacement on a 1:1 basis of all coast live oak

trees and Monterey pine trees 6" or larger and recommends additional measures. Without assurance that these provisions are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable. Additionally, one of those recommended measures is that "At least 70 percent of the plantings shall be established/surviving by five years or monitoring and (replacement) shall continue until compliance is achieved..." This suggests that the proposed 1:1 replacement does not mitigate significant impacts.

- Mitigation Measure 4.9-4 requires that to avoid mechanical damage to pines not slated for removal, several measures are recommended for implementation. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable.
- On p. 4.9-9, the REIR states, "The loss of individuals may increase the potential spread of pine pitch canker throughout the forest." On p. 4.9-26, the REIR concludes, "There is no proven method available that will prevent pitch canker from infecting susceptible tree." Yet, even with this conclusion, the REIR finds, "Implementation of the mitigation measure will reduce impact on Monterey pine forest fragmentation to less than significant." Based on the finding regarding the lack of methods to address this problem, the impact on forest fragmentation should be found to be significant. LWMC 2-7
- Mitigation Measure 4.9-10 includes recommendations to reduce the potential "take" of individuals. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable.
- Mitigation Measure 4.9-3, 4.9-13 and 4.9-14, recommends measures to address impacts on nesting habitat, passerines and bats, respectively. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable.

9. Biological Resources - Consistency with Carmel Valley Master Plan

- On page 4.9-33, the project is found to be consistent with CVMP Policy 7.1.1.1: "Areas of biological significance shall be identified and preserved as open space...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..." This finding is not supported by findings in the REIR, and the project should be found to be inconsistent. LWMC 2-8

10. Biological Resources - Cumulative Impact Analysis

- On page 5-6, the REIR states, "Development of the September Ranch project in conjunction with other projects will result in impacts to the Monterey pine forest and the coast live oak forest. The project's Forest Management Plan includes mitigation, which requires that lost acreage of Monterey pines and coast live oak be dedicated at a ratio of 3 acres for every 1 acre lost. In addition, lost trees are to be replaced at a 1:1 ratio. Because of these measures, the proposed project would not contribute to a net loss of Monterey pines or coast live oak forests". This finding cannot be LWMC 2-9

supported based on our comments noted above.

9. Biological Resources - Requirements of PRC Section 21083.4

- The requirements of PRC Section 21083.4 which addresses county requirements for addressing the loss of oak woodlands should specifically be addressed. LWMC 2-9

11. Traffic Analysis in RDEIR

- Previous comments on the traffic mitigation fees and cumulative impact analysis should be addressed. LWMC 2-10

12. Project Alternatives

- An alternative that would cluster the market rate and inclusionary housing outside of the Monterey Pine Forest was not considered even though it was recommended in comments on the RDEIR.
- According to the REIR, the environmentally superior alternative of 73 market rate and 22 inclusionary was not selected because, "This alternative does not meet the project objective to provide market rate housing and low-and moderate-income housing in accordance with the existing County ordinances and the CVMP (p. 6-50". An alternative with the same number of units as the proposed project clustered outside of the Monterey Pine Forest would meet the objectives of the project as stated above while having significantly fewer impacts on biological resources than the proposed project. LWMC 2-11

13. Scheduled Hearings

- We understand that a hearing before the CVLUAC has not been scheduled. Carmel Valley residents should have an opportunity to provide comments at the local level. LWMC 2-12

Thank you for the opportunity to review the document.

Sincerely,

/S/

Chris Fitz, Executive Director
LandWatch Monterey County

5.2.3 Private Organizations and Persons

LAND WATCH MONTEREY COUNTY (LWMC)

Response to LWMC 2-1

Please refer to Response to AMAP 1-1

Response to LWMC 2-2

The Recirculated Draft REIR evaluates seven different alternatives, of which there are three alternatives that include alternative locations and reconfigurations of the inclusionary housing units. In accordance with CEQA Guideline 15126.6(d), the Recirculated RDEIR provides an evaluation of each of these alternatives in relation to the proposed project. None of the alternatives have been eliminated from consideration. CEQA does not require identification of a preferred alternative. Pursuant to usual procedure, County staff has identified a staff-supported alternative in public hearing reports. See MR-16: Staff Recommended Alternative. The project as proposed and all alternatives will be considered by the decision-maker, the County Board of Supervisors.

Response to LWMC 2-3

Senate Bill (SB) 18 became effective on March 1, 2005; the Draft REIR was released for public review in December 2004 and therefore, the proposed project is not subject to SB 18. In addition, SB 18 consultation applies to projects that include the adoption of and/or amendment to any General Plans, any adoption of, and/or amendment of any Specific Plans, and/or planned physical changes to any Open Space designations. The proposed project does not include any of these actions.

Response to LWMC 2-4

The Recirculated Draft REIR has always presented on-site and off-site options for wastewater treatment. Most recently, the off-site alternative has been discussed by staff as the most reasonable and feasible and thus it is currently proposed that the project connect to the Carmel Area Wastewater District (CAWD) (see Response to Comments CAWD 1-1 and CAWD 2-4). Because the analysis has always included both options, the off-site connection does not present any impacts that have not previously been identified in the Recirculated Draft REIR.

Response to LWMC 2-5

Please refer to Response to RVD 2-2.

Response to LWMC 2-6

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

Project implementation will include the preparation of a Forest Management Plan, and Open Space Plan, Grassland Management Plan, and a Timber Harvest Plan (see Response to Comment on the Recirculated Draft REIR DFFP 2-1). The requirement that the applicant submit the various plans

prior to the issuance of grading plans is consistent with the intent of CEQA provided that the mitigation measures requiring the plans identify performance standards that are sufficient to assure that the level of impact is less than significant. Please see Mitigation Measures 4.9-1 through 4.9-9, 4.9-14 through 4.9-14.

Response to LWMC 2-7

Please refer to MR-2: Adequacy of Mitigation Measures and Response to LWMC 2-6.

Response to LWMC 2-8

During the preparation of the Carmel Valley Master Plan, the County of Monterey mapped Areas of Biological Significance in accordance with CVMP Policy 7.1.1.1. The project site is not located within an area that is designated as An Area of Biological Significance.

Response to LWMC 2-9

Areas of biological signfiicance were mapped when the County did the Carmel Valley Area Plan. There are no areas of biological signficance mapped within the September Ranch project site.

Response to LWMC 2-10

Please refer to Response to LWMC 1-4 through LWMC 1-7.

Response to LWMC 2-11

As outlined in CEQA Guideline 15126.6, "An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." The Recirculated Draft REIR included seven alternatives. None of the alternatives have been eliminated from consideration and the 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. In addition, please refer to MR-16: Staff Recommended Alternative.

Response to LWMC 2-12

CV/LUAC considered the proposed project in April 2005 and unanimously recommended denial. The LUAC's opinion will be considered by decision-makers as appropriate.

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April 3, 2006

Alana Knaster
Planning and Building Inspection Department
County of Monterey
168 West Alisal Street, 2d Floor
Salinas, CA 93901

Dear Ms. Knaster:

This comment letter is made on behalf of Save Our Carmel River (SOCR) and Patricia Bernardi. We incorporate by reference as if fully set forth herein all comments made by us and all other commenters on the Draft Revised EIR, and we request that they be responded to in the Response to Comments. Many (if not most) of the comments apply to the Recirculated Draft Revised EIR, and it is not reasonable to ask commenters to repeat them, or submit them again, or pick out the ones that still apply. SOCR 2-1

It is the County's responsibility to respond to all comments made. If the County disagrees, or instructs its EIR preparer not to respond to all comments made, please respond in detail on this point, and provide all supporting documentation and authority for that decision, along with the identification of those County staff, lawyers or agents who made that decision and the factual basis for that claim. SOCR 2-2

We note the recirculated portions of the Revised EIR have not attempted to answer many of the public comments made on those portions in the Draft REIR, even though to incorporate clarifications based on those comments would have helped the process considerably. For example, numerous commenters on the Draft REIR noted that the water factor of 0.5 AFY per market rate residential lot was much too low, provided more accurate water factors or suggested investigation of the water use factors for the various land uses allowed on each market rate lot. However, the recirculated portions of the Revised EIR use the same 0.5 AFY factor without explanation or supporting rationale. That means that these questions will not be answered (if at all) until the Response to Comments, when the public will be seeing them for the first time. This failure to clarify a critical point is a lost opportunity to improve an already very complex and unnecessarily confusing public process. The County's multiple and inconsistent Notices of Availability for the RDREIR dated February 15, March 9, and March 15, 2006, with a 2-page errata sheet and a substituted exhibit attached to the March 9 notice, along with the confusing public notices add to the confusion that the County has generated. SOCR 2-3

For all responses, please provide complete information as to what type of investigation was done and when, what steps were taken, by whom, when, and with SOCR 2-4

what result, what reports were written, by whom, and what reports are relied upon for the response. SOCR 2-4

Identification of Sources and of Participants in the EIR Preparation

Who took part in preparing the RDREIR? Please identify all individuals and organizations who helped prepare, write, research, or analyze any information that was used in the RDREIR. The DREIR provided a list of Report Preparation Personnel. DREIR, Section 9. Why was that section omitted from the RDREIR? Also, please provide that same list when you prepare the Response to Comments. SOCR 2-5

In many cases, when the RDREIR cites a source, the RDREIR fails to state whether the source is an independent consultant to the EIR preparer or was hired by the applicant and is an agent of the applicant. That information is important, especially in light of the Court of Appeal decision regarding evidence that comes only from the applicant who has a vested interest in the outcome. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 122. For all RDREIR references to a source (e.g. "Entrix, 2006"), please state whether the source was hired by the applicant or by the EIR preparer. If the source was hired by the applicant, please state whether the information has been reviewed by an independent expert, the name of the expert, and the date and result of that peer review. SOCR 2-6 & SOCR 2-7

Which organizations and persons were consulted in the preparation of this RDREIR? Please identify their names and the dates contacted. The DREIR included a list of "Organizations and Persons Consulted." DREIR, Section 8. Why was that section omitted from the RDREIR? Also, please provide that same list when you prepare the Response to Comments. SOCR 2-8

WATER SUPPLY AND AVAILABILITY

Water Rights

There is an older legal presumption in California that ground water is percolating. *City of Los Angeles v. Pomeroy* (1899) 124 Cal. 597, 628, 633. However, most State Water Resources Control Board decisions have not relied on this presumption and instead have focused on above ground physical characteristics of an apparent subsurface stream or the lack thereof. This approach was used *In the Matter of Complaints Against Diversion and Use of Water by the California American Water Company* (1995) WR 95-10, *as modified* in WR 98-04 which involved the Carmel River. SOCR 2-9

Assertion of Percolating Groundwater

The Recirculated Draft REIR now asserts that the purported September Ranch Aquifer (SRA) is percolating groundwater, not a riparian right which includes the subsurface flow of the Carmel Valley Aquifer (CVA) to which it is hydrologically connected. Avoidance of the riparian association enables the Applicant to ignore the SWRCB jurisdiction and compliance with National Marine Fisheries Service (NOAA Fisheries) Bypass Flow Recommendations for projects using Carmel River waters. Why does the RDREIR not discuss the effects of the new assertion of percolating groundwater? Why does it not discuss how its analysis changes as a result of this assertion? SOCR 2-10

The Final Hydrogeologic Report (Report, or Appendix C) by Kennedy/Jenks Consultants dated February 13, 2006 asserts the presence of an aquifer flowing in a known and definite channel which negates the assertion of percolating groundwater. SOCR and Bernardi incorporate by reference comments submitted by Carmel Valley Association dated March 31, 2006, at pages 4 through 6. The hydraulic connectivity between SRA and CVA has long been recognized. The fact that CVA occupies about 35% of the total SRA aquifer and is the most productive portion of SRA is significant. The fact that the CVA depiction in Recirculated Draft REIR Exhibit 4.3-3/KJC Figure 1 is not carried over to subsequent representations (such as Exhibit 4.3-4a/Figure 2a) makes it difficult if not impossible for the public to comment on these issues. For the EIR to show only the purported SRA without also showing the CVA skews the public's view of reality and does not reflect the on-the-ground conditions. Please show the CVA – on the same maps where the purported SRA is shown – based on the most current information, after consultation with the MPWMD. SOCR 2-11 & SOCR 2-12

There is no proof that an impermeable barrier exists between SRA and CVA. What are the environmental impacts if there is no impermeable barrier? Kennedy/Jenks's data do not support a separate basin of percolating groundwater. Therefore, water supply for the September Ranch project must be based on riparian rights, and the text should be revised throughout the Recirculated Draft REIR and Kennedy/Jenks Report. Please respond in detail as to why you do or do not agree. Do you agree that there is no documentation of an impermeable barrier between the purported SRA and CVA? SOCR 2-13

Riparian Water Rights

The 2003 chain of title review by Downey Brand LLP for the September Ranch parcel concluded the parcel is riparian to the Carmel River but its rights have been subordinated to California American Water Company (Cal-Am) pre-1914 rights. The Draft REIR made unequivocal statements that "the September Ranch parcel is riparian to the Carmel River" and "the September Ranch property is riparian to the CVA." Draft REIR dated December 2004 at 4.3-4. Now the text is qualified by the phrases "assuming extensive hydrologic connection between the SRA and the CVA" and "assuming that the SRA is sufficiently connected, hydrologically to the CA [sic] and the Carmel River." SOCR 2-14

Recirculated Draft REIR at 4.3-3 and Report at 18. Please explain why the terminology changed from the DREIR to the RDREIR, the investigation and the steps taken to arrive at those changes, and the identification of who made the investigation and the changes. The hydraulic connection to the CVA is documented in both the Kennedy/Jenks Report and Recirculated Draft REIR (e.g. Report at 10, §3.2 and Recirculated Draft REIR at 4.3-2). SOCR 2-14

Downey Brand has accurately described the September Ranch riparian water right as "riparian to the Carmel Valley Aquifer (and hence to Carmel River)" and "subordinated to the pre-1914 rights held by Cal-Am." Recirculated Draft REIR at 4.3-3, §4.3.1. Because Downey Brand only evaluated "senior water rights" to those of September Ranch, Kennedy/Jenks failed to assess the impacts of current Cal-Am extractions from the Carmel River. As the SWRCB advised in its comment letter dated April 13, 2005:

> 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. SOCR 2-15

SOCR 2-16

> Thus, Cal-Am legal and illegal extractions must be included in a revised analysis of total water extractions from AQ3 and AQ4. Recognition must also be given to SWRCB requirement for Cal-Am's pumping regimen. A notation should also be made to reflect that a major Cal-Am production well, the San Carlos well which is in proximity to the September Ranch property, is offline. Should this well become active, additional impacts can be expected.

Why does the EIR not take these issues into account? How does the EIR analysis change once the issues in the SWRCB comment letter have been considered? What are the potential impacts of the Cal Am pumping regimen and the reactivation of the San Carlos well?

The applicant has tried to avoid the NOAA Fisheries bypass flow recommendations by asserting that September Ranch is not a large water supply project and, therefore, exempt from these restrictions. Report at 4.9-17. However, NOAA Fisheries stated otherwise in its comment letter of April 26, 2005: "The DREIR should explain how NMFS' bypass flow recommendations apply to the new proposed diversions and comport to our SOCR 2-16

instream flow requirements." The applicant has no authority to determine whether or not this federal agency's recommendations are applicable to its project. What is the EIR preparer's assertion on this issue? Please describe the investigations taken, the steps, the data considered, and the rationale for the assertion. SOCR 2-16

Operations of the project's water system are significantly different under percolating groundwater versus riparian rights. In the former, the applicant intends to pump twelve months of the year without significant storage facilities; under the latter, pumping is constrained for at least five months each year and storage facilities together with permission from SWRCB are mandatory. Where is the EIR's independent analysis of these issues in the project description and in the identification and evaluation of environmental impacts? SOCR 2-17

A description of the project's water system is still missing. As a result, it is impossible for the public to comment on the impacts. SOCR 2-18

Inconsistencies between Recirculated DREIR and Kennedy/Jenks Report (Appendix H)

While the EIR preparer apparently responded to some comments made by the Monterey Peninsula Water Management District (MPWMD) dated March 18, 2005, Kennedy/Jenks does not. This inconsistency means the technical material is out of sync with the Recirculated DREIR text. For example, the EIR preparer responded to MPWMD's comment which appears at page 2 commenting on DREIR Page 4.3-1, Paragraph 5 and deleted reference to de minimis effects (Recirculated DREIR 4.3). However, Kennedy/Jenks continues to assert that the project demand "will have a de minimis effect on the adjacent Carmel Valley Aquifer (CVA), in light of the significant water resources in the CVA. (Report at iv; Report Appendix C, Response to Comment 11). How do you resolve this inconsistency? Since the technical analysis provides the basis for the Recirculated DREIR conclusions, consistency is essential and mandatory. SOCR 2-19

What is the "Appendix to Kennedy/Jenks Hydrology Report" that is referenced on Page 4.3-2? Nothing called "Kennedy/Jenks Hydrology Report" is on the list of References on 10-1. Without that supporting appendix, the public cannot comment on the claimed environmental issues. SOCR 2-20

Why does the RDREIR use inconsistent terms like "limited" and "inconsistent" connectivity" to describe the September Ranch Aquifer and the Carmel Valley Aquifer (page 4.3-3) while at the same time calling them "separate and distinct basins"? Either they are connected or they are separate -- they cannot be both. Please respond and explain fully, and provide supporting documentation and authority. Please provide all information that you have obtained on this topic. SOCR 2-21

The RDREIR states that "this chapter concludes that the SRA and CVA are separate and distinct basins" (page 4.3-4). For this and all other references to "this chapter" making a conclusion, please clarify exactly who is making the conclusion and who is contributing to it – the EIR preparer? The EIR subconsultant Kennedy/Jenks? The lawyers at Downey Brand? The County of Monterey (and if so, which staff person)? Someone else? SOCR 2-22

Where is the supporting documentation showing the process described on page 4.3-4, under Analysis of Relevant Water Rights? The public should be able to see the SWRCB information and verify the EIR preparer's process and methodology. Who took the steps identified in the bullet points? What peer review was done of the data and methodology? When was this work performed? Where are the reports? SOCR 2-23

The claimed average rainfall of 18.17 inches for the site appears to be too high. Page 4.3-11. A 2001 County of Monterey study states that annual precipitation at the mouth of the Carmel Valley (only 2.5 miles from the site) is approximately 14 inches. Another reliable source, WorldClimate.Com, suggests an average rainfall of 16.6 inches for Carmel Valley, which is believed to be at or near Carmel Valley Village, which is approximately 7.5 miles from the project site. The RDREIR rainfall claim for the project site is 9.46% more than the 16.6 inches at Carmel Valley Village. SOCR 2-24

What would be the environmental impacts if the RDREIR's claimed rainfall is incorrect? What would be the environmental impacts if the average rainfall at the site is 16.6 inches, or 14 inches? What would be the environmental impacts in a drought year? Is rainfall averaging an appropriate methodology for measuring the environmental impacts in these circumstances? What would be the environmental impacts in a series of drought years, such as the Monterey Peninsula has experienced in the past 40 years (e.g. 1987-1991), or in a twenty-year period of severe drought such as California experienced in the late 18th and late 19th centuries? Please clarify the drought history in Carmel Valley over the past 100 years, providing concise and accurate information on rainfall and all related factors. SOCR 2-25

The driest year on record for Monterey was 9.86 inches in 1976-1977. Monterey Peninsula weather statistics from July 1951 through December 2005, http://www.weather.nps.navy.mil/renard_wx/54yrs.html. What are the estimates of rainfall at the September Ranch site during such a dry year? How does that analysis affect the environmental review? Please be specific. SOCR 2-26

On 4.3-12, are the claimed precipitation figures of 19.02 and 18.4 in the top paragraph supposed to mean "at the September Ranch site"? Same question for the 11.0 inches during drought years? If the EIR's estimates are larger than they should be given the other expert and more focused data, such as the 9.46% overage suggested by another SOCR 2-27

reliable source (see preceding paragraphs), might the 11 inches rainfall be at least 9.46% too high? If it is, and the actual rainfall during drought years is closer to 10.0 inches, or less than 10.0 inches, what would be the environmental impacts of the project? SOCR 2-27

What would happen during a drought period of five to eight years, which is a reasonable possibility based on historic data? Where is that analysis in the EIR? The EIR should carefully review the available data, especially given the apparent lack of certainty around its calculation of rainfall at the site. There appears to be much more reliable information about precipitation at the site than the EIR's choice of San Clemente Dam rainfall, 17 miles inland from the site (according to page 4.3-35) with a markedly different elevation, orientation and topographical situation. SOCR 2-28

Who owns the Brookdale Well? (4.3-13) If it is owned by Cal Am, the 5-7 foot drops in that well indicate that the public water supply may be affected by September Ranch pumping. Please respond in detail. SOCR 2-29

For exactly what years was the Brookdale Well correlation identified? That underlying data should be in the EIR so the public can review it. The Brookdale Well produces water from the Carmel Valley Aquifer. If the Brookdale Well drops 5 to 7 feet during the usage months of the unidentified September Ranch well, it would indicate a direct relationship between the water being pumped by the Brookdale Well and the Water being pumped by the September Ranch well. That appears to strongly contradict the RDREIR/Kennedy/Jenks claim that the CVA and SRA have only "limited connectivity." Please respond in detail. SOCR 2-30

How many wells (active, inactive, or monitor) are currently on the September Ranch site? Page 4.3-13. The RDREIR does not clearly state that information. Also, which wells are pumping the water that is described? Please provide pumping data in detail, and identify the locations of the production wells on the existing maps/exhibits. This information is relevant, especially given the described impact on the Brookdale Well. SOCR 2-31

Exhibit 4.3-2 Well Locations Map

This map is virtually impossible to read and cannot be read by many residents of Carmel Valley and Monterey County. The legend should be printed in much larger font. Some of the wells shown on this Exhibit 4.3-2 are not on the following Exhibit 4.3-3. Why are the exhibits inconsistent? The maps should be consistent. Please identify who provided what information on the exhibits, and provide consistent exhibits. SOCR 2-32

The information on these two exhibits is confusing because different terms are used for what appear to be the same wells. For example, on 4.3-2 there appear to be four wells SOCR 2-33

on SR, identified as, from west to east: 1b, 2, 2c, and 3a. But on Exhibit 4.3-3-4a, there are only three wells shown on September Ranch identified as, from west to east: Well B, Well C, and Well A. Further, Exhibit 4.3-2, Well Locations Map, shows eight non-September Ranch wells identified, from west to east, as 7, 8, 9, 4, 10, 11, 5 and 6. The Brookdale Well is inexplicably omitted from this exhibit. Exhibit 4.3-4a shows sixteen wells identified as, from west to east, Brookdale, Well E, S-13, S-12, S-14, S-7, S-10, S-4, S-11, S-2, S-8, S-3, S-15. S-16, S-9, S-5, and S-6. The public cannot determine which wells on one map match up with which wells on the other, which wells are owned by whom, and why there are inconsistent numbers and locations. Also, please identify on the maps the specific location of "pumping well SR1" which Appendix C states is "located near" Well C. Appendix C, page 15. SOCR 2-33

The two exhibits should be consistent with each other so the public can figure out what the EIR is trying to say. Only then can the public comment on it in an informed manner. SOCR 2-34

Exhibits 4.3-2 and 4.3-4a omit the well or wells known to exist in the southeastern portion of the claimed SRA. These well or wells exist in the notched-out portion of the September Ranch parcel near Carmel Valley Road. Further, there are residences and other uses on that overlying land and on overlying land south of Carmel Valley Road that can pump from the purported SRA, if it exists, which could significantly increase the demand on the SRA and negatively impact the SRA's ability to provide water for the proposed new subdivision. Please respond in detail, and provide supporting documentation for the response. Please address each lot, whether there is an existing well or could drill a well, and the maximum potential usage for each lot. Please describe what investigation you have done on this point, and state the results of that investigation. SOCR 2-35

The titles and the text of this chapter are inconsistent and confusing because the public cannot tell if the references are to CVA or to the purported SRA. For example, the section titled "Groundwater Storage" is followed by a discussion of the purported SRA storage (4:3-33). Immediately below that, a subsection titled "Data for Calculating Storage for Normal Rainfall Years" refers to recharge to the CVA. The next subsection titled "Data for Calculating Storage for Below Average Rainfall Years" refers to a "total recharge" without identifying the aquifer, which is presumed to be the CVA. The documents are confusing to the public and the decision-makers. The public cannot provide comments with such internal inconsistency and lack of clarity. SOCR 2-36

The top paragraph of page 4.3-34 refers to "Table 3, Appendix B of Appendix C of this REIR" for its claim about recharge on a below-average water year. We want to review that information, but could not find the cited reference. The Appendix C: Hydrogeologic Report that was included with our RDREIR has an Appendix B but it is entirely "Water Level SOCR 2-37

Record from the September Ranch Wells and Brookdale Well." There is no "Table 3" in it, and nothing about recharge in a below-average water year. Please provide complete information. The response will include new information that has not been reviewed by the public. Accordingly if the public then challenges, question, or comments on the new information, the EIR preparer should provide a response to those comments. Do you agree? If not, please provide all the authority on which you base your disagreement. SOCR 2-37

What discussions did this EIR preparer have with the MPWMD before arriving at its conclusions shown in Table 4.3-2 (4.3-34)? What was the response from MPWMD? On what basis was the estimated storage of 261 AF in the MPWMD MOU apparently rejected by this EIR preparer? SOCR 2-38

What was the rainfall in 1998-99 that was relied on in Table 4.3-2 for the "below average rainfall" column? Why was that not included in the table? SOCR 2-39

Wastewater

The prior proposals for this site had on-site wastewater treatment facilities where final effluent disposal would be spray irrigation of pasture land and recycling for residential landscape watering. The treated wastewater was a source of irrigation water to 13 acres of the site and provided about 39 acre-feet of water. SOCR 2-40

The applicant has now chosen to connect to the Carmel Area Wastewater District facility and is not bringing the project's tertiary-treated water back to the site. Part of the solution is to discontinue watering the pasture. However, the irrigation needs for exterior landscaping of the common areas as well as individual building sites is extensive. The County has no enforcement mechanism for its required planting of drought- tolerant vegetation; CC&Rs are not a viable or effective method to control exterior water demand. This issue requires evaluation, discussion, and proposed mitigations. The Recirculated Draft REIR is deficient for failing to include an analysis of these issues? SOCR 2-41

If a mutual water system is approved for this project, a condition of approval must require de-annexation from the California-American Water Company (Cal-Am) service area. Without de-annexation, the project is subject to County Ordinance 3310. This ordinance regulates water intensifying uses which occur when development results in an increase in the use of water on a building site compared with pre-development conditions. SOCR 2-42

APPENDIX C: HYDROGEOLOGIC REPORT

"Attorney Work Product" Header on Appendix C: Hydrogeologic Report

Why is the "Attorney Work Product Privileged and Confidential" header an "errata"? Wasn't it put on there on purpose? Who put it on? How did the report end up as an attorney document? What other versions exist of that same document? What information did the attorneys provide? What information in the report was categorized as "attorney work product," which is a legal doctrine protecting the impressions, thoughts, and work of attorneys, not of technical experts. Please identify each place in the Recirculated Draft Revised EIR and in the Draft Revised EIR where the discussion of any issue reflects the impressions, thoughts, and work of attorneys. SOCR 2-43

Appendix C states that "The Findings in this report are intended to update and supplement the September Ranch Final EIR." See page iv and page 1. That Final EIR was overturned by the trial court and the appellate court as inadequate in its methodology and because it was in large part the work of the applicant's attorneys in key areas. That discredited Final EIR should not be relied on in any way. Please respond, and identify every instance where you relied on the discredited Final EIR, and please re-evaluate that analysis or data independently without any reliance on the Final EIR. This EIR will stand or fall on its own. There is no reasonable, practical, or legal basis for relying on an overturned EIR, especially under the circumstances presented in regard to this EIR. SOCR 2-44

Throughout the document there are citations to 1992 and 1997 Todd reports. See, e.g., page 11. You omit stating that Todd is the applicant's consultant. What, if any, steps did you take to investigate, verify, test, and otherwise confirm that accuracy of that data? For each such reliance on Todd data, please describe in detail your steps to investigate, verify, or test the information, along with your conclusions based on each step you took. The law of the case states that the applicant's data and word is not to be relied on because he has a vested interest in the outcome. The same applies to the applicant's agents, including his consultants and lawyers. The County knows, and consented to a Superior Court judgment in the Bernardi litigation in 2000, that key documents relating to the September Ranch project were ghostwritten and doctored by the applicant's agents, and that the documents did not reflect the County's independent judgment and were not reliable. In light of the history of this project and its environmental documents, what affirmative steps did you take to verify the accuracy of every aspect of the Todd reports. SOCR 2-45

This document fails to present the information in an independent analytical manner that is required under CEQA. The document is in many places an advocacy piece for the project. Here is one example from page 3, with underlining added for emphasis: SOCR 2-46

> Rejected groundwater outflow is the seasonally variable level of groundwater that exceeds the storage capacity of the September Ranch Aquifer (SRA) and, after satisfying Project demands, is then "spilled" or discharge into the Carmel Valley Aquifer ("CVA").

SOCR 2-46

That is not an independent, scientific definition of "rejected groundwater outflow." Rejected groundwater outflow has nothing to do with the September Ranch Project, as this sentence claims[1]. The report's use of advocacy terms like "satisfying Project demands" is deeply discouraging to the public given the compromised nature of the County's past review of this project. Further, the EIR preparer's use of advocacy terms is inconsistent with the goals of CEQA, which is to inform the public and decision makers of the environmental consequences of their actions. The EIR should inform, not cheerlead.

Kennedy/Jenks Water Balance Uses Flawed Rainfall and Recharge Assumptions

Kennedy/Jenks states that the primary source of recharge to September Ranch is rainfall and recharge is dependent on the efficiency of drainage and percolation. It states that its approach to assessing the long-term water source for September Ranch is to perform a water balance that results in a "best estimate" of groundwater stored in the September Ranch Aquifer (SRA) during normal and below average rainfall periods. Report at 3, §1.3.

SOCR 2-47

Average Rainfall Years

Kennedy/Jenks uses the first four months of 1998 as representative of an "average" rainfall year together with 1996 and 1997. Report at 6, §2.2. As noted by MPWMD, 1998 was an El Nino year with record rainfall. "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." MPWMD Comment Letter of March 18, 2005, page 3 referencing DREIR Page 4.3-14, Paragraph 6. Inclusion of such extraordinary quantities of rainfall skews the water balance computations. How will you correct and revise this analysis? Did you review the MPWMD comment letter? Do you agree that the MPWMD is the sister agency with expertise in Monterey Peninsula water issues, and that their advice should be considered very seriously?

SOCR 2-48

Similarly, Kennedy/Jenks considers water year 1997 as an average rainfall period. Report at 9, §3.2. Rainfall that water year was above normal. Kennedy/Jenks states, "The groundwater elevations for the water years 1997 and 1998 (October through December of 1997 and January through September of 1998) were used to represent average rainfall

[1] The definition is also inconsistent with the definition provided on page 10 for "rejected recharge."

years in calculating storage." Report at 11, §3.3. Using an above normal and an extremely wet year to represent "average rainfall" in calculating storage continues the error.

Save Our Carmel River and Patricia Bernardi have requested the EIR preparer utilize meteorological terminology consistent with MPWMD. Using the appropriate categories of extremely wet, above normal, normal, below normal, dry, and critically dry with the appropriate water year will provide both accuracy and consistency which is currently lacking. Why are these categories not used? On what basis was that decision made, and by whom? SOCR 2-48

Without modifications to Kennedy/Jenks average rainfall year selections, a false picture of water availability is presented by the report. How will the changes to this analysis affect the overall environmental impact analysis?

Recharge

Drainage generally flows only during precipitation events. Drainage courses are the result of surface-water erosion. The surface water generally flows relatively unimpeded to the terrace deposit lying adjacent to the base of the ridges. According to the Kennedy/Jenks report, the drainages do not dissect the terrace suggesting that the surface water infiltrates the terrace and recharges the groundwater. Kennedy/Jenks asserts in its Executive Summary that "CVA and SRA aquifers have independent sources of recharge" which minimizes its pumping impacts during extended drought periods. Report at iv. In contrast, the Groundwater Storage section acknowledges that about 2600 AFY of recharge occurs along the sidewalls of the CVA Aquifer Subunit 3 (AQ3). Report at 11, §3.3. Which set of facts in the RDREIR to you assert is true, and on what basis? SOCR 2-49

It is deceptive to state that 1999 represents a year with below average surface recharge without further explanation. Report at 11, §3.3. 1999 had normal rainfall, but it followed the extremely wet El Niño year of 1998. This circumstance resulted in limited storage space in both the SRA and CVA basins because they were still relatively saturated. Why was this information not included? How will the report be revised to capture this more accurate data, and how does that change the analysis of impacts? SOCR 2-50

How has the addition of impervious surfaces to the natural recharge been addressed in the EIR? Please identify all calculations that present a comprehensive picture of the recharge which can be expected on the property post-development. What assumptions went into that comprehensive picture? Examples of important assumptions include what level of development is expected on each market rate parcel, what type of impervious surfaces for each market rate parcel and inclusionary unit, and how are those surfaces quantified? SOCR 2-51

Why has Kennedy/Jenks selected periods plump with water and mislabeled them? Has this skewed Kennedy/Jenks 's portrayal of the true impacts from September Ranch pumping? If not, why not? SOCR 2-52

Appendix C makes conclusions that are not supported by any evidence. For example, it claims that "even in the driest years on record, sufficient rainfall and recharge occurred as to ensure sufficient water stored within the SRA to meet project demand" (page iv). But there is no evidence that the report analyzed the driest year in recent years (less than 10 inches in 1976-1977). SOCR 2-53

Additionally, instead of a single dry year, the report did not analyze the scenario of a series of drought years, which cause more significant environmental impacts over time. The EIR should do so, especially because since 1902 the Carmel Valley has experienced over six droughts of two years or more of critically dry conditions. Additionally, California has experienced six decade-long severe droughts from 1560 to 1980. The two most recent decade-long severe droughts were twenty-year droughts from 1760-1780 and 1865-1885. Comparatively, the recent record shows a relatively wet period. The Watershed Institute, Physical and Hydrologic Assessment of the Carmel River Watershed, Report No. WI-2004-05/02 (1 November 2004) pp. 24-26 and citations therein. Because the September Ranch project proposes to rely entirely on rainfall for its water supply, the EIR should provide a careful analysis of the big picture regarding precipitation, not merely the 17-mile distant San Clemente dam records which date from a relatively recent 1922. Why is this analysis not provided for public comment? Please provide it and recirculated the EIR. SOCR 2-54

The annual project demand of 57.21 AFY (page iv) is contradictory to common sense, is not supported by reliable evidence of water demand of comparable projects, and ignores evidence from other public documents that evaluate water demand. For example, the County's Pebble Beach Project EIR used a factor of 1 acre foot/house (on much smaller lots, in a much foggier and cooler area). The water demand on September Ranch is at least that if not much greater, because the project zoning allows for a guest house and a caretaker's unit on each market rate lot, plus pools, vineyards, extensive landscaping, and other water-intensive uses. The vineyard development in Carmel Valley is unanalyzed, with numerous properties in Carmel Valley putting in small vineyards (sometimes referred to as "vanity" vineyards). The County has encouraged such vineyard uses, and it is reasonably likely that the encouragement will continue, if not increase. Please respond in detail, and provide all supporting evidence (including individual factors for each land use type and all assumptions) for the water demand figure, including an analysis of the maximum allowable development on each lot. Why is the methodology used to arrive at the 57.21 AFY estimate absent from the RDREIR? Please consult with the MPWMD for accurate records and projected usage for comparable land use development. Given the controversy surrounding water for this subdivision, project approval, if granted, should contain appropriate conditions of approval which constrain water demand through building size and fixture count restrictions. Have you considered these mitigations? If not, why not? SOCR 2-55

Appendix C, Untitled Chart and Table on page 6

What is the exact location, elevation, and description (e.g. east/west facing, slope above/below, etc.) of the locations used to provide the data used in the table and chart on page 6? Do the data underlying the chart and the table both come from the same location? What is meant by "a location which is similar to that at September Ranch"? Why is the location not stated? Where is it? Without that information, the public cannot comment on its accuracy or appropriateness. SOCR 2-56

Why does the chart only cover the years 1959 – 1978? The most complete information should be used, including information through 2005. Why does this analysis use data whose most recent information is 28 years old, when more recent data is available? Please update the data, review the methodology, and provide the revised calculations and data for the public's review. SOCR 2-57

The chart on page 6 is illegible when it is printed out. The background and the lines all run together. The Table should be produced with a white background for the table and the legend, and different types of lines (e.g. dots, dashes) used so the chart makes sense when printed out. Not every member of the public or every decision-maker has access to a computer to view the table online or has the necessary computer skills to do so. Under CEQA, it is inappropriate to present information that is legible only to those who work online with a computer. SOCR 2-58

The chart and the table cover different time periods: the table covers 19 years beginning in 1959; the table covers 29 years beginning in 1971. Please provide the most current data for both tables, and for the same location. Please analyze the most current data, accordingly. SOCR 2-59

Why does the RDREIR rely on a 1992 Todd analysis to determine annual rainfall at SR? Why does the EIR preparer not do an independent investigation, using current rainfall data, to provide the information? Why has a professional meteorologist not done a rainfall estimate, based on the most current data available and with the most current meteorological analytical tools which are very site-specific? Might that approach be more accurate than the 14-year-old Todd report that used a Department of Forestry contour map for which no date is given? Todd is the applicant's agent, and the County is bound by the law of the case. The applicant's information must be tested and investigated by the EIR preparer, because the applicant has a vested interest in the outcome. The EIR fails to take an independent look at the applicant's data, and fails to determine whether there is more accurate rainfall data available, as is evidence from the information and references we have provided in these comments. SOCR 2-60

Appendix C, Section 3: Groundwater Resources.

Why does the RDREIR claim that "the closest non-September Ranch well" is the Brookdale well? RDREIR Exhibit 4.3-2, Well Locations Map, shows many wells much closer than the Brookdale Well, which is inexplicably omitted from Exhibit 4.3-2 but shown on Exhibit 4.3-4a. Further, both exhibits omit other well or wells that exist overlying the purported SRA. Where is all data relied on for the claim that water levels in the Brookdale well recover later in the year (after a 5 to 7 foot drop caused by the September Ranch pumping)? Report, page 9. Without that data – or even a reference to where to find it – we cannot comment meaningfully on this issue, which is critical to the evaluation of the impacts of September Ranch demand on the public water supply. SOCR 2-61

Why is the significance of "the Brookdale Well" not discussed? Is it a Cal Am well that pumps water to provide the public water supply for the Monterey Peninsula? If so, why is that significance to environmental impacts not included? SOCR 2-62

The document suggests that the SRA "can be described as a small and nearly "closed" basin bounded almost entirely by Monterey Shale (Tm)." Report, page 9. What does "nearly closed" mean? If something is not entirely closed, that means it is open, does it not? Please provide detail in your response. It appears that the report used semantics to try to advocate for a political result and to gloss over the fact that the basin connects with the CVA. SOCR 2-63

The report mentions the "surface areas of the September Ranch basin" but then refers in that same paragraph to "rainfall amount in water years 1987 to 1991 (Table 3) and . . . a single water year 1999 which had a [sic] abnormally low annual recharge (Table 3)." But Table 3 is titled Carmel Valley Aquifer Subunit 3 Recharge and Storage Estimates. Please explain and clarify the reference to Table 3, which does not mention rainfall amounts. Additionally, the recharge shown on Table 3 refers to the CVA, not to the purported SRA. Please explain in detail why Table 3 was referenced, what specifically was being referenced, and corrections, if any. Separately, Table 3 shows that while WY 1999 had a low recharge of 5091 AFY, WY 1994 was lower, at 4720 AFY. Why was WY 1994 not used? The paragraph ends with the statement: "Water levels for (1999) had to be used because no data are available for the September Ranch wells dating back to the 1987 drought." But Table 3 data does not reference September Ranch at all, so why is the drought period not used as a possible scenario? Further, why is a five- to eight-year drought period not used as a possible scenario to determine environmental impacts of the project? SOCR 2-64

Appendix C, Subsection 3.3 Groundwater Storage

Groundwater Storage Assumption

Kennedy/Jenks asserts that "a conservative calculation of aquifer storage is primarily a function of actual recorded water levels, which are themselves entirely dependent on surface recharge (Table 3, data provided by MPWMD 2003). Hence, in selecting yearly water level data for calculating storage for normal and below average rainfall periods, average and below normal surface recharge values are used as indicators of normal and below average groundwater recharge periods." Report at 11, §3.3. If Kennedy/Jenks had the actual water levels in SRA during the 1987 to 1991, would that have provided the most accurate assessment? Why can't Kennedy Jenks recreate water levels from the critical period through extrapolation of relevant data? What are the risks in basing a "best estimate" on limited data, as Kennedy/Jenks has done here? SOCR 2-65

Kennedy/Jenks uses groundwater elevations for the water years 1997 and 1998 (October through December of 1997 and January through September of 1998) to represent "average rainfall years" in calculating storage. Report at 11, §3.3. With 1997 an above normal year and 1998 an extremely wet year, Kennedy/Jenks has provided the SRA with extraordinary and atypical groundwater elevations. The scenario is further muddled by Kennedy/Jenks's use of 1999 to represent a water year with below average surface recharge. 1999 had normal rainfall, but due to the preceding El Niño water year, there was limited recharge because the basin was full, not because of a shortage of rainfall. Is it reasonable to compare a level which results from limited storage space with a level which results because of diminished rainfall? Can one type of level (limited storage space) be used interchangeably for the other (diminished rainfall) in these circumstances? If so, why? Please provide your analysis and the steps taken to arrive at your conclusions. These choices by Kennedy/Jenks should either be modified to be more representative of the expected storage or their lack of clarity should be explained. SOCR 2-66

It is difficult for the public to comment when the CVA is only identified on Figure 1 and not Figures 2 a, b, and c. Inclusion of the State Water Resources Control Board (SWRCB) jurisdictional waters, i.e. CVA, must be depicted to provide a proper representation of the two water bodies. Further, the SWRCB requested that the SR1 well be added and it has not. SWRCB Comment Letter of April 13, 2005 at page 2. Why were these basic informational deficiencies not corrected for this RDREIR? Did you read the SWRCB letter? Who made the decision to not correct the omissions in the figures? SOCR 2-67

The document admits that some of the CVA recharge originates "from the SRA and would be affected by increased pumping from the SRA." Appendix C at page 11. Please describe in detail how you arrived at this conclusion, quantify the "portion" that originates from the SRA, and describe in detail, with quantification, how the CVA recharge would be affected by increased pumping from the SRA. Also, throughout the EIR, please address the SOCR 2-68

possibility if the actual pumping for the September Ranch project is 100-150 AF, which is possible due to the proposed land uses (94 houses at 1 AFY, 15 units inclusionary housing at .2 AFY, 3 AFY for the existing house and the horses, plus uses such as second units, caretaker units, pools, vineyards, landscaping, etc). SOCR 2-68

Does the MPWMD still concur with using the 70% evapotranspiration rate? Appendix C at page 13. Scientific data and understanding has improved. Please provide evidence of all contacts with MPWMD that discussed this issue, and provide documentation for MPWMD's concurrence. SOCR 2-69

Will there be storm drains on site to carry storm runoff? The project will add ornamental landscape that will consume more water than the natural open space that is currently on site? Do those factors affect the evapotranspiration rate? SOCR 2-70

It is commonly acknowledged that evapotranspiration rates are higher for south-facing slopes than for north-facing slopes. The SRA watershed is south-facing. Was that factor considered by the EIR preparer in arriving at the evapotranspiration rate, and if so how? Also, how was the subdivision's inevitable increase in impervious coverage (all development that is not permeable from soil to sky) taken into account in quantifying the recharge rate? Please be specific, and provide the investigation, the steps in the analysis, and the reports. SOCR 2-71

Data for Calculating Storage for Normal Rainfall Year

Table 3 data ends in 2001. Why does the report rely on information that ends in 2001, without including the most recent information that is available? Page 11. SOCR 2-72

Groundwater Recharge.

Please show all calculations and factors that underlie the untitled table on page 13. What steps were used to get from rainfall at San Clemente to precipitation at the September Ranch site? SOCR 2-73

The report states that the position of MPWMD and Monterey County is that during severe droughts there is a zero recharge to the groundwater basin. What is meant by the statement "It is Kennedy-Jenks opinion that for below average rainfall years a zero recharge is unrealistic given the Mediterranean climate"? Appendix C at page 13. Please explain why the report claims that "the Mediterranean climate" is a reason for rejecting the zero recharge. The term, "Mediterranean climate" is a term for an area that has a typical type of climate. Isn't it possible to be more precise about this site? While both Pebble Beach and Carmel Valley may both be considered "Mediterranean," there are dramatic daily differences in maximum temperatures, humidity, rainfall, fog, and the like, all of which affect the claims made by the applicant and the County. Please be specific, and provide supporting SOCR 2-74

documentation and methodology. The discussion at pages 13-14 is inadequate, and does not explain the factors and reasoning that led to the conclusion. The MPWMD and Monterey County have this same data, and reached different conclusions. Why should the public believe this report, if the local public water agencies do not? SOCR 2-74

If, as MPWMD and the County believe, there is a zero recharge during drought years, how does that affect all the analyses addressing recharge and overall availability of September Ranch capacity in the SRA and CVA, especially after a drought period of several years? Please be specific, and provide calculations and supporting data, including the detailed project water demand (and supporting factors). SOCR 2-75

What supporting documentation was used to arrive at the conclusions stated in the bottom paragraph on page 13, Appendix C? Please provide that, and state where that information appears in the RDREIR. SOCR 2-76

Groundwater Gradient

The report claims that "typical groundwater flow patterns in the SRA and the CVA are illustrated on Figure 3 and Figure 4." Who did the "large-scale aquifer test" that is referenced? Who paid for that test? Has that data been independently investigated and verified? If so, by whom, how, what steps were taken, and what results obtained? When did it take place? Under what circumstances? Information that comes from the September Ranch applicant and his agent is suspect and cannot be relied upon, according to the Court of Appeal. SOCR 2-77

The statements at page 14 clearly indicate that the purported SRA is connected with the CVA. SOCR 2-78

Groundwater Gradient in Aquifer Tests (Appendix C at page 16)

What is meant by the statement that a 1996 aquifer test performed by the applicant's consultant showed that the September Ranch pumping "had some influence on the CVA"? Please explain exactly what you mean by that phrase, with supporting data, the steps taken to research the data, the calculations made, and the conclusions reached. SOCR 2-79

How can Kennedy/Jenks rely on this 1996 study when Kennedy/Jenks agrees with the MPWMD that the results and interpretation of that test "are debatable, and that the response in wells closer to the Carmel River is less than expected"? Please provide a detailed response, including the steps taken to investigate the test results, the methodology chosen to analyze the result, and the conclusions, especially those that conflict with the conclusions of Todd, the applicant's agent. Please include the referenced MPWMD comments in your response. If the "debatable" results are suspected to be due to concurrent rainfall and high river flows, why are they not investigated in more detail here? SOCR 2-80

Why does the following paragraph (beginning "However") appear to rely on the data from that same test, if the results are "debatable"? SOCR 2-81

The report claims that there were "unique conditions" that led to the 1996 test results. Please reconsider the discussion in that paragraph (beginning "We also suggest") if the actual demand for the project is 100-150 AFY or more, which, as shown elsewhere in these comments, is a reasonable possibility. SOCR 2-82

Section 5: Water Demand.

See comments elsewhere regarding the inaccurate and unfounded low estimates of water demand, the failure to include many land uses, and the unsupported water factors. SOCR 2-83

Why does "the total demand exclude[] water needed to irrigate the pastures" on the table on page 24? Is the pasture irrigation going to cease entirely? Irrigation of the pastures does not appear to be part of the project description. SOCR 2-84

Table 4.3-5: Baseline and Project Water Demand at Buildout (page 4.3-41) includes only interior and exterior water use at homes, use at the equestrian center, and system losses. It does not include pasture irrigation. The RDREIR states that pasture irrigation "is expected to cease upon completion of the project." On what is that claim based? What does "completion of the project mean? It may take twenty years or more before the last home site is completely built out – will irrigation take place until then? Should not cessation of pasture irrigation be a required mitigation, if, as it appears, it is an assumption of the EIR preparer and not part of the project description? What other assumptions about the project is the EIR preparer making that are not part of the project description? SOCR 2-85

Appendix C, Table 1

This table includes data from 1997. How can it be based on an analysis and peer review dated 27 June 1996? From what source did you base the WY precipitation data? Why and how did you arrive at an 84.9% ratio for September Ranch to San Clemente? On what basis are you concluding that the hypothesized 84.9% ratio remains the same in dry years, or over a series of dry years (drought)? Please provide precise and complete supporting information and calculations in your response. SOCR 2-86

All the data in Appendix B to Appendix C comes from the applicant's agent, according to page B-10. There is no evidence in the EIR materials of the description of the EIR preparer's investigatory activities undertaken and findings reached to support the EIR's assertions regarding this data. Where is that evidence? That documentation can then be followed by comments from the public and interested agencies, and responses to those comments. Without that documentation, the public cannot make comments. SOCR 2-87

The RDREIR states that the water demand of 57.21 AFY "is comparable to the typical use of water in the geographic region but incorporates an increase in total demand due to relatively larger lot sizes in the proposed project." Page 4.3-44. Please provide all data that supports this statement, including the "typical use of water" cited, the size and methodology used for the "increase in total demand" and the "relatively larger lot sizes." Please provide the investigatory activities undertaken and findings reached to support the EIR's assertions regarding this data. SOCR 2-88

Monthly Analysis of Potential Flow Reduction to the Carmel River, 4.3-47 (see Appendix C, Subsection 7.1.1.1)

This subsection states that the maximum potential reduction in flow . . . ranges from .01% to 0.05% of the monthly flows in the Carmel River . . ." Exactly how many acre feet is that, on average, per month, for an average year and a dry year? What is your methodology and findings to reach these conclusions, and your assertion that this is "very small"? Page 4.3-49; Appendix C at page 32. Please explain why "very small" is an acceptable measurement of impact given the condition of the Carmel River, including SWRCB Order 95-10. Please quantify what you mean by "very small"? SOCR 2-89

What is the reference on page 4.3-49 (also at Appendix C, page 32) to "six known supply wells in the CVA of which four are active"? Does the RDREIR intend to refer to the purported SRA, not the CVA? SOCR 2-90

The RDREIR makes another advocacy statement: the Canada de la Segunda watershed "may eclipse the minor contribution of recharge from the SRA." Page 4.3-49, repeating Appendix C at page 32. An EIR for the September Ranch project should evaluate the September Ranch project. There is no project being proposed for the Canada de la Segunda watershed that is being evaluated in this EIR. This EIR appears to be providing a gratuitous comparison, using advocacy terms like "eclipse," in order to make a statement in favor of the September Ranch project. Such comments demonstrate a lack of professionalism and independence, and compromise the EIR effort even further. SOCR 2-91

BIOLOGICAL RESOURCES

It appears that the long list of documentation reviewed by the EIR preparer shows documents almost entirely prepared by the applicant and/or part of the discredited and overturned EIR. Is this true? Were all of the documents from Zander, Staub, Mori, and Smith prepared by the applicant's consultants, and not independent and disinterested experts? Please respond in detail. SOCR 2-92

Also on the list is the overturned Denise Duffy & Associates 1998 FEIR Volume 2. Why is this EIR relying on an environmental document that was overturned by the trial court and the Court of Appeal? SOCR 2-93

The only documents on the list from independent sources appear to be "comments" from two public agencies (USFWS, 1997 and CDFG, 2003) and two nonprofit organizations (Pine Forest Watch and California Native Plant Society in 2003). However, the EIR preparer does not appear to have reviewed the comments provided by public agencies and other organizations to the 2005 DREIR, and as a result much of the analysis in the RDREIR has the same flaws as the DREIR. Did the EIR preparer review those comments? Why was information that would clarify many of the issues raised in those comment not made in the RDREIR? This is another lost opportunity in the County's very lengthy public review process. The County could have reviewed the comments on the biological impacts and improved its recirculated section, but did not. SOCR 2-94

Internal Inconsistency

The EIR should be internally consistent, and rely on the same disclosed data. The RDREIR is not internally consistent, and the data it relies on is not disclosed. Here are three examples.

1. What is the support for the average precipitation of 17.23 inches for the "Monterey area"? Page 4.3-11. What is meant by "the Monterey area"? Please be precise in your response. Please explain where the RDREIR got that figure, and identify the date and the source. The rainfall for the project site would be a more accurate representation of the existing conditions, do you agree? Please provide the biologist's estimate of the rainfall for the site, and provide the supporting data and calculations. SOCR 2-95

2. The Water Supply section states that the project site is "about 3-1/4 miles from the Pacific Ocean" (page 4.3-11) and the Biological Resources section states that it is "approximately 2.5 miles east of the Pacific Ocean." Page 4.9-1. Please explain where the RDREIR got each figure, and identify the date and the source. Please explain why the distance from the ocean is relevant. Also please explain why the latter RDREIR section claims the project site is only 76% as far from the ocean as the Water Supply section, and provide supporting documentation. SOCR 2-96

3. The Water Supply section states that the project site is 800 feet from Carmel River (4.3-13), but the Biological Resources section states that it is "approximately .35 miles north of the Carmel River." Page 4.9-1. Please explain where the RDREIR got each figure, and identify the date and the source. The latter section's claim of .35 miles is 1848 feet, which is 2.3 times the distance claimed in the former section. Please explain, and provide a definitive response with supporting documentation. SOCR 2-97

Vegetation Map

Please describe in full the "cleared area" shown on Exhibit 4.9-1, Vegetation Map. Who cleared it and when? What is the current status of that site? Was the "clearing" done under a permit? SOCR 2-98

Exhibit 4.9-1, Vegetation Map demonstrates the extent to which the proposed project would cause fragmentation of all three habitat/vegetation types primarily found on the site: grassland, pine/oaks, and coastal sage scrub. SOCR 2-99

Public Trust Resources

The analysis of steelhead and red legged frog issues should be completely redone in light of the comments by us and others to the hydrogeologic portions of the RDREIR and DREIR. Please circulate the revised analysis for public comment. SOCR 2-100

Oak Trees

Why is there is no analysis of consistency with the CVMP policy that "the County shall discourage the removal of healthy, native oak . . .trees"? Page 4.9-34. Please provide this analysis. The project appears to be inconsistent with this policy. Why does the RDREIR suggest preparing a "Forest Management Plan" as mitigation for the loss of 890 healthy oak trees? Is that true mitigation? Are there other mitigations for this loss? What are the mitigations for the loss of oak trees of less than 6" in diameter caused by the project? That loss is a significant environmental impact that is not identified in the RDREIR. SOCR 2-101

The proposed lot lines appear to have been without regard for the location of healthy oak trees. Once the lot lines are set, then the building envelope and development envelope options are limited. In other words, there is only limited flexibility within the designated lots to allow location of development, because of the established lot lines, setbacks, slopes, and other constraints. Instead, a more reasonable approach would be to locate lots by taking into consideration the existing trees and slopes, and drawing the lot lines and building envelopes before proposing lot lines, in order to make a good faith effort to reduce the impacts on the trees. Why was this mitigation not proposed? Will you impose it now? SOCR 2-102

Consistency Analysis with Carmel Valley Master Plan Policies

The "consistency analysis" for the thirteen listed CVMP policies (pages 4.9-33 and -34) is essentially absent. Its first paragraph is primarily non-responsive, with some advocacy thrown in. In the second paragraph, the restatement – of requiring future plans (forest management, open space management, grassland habitat), the tentative map, and future building envelopes (after the lot lines have been established), and future surveys – is not responsive, and does not analyze the project's consistency with the policies. SOCR 2-103

The sole responsive comment is the sentence on 4.9-35: "Consistent with the CVMP, no development is proposed within the riparian habitat." The riparian habitat is less than one acre adjacent to Carmel Valley Road, and it is not at all the primary focus of this RDREIR or the public. The focus is on the forest land, the grassland, and the coastal sage scrub that are addressed in the other twelve CVMP policies. The other twelve policies are not analyzed for their application to the project. Why was the project's consistency with these policies not analyzed? This is an important analysis for numerous reasons, including the fact that the project objective is "to provide housing in accordance with the existing County ordinances and the CVMP." Please provide a detailed consistency analysis. SOCR 2-103

Appendix H: Biological Assessment

There are three reports in the Appendix H, one prepared by Staub and two prepared by Zander Associates. Based on information on the DREIR, it appears that both Staub and Zander were hired by the applicant, rather than the EIR preparer. Is this true? The two Zander reports are addressed to the applicant Jim Morgens, the owner of September Ranch, and Jacqui Zischke, the applicant's attorney. The Zander reports are not addressed to the County's EIR preparer. SOCR 2-104

The RDREIR includes these reports in its Appendix H as if the reports were authored the EIR preparer's consultants. But they do not appear to be independent experts, and instead the authors appear to be working directly for the applicant. The law of the case is that information provided by the applicant is to be treated with caution and is not to be relied upon because the applicant has a vested interest in the outcome. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 122. Under the circumstances, information from the applicant's agents should be treated with equal suspicion. There is no evidence in the EIR materials of the description of the EIR preparer's investigatory activities undertaken and findings reached to support the EIR's assertions regarding this data. Where is the independent peer review of this information? When was the peer review performed, by whom, and with what result? SOCR 2-105

Were any of the appendices to the DREIR authored or edited by an applicant's consultant? Was Appendix C to the RDREIR edited by an applicant's consultant? If yes, please identify each such consultant by organization and name, the edits and comments made (whether or not used in the final document by the EIR prepared), the dates of review and edits, and the documents reviewed by the consultant. SOCR 2-106

Zander: 2005 Plant Surveys (June 30, 2005)

Zander's report on 2005 Plant Surveys states that the field surveys were conducted on April 5, 26, 27, 28, and May 31. Who performed those investigations, and how were they SOCR 2-107

performed? For each of the five days, please provide the number of biologists who participated in the site survey, the qualifications of each of them, the number of hours each was on the project site, and the exact locations they surveyed. SOCR 2-107

Is it possible for an identified plant to bloom between April 5 and April 25, and be done blooming by April 26? Would it be possible for a plant to bloom between April 28 and May 30, and be done blooming by May 31? SOCR 2-108

What is meant by the statement "Zander Associates biologists systematically traversed all habitat types on the property over the course of the spring blooming season." Are the discrete April 5, 26, 27, 28, and May 31 dates considered "the spring blooming season" by professional and independent biologists? SOCR 2-108

The attached map is virtually illegible. Please provide a larger and clearer map. Where was the former proposed road, and where is the new proposed road? What are the environmental impacts of the road realignment? SOCR 2-109

What is meant by the term "directed searches" on page 2? Who directed the searches? Where were the searches directed, and on what basis? SOCR 2-110

<u>Zander: Grasslands (June 30, 2005)</u>

There does not appear to be any RDREIR analysis of the Zander conclusion that previous mitigation measure 4.9-9 cannot be effectively implemented. Does the EIR preparer agree, and if so, why? Has the EIR preparer received an independent peer review of that conclusion by the applicant's consultant Zander? The mitigation 4.9-9 has been changed in the text, apparently without discussion. Are there any other mitigations that have been reviewed by the applicant, or his agents, or an independent expert, and determined to be infeasible or unable to be effectively implemented? Have all the proposed mitigations been reviewed by an expert? What peer review has been performed for each proposed mitigation in the entire DREIR and RDREIR? SOC 2-111

There are 62 acres of grasslands, of which 18 acres are proposed for development, according to Zander, and the RDREIR. The amount of acreage described does not appear to be consistent with Exhibit 4.9-1. Please identify the acreage of each type of land (grassland, forest, coastal scrub) by area on the map. What is meant by "development" in that statement? Does it include all the market rate residential lots in their entirety, plus the inclusionary lots in their entirety (including parking areas and other development)? Please provide a detailed breakdown of how the 18 acres was calculated. SOCR 2-112

The Zander report talks about "building envelopes or roads" but does not talk about "development envelopes." However, development envelopes are mentioned numerous times in the mitigation chart that appears in the RDREIR, which also mentioned building SOCR 2-113

envelopes. What is the difference between "building envelope" and "development envelope"? Where each term appears in the RDREIR and DREIR, is it used accurately and correctly? Which term should be used in a consideration of project impacts on grasslands? Which term should be used in a consideration of project impacts on forest land? Which term should be used in a consideration of project impacts on coastal sage scrub? Is the term as used by Zander appropriate? SOCR 2-113

How many acres of grasslands lie within development envelopes, as opposed to building envelopes? How many acres of forest land lie within development envelopes, as opposed to building envelopes? How many acres of coastal sage scrub lie within development envelopes, as opposed to building envelopes? SOCR 2-114

Zander proposes a "1:1 replacement of lost acreage comprising over 50% native grassland species." What does that mean exactly? Does the replacement have to be only "over 50% native grassland," or is restoration to 100% native grassland required? The latter approach would be more effective, and a stronger mitigation. Please consider that approach. How will the mitigation be enforced in perpetuity? Will there be a deed restriction placed on the lots which are required to restore and maintain replacement acreage? How will that restoration be funded in perpetuity? SOCR 2-115

Zander states that of the 44 remaining acres of grasslands, that 21 are in pasture so therefore the "remaining 23 acres would provide sufficient and suitable habitat for restoration of the native grasses." Please identify on a map: (1) the 18 acres of grasslands that are in building envelopes and roads, (2) the 21 pasture acres, and (3) the remaining 23 acres that Zander proposes as mitigation. Please identify the source of that map and its data. SOCR 2-116

According to Mori and Morgan, some of the grassland areas on the sites were identified as having a higher diversity of native grasses and flowering herbs. Zander report, page 1. Where are those areas? Can they be avoided entirely by the project development? Can most of them be avoided? If not, why not? Do the proposed lot lines and building envelopes and development envelopes take these areas of higher diversity? SOCR 2-117

<u>Pine Forest</u>

Does the attached letter from four scientists at the University of California at Davis Genetic Resources Conservation Program affect your analysis of the September Ranch project's pine forest impacts? Please respond with specificity, especially as to your analysis of genetic diversity, planting trees as mitigation, invasive exotic species, forest fragmentation, and climate change. SOCR 2-118

Other Issues

Will lawns be prohibited in the September Ranch development? Will the use of products that are toxic to native vegetation (including weed killers, bug sprays) be prohibited? If so, what prohibitions will be in place, and what is the analysis of their effectiveness? If not, how will the native vegetation be protected? SOCR 2-119

CUMULATIVE IMPACTS

The analysis fails to take into account the impacts of approved-but-not built projects including the Quail Lodge conference center and other Quail Meadows lots. It also fails to account for the water demand of the twelve estate lots at Carmel Valley Ranch; the 2004 County approval of that subdivision has been sent back by a Monterey Superior Court judge to the County for reconsideration because its approval was based on incomplete information about the water supply. Why are these projects not included in the analysis? SOCR 2-120

The entire analysis and Table 5-2 should be expanded to include the possibility of a five to eight-year drought, and the impacts that would have on the CVA. See comments elsewhere in this letter about lengthy droughts in California history, including supporting documentation. SOCR 2-121

The RDREIR appears to take the position that the project's proposed retention of open space is mitigation for the impacts to the biological resources. Page 5-6. The RDREIR appears to ignore the extreme fragmentation that the project would have on the open space and habitat. Why does the RDREIR ignore this impact? Why does the RDREIR not address the environmental impacts of the fragmentation of the grasslands, the pine forest, the oak woodlands, and the coastal sage scrub? The RDREIR appears to further ignore the demands that would be placed on that "open space" by the project's residents and visitors. These demands include the impacts of domestic dogs and cats on the wildlife, the use by humans of the open space for recreation, and horse riding trails. That impacted "open space" is very different from the more natural, less fragmented open space that currently exists on the property. What are all the environmental impacts of the project on the "open space"? Please discuss these issues in detail. SOCR 2-122

ALTERNATIVES

Inclusionary Units

What is the exact size of the inclusionary units being proposed? Please provide full details, including the total square footage of each building, the number and size of bedrooms, the number of bathrooms, the parking situation (e.g. garage or uncovered parking), the number of cars for each unit, whether the buildings would be two story, the height limit, and the calculation of the height limit. Please also provide, for each unit, the size SOCR 2-123

of the lot on which it will be placed. Please consider the option of townhouses (conjoined homes) been considered in order to reduce the footprints which reduces the impact on the environment. SOCR 2-123

Will the inclusionary units be affordable in perpetuity? If so, what mechanism will be used to ensure that? Who will enforce it? Will there be a funding mechanism set up by the project to fund enforcement? What affordability is planned? Is that information part of the project description, or the mitigations, or the conditions? Where is this information discussed in the EIR? How much will each unit cost? Will they be low, very low, or moderate income units? How many units of each type will be in each alternative? What is the price range for the inclusionary units? Will the units be available to first time buyers? How will the affordability take into consideration the Home Owners Association membership fees? What will those fees be for the inclusionary units? How will they be determined? Will the mix of units take into consideration the AMBAG information on demographics, current needs, and affordability levels? Where is that information in the EIR? SOCR 2-124

Persons/Unit Methodology

Please provide the underlying data and methodology used by the EIR for calculating the number of people introduced to the area by the project. For example, the Planning Commission Alternative has a ratio of 3.51 persons/unit, while the project has a ratio of 3.21 persons/unit. Other alternatives appear to use different ratios, without explanation. Please address and explain in detail the calculations for each alternative. On what basis are the ratios calculated? Do the calculations include consideration of second units and caretaker units on the estate lots? SOCR 2-125

Planning Commission Alternative

The discussion of the Planning Commission Alternative is filled with unsupported and conclusory statements. Please provide the underlying basis, legal precedent, and rationale for using "short-term construction employment opportunities" as a consideration in evaluating alternatives' "employment impacts" under CEQA. Please provide the underlying basis, legal precedent, and rationale for labeling an alternative with a fewer number of inclusionary housing units as having "greater . . . housing . . . impacts" under CEQA than the project. SOCR 2-126

What is the underlying basis, legal precedent, and rationale for labeling an alternative that introduces 181 people to the project area as having "greater population . . . impacts" than the project which would introduce 350 people. SOCR 2-127

What is the underlying basis, legal precedent, and rationale for determining that an alternative -- that provides 44 market rate residential lots (which allow a second unit and a caretaker unit on each lot) plus 8 inclusionary housing units – does not meet the project's SOCR 2-128

unquantified objective of providing market rate and low- to moderate-income housing. This entire analysis is deeply flawed and should be reconsidered. SOCR 2-128

Once this analysis is reconsidered, does the Planning Commission alternative become the environmentally superior alternative? If not, why not? SOCR 2-129

Analysis of Population, Housing and Employment Issues

Please describe fully the rationale, basis, and methodology used for the RDREIR's analysis of population, housing and employment impacts. Who prepared this analysis? What expert peer review was performed, on what date, by whom? If the proposed project does not have a significant impact on population, housing and employment (see, e.g., page 6-44), how are the alternatives compared to the project? Please respond separately for each impact: population, housing and employment. SOCR 2-130

Why is adding 350 people to this location not considered a significant population impact? Why is the 73/22 Alternative considered to have a beneficial population impact in relation to the proposed project? Why is the Planning Commission Alternative considered to have a worse population impact than the proposed project? SOCR 2-131

Why is the 73/22 Alternative considered to have a beneficial employment impact in relation to the proposed project? Why is the Planning Commission Alternative considered to have a worse employment impact than the proposed project? SOCR 2-132

Why does the RDREIR consider short-term construction impacts to be an acceptable employment consideration under CEQA? How does it address the issues described in Guidelines 15131? Does the nature of the current construction market on the Peninsula have a bearing on this issue? If not, why not? Please provide specific authority for your responses. SOCR 2-133

Alternatives - Project Objective

Why is the project objective not included in the RDREIR? According to the DREIR, the project objective is "to provide market rate and low- and moderate-income housing in accordance with the existing County ordinances and the CVMP." DREIR, page 3-11. Because the objective does not quantify the "housing" (e.g., a number of units), why does the RDREIR draw conclusions about smaller projects not meeting the project objective? Are those conclusions political decisions or economic decisions, not environmental issues under CEQA? SOCR 2-134

Why is the 73/22 Alternative considered to meet the project's objective, but the Planning Commission Alternative does not? What is the rational and methodology that led to these conflicting results? SOCR 2-135

Alternatives – General Comments

Other than the Planning Commission alternative, the alternatives considered appear to be make relative minor adjustments to the number and type of units, but generally keep close of the project's proposed number of units and the project's same wide distribution over a large geographic area. That wide distribution over large estate lots connected by roadways over step slopes is a development style which causes the maximum environmental impacts. The EIR is flawed because it has not proposed a clustered approach that would eliminate the widespread distribution of large estate lots, would reduce the impacts on the biological resources (including fragmentation and other human- caused impacts), and eliminate the need for development of roads on 30% slopes. Why have alternatives not been considered that achieve these goals of reduced environmental impacts? Would the EIR please consider alternatives that meet these goals? SOCR -136

Ridgeline development is an issue that the EIR has not considered. A review of the topographical map of the project shows that many of the proposed lots contain building sites that are very close to the ridgeline. Why does the EIR not discuss this issue, or identify a maximum height for the market rate or inclusionary units? It is quite possible that the height of the houses in the project could extend over the ridgeline in violation of County ordinances. This issue should be addressed as to the project and each the alternatives, with an independent review by an expert. Unless these steps are taken now, it is likely that the lot lines and development envelopes will be established without any review for potential impacts on ridgelines. Please consider an alternative that moves building envelopes away from ridgelines. SOCR 2-137

The amount of grading required by each alternative is minimally different from the proposed project's 100,000 cubic yards of grading. Why is an alternative not considered that significantly reduces – on the order of 30 to 60% – the amount of grading? Please consider such an alternative. For the project, where is the 100,000 cubic yards of grading going to take place? Will all the graded dirt be used on site, and if so where? Does it include roads, building envelopes, and development envelopes? Do any of the alternatives have a different net gain or loss of grading? How much of the grading can be avoided or reduced by eliminating roads on 30% or more slopes, by eliminating one of more of the northernmost proposed lots and the roads that lead to them, or by eliminating the proposed lots/home sites that require the most grading? SOCR 2-138

The RDREIR appears to conclude that all alternatives with fewer units than the project have less beneficial impacts to construction employment. Is that not a political decision, rather than an environmental analysis? Isn't that determination - of fewer construction dollars/employment – true of every smaller alternative? On what basis and authority does the EIR preparer claim authority for including this determination in a CEQA document? Who made this determination, was it peer reviewed, and by whom and when? SOCR 2-139

Alternatives – General Comments

Other than the Planning Commission alternative, the alternatives considered appear to make relatively minor adjustments to the number and type of units, but generally keep close of the project's proposed number of units and the project's same wide distribution over a large geographic area. That wide distribution over large estate lots connected by roadways over step slopes is a development style which causes the maximum environmental impacts. The EIR is flawed because it has not proposed a clustered approach that would eliminate the widespread distribution of large estate lots, reduce the impacts on the biological resources (including fragmentation and other human- caused impacts), and eliminate the need for development of roads on 30% slopes. Why have alternatives not been considered that achieve these goals of reduced environmental impacts? Would the EIR consider alternatives that meet these goals?

Ridgeline development is an issue that the EIR has not considered. A review of the topographical map of the project shows that many of the proposed lots contain building sites that are very close to the ridgeline. Why does the EIR not discuss this issue, or identify a maximum height for the market rate or inclusionary units? It is quite possible that the height of the houses in the project could extend over the ridgeline in violation of County ordinances. This issue should be addressed as to the project and each of the alternatives, with an independent review by an expert. Unless these steps are taken now, it is likely that the lot lines and development envelopes will be established without any review for potential impacts on ridgelines. Please consider an alternative that moves building envelopes away from ridgelines.

The amount of grading required by each alternative is minimally different from the proposed project's 100,000 cubic yards of grading. Why is an alternative not considered that significantly reduces – on the order of 30 to 60% – the amount of grading? Please consider such an alternative. For the project, where is the 100,000 cubic yards of grading going to take place? Will all the graded dirt be used on site, and if so where? Does it include roads, building envelopes, and development envelopes? Do any of the alternatives have a different net gain or loss of grading? How much of the grading can be avoided or reduced by eliminating roads on 30% or more slopes, by eliminating one of more of the northernmost proposed lots and the roads that lead to them, or by eliminating the proposed lots/home sites that require the most grading?

The RDREIR appears to conclude that all alternatives with fewer units than the project have less beneficial impacts to construction employment. Is that not a political decision, rather than an environmental analysis? Isn't that determination - of fewer construction dollars/employment – true of every smaller alternative? On what basis and authority does the EIR preparer claim authority for including this determination in a CEQA document? Who made this determination, was it peer reviewed, and by whom and when?

CONCLUSION

Thank you for the opportunity to comment. We urge the EIR preparer and the County to provide thorough responses to all comments received. Because of the problems and concerns with this document identified by us and by others, we ask that the new information be recirculated for public comment. SOCR 2-140

Very truly yours,

Michael W. Stamp

Michael W. Stamp

Attachments:

1. Rainfall information: WorldClimate.com
2. University at California, Davis, letter dated March 3, 2006, addressed to Dan Carl, California Coastal Commission
3. Recirculated Draft REIR, Appendix C: Hydrogeologic Report with "Attorney Work Product Privileged and Confidential" on most pages

WorldClimate

CARMEL VALLEY, MONTEREY COUNTY, CALIFORNIA USA

Weather station **CARMEL VALLEY, MONTEREY COUNTY** is at about 36.48°N 121.73°W. Height about 131m / 429 feet above sea level.

Average Rainfall

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
mm	89.8	72.9	62.4	34.3	7.0	2.6	0.7	2.1	4.9	16.2	55.9	71.4	421.3
inches	3.5	2.9	2.5	1.4	0.3	0.1	0.0	0.1	0.2	0.6	2.2	2.8	16.6

Source: CARMEL VALLEY, MONTEREY COUNTY data derived from NCDC Cooperative Stations. 19 complete years between 1959 and 1978

http://www.worldclimate.com/cgi-bin/data.pl?ref=N36W121+2200+041534C

NCDC Cooperative Stations

Contains historical monthly precipitation data for all U.S. cooperative and National Weather Service stations. The periods of record vary by station, with some stations having data back to about 1900, although many begin around the 1948 time frame. The data files are complete through 1995. The directory has a data file for each state (e.g., 'alabama.txt'), along with one file for several stations outside the U.S. such as Guam and Puerto Rico (filename 'others.txt'). There are currently over 8000 NWS and cooperative weather stations active and included in this directory, with many more currently inactive stations also included.

http://www.worldclimate.com/sources.htm#2200

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March 3, 2006

Mr. Dan Carl
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Proposed Amendment to Monterey County's Local Coastal Program

Dear Mr. Carl:

The remaining coastal California forests are of significant value for the species they contain and the ecosystem services they provide. The provisions of the California Coastal Act have the potential to conserve native species, ecosystems, and environmental quality along the California coast, while balancing coastally dependent economic interests. A pivotal concept within the Coastal Act for protecting native plants is that of 'Environmentally Sensitive Habitat Areas' (ESHA). These are generally defined as species and their habitats that are either rare or play a special ecosystem role and are particularly vulnerable to impacts from human activities. As defined in the Coastal Act, ESHA is a dynamic concept—changing as species become more or less rare, more or less sensitive to anthropogenic impacts, or as scientific information leads to new awareness of the value of their particular ecosystem roles. A useful generalization related to defining ESHA is that vulnerability is a function of both impacts and system/species attributes and adaptation capacity. Thus we can, unintentionally, create ESHA with actions that increase the vulnerability or sensitivity of a species, population, or ecosystem; destabilizing it, making it more vulnerable to additional stresses or influences, over some of which we may have little control. Consequently, one way to consider ESHA is a combination of intrinsic and extrinsic factors. Some scientific information is provided here that pertains to the vulnerability of these coastal forests and thus may inform decisions on the management of these resources.

Monterey pine (*Pinus radiata*) is a defining member of a coastal ecosystem in the Monterey area, although by no means the only species of significance there. Other plant species in this ecosystem may be more likely to show genetic patterns and adaptive differences on a more local spatial scale (than Monterey pine) because of their shorter dispersal distances (of pollen and seed) and shorter generation intervals. However, other than special-status species, such as those listed as threatened or endangered, there may be little direct genetic information for these understory plant species. Monterey pine, largely because of its commercial significance in some other countries, has had a considerable amount of research attention. However, even for this high-stature species, there is not comprehensive information on its local genetic and ecological diversity and ecosystem health. With the hope of providing some clarity to the topic of the genetic and ecological status of Monterey pine, we offer some general points that may help to inform

1. Monterey pine has either modest to fairly high genetic diversity, depending on the type of genetic diversity studied. Early allozyme studies showed that overall Monterey pine has slightly lower genetic diversity, but higher differentiation among its populations, than many other conifers (1). Using more recently available genetic tools (microsatellites), there is now evidence that Monterey pine has similar levels of genetic diversity as compared with many conifers for this type of genetic diversity (2). Moreover, in virtually all genetic studies to date, the Monterey population of this species (as compared with the other four native Monterey pine populations, or subset thereof), has been shown to have the highest amount of genetic diversity (1,2,3). It is also generally assumed to be the most ancestral of the three mainland native populations of this species. This level of diversity, combined with its ancestral history and its status as the physically largest population of the species, suggest that the Monterey population: may contain genetic diversity that reflects a broader array of environments (both spatially and temporally) than in any of the other populations; has the potential for local adaptation; and may have genetic diversity that is important to adaptation to the changing environment, particularly in the context of rapid climate change. To the extent that conservation of this pine population is of interest, conserving the genetic diversity is important.
2. Although a few studies have considered the genetic diversity in various locations of the Monterey population, no peer-reviewed studies have been published to date that have focused on the fine-scale spatial pattern of genetic diversity in this population. Moreover, different experimental approaches (e.g., long-term common garden studies, molecular tools) would offer different insights into these spatial patterns—some more informative about how genes move over the landscape, and some more informative about local adaptations. Obtaining information on local adaptation in Monterey pine requires an appropriate sampling design, avoiding or controlling for the effects of planted trees and altered landscapes. Because of the factors mentioned above (its long evolutionary history and genetic diversity) and the diversity in environmental influences across the geographic range of this Monterey population, there is scientific rationale for expecting local adaptations and conducting such fine-scale genetic studies—not only of Monterey pine, but of other plant species in this area.
3. The potential for Monterey pine to adapt to changing environmental conditions requires not only the maintenance of adequate genetic diversity, but its ability to maintain the processes of natural reproduction and natural selection. Adaptation cannot occur in the absence of these processes. Planting trees is not an effective proxy. Moreover, the genetic diversity, natural reproduction, and health status of Monterey pine forests provide meaningful measures of the population's longterm viability: counting numbers of trees generally does not.
4. Invasive exotic species—whether they be plants that have escaped from backyards and are now competing with Monterey pine or other native plants for sunlight or moisture, or exotic pathogens such as the fungus that produces pitch canker—add to the cumulative stresses on Monterey pine, regardless of whether they individually are responsible for a major epidemic or mortality event. Larger, contiguous, genetically diverse (at natural levels) forests are generally more resilient to these stresses than small, fragmented, genetically depauperate plant populations. Because stresses are cumulative, and perhaps even synergistically debilitating, it is important—where there are conservation objectives—to consider the total stress threat rather than simply an individual impact. Whereas the effects of climate change and (current or imminent) exotic invasive species may be largely uncontrollable or unpredictable, the stress from additional habitat loss and habitat fragmentation may be more preventable.
5. The current and imminent impacts of climate change strongly suggest the need for thoughtful consideration. These effects should be omnipresent in all Coastal Commission deliberations

particularly because coastal areas are frequently identified as being among those that are the most sensitive to climate change (4). The predicted effects of rapid climate change underscore the need for maintaining diverse gene pools and avoiding further forest fragmentation (5,6). The impacts from climate change that can be reasonably predicted have three consequences for conservation planning. First, all populations of the species will probably not be able to migrate in response to climate change. This suggests a need to plan for conservation on a regional context and allow for multiple avenues for migration. This is because of the uncertainty about what will be adaptive and also because of the multiple new environments being created. Second, additional areas, beyond those currently occupied by sensitive or ecologically valuable plant populations, will need to be included in an effective conservation plan (7). Third, it is desirable to conserve as much genetic diversity as possible to allow the best opportunity for adaptation to climate change and other environmental influences.

It is unfortunate that there is not more site-specific, detailed, and quantitative scientific information available to you to inform your important decisions. One consideration is whether it is worthwhile to maintain these coastal areas in sufficiently natural condition to allow such research, or if the scientific information derived from such studies has lost relevance to the public will. It is highly probable that further development that results in any substantial habitat loss or further fragmentation, when considered in the context of that already lost and fragmented and the cumulative stresses from natural and man-related influences, will further degrade and undermine species viability and ecosystem resilience in these coastal forests. The strength, impact, and source of future challenges to these species and ecosystems are not known, nor are the specific thresholds of genetic diversity or population size needed to withstand them. Although not quantitatively defined, these risks may be mitigated by appropriate decisions that reflect the spirit and the intent of the Coastal Act.

Sincerely,

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SAVE OUR CARMEL RIVER AND PATRICIA BERNARDI (SOCR)

Response to SOCR 2-1

Section 15088.5(f)(2), requires that, "When the EIR is revised only in part and the lead agency is the recirculating agency, only the revised Sections or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised Sections or portions of the recirculated EIR. The lead agency need only to respond to (i) comments received during the initial circulation period that relate to Sections or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the Sections or portions of the earlier EIR that we revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Response to SOCR 2-2

Please see Response to Comment of the Recirculated Draft REIR SOCR 2-1.

Response to SOCR 2-3

The Recirculated Draft REIR is not a response to comments. Please see MR-17 Re: Water Demand for information regarding the water demand of the proposed project.

Response to SOCR 2-4

CEQA is focused on the potential for significant impacts, and the detail requested in this comment is not appropriate in an EIR. The Recirculated Draft REIR, appendices and references describes the studies undertaken, methodology, and conclusions consistent with the requirements of CEQA. No further response is required.

Response to SOCR 2-5

Section 9 of the Recirculated Draft REIR contains a list of report preparers. All personnel involved in the preparation of the Recirculated Draft REIR are listed within this section. As discussed in the Recirculated Portion of the Draft REIR, page 2, "Under CEQA Guidelines Section 15088.5(c), if a revision to an EIR is limited to a few Sections or portion of the EIR, the County need only circulate the Sections or portions that have been modified."

Response to SOCR 2-6

Please see Response to SOCR 2-4.

Response to SOCR 2-7

Please see Response to SOCR 2-4.

Response to SOCR 2-8

Section 8 of the Recirculated Draft REIR contains a list of organizations and persons consulted. All organizations and persons consulted in the preparation of the Recirculated Draft REIR are listed within this section. As discussed in the Recirculated Portion of the Draft REIR, page 2, "Under CEQA Guidelines Section 15088.5(c), if a revision to an EIR is limited to a few Sections or portion of the EIR, the County need only circulate the Sections or portions that have been modified."

Response to SOCR 2-9

Comment noted. The Recirculated Draft REIR extensively evaluates the hydrogeologic characteristics of the proposed project location. Please see Recirculated Draft REIR, Section 4.3, Appendix C, and MR-18: Hydrology and Water Availability.

Response to SOCR 2-10

The Recirculated Draft REIR does address the distinction between the SWRCB's jurisdiction over percolating groundwater versus other types of underground water. Please see Recirculated Draft REIR, Section 4.3. Based on the hydrogeologic evidence and the opinion of experts, the County has concluded that the SRA is percolating groundwater; however, it is noted that SWRCB approval is not required for a property owner to exercise a riparian right to underground water.

Response to SOCR 2-11 and 2-12

Please refer to MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) for further clarifications on hydraulic connectivity between the CVA and SRA.

Figures in the Final REIR will clearly show the collocation of the CVA and SRA.

Response to SOCR 2-13

The hydrology findings in the Recirculated Draft REIR do not identify an impermeable barrier; instead, the Recirculated Draft REIR describes a low permeability zone which limits hydraulic communications. It is agreed that there are no documentation of an impermeable barrier.

Please refer to MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) for further clarifications on hydraulic connectivity between the CVA and SRA.

Response to SOCR 2-14

The changes to the Recirculated Draft REIR are provided for clarification and are consistent with the analysis in the December 2004 Draft REIR.

Response to SOCR 2-15

The Recirculated Draft REIR water rights analysis takes into account all pumping by Cal-Am. The Recirculated Draft REIR impact analysis takes into account all existing pumping that could reasonably be identified within the CVA and SRA.

Response to SOCR 2-16

The Recirculated Draft REIR applies the specific language and facts provided in the 2002 NOAA Fisheries Report. Please see MR-19: Significance Thresholds Regarding Water Supply and Availability. It is noted that the 2002 NOAA Fisheries Report includes recommendations based on generalities, and does not have the force of law, particularly as applied to specific circumstances not evaluated therein. The proposed project does not propose the type of appropriation from the Carmel River described in the Report. The extensive analysis provided in the Recirculated Draft REIR demonstrates that there are no impacts to Carmel River biological resources.

Response to SOCR 2-17

Although at one time it was envisioned that the proposed project would pump for only part of the year (whether under overlying or riparian rights), the Recirculated Draft REIR clarifies that the proposed project would rely on overlying rights to percolating groundwater, and would pump without seasonal restriction, in part based on quantitative analysis demonstrating that there would be no impacts to Carmel River biological resources.

Response to SOCR 2-18

Please refer to Response to SOCR 1-69.

Response to SOCR 2-19

The reference to "de minimus" impact is a semantical one without practical effect; in both examples the same level of impact are referenced. For consistency, the Final EIR eliminates the term "de minimus" wherever it appears.

Response to SOCR 2-20

The KJ Hydrology Report was included as Appendix C to the Recirculated Draft REIR (and was attached to the comment letter as attachment 3).

Response to SOCR 2-21

The basins are separate and distinct aquifers, but share common geographic areas which, when hydrologic conditions are right, create connectivity. Even relying on a conservative assumption of constant connectivity (and therefore a 1:1 impact to the CVA), the conclusions of the impact analysis do not change even if the SRA and CVA are deemed to be a single aquifer. Please see MR-18: Hydrology & Water Availability

Response to SOCR 2-22

Please refer to Response to SOCR 1-1 through SOCR 1-5.

Response to SOCR 2-23

Supporting documentation is in the County's files. The records of the SWRCB are public records. Please refer to Response to SOCR 1-1 through SOCR 1-5.

Response to SOCR 2-24

The data is based on the combined use of average total precipitations 17.26 inches Western Climate Center and records available for the San Clemente dam (22 inches) with a reduction of 15.1% which results in 18.17 inches similar to the above. See Response SOCR 2-28.

Response to SOCR 2-25

CEQA does not require that the lead agency engage in speculation or perform every study requested by a commenter. The Recirculated Draft REIR includes a thorough analysis, within reason, of the relevant hydrologic factors, including an analysis of potential impacts during the extended drought period of 1987-1991, frequently used as a yardstick for determining extended drought impacts. See also Response SOCR 2-24.

Response to SOCR 2-26

Comment noted. Please see Responses to SOCR 2-24 and SOCR 2-25. Also, please refer to 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) and specific discussion on recharge which explains use of extended drought precipitation records in WYs 1987 to 1991.

Response to SOCR 2-27

The values 19.02, 18.4, and 11.0 inches were calculated for the September Ranch Site. The Final EIR clarifies the wording.

Response to SOCR 2-28

The rainfall records at the San Clemente Dam were reduced by 15.1% to compensate for topography and location (see Response to DMCCA 2-6). See also 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) and specific discussion on recharge and impact analysis.

Response to SOCR 2-29

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.

Response to SOCR 2-30

See Response to SOCR 2-29.

Response to SOCR 2-31

Table 4.3-7 lists wells in the SRA and their production data.

Response to SOCR 2-32

Exhibit 4.3-2 is the Well Locations Map; in contrast, Exhibit 4.3-3 is the Hydrologic Setting Map. These exhibits are not inconsistent; rather, the intent of each exhibit is to highlight a particular existing condition.

Response to SOCR 2-33

Comment noted. The text and exhibits have been revised to address ambiguities.

The sources for both exhibits are cited on the exhibits. Additionally, these exhibits are available on the County of Monterey's website.

Response to SOCR 2-34

Please see Response to Comment SOCR 2-33.

Response to SOCR 2-35

Table 4.3-7 lists wells in the SRA and their production data that are available from the MPWMD. If wells are not reported to the District regarding their locations or production rates, then the property owner was responsible for identifying their non-reported use in comments on the Recirculated Draft REIR.

Response to SOCR 2-36

Comment noted. The Recirculated Draft REIR attempts to present complex technical information requested by comments as clearly and concisely as possible. The Final EIR reflects revisions where appropriate to provide context and promote clarity.

Response to SOCR 2-37

The method in arriving at these numbers is fully explained in Section 4.3.3 under heading: Results of Analysis of Seasonal Storage. Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA) for clarifications on the relative importance of recharge versus storage in determining sustainable use.

Response to SOCR 2-38

Please See Response to SOCR 1-9. Otherwise, comment requests information that is not relevant to significant physical changes in the environment, and no further response is required. There were no discussions with the District prior to deriving storage values listed in Table 4.3-2; however, District comments on the Recirculated Draft REIR have been considered and incorporated as appropriate, and responses provided. .

Response to SOCR 2-39

Please See Response to SOCR 2-37. The WY 1999 was used to estimate recharge for the SRA because no data prior to 1996 were available in the SRA. The next best data set to be a surrogate to

low rainfall year were data from WY1999 which are incidentally similar to low rainfall years of 2002 and 2004. WY 1999 did receive below normal rainfall of 17.41 inches or 3.96 inches below normal (Source: California-American Water Company, Monterey Division).

Storage estimates were calculated based on water levels and the estimate volume of the Qoa_1 and Qoa_2 water bearing units. The method in arriving at these numbers is fully explained in Section 4.3.3 under heading: Results of Analysis of Seasonal Storage. Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA) for clarifications on the relative importance of recharge versus storage in determining sustainable use.

Response to SOCR 2-40

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

Response to SOCR 2-41

Please refer to MR-17 Re: Water Demands.

Response to SOCR 2-42

The applicant would not connect to the Cal-Am system.

Response to SOCR 2-43

The header was placed on the document during confidential attorney review, as appropriate and was intended to be removed; the continued presence of the header after the document was finalized and issued to the public was a typographical error. Under California law, attorney work product and attorney client communications are privileged from disclosure.

Response to SOCR 2-44

Please refer to Response to SOCR 1-1 through Response SOCR 1-5.

Response to SOCR 2-45

The Recirculated Draft REIR did not rely on or actually use any of previous investigator's interpretations or calculations to arrive at the findings and significance of impact conclusions. In fact, independent findings in this study were compared and discussed in the Draft REIR to show exclusivity and objectivity in this re-analyses of raw data. See Response to SOCR 1-1 through SOCR 1-5.

The hydrologic findings are based on raw data collected to-date in the field and evaluated (modeled by computer using GIS for area and volumetric analyses) to arrive at storage and recharge. Moreover, all soil and well logs were reviewed and reinterpreted by a California State licensed Professional Geologist in their use to deduce the geometry and hydraulic interactions between the SRA and CVA.

Response to SOCR 2-46

The Recirculated Draft REIR does not advocate approval or disapproval of the proposed project. The comment references a discussion that refers to rejected outflow after project demand is taken into account, as required by CEQA.

Response to SOCR 2-47

Comment noted and no response necessary.

Response to SOCR 2-48

As presented in Table 4.3-3, estimate recharge values for extended drought period are based on 1987 to 1991 as suggested by the MPWMD. It is the dry year recharge calculations that are the most pertinent in determining significance of impact to existing Carmel Valley pumpers and ecology of the Carmel River.

Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA) for clarifications on the relative importance of recharge versus storage in determining sustainable use.

Response to SOCR 2-49

Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA and HMR-3 - Significance of Impact on the CVA & Carmel River in Terms of Fisheries, Less Than Significant Impact to the CVA).

Response to SOCR 2-50

The findings in the Recirculated Draft REIR rely on WY 1987 to 1991 for recharge data during below normal rainfall years. See also Response SOCR 2-48.

Response to SOCR 2-51

Table 4.4-3 is a comparison of the estimated pre development storm water flows and the estimated post-development storm water flows. Whitson Engineers prepared a preliminary drainage report, which was peer reviewed by Monterey Bay Engineers. As identified on page 4.4-1 of the Draft REIR, the report and the peer review were incorporated by reference into the Draft REIR and are available for public review at the Monterey County Planning and Building Inspection Department.

In part, the report examined peak rates of discharge for the watersheds in the project site and recommends a drainage infrastructure to capture discharge surface runoff. As discussed on page 4.4-9 of the Recirculated DREIR, the project will incorporate a series of detention basins. All proposed detention facilities have been designed to effectively meet the additional runoff created during a 100-year storm event. As required, the project will adhere to Monterey County Water Resources Agency (MCWRA) standards, including the standard that detention facilities must be designed to store the difference between a 100-year post-development runoff and 10-year pre-development runoff while limiting discharge to the 10-year pre-development runoff rate. If runoff from individual lots cannot be

directed to a detention basin, on-site retention or detention facilities must be constructed in accordance with MCWRA standards. As stated, on page 4.4-10, prior to the issuance of a grading permit, the project applicant shall submit a drainage plan to the Monterey County Public works Department and MCWRA. The requirement that the applicant submit the various plans prior to the issuance of grading plans is consistent with the intent of CEQA provided that the mitigation measures requiring the plans identify performance standards that are sufficient to assure that the level of impact is less than significant

Additionally, the project applicant is required to prepare a drainage report prior to the issuance of grading permits, which will include and show all tributaries and information pertinent to the drainage areas. As identified in Mitigation Measures 4.4-1 and 4.4-2 and in the County of Monterey Draft Conditions of Approval, the drainage plan shall incorporate Best Management Practices (BMPs), including the proper design and placement of sediment traps, seasonal landscape cover and soil stabilization, and stormwater drainage improvements to prevent the discharge of sediments and pollutants into off-site drainage channels.

Response to SOCR 2-52

See Responses to SOCR 2-48 to SOCR 2-50.

Response to SOCR 2-53

Given the efficiency of recharge in the CVA, it is more conservative (as being the worst case scenario) to use a 5 year extended drought period 1987 to 1991 than a two year dry period of 1976 to 1977 which were followed by an extremely wet WY-1978.

As discussed in MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on Existing CVA Groundwater Users), water levels recover efficiently during the extended drought period of 1987 to 1991 which then lessens the impact of a prolonged below normal groundwater recharge period.

Response to SOCR 2-54

See Responses to SOCR 2-48 to SOCR 2-50, and SOCR 2-53.

Response to SOCR 2-55

Please see MR-17: Water Demands.

Response to SOCR 2-56

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 3.25 miles from the Pacific Ocean and is probably wetter and influenced more than the Carmel Valley area by weather including fog from the west.

Response to SOCR 2-57

The table is intended to show 30-year precipitation averages that are similar to that at September Ranch. These data were not used in the estimates of recharge; data pertaining to WY 2000, 2001 and 1987 to 1991 for estimates of recharge are presented in Table 1 in the Hydrology Report.

Response to SOCR 2-58

It is noted that the commentor identified when the chart on page 6 of Appendix C of the Recirculated Draft REIR is reproduced it is unclear; however, it is legible in the documents supplied to the County that were made available at locations where the public could access the documents (see page 3 of the Recirculated Draft REIR). This is consistent with the intent of CEQA.

Response to SOCR 2-59

The chart and table are intended to show averages and trends for the past 30 years. It is acknowledged that they cover different but overlapping time periods. More recent data pertaining to WY 2000, 2001 and 1987 to 1991 for estimates of recharge are presented in Table 1 in the Hydrology Report.

Response to SOCR 2-60

An independent assessment of rainfall was performed (pages 4.3-11 and 4.3-12). Appendix C, KJC Hydrology Report Table 1 presents calculations of rainfall on a monthly basis based on data provided by the MPWMD. The Todd 1992 analysis was not used. The 15.1% reduction factor is based on the California Fire and Resource Assessment contour maps.

Response to SOCR 2-61

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.

Response to SOCR 2-62

See Response to SOCR 2-61.

Response to SOCR 2-63

Please see MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) which discusses in more detail and clarifications in response regarding the connectivity and groundwater exchange between the two aquifers.

Response to SOCR 2-64

Table 3 was referenced to demonstrate the corresponding surface and subsurface recharge to normal and below normal rainfall periods. Actual recharge values in this table were not used in estimating the September Ranch storage and recharge.

Data in WY1994 are not used because no water levels were available in September Ranch specifically water levels; hence, WY1999 was used to estimate storage. Again, Table 3 was references simply to demonstrate the WY1999 received low recharge which corresponds to lower groundwater tables in both the SRA and CVA. WY 1999 did receive below normal rainfall of 17.41 inches or 3.96 inches below normal (Source: California-American Water Company, Monterey Division). The elevations of the water table in the SRA were needed to calculate the saturated thicknesses of the Qoa1 and Qoa2 units and then infer storage.

Response to SOCR 2-65

If water levels in 1987 to 1991 exist in the SRA, then storage calculations based on water levels would be more representative of conditions then. It is again noted that storage is not as important as recharge estimates which were based on actual rainfall data (1987 - 1991) in determining sustainable use. Hence, this is the reason for not simulating (extrapolating) water level data for dry years; moreover, where data is feasibly and reasonably available, CEQA prefers actual data to interpreted information to establish impact. Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA).

Response to SOCR 2-66

Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA) regarding the importance of recharge over calculated storage and the use of WY 1996 to 1997 precipitation records.

Response to SOCR 2-67

See Response to SOCR 2-33.

Response to SOCR 2-68

Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA and HMR-2 - Water Balance) and MR-17: Water Demands for water balance between the two systems.

Response to SOCR 2-69

The District has not commented on the 70% ET-loss.

Response to SOCR 2-70

The proposed project will include storm drains. Additionally, the proposed project will include ornamental landscaping; however, as noted in the Conditions of Approval, the project is limited to 51.392 acre feet per year for the market rate lots and inclusionary units regardless of evapotranspiration rates. Please see Response to Comment SOCR 2-51.

Response to SOCR 2-71

An 85% ET-loss was evaluated as a very conservative scenario.

Response to SOCR 2-72

This independent analysis of water supply started in 2002 and hence the cutoff date for raw data compilation was around then.

Response to SOCR 2-73

Method for calculating recharge has been fully explained in the Draft REIR pages 4.3-34 and 4.3-35 and Table 3 in Appendix C (Hydrology Report) presents the step-by-step calculations in arriving at the recharge numbers.

Response to SOCR 2-74

See Response to DMCCA 2-6.

The Recirculated Draft REIR assessment of recharge disagrees with the notion that zero recharge exists for consecutive drought years. The argument is based on the Carmel River Flow at San Clemente Dam Site Runoff Records (provided by the MPWMD on 4/06) and assuming that these values are after ET and that the flows made it into the River. The average runoff during normal (5) years is 52,000 AF (e.g. 1999 to 2003) and that during extended critically dry periods (5 years) is 14,000 AF (1987 to 1991). The ratio of runoff in dry versus normal rainfall years is 27%. Hence, during critically dry periods over 5 years, there is still a 27% runoff available to replenish the River, in this case.

The comparison can be made to the September Ranch watershed, which has the same if not slightly wetter climate being nearer to the ocean, for runoff percentage during drought periods. With 27% available recharge to the aquifer, it is not conceivable that the standard of zero recharge can be applied to this area and climate. Lastly, the SRA has enough storage (305 AF) to supply a prolonged drought period with 27% of normal recharge.

Please see Recirculated Draft REIR, Sections 4.3 and 4.9 and MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA, 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) regarding potential impacts to existing water users in the CVA and potential impacts to the Carmel River and biological resources.

Response to SOCR 2-75

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 SOCR 2-76

See above Response to SOCR 2-74.

Response to SOCR 2-77

The large-scale aquifer test references the 47-day pumping test conducted in the winter of 1996/1997. The data has been independently evaluated for purposes of the Recirculated Draft REIR, see MR-18: Hydrology & Water Availability (HMR-2: Water Balance, Section 1997 Pumping Test). The balance of the comment is not relevant to physical changes in the environment, and no further response is required.

Response to SOCR 2-78

Please see MR-18: Hydrology & Water Availability (HMR-2 - Water Balance). The Recirculated Draft REIR acknowledges connectivity between the two aquifers, and post-project groundwater between 187 and 205 AFY are available for exchange. The hydrology assessment also finds that the exchange is most likely limited due to a low permeability barrier and neutral groundwater gradient.

Response to SOCR 2-79

Please see MR-18: Hydrology & Water Availability (HMR-2: Water Balance, Section 1997 Pumping Test).

Response to SOCR 2-80

Please see MR18: Hydrology & Water Availability (HMR-2: Water Balance, Section 1997 Pumping Test).

Response to SOCR 2-81

Please see MR18: Hydrology & Water Availability (HMR-2: Water Balance, Section 1997 Pumping Test).

Response to SOCR 2-82

Comment noted and the explanation in Page 16 of Appendix C is clear regarding "unique conditions." In regard to the hypothetical usages of 100 to 150 AFY, these discharges (double and triples of the 57.21 AFY) would amount to very small flows per day and the expected drawdown would be zero to 0.96 foot but not those observed in a 270 gpm discharge from Well SR-1.

These unique conditions are not expected to be replicated with the lower and slower pumping rates projected for the Project because the total extractions during the 47-day test would roughly equal the total extractions expected during one year of project operations.

Response to SOCR 2-83

Please see MR-17: Water Demands.

Response to SOCR 2-84

Continuing pasture irrigation is not proposed by the project.

Response to SOCR 2-85

See Response to SOCR 2-84.

Response to SOCR 2-86

Peer review was performed for the CN62 Runoff curve which can applied to precipitation records for reasonably near-future runoff calculations (e.g. 1997).

Response to SOCR 2-87

The 84.9% is the rainfall portion reduced by 15.1% of that recorded at the San Clemente Dam based on the California Department of Forestry Fire and Resource Assessment Program (FRAP) contour map.

Response to SOCR 2-88

Please see MR-17: Water Demands.

Response to SOCR 2-89

The Recirculated Draft REIR quantifies maximum potential impact to Carmel River flow as .034 cfs, an amount that experts have characterized as so small as to be indiscernible and incapable of measurement, and would not affect the essential functions of aquatic biological resources. See Recirculated Draft REIR, Section 4.9, and MR-20: Aquatic Biological Resources. Please see MR 19: Significance Thresholds Regarding Water Supply & Availability.

Response to SOCR 2-90

The comment is noted and the text revised to eliminate the typographical error accordingly. The six wells referenced are those reported to the District in the SRA and they are correctly referenced in Appendix C.

Response to SOCR 2-91

Comment noted. The Canada De La Segunda also contributes to the CVA, and the sources of water to the CVA are important in analyzing the potential impacts of the proposed project. The word "eclipse" is descriptive of the influence of a much larger water source situated next to a small one.

Response to SOCR 2-92

Please see Response SOCR 1-1 to SOCR 1-5, and Response to SOCR 2-5. The County's consultants independently reviewed and assessed all analysis identified in the REIR, and if the County chooses to certify the Final EIR, that certification represents the County's independent review and assessment of the information contained in the Final EIR.

Response to SOCR 2-93

Please see Response SOCR 1-1 to SOCR 1-5.

Response to SOCR 2-94

All comments were reviewed, please refer to Section 4, Responses to Comments on the Draft REIR (December 2004).

Response to SOCR 2-95

Neither page 4.3-11 nor the following page contain the reference "the Monterey area" or a reference to 17.23 inches of rainfall. No further response is required.

Response to SOCR 2-96

The Water Supply Section (4.3) and the Biological Resources Section (4.9) were prepared by two separate and independent technical consultants. As noted in the response, both calculations were approximations and were in reference to the environmental setting of the project site.

Response to SOCR 2-97

Please refer to Response to SOCR 2-96.

Response to SOCR 2-98

It is not known if the clearing was done under a permit and it is not known who cleared the area in question of when the area was cleared. In accordance with CEQA Guideline 15125(a), "an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published, at the time environmental analysis is commenced from both a local and regional perspective." At the time of the publication of the Notice of Preparation for the September Ranch project, the area identified as cleared on Exhibit 4.9-1 of the Recirculated Draft REIR, was cleared and is the acceptable condition under which the baseline environmental setting by which to determine impacts in accordance with CEQA Guideline 15125(a).

Response to SOCR 2-99

Please refer to MR-4: Loss of Trees & Mitigation for Tree Removal, MR-5: Monterey Pine Forest Biological Sensitivity; and MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to SOCR 2-100

Comment noted. No evidence has been provided that requires additional analysis or further response.

Response to SOCR 2-101

Please see MR-2: Adequacy of Mitigation Measures.

As discussed on page 4.3-34, in part consistency with the CVMP (including policy 7.2.2.5) includes the incorporation of mitigation measures to reduce impacts to biological resources. As identified on page 4.9-24 of the Recirculated Draft REIR, Mitigation Measure 4.9-3 requires the 1:1 replacement of all coast live oak trees 6" or greater. It is recognized that CVMP Policy 7.2.2.5 indicates that where

feasible, trees removed are to be replaced by nursery grown tress of the same species not less than one gallon in size; however, more current data suggests that replacement trees of smaller sizes (cell or one gallon) more readily adapt to a site and grow larger over the mind to long-term. Additionally, as identified on page 4.9-25 of the Recirculated Draft REIR, Mitigation Measure 4.9-3, the removal of trees 6" or larger is subject to County approval. The applicant will obtain a permit, as required prior to the removal of trees greater than 6" in diameter and two feet above ground level. The project applicant has prepared a Forest Management Plan, which will be continually updated and revised as to respond to proposed development on the individual lots and a mitigation and monitoring component (see MR-2, Management Plans) The requirement that the applicant submit the various plans prior to the issuance of grading plans is consistent with the intent of CEQA provided that the mitigation measures requiring the plans identify performance standards that are sufficient to assure that the level of impact is less than significant. Please refer to Mitigation Measures 4.9-2 through 4.9-4, Mitigation Measure 4.9-6, which reduce impacts to oak trees to less than significant.

Response to SOCR 2-102

The design of the proposed project took into consideration the location of healthy trees. As discussed on page 4.9-21 of the Recirculated REIR, "Initial site improvements will be limited to clearing and grading. However, because of the placement of the lots, limitations on building envelopes, and use of existing road alignments, less than 80 acres (approximately 9 percent) of the vegetation and wildlife habitat on the project site (exclusive of existing disturbed areas) will be directly lost or disturbed as a result of the project, Approximately 795 acres out of 891 acres of the site will remain relatively undisturbed as either common or private open space. An additional 24.2 acres that comprise the equestrian center will be retained as is under existing conditions. Furthermore, removal of trees and other native vegetation within the building envelopes themselves will be limited to individual building permits or roads and other infrastructures while subsequent residential development of the site will affect lands within the designated building envelopes. For purposes of this assessment, it was assumed that habitat values within the building envelope of each lost will be lost as a result of buildout." As noted on Recirculated Draft REIR page 4.9-23 approximately 34.90 acres of Monterey pine/coast live oak forest habitat will be directly impacted from construction, roads, utilities, and building pads. Approximately six percent of the coast live oak trees and four percent of the Monterey pines will be removed as a result of project development.

Response to SOCR 2-103

During the preparation of the Carmel Valley Master Plan, the County of Monterey mapped Areas of Biological Significance in accordance with CVMP Policy 7.1.1.1. The project site is note located within an area that is designated as An Area of Biological Significance.

No areas of critical habitat for rare and endangered species have been identified on the project site and development does not occur within a riparian corridor or within the 0.77 acre of willow riparian habitat located onsite.

In accordance with CVMP Policies 111.1.1.1 and 111.1.1.2, a series of reports and surveys have been prepared for the proposed project to document the biological resources, including the *Updated Biological Surveys for September Ranch, Monterey County, CA* (Zander Associates 2002), *Supplemental Forestry Report of August 2002 to the Forestry Management Plan for September*

Ranch, prepared by Hugh Smith, dated May 10, 1995 (Staub 2002), *Final Environmental Impact Report Volume 2 - Supplemental Information in Response to Additional Public Comments* (Denise Duffy and Associates 1998), *September Ranch in Carmel Valley, Monterey County, CA - Smith's Blue Butterfly Survey in 2001* (Entomological Consulting Services 2001), *September Ranch in Carmel Valley, CA - Smith's Blue Butterfly Survey in 1996* (Entomological Consulting Services 1996), *September Ranch in Carmel Valley, CA - Smith's Blue Butterfly in 1995* (Entomological Consulting Services 1995), *Forest Management Plan for Residential Subdivision* (Smith 1995), *Morgens Property Special Status Plants Assessment* (Mori 1995a), *Morgens Property Biotic Assessment Carmel Valley, California* (Mori 1995b), *Biological Resource Assessment, Morgens Property, Carmel Valley, California* (Zander Associates 1995), *Morgens Ranch Biological Survey* (WESCO 1981), and comments from the USFWS (USFWS 1997), CDFG (CDFG 2003E), the Monterey Pine Forest Watch (Smith 2003) and the California Native Plant Society Monterey Bay Section (Matthews 2003)**.**

In addition plant surveys were conducted in February 1981 (WESCO 1981), November 1992 and January 1995 (Mori 1995a), March 1995 (Mori 1995b), April 1995, May 1995, and June 1995 (Zander 1995), April 2001, May 2001, and August 2001 (Zander 2002) April and May 2005 (Zander 2005). Appendix A of Appendix H of this REIR contains the special status plant table, which provides a synopsis of when the surveys were conducted and the findings of those surveys.

As a result of the biological resources analysis undertaken, it was noted that a total of five special status plant species were not observed on the project site: small-leaved lomatium, California Adders tongue, Pacific Grove clover, Michael's piperia, and Monterey pine and according to the CNPS an additional fourteen have the potential to occur onsite: Small-leaved lomatium; Congdon's tarplant; Eastwoods's goldenbrush; Santa Cruz tarplant; Carmel Valley malacothrix; Fransiscan manzanita; Contra Costa manzanita; Monterey manzanita; Hickman's onion; Fragrant fritillary; Carmel Valley beach mallow; California adder's-tongue; Monterey spineflower; and Hutchinson's larkspur (see Appendix A of Appendix H of this Draft REIR). However, six of these species were not observed during 2005 focused surveys: Hooker's manzanita; Monterey manzanita, Congdon's tarplant, Hutchinson's larkspur, Eastwood's goldenbrush. In accordance with CVMP Policy 7.2.1.2, Mitigation Measures 4.9-9 through 4.9-11 reduces impacts to special status plant species to less than significant.

Additionally, as a result of the biological resources analysis it was determined that are a total of twelve endangered or special status animal species that have the potential to occur in the project area or be affected by project implementation: Smith's blue butterfly; south/central coast steelhead; California red-legged frog; California spotted owl; long-eared owl; golden eagle; Cooper's hawk; purple martin; white-tailed kite; pallid bat; mytosis bat; and the Monterey dusk-footed woodrat. In accordance with CVMP policy 7.2.1.2, Mitigation Measures 4.9-12 through 4.9-14 are included in the Draft REIR for endangered and/or special status wildlife species that could potentially be affected by the proposed project.

In accordance with CVMP Policies 7.2.1.3, 7.2.2.1, 7.2.2.2, and 7.2.2.3, Mitigation Measure 4.9-1 prohibits the planting/introduction of nonnative invasive plant species such as acacia, French or Scottish broom, and pampas grass and requires the development of landscape guidelines that encourage the use of native species indigenous to the area as ornamentals. Compliance with this

mitigation measure will require that the applicant or agent thereof consult the *Look of the Monterey Peninsula Landscape* publication.

Please see Response to SOCR 2-101 and SOCR 2-102 for the project's consistency with CVMP Policies 7.2.2.5 and 7.2.2.6

Mitigation Measures 4.9-1 and 4.9-7 identify the performance standards for the Open Space Management Plan, which in part require the protection and enhancement for the long-term viability of habitat types onsite and the plant and animal species they support, limit native vegetation removal and other disturbances in areas not specifically designated for buildings and other facilities, and protect sensitive plant species through design and setbacks. Additionally, the project applicant proposed dedication of scenic easements over all portions of the site outside designated development envelopes. Adherence to these mitigation measures will assure consistency with CVMP Policy 9.1.2.2.

Response to SOCR 2-104

The Recirculated Draft REIR provides the referenced reports, prepared by applicant consultants, for public review. The Recirculated Draft REIR conclusions are based on thorough, careful and cautious assessment of the information provided in those reports—as well as independent analyses—by County consultants. The referenced reports are prepared by professional consultants and constitute relevant information in the record. It would have been inappropriate for the Recirculated Draft REIR to ignore the reports or to not release them for public review. No further response is required.

Response to SOCR 2-105

Please see Response to SOCR 2-104.

Response to SOCR 2-106

Please see Response to SOCR 2-104. Appendix C was prepared by Kennedy Jenks Consultants, the County's consulting hydrologist for the proposed project, as identified on that report and through the Draft REIR and Recirculated DREIR.

Response to SOCR 2-107

Please see Response to SOCR 2-104.

Response to SOCR 2-108

Zander Associates identified the population of piperia in late April 2005. It could not be identified further until it bloomed. Once the plant bloomed Zander and Associates was able to make a proper identification. An independent biologist reviewed the methodology identified in the report and determined that the methodology described by Zander and Associates is standard for sensitive plant surveys. The blooming period for plants varies from year to year. Botanists generally go to known populations to see when flowering will occur and will than conduct and complete surveys, explaining the multiple visits to the project site during late April and May of 2005.

Response to SOCR 2-109

It is noted that the commentor identified when Attachment 1 of the June 30, 2005 Zander Associates Report contained in Appendix H of the Recirculated Draft REIR is reproduced it is unclear; however, it is legible in the documents supplied to the County that were made available at locations where the public could access the documents (see page 3 of the Recirculated Draft REIR). This is consistent with the intent of CEQA.

Response to SOCR 2-110

The terms directed or focused searches refer to plant surveys conducted to determine presence or absence of target species. The direction is provided through background (e.g. CNDDB) review and local knowledge/experience regarding suitable habitat and other factors (e.g. species range, seasonality) that might contribute to the likelihood of a plant occurrence. Directed searches for a list of target species were conducted along with general (floristic) surveys on the September Ranch site over a period of several years. These surveys covered non-target species including Monterey spineflower, Eastwood's goldenbush and Hooker's and Monterey manzanita. The Department of Fish and Game concurred with our determination that no suitable habitat occurred on site for these species. Nonetheless, after the Recirculated DREIR was published, we conducted additional surveys on the site for these and other species. With the exception of a limited population of Pacific Grove clover, no other sensitive species were located on the project site. (please see Appendix H of the Recirculated DREIR).

Response to SOCR 2-111

An independent consultant to the County of Monterey, Wildlife Research Associates reviewed all reports, surveys, and documents and changes incorporated into the Recirculated DREIR. It was determined that Mitigation Measure 4.9-9 could not be effectively implemented and that the appropriate mitigation would be to tie the final location of a building pad to a pre-construction survey that identifies areas with high concentrations of native species. Therefore, those areas could be avoided as feasible to reduce impacts.

Response to SOCR 2-112

The building envelope is the footprint of the building. The development envelope includes the area of disturbance for both the building and for landscaping. The 0.33 acres of disturbance includes the development envelope which encompasses the building envelope. The acreages for each habitat are shown in Table 4.9-4: Impacted Vegetation Communities. Development refers to the development envelope which is 0.33 acres. The 17.92 acres of development in the grassland area was based on the proposed suitable area for the development envelope, which will be verified after the botanical surveys are conducted. The 18.55 acres of development in the coastal scrub is the development area, but does not include the entire lot, of which the majority will be set into a conservation easement.

Response to SOCR 2-113

The term "building envelopes" as used by Zander Associates was broadly defined and referred to the allowable use area on each lot (assumed 0.33-acre/lot). Zander Associates considered the entirety of

impacts to biological resources within the development areas. The terms "development envelopes" and "building envelopes" were defined more closely in the Recirculated DREIR for some lots to distinguish between allowable areas for placement of structures ("building envelopes") and allowable areas outside of this for other improvements such as driveways, patios, pools or other improvements ("development envelopes"). Both sets of definitions assumed a maximum residential clearing area of 0.33-acre/lot, similar to the assumptions made for tree loss. The Recirculated DREIR estimates that approximately 18 acres of grassland is located within the development areas, while about 44 acres of this habitat type will remain as managed open space.

In addition, please see Responses to SOCR 1-135 and SOCR 2-112.

Response to SOCR 2-114

The grassland and forest areas are identified on Exhibit 4.9-1, and the impacted vegetation communities are shown in Table 4.9-4 on pages 4.9-3 and 4.9-22 respectively of the Recirculated DREIR.

In addition, please see Responses to SOCR 2-112 and SOCR 2-113..

Response to SOCR 2-115

Zander proposes to replace at a 1:1 ratio those areas of the grasslands that have 50% or greater composition of native grass. Those areas of grasslands that have less than 50% native grasses are considered non-native grasslands and are not mitigated for other than what is detailed in Mitigation Measure 4.9-8 which identifies the Grassland Management Program. A conservative approach of 100% native grassland for the restoration will be the mitigation. As with all opens space areas, a conservation easement will be placed on the restored mitigation area as identified in Mitigation Measure 4.9-1.

Response to SOCR 2-116

As stated on page 4.9-28 of the Recirculated REIR, 18 acres of the grasslands on the site lie within the project's building envelopes or roads and approximately 44 acres of this habitat type will remain as managed open space. Additionally, as noted on page 4.9-28, of the Recirculated REIR, there are two large grassland areas near the project entrance that were identified as supporting a high diversity and abundance of native wildflowers and grasses and will be preserved as open space. Exhibit 4.9-1 identifies the vegetation communities located onsite as well as the lot lines, roadways, equestrian center and associated pastures, and open space parcels.

Response to SOCR 2-117

Native grasslands will be surveyed for prior to the placement of the development envelope. They will be avoided to the greatest extent possible.

Response to SOCR 2-118

Please see MR-4: Loss of Trees & Mitigation for Tree Removal, MR-5: Monterey Pine Forest Biological Sensitivity, MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Response to SOCR 2-119

As outlined in the draft conditions of approval, see MR-2: Adequacy of Mitigation Measures, landscaping of private lawns is allowed. Mitigation Measure 4.9-8 precludes the use of herbicides unless applied directly to invasive, non-native species.

Response to SOCR 2-120

The cumulative impact analysis has been updated to include reasonably foreseeable future developments such as the Quail Meadows lots. The Dow development is no longer considered reasonably foreseeable, although the REIR provides an impact analysis that included Dow for informational purposes. The referenced estate lots were approved based on no net increases in water use and therefore do not contribute to cumulative impacts. Please see Revised Technical Memorandum No. 6 included within Appendix C and Errata, Section 5.0. The revisions do not change the impact conclusions of the Recirculated Draft REIR. Please see MR-18: Hydrology and Water Availability and MR-20: Aquatic Biological Resources.

Response to SOCR 2-121

The impact analyses incorporate potential impacts during dry-year scenarios and during an extended drought period. The 1987-1991 dry periods is commonly deemed representative of extended drought periods for hydrology analyses. Please see MR-18: Hydrology & Water Availability.

Response to SOCR 2-122

Please refer to MR4: Loss of Trees & Mitigation for Tree Removal, MR-5: Monterey Pine Biological Sensitivity, MR-6: Monterey Pine Forest Fragmentation & Pitch Canker Susceptibility.

Mitigation Measure 4.9-1 states that fencing will be limited to the designated development envelopes (i.e., 0.33 acres) and fencing around the remainder of the parcel will be prohibited. Conservation (scenic) easements are proposed on all areas outside designated development envelopes. The conservation (scenic) easements will be run with the lands regardless of the number of times the land is sold. The total impacted acreages of open space and native habitats on the site are surrounded by contiguous habitats that will not be fenced or otherwise modified. Therefore, the potential for fragmentation of grasslands and coastal scrub is greatly reduced. Cattle currently graze the site and horse trails currently exist on the site. There are no plans for further expansion of the existing horse stables on the site. Although current residences have cats and dogs, the new development will require leash laws to prevent dogs from running uncontrolled in the unfenced open space areas. In addition, only compatible public recreation uses will be allowed within the easement lands (open space lands).

Response to SOCR 2-123

The project site is zoned as Rural Density Residential (RDR), 10 acres/Unit Design Control Site-Control and Residential Allocation Zoning (RAZ) and Low Density Residential (LDR) 2.5 acres/Unit Design Control - Site Control and RAZ. According to the County of Monterey Zoning Code, Title 21, residential structures are not to exceed 30 feet in height in a RDR or LDR zone. In addition, as discussed on page 4.1-8 and as shown on Exhibit 3-4, under the project as proposed, the inclusionary

housing units are to be developed on 5.3 acres in the southeast corner of the project site. This configuration is subject to change if an alternative is approved.

In accordance with CEQA Guideline 15124(b), "The project description is not required to supply extensive information beyond that needed for evaluation and review of the environmental impacts." Therefore, information regarding the number of automobiles, bathrooms and number of bedrooms for the inclusionary housing units is not required under CEQA as it does not pertain to the evaluation of a particular environmental impact. Rather, generation rates based upon the type of housing have been supplied by the respective service purveyors or technical experts to evaluate environmental impacts (i.e. water supply, transportation, and traffic).

Response to SOCR 2-124

As discussed in the Draft REIR, the project is in compliance with the County of Monterey Inclusionary Housing Ordinance. See also draft conditions of approval, referenced in MR-2: Adequacy of Mitigation Measures.

Response to SOCR 2-125

Both the proposed project and the Planning Commission Alternative utilize a factor of 3.177 persons per household (3.177 x 109 = 346 and 3.177 x 57 = 181), a population generation factor which as stated on page 4.12-5 of the Draft REIR, was obtained from the State Department of Finance. Likewise, the other alternatives discussed in the REIR utilize a factor of 3.177; the Reduced Forest Impact with High Inclusionary Housing would introduce 298 persons (3.177 x 94 =298), and the Reduced Forest Impact with 20 Percent Inclusionary Housing would introduce 276 persons (3.177 x 87 = 276). Caretaker and senior units would be prohibited. See also draft conditions of approval, which prohibit second units, including but not limited to, caretakers units and senior citizens units.

Response to SOCR 2-126

As discussed on page 6-50 of the Recirculated Draft REIR, the 73/22 Alternative is the Environmentally Superior Alternative. CEQA Guideline 15126.6(d) states that, "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." In comparison to the proposed project, the Planning Commission Alternative would result in the construction of a lesser number of inclusionary housing units. Since the County lacks an adequate amount of affordable housing, the reduction in the number of inclusionary housing units associated with this alternative is considered to be a greater population, housing, and employment impact in relation to the proposed project.

As stated in CEQA Guideline 15126.6(d), "The EIR shall include sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison. Short-term construction employment is discussed in Section 4.12, Population, Housing, and Employment (see page 4.12-5 of the Draft REIR) and therefore, it is reasonable to discuss the effects of short-term construction employment in relation to the proposed project and a specific alternative.

Response to SOCR 2-127

As discussed on page 6-11 of the Recirculated Draft REIR, both the proposed project and the Planning Commission Alternative are within the population forecast parameters of the Association of Monterey Bay Area Governments and neither the proposed project nor the Planning Commission Alternative is considered to have a significant population impact. However, Monterey County lacks an adequate supply of inclusionary housing. The proposed project will result in the construction of a greater amount of inclusionary housing in comparison to the Planning Commission Alternative. Given the need for inclusionary housing in the project area and Monterey County, the Planning Commission Alternative is considered to have greater housing impacts than the proposed project.

Response to SOCR 2-128

In part, the project objective is to provide low to moderate-income housing. The proposed project will provide 15 inclusionary housing units; the Planning Commission Alternative would provide 8 inclusionary housing units. Thus, comparatively, as stated on page 6-12 of the Recirculated Draft REIR, the Planning Commission Alternative would not fully meet the project objectives. It should be noted that the proposed project will not allow for secondary or caretaker units. See also draft conditions of approval, referenced in MR-2: Adequacy of Mitigation Measures.

Response to SOCR 2-129

As stated on page 6-50 of the Recirculated Draft REIR, the 73/22 Alternative is the Environmentally Superior Alternative.

Response to SOCR 2-130

It is recognized that in the context of CEQA, an analysis of Population, Housing, and Employment may not be directly relevant to a physical change in the environment. However, the information provided in the Draft REIR and Recirculated Draft REIR is useful to the County in assessing the feasibility of the proposed project in relation to the project alternatives. As stated in CEQA Guidelines Section 15131, "The evaluation of economic or social effects is generally treated as optional; agencies may, but are not required to, evaluate then and sometimes include an analysis of economic or social effects of a proposed project." Additionally, in the event that the County would have to draft a Statement of Overriding Considerations, it is important for the County to understand the potential social, economic, or other beneficial project aspects, such as employment opportunities or a greater number of inclusionary housing units, justify approving the project despite significant unavoidable impacts. Such as state in CEQA Guideline Section 15093, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable"

Michael Brandman Associates prepared the analysis for the Population, Housing, and Employment. As noted in Section 4.12 of the Draft REIR Michael Brandman Associates utilized recognized demographic databases and information obtained from organizations in part charged with

documenting and forecasting population, housing, and employment trends, including the Association of Monterey Bay Area Governments (AMBAG), US Census Bureau, and the State Department of Finance. As noted on page 4.1-6 of the Draft REIR, the proposed project density is less than is currently allowed under the Carmel Valley Master Plan or the slope density formula.

As with all issue areas, the project-related population, housing, and employment impacts are evaluated in relation to the population, housing, and employment impacts reasonably assumed to be associated with a particular alternative.

Response to SOCR 2-131

As noted in Response to Comment SOCR 130, the proposed project density is less than is currently allowed under the Carmel Valley Master Plan or the sloped density formula. The projected population associated with the proposed project is within the parameters of the AMBAG population forecasts for the project area and therefore, therefore, the population is accounted for in regional plans and forecasts.

Response to SOCR 2-132

As identified on page 6-17 of the Draft REIR, since the Reduced Forest Impact Alternative would result in a greater amount of inclusionary housing (in comparison to the proposed project); thus providing an increase in low to moderate-income housing units, this alternative is considered to have beneficial population, housing, and employment impacts in relation to the proposed project. As stated on page 6-11 of the Draft REIR, the proposed project is considered to have greater beneficial population, housing, and employment impacts in relation to the Planning Commission Alternative because the proposed project will result in a greater number of inclusionary housing units and it will provide for a greater/extended amount of construction employment opportunities.

Response to SOCR 2-133

Please refer to Response to SOCR 2-130.

Response to SOCR 2-134

The project objective is outlined in Section 3.3 of the Draft REIR. As noted in the Recirculated Draft REIR, Revisions to the Draft REIR, Section 3 was not recirculated. Conclusions regarding the alternatives are based on a comparative analysis to the proposed project. In some instances, alternatives examined may reduce a significant project impact or reduce even greater a project-related less than significant impact. However, there are some instances, in that the project may have a greater beneficial impact than an alternative; although, neither the project nor the alternative have a significant impact. Please see Responses to Comments on the Recirculated Draft REIR SOCR 2-128 and 2-132.

Response to SOCR 2-135

Please refer to Responses to SOCR 2-28, 2-130, 2-132, and 2-134.

Response to SOCR 2-136

The Draft REIR and the Recirculated REIR contain a range of feasible alternatives that follow the rule of reason, "that requires an EIR set forth only those alternatives necessary to permit a reasoned choice." CEQA does not require that an EIR consider every conceivable alternative to a project. Additionally, in addition to the No Project Alternative as required under CEQA, in accordance with CEQA, the Draft REIR and the Recirculated REIR examines alternatives that feasibly obtain most of the basic project objectives and that avoid or substantially lessen any of the significant environmental impacts (Reduced Density - Planning Commission Alternative, Reduced Forest with High Inclusionary Housing Alternative, and the Reduced Forest with Twenty Percent Inclusionary Housing Alternative). Moreover, in response to comments made on the Draft REIR, the Recirculated REIR examined three additional alternatives, the Reconfigured 94/15 Alternative, 82/27 Alternative, and the 73/22 Alternative, all of which were designed to address commentors concerns regarding the location of the inclusionary housing. Please refer to Responses to SOCR 1-39 and SOCR 1-118.

Response to SOCR 2-137

Please refer to MR-2: Adequacy of Mitigation Measures, Responses to SOCR 1-118, SOCR 1-152, and SOCR 2-123. In addition, as stated on page 4.11-13 of the Draft REIR, Mitigation Measure 4.11-1:

> Prior to the issuance of a grading permit, the applicant shall submit a Tentative Map, which will be subject to review and approval to the Monterey County Planning and Building Inspection Department (MCPBID). The MCPBID establishes envelopes on each proposed lot to define the building area that result in minimal grading and protects public viewsheds by avoiding ridgeline development and preserving existing screening vegetation. Home sites in building envelopes on the bluffs overlooking Carmel Valley Road should be limited in building height, as needed, to reduce visibility and screen buildings from Carmel Valley Road.

See also draft conditions of approval, referenced in MR-2: Adequacy of Mitigation Measures.

As noted on page 4.11-17 of the Draft REIR, the proposed project will require approval of a variance for any development on slopes in excess of 30 percent. This variance, which is typically granted to low-density developments, such as the proposed project, is being requested for the development of roadways serving residential lots and will allow for flexibility in road placement to accommodate varying terrain (resulting in less cut and fill slopes) and the protection of sensitive biological resources and viewsheds. Exceptions may be granted for the relaxation of roadway standards under CVMP Policy 39.2.7.

Response to SOCR 2-138

Please refer to Response to SOCR 1-118 and SOCR 2-136. There are no significant grading impacts associated with the proposed project; therefore, discussing such an alternative would not serve to provide an analysis of an alternative that would eliminate a potential project-related impact. Additionally, as stated in CEQA Guideline 15126.6(d), the discussion of environmental effects of alternatives may be in less detail that the discussion of the impacts of the proposed project.

Response to SOCR 2-139

Please refer to Response to SOCR 2-130.

Response to SOCR 2-140

The comment is noted.

DATE: April 3, 2006

TO: Alana Knaster

FR: Gillian Taylor, Sierra Club 659-0298 (phone)

Following are 18 pages of documents on the September Ranch project. These were also emailed to you this morning.

Thank you,

Gillian

SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

March 31, 2006

Ventana Chapter Comments on September Ranch Recirculated Portion of Draft REIR for September Ranch

The Ventana Chapter has reviewed the above document. We find the document's scope and content, and the process being used, to be confusing -- and the results to be troubling.

The new document states that it will not at this time respond to the public comments already submitted on the Revised Draft EIR, and that the public may only comment on this new version, which it says only covers select aspects of the project. But this document then goes on to propose "mitigation" measures outside that scope –and which are for impacts that are *not* analyzed in this document, but which the public has previously challenged as seriously underestimated.

For example, this document does not settle the confusing and large discrepancy over the numbers of trees to be removed, the need for avoidance rather than replanting, the issue of where the replanting sites could feasibly be, the known limits of replanting, etc. (see earlier Sierra Comments appended and those of CNPS.) And yet this document skips over that discussion and goes straight to proposing specific (and inadequate) mitigations and alternatives for tree removal. SC 2-1

Also, the public's unanswered comments on the previous document (the Draft REIR) question the very foundations of this project. But meanwhile, the county is moving forward now on key components, like Project Alternatives, as if those comments in fact *have been* addressed. For instance, merely moving or removing relatively few houses (or changing the cost of some of the houses) as the Alternatives do, doesn't begin to address the real, substantive harm that would be done to the native Pine Forest by *all* of the Alternatives. Nor do they deal with the fact that the water supply cannot be shown to be available for anywhere near the large numbers of units contained in *any* of the Alternatives. Therefore the county is channeling analysis and deliberations toward outcomes that aren't based on real project limitations and real impacts.

Compounding this problem, the county plans a "study session" April 12th for the Planning Commission, even though the project does not have a Final EIR, and has not gone to the Carmel Valley LUAC or the Subdivision Committee. (And the Subdivision Committee has a public hearing set for April 13th -- the day *after* the P.C. workshop.) According to an email you sent us March 28, that P.C. workshop will focus on the proposal and the Alternatives. Due to the limited information that is a result of the problems noted above, the Planning Commission will not have the benefit of seeing all the public, LUAC and Subdivision Committee comments and EIR responses on the over-arching problems already raised about the project. SC 2-1

This process and the premature P.C. workshop's stated agenda (covering Alternatives) seems designed to lead toward specific alternatives even though all the facts are clearly not in. This seems prejudicial. The public comments on the Draft Revised EIR spoke to the very foundation of the project – it's size, location and feasibility, and without thorough review and discussion of those fundamental issues, "fine tuning" the list of alternatives or mitigation measures is premature at best and fatally misleading at worst. Considering the above, we hereby resubmit our February 28, 2005 comments on the DEIR.

Water Section: We also attach comments of Dr. John Williams dated March 31, 2006 on the information on the water issue contained in the Recirculated Portion of the Draft Revised EIR. We also append Dr. William's comments on the Draft REIR dated February 28, 2005. We request that substantive answers be provided to these and all the comments of the public prior to moving forward with workshops or hearings on this project. SC 2-2

Thank you,

Gillian Taylor
Ventana Chapter Sierra Club

Attached: John Williams March 31, 2006 comments
John Williams February 28, 2005 comments
Sierra Club February 28, 2005 comments

John G. Williams, Ph.D.
Environmental Hydrology

31 March 2006

Gillian Taylor
Ventana Chapter, Sierra Club
By email

Dear Gillian:

I have reviewed the hydrology section and Appendix C of the recirculated draft EIR on the September Ranch Subdivision. By and large my comments on the last draft EIR are still applicable, so I have attached them and incorporate them in these comments by reference.

Let me begin here with a general point. The hydrology section of the 2006 draft EIR (I have not looked at the rest of it) is characterized by argument by extraneous information. As a simple example, at p. 4.3-4, the 2006 draft says that "The rich text format (RTF) file provided by the SWRCB was manually entered into a spreadsheet database because there was no expedient means of converting the files and SWRCB could not provide an electronic file that could be easily converted into a spreadsheet or database format." This is a tedious way of saying "We entered data from the SWRCB into a spreadsheet." Tedious language matters, because the purpose of an EIR is to inform decision-makers and the public about the potential environmental consequences of the project. Irrelevant and soporific detail subverts this purpose. SC 2-2

Like the 2005 draft EIR, the 2006 draft on it face identifies an impact on the water supply for the public trust resources of the Carmel River and the existing water supply for most of the Peninsula. As explained in my February 2005 letter, this follows from information in the Kennedy Jenks report (Appendix C):.

1. The baseline or "no project" water use is 3 acre-feet per year (p.2).

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) flows into the Carmel Valley aquifer (p. 25).[1] SC 2-3

Given the baseline and project uses, it follows logically that the project will result in a decrease of 54.2 acre feet per year in the supply of water to the surface and subsurface components of the lower Carmel River. Converted into flow, 54.2 acre feet per year equals 0.075 cfs on average [54.2/365 = 0.1485 acre ft per day; 0.1486/1.98 = 0.075 cfs]. A loss of 54 acre feet per year to the lower Carmel River would have significant effects on the environment, and could have significant effects on the water supply to the Peninsula, for the reasons described in my 2005 letter.

[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."

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jgwill@dcn.davis.ca.us

The analysis in the 2006 draft EIR of the effects of reduced supply to the lower Carmel River is another good example of argument by extraneous information. For example, there is an eleven line paragraph on the accuracy of the "Near Carmel" USGS gage. To the extent that there is any relevant analysis, it seems to be wrong. The analysis can be summarized as follows, by paragraph:

1. Says the chapter will show the impact is less than significant.

2&3. Discuss estimates of the reduction in monthly flow from the September Ranch to the Carmel River, for a normal and below normal year, based on a water balance. Says maximum monthly decreases is 0.033 cfs in dry year, 0.034 cfs in normal year. This comes from Table 4.3-9, but how the numbers were derived is not explained. [note that 0.034 cfs = 24.57 acre feet per year, less than the estimated project use of 54.2 acre feet.]

4. Discusses accuracy of the Near Carmel USGS gage.

5. Discusses USGS gage farther upstream, and flow in the river. Says that supply to the lower Carmel River from the September Ranch will be indiscernible during wet months, and won't matter when the river is already dry. Therefore, flows in months in between "are also likely to be indiscernible."

SC 2-4

6. Says reduction in flow would be small; not more than 0.034 cfs. [Again, 0.034 cfs = 24.57 acre feet per year, less than the estimated project use.]

7. Says other people pump from the Carmel Valley aquifer.

8. Says Cañada de la Segunda and Roach Canyon also contribute flow to the Carmel River – maybe more than September Ranch aquifer.

9. Says excess recharge of the September Ranch aquifer will be "rejected" to the Carmel Valley aquifer. Recharge has consistently refilled the Carmel Valley aquifer and the September Ranch aquifer in normal years "and as efficiently after extended drought periods" [whatever "as efficiently after drought years" means].

10. Says future wells will be located based on pump tests and the results will be given to relevant authorities and Monterey County will ensure new wells won't impact existing wells.

11. Says therefore no significant impact.

There is no discussion of the existing severe overdraft of the Carmel River or of the degraded condition of the public trust resources of the river such as steelhead and riparian vegetation. In short, there is no serious attempt to assess the impact of the project on the river or the water supply for the Peninsula.

Compared to the average flow in the Carmel River, 0.075 cfs is not very much. However, averages can be misleading and are so in this case. In a mountain canyon, a stream of 0.075 would be easy to step across. However, streams in Bur Sur with a summer low flow of 0.075 cfs in dry years support juvenile steelhead, so it is not a negligible amount of water. Moreover, the impact of the project needs to be assessed in terms of the cumulative impact of all uses and diversions that reduce the flow in the river. The 2006 draft EIR fails utterly to do this. SC 2-5

Regarding water rights, the 2006 draft EIR now wants to treat the September Ranch aquifer as a traditional groundwater basin. However, if the figures and hydrological calculations in the EIR are close to accurate, the groundwater in the September Ranch aquifer is flowing in a known and definite channel. The bed of the underground channel is the top of the Monterey formation, shown in Figure 4.3-5, and the groundwater contours show that there is flow. Any ponding of groundwater behind the alleged aquitard would not affect this, as noted in the jury instructions cited approvingly by the California Supreme Court in *Los Angeles v. Pomeroy*, which is cited by the 2006 draft EIR, and as confirmed by *Los Angeles v. Hunter* 156 Cal 603 (1909). That is, the EIR provides the information necessary to overcome the presumption that groundwater is not flowing in a known and definite channel. Given that the groundwater is flowing in a known and definite channel, the applicable water rights would be either riparian or appropriative. The problems with riparian rights for the project are discussed in my 2005 letter. SC 2-6

On some minor points:

At p. 4.3-13, the 2006 draft EIR states: "Based on Kleinfelder's 2003 findings, there is no evidence currently known to suggest that the Hatton Canyon fault serves as a hydraulic barrier or conduit of groundwater to influence water resources in the SRA or influence the SRA's hydraulic connection with the CYA." This may be literally true, but the authoritative geologically report on the area, Clark et al. (1997), says at p. 17: Along the projected trend of the fault is a possible hydrogeologic barrier at September Ranch (map locality 18, sheet 1). Ground water elevations on the south side of the fault were approximately 3 m higher than those on the north side of the fault (Oliver 1991). Driller's logs for the wells along this barrier record a repeated section of shale, indicating reverse faulting." My 2005 letter discusses the possible seismic origin of the ridge of older alluvium that is alleged to isolate the September Ranch aquifer from the Carmel Valley. SC 2-7

The groundwater contours shown in the eastern part figures 3 and 4 of the February 2006 Kennedy/Jenks report, and figures 4.3-5 and 4.3-6 in the 2006 draft EIR, seem highly speculative and even more improbable. Figure 4.3-5 shows both the hypothesized groundwater contours and the hypothesized buried surface of Monterey shale. The groundwater contour at Cañada de la Segunda is at 52 feet, and is drawn sloping gently to the west with a slope of about one 1 foot in 450. However, to do this, it must flow through up to 600 ft of Monterey Shale. It seems more likely that the groundwater would flow down the alluvium in the bottom of the Cañada de la Segunda and out into the Carmel Valley aquifer. The figure does not identify any wells or borings east of Well A, so it is unclear what data the groundwater contours to the east of the well are based on. SC 2-8

The hypothesized smooth contours of the buried surface of Monterey shale are also inconsistent with the description provided by Clark et al. (1997), quoted above, regarding a repeated section of shale. SC 2-8

Sincerely,

John Williams

References:

Clark, J.C.; Dupré, W.R.; Rosenberg, L.I. Geologic map of the Monterey and Seaside 7.5 minute quadrangles, Monterey County, California: a digital database. 1997. USGS Open-File Report 97-30.

John G. Williams, Ph.D.

28 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).[2]

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.

[2] 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.[3] 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.]

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 the SWRCB is temporarily allowing Cal-Am to continue illegal pumping because the water

[3] 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.

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.

Finally, in the analysis of the project on steelhead, the DREIR apparently assumes that water can be stored under a riparian right. At p. 4.9-16, it states that "... the project will be required to withdraw water only during the seven months outside of the low flow period." However, water cannot be stored for more than 30 days under a riparian right. Therefore, it appears that the project would lack a legal supply of water for four months on the year.

The description of the groundwater basin in 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 shale" (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 43.3-4c 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.

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.

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.

Sincerely,

John Williams

SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

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 Particia 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.

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

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?

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.

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.

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

Ranch aquifer is separate from the Carmel Valley aquifer (see attached comments.)

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.

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.

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.

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.

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?

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.

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

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.

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.

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.

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.

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

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.

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

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.

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.

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.

Thank you,

Gillian Taylor

Gillian Taylor, Conservation Co-Chair
Ventana Chapter Sierra Club

Attachment: Comments from Dr. John Williams

SIERRA CLUB (SC)

Response to SC 2-1

The County is pursuing the appropriate and regular process for evaluating proposed development projects, in which the environmental review is completed prior to consideration of the merits of the project by the County Board of Supervisors. For the proposed project, the County Board of Supervisors is the only legislative body with a substantive vote; discussion in other committees is advisory only. Because the Final EIR consists primarily of response to comments and changes to the draft that do not implicate important new information, the Recirculated Draft REIR contains most if not all of the information that is relevant to consideration by advisory bodies. For this same reason, it is not uncommon for advisory bodies to consider projects based on draft environmental documents; the process enables the final document to incorporate any concerns raised by the advisory body.

Response to SC 2-2

Comment noted and no response necessary.

Response to SC 2-3

Please see MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA, 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).

Response to SC 2-4

Comments for paragraphs 1 to 11 are noted. Please see MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on Existing CVA Groundwater Users) which discusses in more detail and clarifications in response to these comments.

Comment on paragraph 2 &3 states that 0.034 cfs is 24.57 AF. For clarification, this is reduction for a single month and so it would not equal a yearly proposed demand of 57.21 AF.

Response to SC 2-5

Please see Hydrology MR-18: Hydrology & Water Availability (HMR-4 - Significance of Impact on Existing CVA Groundwater Users).

Response to SC 2-6

The Recirculated Draft REIR and accompanying hydrology analysis demonstrate that the SRA is properly characterized as percolating groundwater. However, even if this characterization were incorrect, then the SRA would be riparian to the Carmel River; because the entire property is within the watershed of the CVA, the property owner would have riparian rights. Although the question of the property's water rights is not relevant to physical changes in the environment, the Recirculated Draft REIR notes that the County has obtained a water rights opinion concluding that the property owner retains valid riparian rights.

Response to SC 2-7

Comment noted, see 2nd paragraph in Recirculated Draft REIR, page 4.3-13 for discussion regarding updated geologic evidence on the fault's position and the relative locations of the September Ranch wells. Wells are not located in the portion of the aquifer that would be confined by the fault. There is no evidence based on the updated position of the fault and well locations that it is influencing groundwater conditions in water wells.

Response to SC 2-8

Groundwater contours are interpreted based on data collected in November 1996 from the depicted wells in Figure 4.3-5. Moreover, the flow patterns which the contours suggests are based on aquifer tests conducted in 1992 and 1996/1997 which suggest near east-west flows and parallel flows between the SRA and CVA. With the factual evidence that the near impermeable bedrock shale outcrops and top of shale, it is not possible for groundwater to flow south-southwest down the alluvium and out into the CVA.

Monterey Bay Chapter

California Native Plant Society

P. O. Box 221303
Carmel , CA 93922

Mar. 31, 2006

Ms. Alana S. Knaster, Chief Assistant Director
Monterey County Planning& Building Dept.
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

RE: September Ranch

Dear Ms. Knaster:

The Monterey Bay Chapter of CNPS would like to make the following comments on the RDREIR for the September Ranch Subdivision Project. We are primarily concerned about the botanical impacts of this project, but we also have comments about consistency with the Carmel Valley Master Plan and alternative plans as they affect biological resources.

BIOLOGICAL RESOURCES:

4.9-1: Vegetation Map 4.9-1 shows that the lot layout has changed very little since the first project, which followed the Monterey pine forest up the two steep ridges that run approximately north-south on the property. The large majority of homesites are within the pine forest, requiring heavy clearing for roads, utilities, and structures.

Although vegetation removal is to be minimized by building envelopes that are to be defined according to various plans that are not found in the documents, the net result will be fragmentation of the forest and the inevitable weakening of its ability to be self-sustaining and to adapt to changing conditions, the key qualities of a healthy native forest. Experts have pointed out that "genetic diversity, natural reproduction, and health status of Monterey pine forests provide meaningful measures of the population's long-term viability; counting numbers of trees generally does not." (1) So the developer's repeated assertions that only a small percentage of the Monterey pines willl be affected by the project is not based on a scientific rationale.

CNPS 2-1

Mitigation measures have increased in response to earlier criticisms, but they appear to depend on the various forest and grassland management plans which the public has never seen. Our understanding is that such plans are supposed to be completed and subject to public examination during the comment period.

Further, the document claims that placing all land outside the fenced building envelope in conservation easements will protect the forest and other sensitive habitat, but the failure of the county to enforce such rules in the past gives us little confidence in this outcome, especially if this is to be a gated community with no access to the public. Moreover, the county has recently approved termination of three scenic easements at the request of the developer.(2)

The forestry report asserts that the estimate of tree loss in this document is likely to overestimate actual tree loss because of county rules to minimize tree removal. Our experience has been exactly the opposite: because of lax enforcement, often twice as many trees are removed as is specified in the plan. We have seen this happen over and over again, especially in large lot subdivisions in Carmel Valley, Pebble Beach, and off Highway 68.

Even if trees are carefully protected during the construction process, they continue to disappear over time because of property owners' desires for landscaping, views, fire protection, and construction of outbuildings--according to zoning here, each main house can have a guest house, caretaker's house, and granny house. CC&Rs have proved to be very weak protections in such cases as they are not enforced by the county and rarely by homeowners' associations.

CNPS 2-1

The types of restrictions that "should" be considered for the open space land would be strongly resisted by property owners, and inasmuch as they would own the land and would fund theposition of the habitat/open space manager, it is really "pie in the sky" to believe that any of these limitations would be enforced.

4.9-2: The Forest Mitigation and Monitoring Plan, which is to "identify permanently dedicated open space3 times the acreage of the Monterey pine/coast live oak forest (3 to 1 ratio) that will be developed," should be submitted as part of this document so commenters can consider how likely it is to be successful.

CNPS 2-2

4.9-3: Requiring 1:1 replacement only for those trees 6" or larger in diameter that are lost to development seems to overlook the ecological principle that all age classes of trees should be retained if the goal is to restore or simulate a natural forest. The tree replacement and monitoring plan does have some good features: using seeds from local genetic stock, transplanting seedlings that would be lost at construction sites, mapping and monitoring replacement trees, and requiring suitable soils for the transplanted trees. The problem here is that the appropriate habitat seems to be so well stocked with existing trees that it would be difficult to impossible to find enough suitable planting sites.

CNPS 2-3

4.9-4: The proposals to protect pines adjacent to trees slated for removal are very good; the problem is that in such difficult terrain it would be very hard to carry them out consistently, and it would require a level of communication that is seldom achieved unless a full-time inspector is on the job. We have looked at a good many forest management plans over the years with similar provisions which were virtually ignored in the actual construction process.

CNPS 2-4

4.9-5: The potential for development of pitch canker in stressed trees could certainly be a significant impact. However, we question the proposal to use trees that are resistant to the pathogen as a seed-source for replanting. As the studies we know about have involved trees from other areas, they would not meet the recommendation to use only site-specific stock for planting. Further, experts have pointed out that apparent resistance can be overcome by a pathogen that is able to mutate as actively as this one is believed to do. Fortunately the native pines have turned out to have varying degrees of resistance and in many cases, to be able to recover from an infection

CNPS 2-5

4.9-6, 7, 8, 9, 10: Mitigations for oaks, coastal scrub, grassland, and special status plant species are subject to many of the same reservations raised above about the Monterey pines—that they look feasible on paper but don't work out in the real world because of landowner resistance, builder concern with speed and efficiency, and county failure to enforce, compounded by difficult terrain and lack of access for public oversight.

We have pointed out in earlier correspondence that experts believe that the trees growing in this area at or near the most inland part of their range are likely to have adaptations to drought not shared by trees closer to the coast. With the evidence of global warming becoming overwhelming, we believe it is particularly important to protect as many of these trees as possible. After studying the whole issue of threats to the Monterey pine for two years, our state organization adopted a policy in 1997 urging that no healthy, non-hazardous native pines should be removed except for minimal clearing on single-family lots of record and for fire protection. The most ecologically sound proposal for this property would be to cluster development on the disturbed flatter areas at thebottom of the parcel. But we recognize that this could conflict with other policies. In an effort to try to find a compromise, we proposed in earlier comments that development be reduced and sited in the lower half of the parcel, placing the steeper and more fragile lands in a scenic easement that could become part of Jacks Peak Park. Unfortunately none of the current alternative proposals picked up this concept, even though a similar project was actually approved by the Planning Commission some years ago.

CNPS 2-6

CARMEL VALLEY MASTER PLAN CONSISTENCY

In view of the previous comments, we cannot find that this project is 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* (emphasis added) . . . 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." As we stated in our comments of Feb. 26, 2005, 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. CNPS 2-7

Also, as we pointed out in 2005, we believe there is an error in quoting Policy 7.2.2.3 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 currently occur, they *shall not* (sic) be removed when the required landscaping is implemented." There has apparently been no effort to correct this error, whether on the part of the county or the consultant. In view of the potential impacts on Jacks Peaks Park, removal of this invasive weed must be a condition of any permit granted this project. CNPS 2-8

ALTERNATIVES:

Because of the difficulty of mitigating the impacts of this project when it came up in 1998 and again in 2005, we expected that more effort would have been expended 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 species and disease as well as harassment of the native fauna by domestic animals. Indeed, on a Planning Commission field trip last year, our members noted that French broom was continuing to spread toward Jacks Peak Park and no effort was being made to eradicate it. CNPS 2-9

We would urge that an alternative similar to the reduced project approved by the Planning Commission in 1998 be included in this document. Such an alternative would produce substantially lower impacts than any of the current alternatives. 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 more 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 for a more compact project, we maintain that such a development would be eminently feasible. We note that he claimed that the smaller subdivision would not meet the goal of the project to provide affordable housing. However, in view of the cost savings, 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.

Thank you for your consideration of these comments.

Sincerely yours,

Brian LeNeve
President

(1) Letter of Mar. 3, 2006 from UC Davis ecology professors to Coastal Commission
(2) Removal of scenic easements approved by Supervisors at Tehama and Sawmill Gulch

CALIFORNIA NATIVE PLANT SOCIETY (CNPS)

Response to CNPS 2-1

While the intent of Mitigation Measure 4.9-1 of the Recirculated Draft REIR is intended to prevent such actions, the measure has been revised along with measures 4.9-13 and 4.9-14 using stronger language to assure the prevention of such actions. This revision is included in this document, see Section 6, Errata.

In addition, as stated on page 2-4, of the Recirculated Draft REIR, "CEQA requires agencies to set up monitoring report programs for ensuring compliance with the mitigation measures adopted as conditions of approval in order to mitigate or avoid significant environmental effects as identified in the REIR. A mitigation monitoring program, incorporating the mitigation measures set forth in this document, will be adopted at the time of certification of the EIR."

Response to CNPS 2-2

The Forest Management Plan, which is included in Section 10, References of the Draft REIR, was prepared in June 1995 by Urban Forestry Consulting. As required by Section 21092(b) of the Public Resources Code Section and Section 15150(b) of the State CEQA Guidelines, the lead agency is required to make all documents cited in the EIR available for public review. As identified on pages 1-4 and 1-5 of the Draft REIR, the public may obtain and review referenced documents and other sources used in the preparation of the Draft REIR at the Monterey County Planning and Building Inspection Department.

However, project implementation will include the preparation of an updated Forest Management Plan, as well as an Open Space Plan, a Grassland Management Plan, and a Timber Harvest Plan. The requirement that the applicant submit the various plans prior to the issuance of grading plans is consistent with the intent of CEQA provided that the mitigation measures requiring the plans identify performance standards that are sufficient to assure that the level of impact is less than significant. The performance standards, which may be referenced in Mitigation Measures 4.9-1 through 4.9-9 in the Recirculated Draft REIR, include but are not limited to the specification of preservation, dedication, and replacement of open space, grasslands, and/or trees. The specific performance standards are identified in Mitigation Measures 4.9-1 through 4.9-6 of the Recirculated Draft REIR (pages 4.9-22 through 4.9-29 of the Recirculated Draft REIR).

Response to CNPS 2-3

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications, MR-4: Loss of Trees and Mitigation for Tree Removal.

Response to CNPS 2-4

Please refer to Response to CNPS 2-3.

Response to CNPS 2-5

The comment is noted. As noted by Steven Staub, Professional Forester (see letter SF-2 of the Response to Comments on the Recirculated Draft REIR), "All replacement trees shall be of local native stock. All replacement Monterey pines shall be grown from onsite native stock collected within the 500-foot elevation zone of planting site. Replanting shall avoid open spaces where currently there are no trees unless there is evidence of soil deep enough and of good quality to support plantings." This revision has been made to Mitigation Measure 4.9-3 and is included in this document; see Section 6, Errata,

As noted in the letter submitted by Steven Staub, this language specifically deletes the recommendation that replacement pines be grown from seeds collected from asymptomatic trees in the last item on page 4.9-24 of the Recirculated Draft REIR (the eighth bullet point of Mitigation Measure 4.9-3) because extensive studies by pitch canker researchers at UC Davis and Cal Poly have determined that there is little to no useful correlation between a symptomless cone bearing parent and the disease resistance of its seen grown progeny.

Response to CNPS 2-6

Please refer to Response to CNPS 2-3.

Response to CNPS 2-7

Please refer to Response to SOCR 2-103.

Response to CNPS 2-8

Please refer to Response to CNPS 1-9.

Response to CNPS 2-9

The Draft REIR included four alternatives: The No Project/No Development Alternative; Reduced Density/Planning Commission Alternative; Reduced Forest Impact with High Inclusionary Housing Alternative; and the Reduced Forest with Twenty Percent Inclusionary Housing Alternative. Additionally, the Recirculated Draft REIR contained 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.

Monterey Pine Forest Watch
P. O. Box 505
Carmel, California 93921

Alana Knaster, Chief Assistant Director
Monterey County, Planning & Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

March 31, 2006

RE: September Ranch Subdivision Project
Recirculated Draft Revised Environmental Impact Report

Dear Ms.Knaster:

Monterey Pine Forest Watch offers the following comments on the Recirculated Draft Revised Environmental Impact Report (Draft REIR) 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 grows naturally in the world in only 3 central California coastal locations (Cambria, the Monterey Peninsula and Ano Neuvo) and on 2 small Mexican islands. The fast-disappearing stand on the Monterey Peninsula is by far the largest stand of native Monterey Pine Forest in the world.

Currently, the quantity and quality of this native Monterey Pine Forest is deteriorating because of pressure from development, potential genetic contamination from non-indigenous Monterey Pine, fire suppression, habitat fragmentation, increase of forest edges, insects and pathogens (including pitch canker), invasive non-native plants and degradation of unique plant assemblages.

The attached Vegetation Map (highlighted) shows that the layout of lots in the proposed September Ranch subdivision virtually destroys the entire Monterey Pine habitat by distributing development throughout the property. If the forest habitat is fragmented by individual lots, the only forest remaining will be discontinuous pieces, thereby eliminating the continuity of the habitat. Monterey Pine Forest is not just limited to trees, but intrinsically includes understory plant associations, native soil, micro-climate, insects and wildlife.

MPFW 2-1

We would like to change the focus of the REIR to reflect a more comprehensive view of a complete forest ecosystem. Although the text of the REIR dutifully discusses individual species and special status species (incomplete, as pointed out in our enclosed Specific Comments, dated 22 February 2005), the actual site layout for proposed lots does not reflect the knowledge that "habitat" is the complete interwoven network of species and localized conditions. Fragmenting a forest ecosystem and then replanting a certain ratio of trees does not begin to replace or recreate the suite of natural communities that was destroyed. MPFW 2-2

Regarding habitat preservation: this site plan and text is essentially the same that was presented in the Draft REIR of 2005, which, in turn, was essentially the same as the Draft EIR. Therefore, our Specific Comments, in addition to our more general comments discussed above, are the same as previous comments dated 22 February 2005, which we enclose. MPFW 2-3

We also enclose copies of our new brochure that describes the special qualities of our native Monterey Pine Forest and illustrates the extremely limited amount of the native forest and the need to protect these remaining stands.....particularly in the Jacks Peak area. We hope that eventually a 3000-plus acre Monterey Pine Conservation Area can be assembled, centered on Jacks Peak and including the September Ranch property. As the brochure map indicates, September Ranch is of major significance to this Conservation Area. Its unique Monterey Pine Forest value is that it is a "forest edge"...valuable because it is the place where the forest expands and contracts and interacts naturally with adjacent habitat. MPFW 2-4

Therefore, based on all of our reviews and our desire to preserve an intact Monterey Pine Forest, we support a No Project/No Development Alternative. We would encourage and support any and all efforts by an agency or organization to acquire and conserve this special Monterey Pine Forest parcel. If development is to occur at all, we recommend that a minimal amount of units be clustered in the area close to Carmel Valley Road. MPFW 2-5

Sincerely,

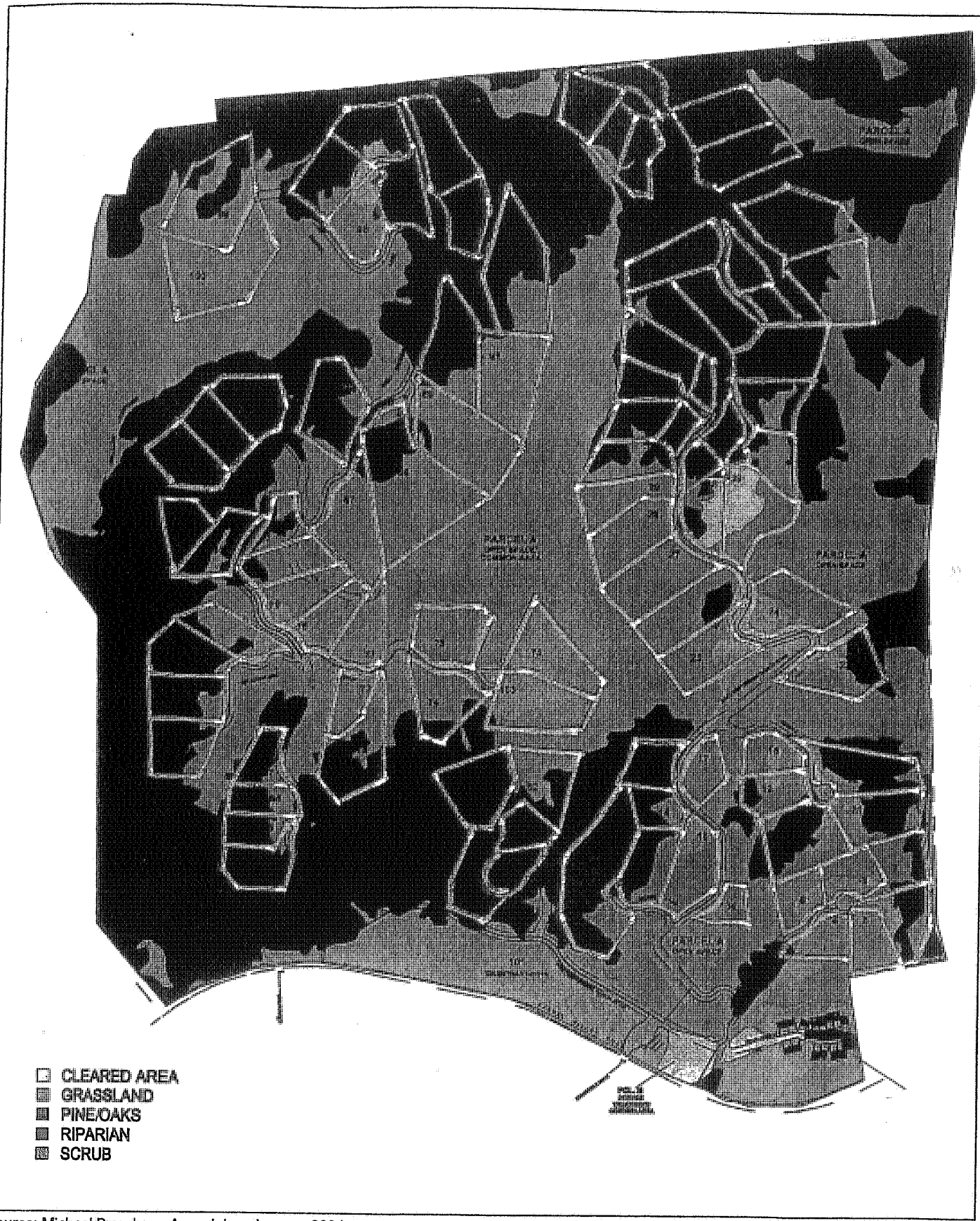
Joyce Stevens
President

enclosures: Specific Comments, 22 February 2005
Brochures
Vegetation Map (highlighted)

cc: Supervisor Potter

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. MPFW 2-6
2. Pages 4.9-11 through 4.9-20: Other potential special status species: 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. MPFW 2-7
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. Recommend putting maximum acreage in conservation easements or create smaller lots. MPFW 2-8
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 preservation of maximum existing Monterey pine and coast live forest acreage. MPFW 2-9
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. Recommend preservation of maximum acreage of existing stands. MPFW 2-10
6. Page 4.9-29 (4.9-5): Experts recommend that preserving large forest areas in-tact is the best way to protect Monterey pine from pitch canker. It is imperative to protect the forest areas adjacent to Jacks Peak County Park. MPFW 2-11
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. MPFW 2-12
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. MPFW 2-13
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. MPFW 2-14
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. 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. 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. 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. MPFW 2-15



Source: Michael Brandman Associates, January 2004.

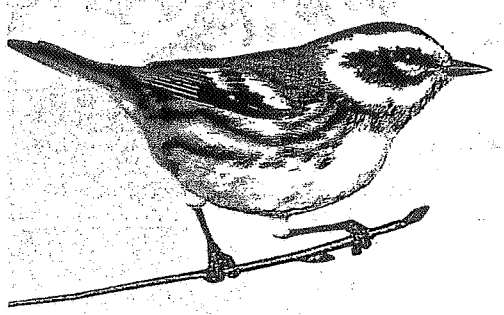
NORTH

Michael Brandman Associates

Exhibit 4.9-1
Vegetation Map

Our Monterey Pine Forest:

Our native Monterey Pine Forest has defined the natural character of the Monterey region from time beyond memory, and its beauty, biological richness and mystery have inspired scientists, artists and poets alike. Monterey Pine Forests were abundant along the California coast thousands of years ago, yet today they are among the rarest natural forest ecosystems in the world, limited to three California populations and small groves on two Mexican islands. The largest and most diverse of these native Monterey Pine Forests covers the hills, marine terraces and sand dunes of the Monterey Peninsula. The Monterey Pine Forest creates a scenic setting for this world-famous region, but today this forest faces a multitude of threats.



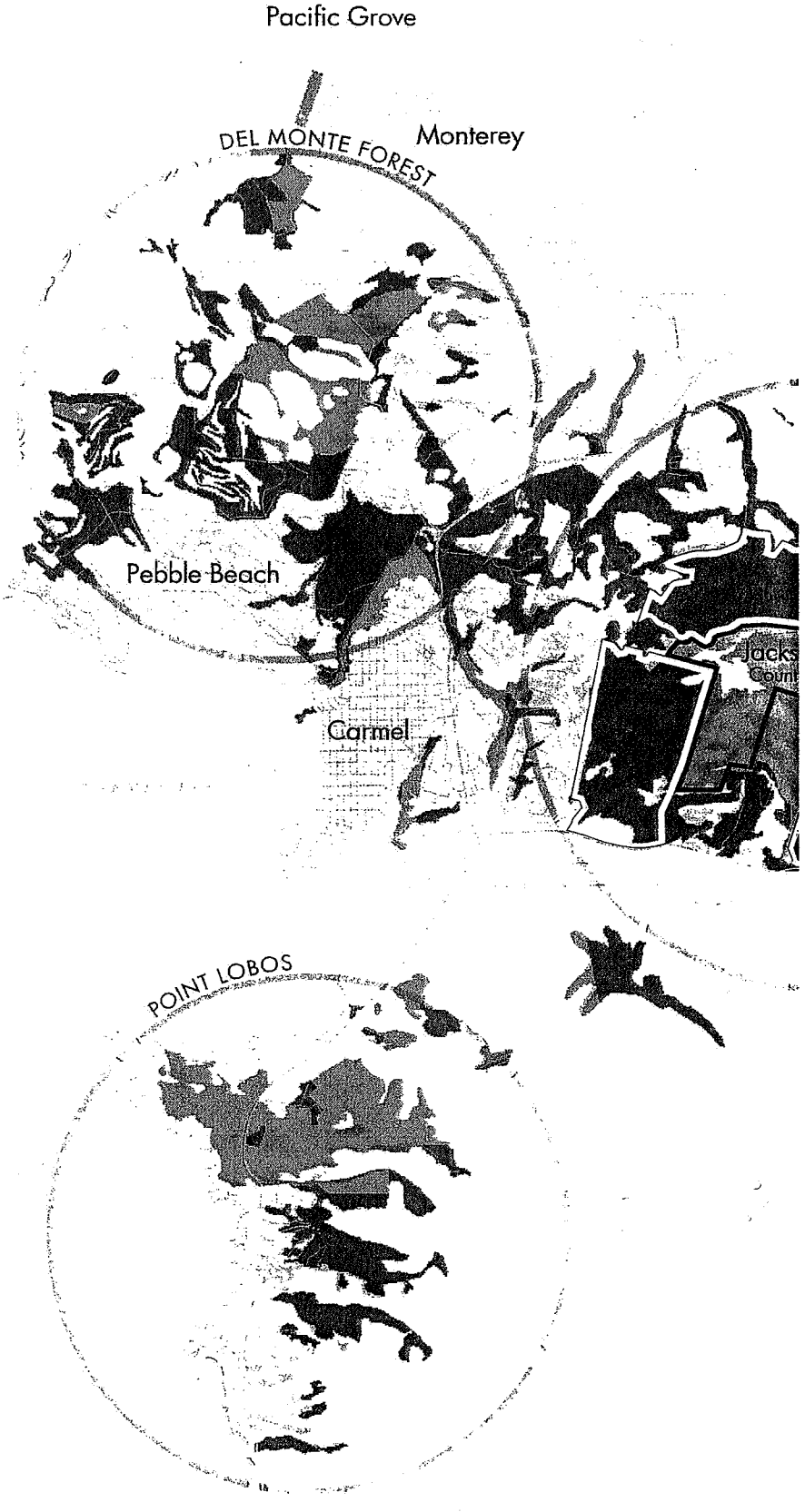
Our native forests are treasure troves of biological diversity, comprising a complex ecosystem of plants, birds, mammals and fungi, some of which are found nowhere else on the planet. Throughout the world, our native Monterey Pine Forests are considered endangered heritage sites for the genetic diversity that sustains a multi-billion-dollar international forest products industry. Genes from our native trees are manipulated for plantation stock with commercially desirable traits. By satisfying wide-ranging needs for wood products, this international industry of plantation trees helps conserve rain forests and other rare forests elsewhere in the world. Here on the Monterey Peninsula, the beauty of our native Monterey Pine Forest contributes to a thriving visitor-serving economy and offers accessible recreation opportunities for residents and visitors. The forest also performs priceless biological services as watershed land that enhances air and water quality around the Monterey Bay National Marine Sanctuary.

The Monterey Pine Forest:
Vanishing Treasure or Living Forest Legacy?

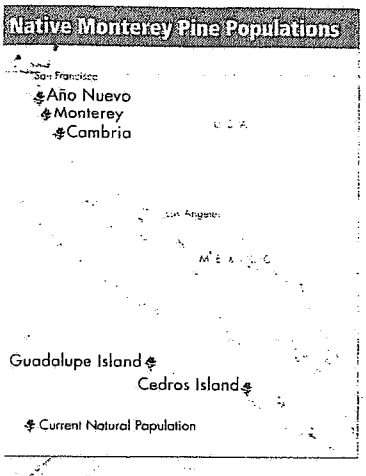
What's Our Plan?

Create Monterey Pine Forest Conservation Areas

Establishing Monterey Pine Forest Conservation Areas will help conserve outstanding scenic, recreational, economic and biological values in a region rich with distinctive landscapes. The proposed Conservation Areas – Del Monte Forest, Jacks Peak and Point Lobos – contain exceptional examples of native Monterey Pine Forest habitat and unusual Maritime Chaparral, Oak Woodland and Coastal Prairie, that support special status plants and animals. Portions of the Conservation Areas are threatened with incompatible land uses that will degrade the integrity of these unique and irreplaceable areas that help keep our water pure, our air clean, and our natural world healthy and beautiful. Programs could be developed in the Conservation Areas to facilitate long term protection of the native Monterey Pine Forest, including acquisition, restoration, conservation easements, stewardship incentives for private land owners, public lands management plans, and incorporation of conservation policies into County and City planning processes.



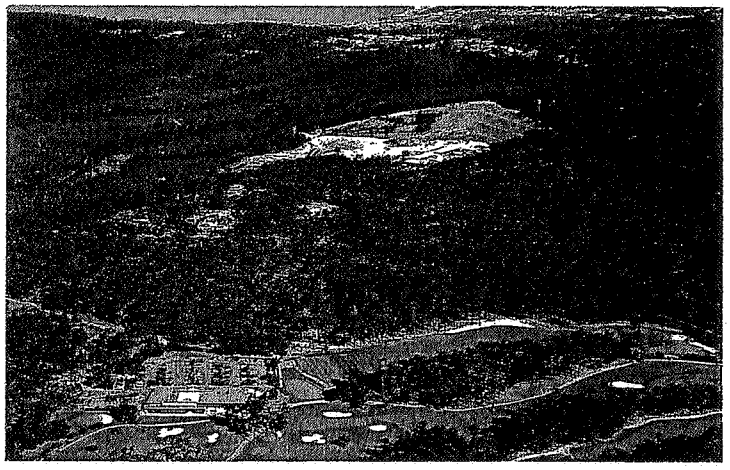
Source: Base Topography – USGS; Roads – GDT, Geographic Data Technology; Protected Lands – Jones&Stokes Associates; Jacks Peak – Jones&Stokes Associates; Focus Parcels – Jones&Stokes Associates, MPFW; Conservation Areas – MPFW and GIN; Undeveloped Monterey Pine Forest Habitat – MPFW (modified from Jones&Stokes data); Public Lands – CA Resources Agency; Urban – FMMP, Farmland Mapping and Monitoring Program; Historic extent – Jones&Stokes

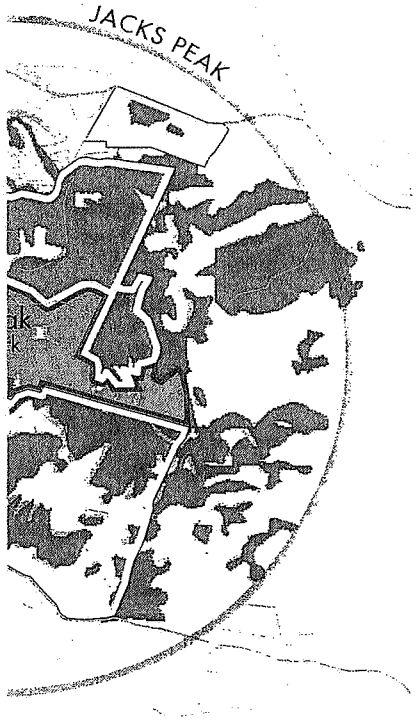


What's the Threat?

Our Native Forest is Being Destroyed

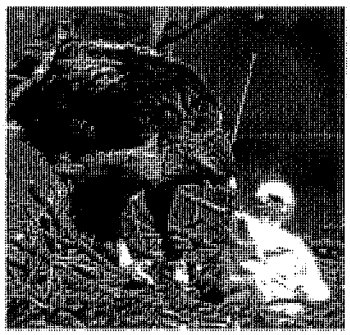
Sadly, the native forests in the Monterey region lack a unified conservation plan. Since European colonization began, our forests have become fragmented, diseased and compromised by development, invasive plants and genetic contamination. Half of our native forest has already been removed. Much of the remaining forest is in private hands and subject to development. The long term survival of the remaining forested lands on the Monterey Peninsula is in jeopardy.





Safeguards are Needed Now

Though not a new idea, the conservation of the remaining native Monterey Pine Forest is now of critical importance. The proposed Jacks Peak Conservation Area is the largest tract of unfragmented native Monterey Pine Forest in the world. Conserved lands in the Jacks Peak Conservation Area could span over 3000 contiguous acres to safeguard both the heart of remaining undeveloped native forest, as well as the forest margins that grade into woodland, grassland and scrub. Benefits of conserving land around Jacks Peak include:



- Maintaining open space and establishing the largest protected area of native Monterey Pine Forest in the world.
- Retaining crucial wildlife corridors and connections between the northern Santa Lucia Range, the Carmel River, Fort Ord backcountry and Carmel Valley ridgelands.
- Enhancing property values that strengthen the regional economy and surrounding communities.
- Increasing recreation opportunities near urban centers.
- Lowering fire risk by reducing development in forested lands.
- Enriching the local quality of life by protecting viewsheds and watersheds that help sustain our healthy and inspiring environment now and into the future.

You Can Help by:

- Recognizing the native Monterey Pine Forest as an ecosystem with high scenic, recreational, economic and biological values.
- Supporting the expansion of parkland around Jacks Peak County Park.
- Ensuring that forest conservation is included in all relevant local planning efforts.
- Exploring, enjoying, learning and sharing with others more about the native Monterey Pine Forest in our back yard.

For Information Contact:

The Monterey Pine Forest Watch
P.O. Box 505
Carmel, CA 93921

Watch List

Special status plants, wildlife and natural communities associated with Monterey Pine Forest in the Monterey region:

Wildlife

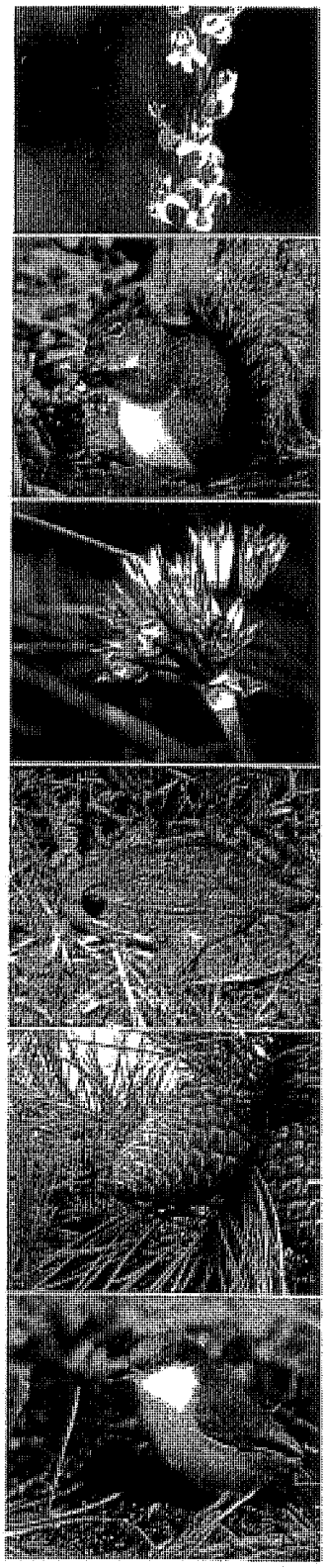
Smith's blue butterfly **FEDERALLY ENDANGERED**
California red-legged frog **FEDERALLY THREATENED**
Sharp-shinned hawk
Cooper's hawk
Pallid bat
Golden eagle
Monarch butterfly
Southwestern pond turtle
American peregrine falcon
Merlin
Monterey dusky-footed woodrat
American badger
Coast Range newt

Plants

Yadon's rein orchid **FEDERALLY ENDANGERED**
Hickman's cinquefoil **FEDERALLY ENDANGERED**
Monterey clover **FEDERALLY ENDANGERED**
Gowen cypress **FEDERALLY THREATENED**
Seaside bird's beak **CALIFORNIA ENDANGERED**
Pacific Grove clover **CALIFORNIA RARE**
Hickman's onion
Hooker's manzanita
Monterey manzanita
Sandmat manzanita
Monterey ceanothus
Monterey cypress
Eastwood's ericameria
Wedge-leaved horkelia
Small-leaved lomatium
Monterey pine
Michael's rein orchid
Pine rose

Natural Communities of Concern

Central Maritime Chaparral
Coastal Prairie
Central Dune Scrub
Monterey Cypress Forest



Credits

Photos:
COVER: Forest in Fog by Linda Smith; Townsend's Warbler by Bill Hill
PAGE 3: Aerial of Forest Copyright © 2002–2005 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org; Clearing for Development by MPFW; Child in Pine by MPFW; Red-Tailed Hawk by Ron Austing
PAGE 4: Yadon's Piperia by MPFW; Western Gray Squirrel by Dr. Lloyd Glenn Ingles©California Academy of Sciences; Hickman's Onion by John Game; California Red-Legged Frog by Joyce Gross; Pine Branch with Cones by MPFW; Pygmy Nuthatch by Peter LaTourrette; Pines, Brackens and Coffeeberries by Robin Way; Birdwatchers by Linda Smith

Design: Karen Parry | Black Graphics

Text: Monterey Pine Forest Watch (MPFW)

Maps: Louis Jaffe, GreenInfo Network

GreenInfo Network

and the Monterey Peninsula College GIS Lab: Lorrie Madison, Marsha Zelus, Deidre Sullivan

Printed on 50% recycled paper (15% PCW, ECF)

MONTEREY PINE FOREST WATCH (MPFW)

Response to MPFW 2-1

Please refer to MR-4: Loss of Trees and Mitigation for Tree Removal; MR-5: Monterey Pine Forest Biological Sensitivity and MR-6: Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility.

Response to MPFW 2-2

Please see Response to MPFW 2-1.

Response to MPFW 2-3

Please refer to Responses to MPFW 1-1 through MPFW 1-14.

Response to MPFW 2-4

Please see Response to MPFW 2-1.

Response to MPFW 2-5

The comment is noted that MPFW supports the No Project/No Development Alternative.

Response to MPFW 2-6

Please refer to Response to CNPS 2-5.

Response to MPFW 2-7

Please refer to Response to MPFW 1-6.

Response to MPFW 2-8

The comment is noted that the commentor recommends putting the maximum acreage in conservation easements and creating smaller lots.

Response to MPFW 2-9

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications, MR-4: Loss of Trees and Mitigation for Tree Removal.

Response to MPFW 2-10

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications, MR-4: Loss of Trees and Mitigation for Tree Removal.

Response to MPFW 2-11

Please refer to Response to CNPS 2-5.

Response to MPFW 2-12

Project implementation will include the preparation of a Forest Management Plan, Open Space Management Plan, Grassland Management Plan, and a Timber Harvest Plan (see Response to DFFP 2-1). The preparation of the various plans prior to the issuance of grading plans is consistent with the intent of CEQA provided that the mitigation measures requiring the plans identify performance standards that are sufficient to assure that the level of impact is less than significant. Please refer to the Mitigation Measures in Section 4.9, Biological Resources, which reduce biological resources impacts to less than significant.

Response to MPFW 2-13

Please see Response to CDFG 2-1.

Response to MPFW 2-14

Areas of infestation, such as French broom, will be replanted with native species and monitored to ensure complete removal of invasive species and such areas would be considered a benefit to the project (see Mitigation Measure 4.9-8 of the Recirculated Draft REIR). Funding and on-going maintenance programs will be addressed in the management plan to be developed as part of the tentative map application process.

Response to MPFW 2-15

Please refer to the Response to CNPS 2-1.

Del Mesa Carmel

California's Premier Adult Community

April 3, 2006

Alana S. Knaster, Interim Director
Monterey County Planning
and Building Inspection Department
168 West Alisal Street
Salinas, CA 93901

Re: September Ranch Project
Recirculated Portion of the Revised Draft EIR (RDEIR)

Enclosure: Legal Analysis of Subject Project Water Supply and Availability

Dear Mrs. Knaster:

Water is a precious resource for all residents of Monterey County. Responsible land use planning requires that development projects be held to legally established entitlements to water for the protection and benefit of all concerned.

Enclosed with this forwarding letter is a legal analysis of the portion of the Recirculated RDEIR pertaining to the supply and availability of water for the proposed September Ranch Subdivision Project. The conclusions of this analysis are in sharp contrast to those contained in the RDEIR. Especially alarming is the fact that approval of this project would permit groundwater extraction in an amount that is 1800 percent greater than the CEQA environmental baseline.

Thank you for your consideration of these public review comments. We look forward to responses to these issues, and those previously submitted in our correspondence dated February 24, 2005.

Sincerely,

Scott D. Thomson

Scott D. Thomson
President, Del Mesa Carmel
Community Association

Enclosure

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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
Recirculated Portion of the Revised Draft EIR

Dear Mr. Thomson:

This letter responds to your request for a legal analysis of those portions of the Recirculated Portion of Draft Revised Environmental Impact Report (hereinafter the "RDREIR") 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 as comment upon the RDREIR.

RDREIR Section 4.3 Water Supply and Availability

In summary, this section of the RDREIR is deficient in the following respects.

The RDREIR Water Rights and Availability Section concludes, without adequate foundation, that a water deficiency of 54.21 AFY over baseline conditions, and a resulting reduction of recharge to the Carmel Valley Aquifer (hereinafter the "CVA"), will not result in a significant impact. This conclusion is premised in part on the use of a new and much laxer standard of significance than used in previous CEQA analyses of this project. As such, it is directly in contradiction to the October 27, 1997 Draft Environmental Impact Report conclusion that any increase in the impacts to the CVA 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. Even using this lax standard of significance, the conclusion of no substantial interference (Page 4.3-44) is not supported by substantial evidence and is contradicted by evidence from the State Water Resources Control Board (hereinafter the "SWRCB") and the National Marine Fisheries Service (hereinafter the "NMFS"). DMCCA 2-1

RDREIR Section 4.3.2 Conclusions regarding water rights

Section 4.3.2 of the RDREIR contains confusingly imprecise and conflicting generalizations concerning the amount of water exchange between the September Ranch Aquifer (hereinafter the "SRA") and the CVA. Generalized statements such as "relatively little exchange" on page 4.3-2, "extremely limited hydraulic connectivity" on page 4.3-9, and "extremely low level of connectivity" on page 4.3-36 are also misleading, because they trivialize the rather significant reduction volume of "8 to 205 AFY of maximum potential Spill Over to the CVA" (Page 4.3-48), which is based on a water balance calculation. The maximum volume of flow from SRA to CVA was also formerly quantified as 57 AFY on page 4.9-17 of the Draft Revised EIR and which is now quantified as 12 AFY in volume and 0.034 cfs in flow in the RDREIR. (Page 4.9-17 and Page 5-2.) Exhibit 4.3-4b of the RDREIR clearly illustrates that a portion of the SRA is in hydraulic contact with the CVA (Page 4.3-14). However, the RDREIR fails to explain the change in the reduction in flow volume between the previous and current document, and the inconsistency strongly suggests that the reduced volume in flow to CVA has not been properly quantified or supported by substantial evidence. DMCCA 2-2

Page 4.3-44 of the RDREIR states that when using the Darcy equation "level of exchange between the SRA and the CVA is one of one or two orders of magnitude less than under the water balance approach" (Page 4.3-44), which was originally used to derive the reduced volume in flow to CVA of 8 to 205 AFY. However, this assertion is not supported by substantial evidence. To the contrary, the RDREIR states that "Kennedy/Jenks cannot precisely establish the actual limited volume of groundwater exchange between the SRA and CVA" (Page 4.3-44) due to the uncertainty in the hydraulic conductivity values for the aquitard Qoa2. DMCCA 2-3

Section 4.3.2 of the RDREIR 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 4.3-8), 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 RDREIR 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 RDREIR for evaluating water rights, it has very limited legal significance for evaluating impacts to the environment as required by CEQA. It is important to note that RDREIR correctly asserts that the issues of water rights should not play into the CEQA evaluation by stating: "While these issues of water rights provide useful context for this Draft REIR, CEQA is solely concerned with the determining nature and magnitude of any physical change in the environment that may result from a proposed project." (Page 4.3-2.). Yet, the DMCCA 2-4

analysis in Section 4.3.2 fails to follow the authors' own instructions and instead evaluates water availability for the project and for other water users with superior water rights solely in terms of the issue of water rights and not in terms of the project's potential to impact the environment as required under CEQA. DMCCA 2-4

The RDREIR analysis in Section 4.3.2 concludes with the unsubstantiated statement that "potential spillage from the SRA is not needed to meet the maximum use in AQ3 and is likely to be part of excess outflow from AQ3 to AQ4 and AQ4 to the ocean." (Page 4.3-10.) The sole support for this conclusion is the water rights analysis in Section 4.3.2, which as noted, only concerns water rights and completely ignores public trust water users and inferior water rights users, including 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. There is no quantification or analysis of potential effects upon public trust waters or the holders of inferior water rights. DMCCA 2-5 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 RDREIR 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 RDREIR, including the cumulative impacts analysis.

RDREIR Section 4.3.3, Environmental Setting

The RDREIR acknowledges that the MPWMD and the Monterey County Health Department have taken the position that during severe droughts "all infiltrated moisture would be taken up by vegetation and other losses [(i.e., 100% evapotranspiration (ET) loss factor)] resulting in zero recharge being available to the groundwater basin" (Page 4.3-35). Yet, the analysis for determining water availability for the project simply ignores the position of the MPWMD and the Monterey County Health Department without providing any explanation on why it chose to do so, except to state that Carmel Valley has a "Mediterranean" climate (Page 4.3-35). DMCCA 2-6 The RDREIR uses 85% ET loss factor asserting that this is a "conservative" estimate (Page 4.3-35) without providing substantial evidence as to how this ET loss factor was derived. It is merely selected as a compromise between the estimates of Kennedy Jenks and the County Health Department and MPWMD. In order to reasonably conclude that 85% ET loss factor is truly a "conservative" estimate for severe drought years, the ET loss factor must be supported by substantial evidence, which should include ET calculations using site-specific factors including soil type, plant coefficient, temperature, humidity, etc. Otherwise, 100% ET factor is the "conservative" estimate that should be followed in accordance with the opinions of the MPWMD

and the Monterey County Health Department.

This issue is particularly critical since the only water available for the project is the "nearly closed basin" (Page 4.3-33) with "finite storage" (Page 4.3-15) which relies on surface recharge as its only source for recharge of the basin (Page 4.3-11), because there is no recharge from CVA to SRA since "groundwater flow from CVA to SRA is rare". (Page.4.3-42). If the MPWMD and the Monterey County Health Department's assessments are correct and there is zero recharge for consecutive years due to drought, the finite water supply of the SRA would not meet the needs of the project and the other water users with superior water rights. It is particularly important to note that even when using the disputed ET loss factor of 85% for drought years, only 15.1 AFY of water remains, which does not leave much room for potential increases in water use by the project and by existing water users, even when use by inferior water users is ignored. DMCCA 2-6

The RDREIR uses water year 1999 to represent below average rainfall years even though this value is the second lowest surface recharge value calculated by the MPWMD since 1981 and the lowest groundwater recharge value, which occurred in 1994, is available (Page 4.3-34). There is no explanation on why the second lowest recharge period was selected over the lowest recharge period if the intent is to provide the most "conservative" estimate (Page 4.3-34) especially since that year is specifically referenced in the RDREIR. Table 4.3-3, which shows the annual recharge values for the SRA, also omits the 1994 data. One can presume that the same conclusions could not have been reached if the lowest surface recharge value was used. DMCCA 2-7

The RDREIR acknowledges but fails to address MPWMD's questioning of the results and interpretation of the1996 47-day aquifer test (Page 4.3-38). In fact, the RDREIR admits that "KJC agrees with the comments by the MPWMD that results and interpretation of the 1996 47-day aquifer tests are debatable, and that the response in wells closer to the Carmel River is less than expected, probably due to the suspected effect that concurrent rainfall and high river flows had on water levels during the aquifer test." (Emphasis added.) Yet, the RDREIR relies on this aquifer test to conclude insignificant effects of SVA pumping on groundwater gradient and on the CVA. The aquifer test showed that there was "some influence on the CVA" (Page 4.3-37); however, the extent of the influence was distorted because of the concurrent conditions (i.e., rainfall and high river flows) that occurred during the test period as it was admitted by the consultant, KJC, that prepared this water analysis. Therefore, the conclusions that were reached in reliance to the 1996 aquifer test are not supported by substantial evidence. DMCCA 2-8

Lastly, it is questionable as to whether current water use at the property of 99 AFY is reasonable and beneficial. The current pumping of 99 AFY is substantially more than what is required for a single residence (0.5 AFY) and 50 horses (2.5AFY) (Page 4.3-11). As the Court DMCCA 2-9

of Appeal has noted in the 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 2-9

RDREIR 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 RDREIR. 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, "Post project 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.) DMCCA 2-10

In sharp contract, the RDREIR concludes that a reduction in recharge to CVA of "8 to 205 AFY of maximum potential Spill Over to the CVA" (Page 4.3-48) will not impact the CVA significantly. The maximum volume of flow from SRA to CVA was also formerly quantified as 57 AFY on page 4.9-17 of the Draft Revised EIR and which is now quantified as 12 AFY in volume and 0.034 cfs in flow on Page 4.9-17 and Page 5-2 of the RDREIR. This dramatic departure from the reasonable standard of significance that was formerly used in the FEIR must be explained. As discussed below, the minimal additional discussion of effects on the Carmel River and the CVA found elsewhere in RDREIR does not disclose substantial evidence for the conclusion of no adverse effect over the new laxer standard of significance utilized in the RDREIR. DMCCA 2-11

On pages 4.3-43 and 4.3-44, the RDREIR simply concludes that because recharge in SRA exceeds groundwater usage in the SRA, the effect of pumping in the September Ranch basin "does not impact the CVA significantly." The conclusion is not supported by data that shows a reduction of CVA storage volume of 8 to 205 AFY (Page 4.3-48) or 57 AFY (Page 4.9-17, Draft Revised EIR) or 12 AFY in volume and 0.034 cfs in flow (Page 4.9-17 and Page 5-2) at project buildout. Irrespective of the internal inconsistencies in the quantity of reduction in inflow to CVA, the fact that recharge to the SRA is projected to exceed historic groundwater usage (i.e., baseline) does not adequately recognize or evaluate the significant adverse effects of a reduction in inflow to the CVA basin, whether that reduction is 1/10th AFY, 12 AFY, 57 AFY, or 205 AFY. 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 DMCCA 2-12

within the Carmel Valley basin", this is a critical issue meriting further analysis.

On page 4.3-44, the RDREIR concludes that the reduction in recharge to the CVA "will not substantially degrade or deplete groundwater or interfere with groundwater recharge." Again, there is insufficient evidence or analysis to support the conclusionary statement that a reduction in recharge (especially on the magnitude of 8 to 205 AFY) can be accommodated without adversely affecting the environment. Again, 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 2-13

The statement at page 4.3-41 that "there is also no evidence in the record suggesting that any additional increment, no matter how small, of "withdrawal" from CVA (here, by means of an essentially imperceptible amount of reduced recharge to the CVA from the SRA) should be considered a significant impact for purposes of water users who rely, in part on CVA supply," is flatly contradicted by the FEIR standard of significance, which was adopted by the County Board of Supervisor when that document was certified. Moreover, this standard of significance is imprecise and cannot be quantified. It is impossible to discern the amount of reduced recharge that would comprise "imperceptible amount of reduced recharge" (Page 4.3-41) constituting an insignificant impact and the amount of reduced recharge that would comprise "substantial interference" (Page 4.3-44) constituting a significant impact. In fact, the DRDEIR claims "any reduction in rejected flow (spillage) from the SRA will not have significant affect on the Carmel River and its underlying aquifer," which is at odds with the opinions of the SWRCB and NMFS and is supported by an incomplete water rights analysis. DMCCA 2-14

The conclusion that "the project's water is within the sustainable yield for the SRA including the project and other users" (Page 4.3-46) is not supported by substantial evidence. This conclusion was reached by simply subtracting from recharge the project's projected water consumption at build-out and water use by senior water users. Again, this analysis is based on water rights rather than on environmental impacts as required by CEQA. This analysis completely ignores water use by inferior water users which could have a significant impact on this water balance. The Project could potentially displace inferior water right holders/users so that these existing users may be required to obtain a water supply source elsewhere (where backup water supply source is not readily available), that could pose a significant environmental impact, which was not considered or evaluated in the RDREIR. It is important to note that the storage capacity of the SRA still remains in question. The RDREIR uses an estimate of 304 AF which is inconsistent with the estimated storage value of 261 AF as documented in a Memorandum of Understanding between the MPWMD and the September Ranch Partners (Page DMCCA 2-15

4.3-34).

Moreover, the conclusion ignores the information collected from the aquifer test which appears to indicate that SRA recovery from pumping may be slow and may not catch up to the constant demand of the project. Data generated from the 1992 and 1996 aquifer tests indicated that water levels in Well D recovered at slow rates after the pump tests despite the rainfall that occurred during testing. (Page 4.3-38). In fact, records show that overall water levels rose slowly and stayed depressed in the summer and fall of 1997. (Page 4.3-38). Potential impact to groundwater levels and concerns of overdraft of the September Ranch basin must be further analyzed, particularly since the only water available for the project is the "nearly closed basin" (Page 4.3-33) with "finite storage" (Page 4.3-15) which relies on surface recharge as its only source (Page 4.3-11) since there is virtually no recharge from CVA to SRA because "groundwater flow from CVA to SRA is rare". (Page 4.3-42). The argument that the 47-day aquifer pump test is not representative of the expected post project pumping still would not address the project's potential impacts to long-term sustainable water supply and the concern of potential overdraft of the September Ranch basin, particularly during a series of drought years where ET factor can reach 100%. DMCCA 2-16

Impacts to off-site wells were not sufficiently evaluated in the RDREIR. Page 4.3-13 indicates that the Brookdale Well, a well closest to non-September Ranch well, exhibited drops in water levels on the order of 5 to 7 feet corresponding to the usage months of the September Ranch well. Yet, the RDREIR dismisses this finding by simply stating that the well recovered later in the year. On page 4.3-47, the RDREIR acknowledges that there is a potential for causing decline in neighboring wells, yet fails to identify this impact and proposes no mitigation to assure potential impacts is reduced to below significance. Impacts to the water level and production yield of off-site wells need to be further analyzed as part of the Recirculated Final Revised Environmental Impact Report. DMCCA 2-17

Finally, because the RDREIR concludes that the project would not pose significant impacts to the SVA and CVA, the RDREIR does not propose mitigations to limit water use to the levels estimated in the RDREIR. The RDREIR dangerously fails to recognize the potential significant impacts associated with the project if it exceeds the water consumption estimates at buildout. In fact, the RDREIR completely ignores the 20% sustainability margin that was proposed by Todd Engineers in 1987, which estimated project consumption at 66.7 AFY rather than at 57.21 AFY (Table 4.3-5). The RDREIR fails to explain the basis for removing this reasonable sustainability margin. If the assumptions used to derive the project's water consumption are wrong and actual water consumption is higher, project water use must be curtailed accordingly in order to prevent significant impacts to the SVA and CVA. Monitoring measures, such as building out the project in phases and each phase metered for water DMCCA 2-18

consumption prior to the issuance of building permits for the next phase of the project, monitoring the groundwater gradient, flow, and volume of exchange between the SVA and CVA after each phase of the project, and mitigation measures if limits are exceeded, would help protect significant impacts to the SVA and CVA. DMCCA 2-18

RDREIR Biological Resources Section 4.9, Page 4.9-14 through 4.9-17

Page 4.9-16 of the Draft REIR concluded 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 referenced 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.)

Now, in this RDREIR, the authors removed the above discussions and dismiss the National Marine Fisheries Service technical report by asserting that the report "has limited relevance for the purposes of this RDREIR." Because the report no longer supports the new analysis and conclusion of the RDREIR, the technical report is eliminated from the discussion as being irrelevant. The technical report has relevance because it provides technical and scientific information regarding the effects on steelhead population from any new diversions of Carmel River during low-flow periods. Because water use of the project is constant and the project does not propose limiting its pumping during low flow periods, the project would reduce flows of Carmel River during low-flow periods, which would in turn impact the steelhead population. DMCCA 2-19

Even when the NMFS technical report is ignored, the argument provided in this section is flawed. The analysis begins with the statement that a water deficit caused by the project could "theoretically affect steelhead populations if the project were to result in reduced flows within the Carmel River during sensitive times of the year, and particularly during the November through May adult and juvenile steelhead migration period." (Page 4.9-14.) Table 4.9-2 shows the project's estimated impact to river flows during a below normal precipitation year. The conclusion reached in this section is that the project will have "essentially imperceptible impacts, if any, on flows in the Carmel River" (Page 4.9-16) because the river flow can be zero during some months and high in other months." This conclusion contradicts logic. If the river flow is

extremely low at any time during the sensitive period between November through May because of below normal precipitation such as it occurred in May 1987 (Table 4.9-2), logic would suggest that even a slight reduction in river flow would have a significant impact on the adult and juvenile steelhead during their migration. Moreover, the RDREIR fails to evaluate the impacts caused by the project's reduction in recharge resulting in the river staying dry for longer periods which, in turn, would impact the steelhead population. DMCCA 2-19

RDREIR Section 5.1.1 Cumulative Impact Analysis

Water Supply And Availability.

The RDREIR does not support its conclusion that the project does not have a significant cumulative water supply and availability impact. As indicated by the aquifer tests, the SRA's recovery from cumulative pumping may be slow and may not catch up to the constant demand of the project, existing water users, and other future projects, thus creating overdraft conditions. Environmental impacts to the CVA from its cumulative use over time is well documented in SWRCB's Order WR 95-10, which indicates that any depletion of CVA recharge will pose a significant cumulative environmental impact. The National Marine Fisheries Service technical report further supports the conclusion that any new diversions of the Carmel River will have cumulative impacts to steel head population. Therefore, Section 5.1.1 wrongly concludes that potential cumulative effects of water availability on 0.236 to 0.075 cfs (Page 5-5) are less than significant. Even a small contribution to a larger environmental problem such as the Carmel River and the CVA is considered significant. It is not proper for an EIR to find that cumulative impacts are insignificant when they make only a small contribution to an existing unacceptable environmental condition (*Kings County Farm Bureau v. City of Hanford* (1990) 221 CA 3d 692, 718). DMCCA 2-20

RDREIR Section 7.3, Growth Inducing Impacts

Section 7.3 again focuses on the issues of water rights to the exclusion of a proper CEQA evaluation regarding growth inducing impacts. The flawed analysis in Section 7.3 broadly concludes that the proposed project would not directly or indirectly induce growth (Page 7-4) because the project has no ability to limit any property owners' rights to exercise overlying or riparian water rights. The tenuous analysis goes further to state that the County also "has no authority to approve or disapprove the existence of an overlying or riparian right" except to "evaluate the reasonableness" of the water use (Page 7-3). The RDREIR fails to acknowledge that although the County may not preclude a property owner from exercising his/her water rights in the abstract, the exercise of water rights are in most cases tied to development projects over which the County has the discretionary authority to approve or disapprove, particularly based on DMCCA 2-21

the project's potential to impact the environment. Water rights must not only be evaluated in the abstract but must be evaluated as part of the project proposal. In particular, a proper analysis must include 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. The County approval of this project may set a precedent that would induce growth or otherwise encourage and facilitate activities that could significantly affect the environment. DMCCA 2-21

I hope that these comments prove constructive for preparation of a legally adequate Final Revised Environmental Impact Report.

Yours truly,

Pamela H. Silkwood

cc: Mark Blum, Esq.

DEL MESA CARMEL COMMUNITY ASSOCIATION (DMCCA)

Response to DMCCA 2-1

Please refer to Response to SOCR 1-1 through SOCR 1-5 and MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to DMCCA 2-2

Comment noted and no response necessary.

Response to DMCCA 2-3

Please see MR-18: Hydrology & Water Availability (HMR-2: Water Balance) which discusses in more detail and clarifications in response regarding the connectivity and groundwater exchange between the two aquifers.

Response to DMCCA 2-4

Please see Response to DMCCA 1-13.

Response to DMCCA 2-5

The Recirculated Draft REIR accurately concludes that the potential spillage in the SRA is not needed to meet the maximum use in AQ3; however, the comment incorrectly characterizes this conclusion as based on the water rights analysis alone. For clarification of the impact analysis presented in the Recirculated Draft REIR and additional calculations presented in response to comments, please see MR-18: Hydrology & Water Availability (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).

Response to DMCCA 2-6

The ET loss factor of 85% in the Recirculated Draft REIR is a conservative number over the actual agreed on valued used in the Todd 1992 analysis with the concurrence by the District. There are no field data (site-specific factors) available to this EIR to make an independent analysis. Even if one is made, we are likely to come up with the same range of numbers 70% to 85%.

The paragraph under Hydrometeorologic Setting (page 4.3-11) discusses the rationale behind the characterization of Mediterranean climate and the use of the California Fire and Resource Assessment contour maps for deriving the 15.1 percent reduction in ET as compared to the rain gauge location at the San Clemente Dam. The use of 70% and a more conservative 85% ET is based on Soil Conservation Service Method TR-55.

The Recirculated Draft REIR assessment of recharge disagrees with the notion that zero recharge in for consecutive drought years. The argument is based on the Carmel River Flow at San Clemente Dam Site Runoff Records (provided by the MPWMD on 4/06) and

assuming that these values are after ET and that the flows made it into the river. The average runoff during normal (5) years is 52,000 AF (e.g. 1999 to 2003) and that during extended critically dry periods (5 years) is 14,000 AF (1987 to 1991). The ratio of runoff in dry versus normal rainfall years is 27%. Hence, during critically dry periods over 5 years, there is still a 27% runoff available to replenish the River, in this case.

The comparison can be made to the September Ranch watershed for runoff percentage during drought periods. With 27% available recharge to the aquifer, it is not conceivable that the standard of zero recharge can be applied to this area and climate. Lastly, the SRA has enough storage (305 AF) to supply a prolonged drought period with 27% of normal recharge.

Please see MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA, 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).

Response to DMCCA 2-7

Please refer to MR-18: Hydrology & Water Availability (HMR-1 - Groundwater Recharge in the SRA). The hydrologic findings in the Recirculated Draft REIR notes that recharge determines the sustainability of existing and future consumptive use of groundwater in the SRA and since storage capacity is larger than predicted annual recharge, the precise storage determination in this case is of secondary importance to recharge.

Response to DMCCA 2-8

Please refer to MR-18: Hydrology & Water Availability (HMR-2 - Water Balance) discussions under 1997 Aquifer Pumping Test.

Response to DMCCA 2-9

Please see Response to DMCCA 1-18.

Response to DMCCA 2-10

See Response to SOCR 1-1 through SOCR 1-5. Please see MR-19: Significance Thresholds Regarding Water Supply & Availability.

Response to DMCCA 2-11

Please refer to MR18: Hydrology & Water Availability (HMR-3- Significance of Impact on the CVA & Carmel River in Terms of Fisheries). For clarification, the calculated maximum reduction of flow into the Carmel River of 0.034 cfs is a monthly reduction.

Response to DMCCA 2-12

Please refer to MR-18: Hydrology & Water Availability (HMR-3 and HMR-4).

Response to DMCCA 2-13

Please see Response to DMCCA 2-12.

Response to DMCCA 2-14

Please see Response to DMCCA 2-10. The Recirculated Draft REIR, Section 4.9 quantifies the maximum potential reduction in Carmel River flow at .034 cfs which experts characterize as indiscernible and as small as to be capable of measurement, and as having zero adverse impact with respect to the essential functions of Carmel River biological resources including steelhead migration and riparian resources.

Response to DMCCA 2-15

Please see Response to DMCCA 2-5 and Response to MPWMD 1-11.

Response to DMCCA 2-16

The hydrology findings in the Recirculated Draft REIR disagree with the notion of 100% ET-loss. The slow recovery rate in the 96/97 in Well-D is due to 270 gpm discharge which is much higher than daily project usage and annual usage of 57 AF. The 270-gpm discharge substantially depleted local groundwater storage which will not be the scenario in normal consumptive use of the project and hence the recovery rate after the aquifer test was slow.

Please refer to MR-18: Hydrology & Water Availability (HMR-3, Significance of Impact on the CVA and Carmel River) for further clarification.

Response to DMCCA 2-17

Please refer to MR-18: Hydrology & Water Availability (HMR-4, Significance of Impact on Existing CVA Groundwater Users). The hydrology assessment standby the expected drawdown for 57.21 AFY of project usage will be near zero to 0.96 foot in an average rainfall year and below average year, respectively within the SRA.

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.

Response to DMCCA 2-18

Please see MR-17: Water Demands.

Response to DMCCA 2-19

Please see Response to SOCR1-1 to SOCR1-5; please refer to MR-19: Significance Thresholds Regarding Water Supply & Availability.

The Recirculated Draft REIR is the first project environmental document to engage in fact-specific review of the 2002 Report and a quantitative analysis of potential impacts to Carmel River fisheries. The 2002 Report was not eliminated from discussion; please see MR-19: Significance Thresholds for Water Supply & Availability. The conclusions in the Recirculated Draft REIR are based on upon the opinion of independent expert consultants (Entrix) with experience in Carmel River fishery matters.

Response to DMCCA 2-20

The Recirculated Draft REIR and Final EIR demonstrate that the CVA and SRA recover rapidly during and after droughts. See MR-18: Hydrology and Water Availability. The Recirculated Draft REIR does not conclude that the cumulative impact is less than significant because it is small *per se*; but is based on the overall flow, the accuracy of gages, the biological needs of Carmel River resources, and the range of reduction that consulting biologists have concluded would not impact Carmel River fisheries.

Response to DMCCA 2-21

Please see MR-15: Growth Inducement. The conclusions of the Recirculated Draft REIR and Final EIR will be considered by the County as one of several factors that influence project approval or disapproval.

LEAGUE OF WOMEN VOTERS®
OF THE MONTEREY PENINSULA

March 29, 2006

VIA FACSIMILE (757-9516) & US Mail

Alana Knaster, Interim Director
Monterey County Planning and Building Inspection Department
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Dear Ms. Knaster:

The League of Women Voters of the Monterey Peninsula appreciates the opportunity to comment on the re-circulated portion of the draft Revised Environmental Impact Report (REIR) for the September Ranch Subdivision Project. This project is for 109 residential units, including 15 inclusionary units in Carmel Valley.

1. The REIR does not respond to the following comments made by the League on the RDEIR in a letter dated February 4, 2005:

   - 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 overlaid on photographs of the project. (Note: The issue of the project's impact on the viewshed from Carmel Valley Road was a matter of significant debate during the site visit of the CVLUA and Planning Commission.) LWV 2-1

   - 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 LWV 2-2

The LWVMP is a broad-based, non-partisan political organization providing voter and citizen education and public policy advocacy for the Monterey community.

PO BOX 1995
Monterey CA 93942

648-VOTE *(648-8683)*
LWVMPca@yahoo.com
www.lwvmp.org

with affordable housing dispersed throughout the project. (Note: While some of the alternatives address dispersion of inclusionary housing throughout the project, no alternative in the REIR addresses clustered development outside of the Monterey Pine forest.) LWV 2-2

- The project's traffic impacts would in part be mitigated by the payment of impact fees to several significant highway 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 2-3

2. The REIR does not address whether or not the farm house is historic and, if so, the requirements for its preservation. LWV 2-4

3. The Water Supply and Availability analysis is not conclusive. The findings of this section are based on uncertain data and information, particularly in reference to the connectivity between the September Ranch and Carmel Valley aquifers. The data do not support the finding that the project will not have a significant impact on water supply in the Carmel Valley. LWV 2-5

4. The Biological Resources analysis is confusing. References to the Forest Management Plan are inconsistent, *i.e.*, in some cases the Plan is referred to as final; in other cases the REIR indicates the Plan will be submitted later; in other cases the Plan is referenced as a Forest Mitigation and Monitoring Plan. The Forest Management Plan, the Open Space Management Plan, and the Grassland Habitat Management Plan are not included in the REIR. Since these plans are integral to mitigating the project's impacts on biological resources, their deferral to a later date is not consistent with CEQA requirements. These plans should be circulated for public review prior to the project's consideration by the Planning Commission and other decision-making bodies. LWV 2-6

5. The Requirements of the Oak Woodlands Conservation Act (PRC Section 21083.4) should be addressed. LWV 2-7

6. Finally, we understand that the REIR will not be sent to the Carmel Valley LWV 2-7

Land Use Advisory Committee (CVLUAC) for consideration. We strongly recommend that residents of Carmel Valley be given the opportunity to comment at a local hearing before the CVLUAC. LWV 2-7

Thank you for your consideration.

Sincerely,

Marilyn Maxner

Marilyn Maxner, President

LEAGUE OF WOMEN VOTERS (LWV)

Response to LWV 2-1

Please refer to Response to LWV 1-6.

Response to LWV 2-2

Please refer to Response to LWV 1-7.

Response to LWV 2-3

Please refer to Response to LWV 1-3.

Response to LWV 2-4

Please refer to Response to AMAP 1-1.

Response to LWV 2-5

Please see Response to RVD 2-2.

Response to LWV 2-6

Please refer to Response to CNPS-2. Additionally, as noted in Response to Comments on the Recirculated Draft REIR, under CEQA it is acceptable to submit a management plan, such as the required Forest Management Plan, Open Space Management Plan, and the Grasslands Management Plan prior to certification of the EIR, provided that the mitigation measure(s) requiring that the plan imposes performance standards, such as those outlined in Mitigation Measures 4.9-1 through 4.9-4, 4.9-6 through 4.9-9, sufficient to control the level of impact.

Response to LWV 2-7

The Oak Woodland Act of 2001 was designed to help local jurisdictions protect and enhance their oak woodland resources. It offers landowners, conservation organizations, and cities and counties funding to purchase oak woodland conservation easements and provide grants for land improvements and oak restoration efforts. The Act allows for funding of the creation of an Oak Woodlands Management Plan to be developed for a City or County.

Response to LWV 2-8

CV/LUAC considered the proposed project in April 2005 and unanimously recommended denial. The LUAC's opinion will be considered by decision-makers as appropriate. Please refer to Response LWMC 2-12

Alliance *of* Monterey Area Preservationists

March 22, 2006

Alana Knaster, Interim Director
Monterey County Planning and Building Inspection Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: September Ranch Revised Draft EIR

Dear Ms. Knaster:

In response to the request for comments on the Recirculated Draft Revised EIR on the above project, I would like to offer the following comments on behalf of Alliance of Monterey Area Preservationists (AMAP).

AMAP believes that the RDREIR is incomplete because it fails to address the cultural resource issues associated with the project. AMAP believes that the Cultural Resources section of the Draft Revised EIR should have been recirculated because that section omitted any substantive analysis of the historic resources on site. AMAP 2-1

AMAP raised historic issues relating to the September Ranch house and barns at the orientation meeting on the property hosted by the owner, again at the meeting of the Carmel Valley Land Use Advisory Committee, in our February 26, 2005 letter sent to the Monterey County Historic Resources Review Committee and the Monterey County Board of Supervisors, and finally in our March 22, 2005 letter to the Director of Planning and Building Inspection of Monterey County. AMAP 2-2

County Planner Ann Towner advises that the owner has retained consultants to look into the historic resources issues, and that the owner's consultants have not yet completed their analysis and reports on the house and barns. AMAP is unaware of any independent County efforts to look into the historic resources issues on the

site. We also understand that the County has not asked its Historic Resources Advisory Commission to evaluate those resources. AMAP urges the County to retain professional advisors with expertise in historic resources to investigate this issue and provide an independent report based on current research, as part of the County's EIR review process.

At this stage, the EIR's cultural resources discussion is inadequate, and the historic reports are not complete or available to us for comment. Our response to comments on the DREIR identified new significant environmental impacts on historic resources that would result from the project and/or the proposed mitigation measures. At least one of the project alternatives should look at preserving all the historic structures in their original locations on site. The cultural resources portion of the January 2005 Draft Revised EIR completely ignored the historic resources on the site. AMAP believes that the DREIR is so inadequate and conclusory in nature as to cultural resources that we cannot meaningfully review and comment on it. The Recirculated DREIR does not change that, because it fails to address cultural resources at all. AMAP 2-2

When the County's response to comments is released, the information in that document will be provided for public review for the first time. If that document is considered to be a Final EIR by the County, then there we will not be a comment period on that new information. We respectfully request that all deadlines for comment be extended until the amended cultural resources portion (and underlying reports) is available in order for us to assess and to comment on the information.

Please send me all information and reports relating to the cultural resources as soon as they are available so that we can make an informed response at the appropriate time. The County's EIR documentation released to us to date has omitted any analysis of the non-archeological historic and cultural resources on site.

Sincerely,

James Bryant
President

ALLIANCE OF MONTEREY AREA PRESERVATIONISTS (AMAP)

Response to AMAP 2-1

Please refer to Response to AMAP 1-1.

Response to AMAP 2-2

Please refer to Response to AMAP 1-1.

Knaster, Alana x5322

From: Patt Throne-Hetzer [PThrone-Hetzer@dfg.ca.gov]
Sent: Monday, April 03, 2006 9:55 AM
To: Knaster, Alana x5322
Subject: DFG September Ranch letter

SeptRanchSCH1995 08033March06Kn...

Please see the attached letter- hard copy to follow by mail.

TH 2-1

Patt Throne-Hetzer
Timberland Conservation Support
and Clerical Lead
Central Coast Region
Phone: (707) 944-5503

March 30, 2006

Ms. Alana Knaster, Chief Assistant Director
Monterey County Planning and Building
Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Dear Ms. Knaster:

September Ranch Subdivision Project
Re-circulated portion of Draft Revised Environmental Impact Report
SCH 1995083033, Monterey County

Department of Fish and Game (DFG) personnel have reviewed the re-circulated September Ranch Subdivision Draft Revised Environmental Impact Report (DREIR) dated February 15, 2006. 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 portions of the 2005 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.

Terrestrial Resources

The DREIR has addressed most of the terrestrial concerns that we expressed in our April 22, 2005 letter. A few clarifications on plant abundance and status as well as the amount of open space to be set aside (in particular Oak and Pine forest) are needed. Abundant open space has been designated on the Exhibit 4.9-1 (vegetation map) in the

DREIR, but much of it is on steep grades that may not be suitable as mitigation for potential impacts to threatened or endangered species potentially found on-site.

In Section 4.9-10 of the Biological Resources section under the heading "Federal and State Threatened and Endangered species" it appears that some punctuation is missing which makes it look like Yadon's piperia (*Piperia yadonii*) is a California Native Plant Society List 1B species (CNPS 1B) and not Federally Endangered as it is. This is also the case with Pacific Grove clover (*Trifolium polydon)*, where it reads like the species is a CNPS 1B species when in fact it is listed as State Rare. Please review this section to be sure that it is accurate.

In the Executive Summary on page 2-19, mitigation measure 4.9-11 in regard to protection of the small population of Pacific Grove clover located near lots 18-22, indicates that a minor road alignment adjustment can be made to avoid impacting the species. Care should also be used in designing the roadway so that the hydrology of the area is not altered as plants occur where they do based on edaphic factors such as soils and hydrology. Hydrology may be an important factor in the distribution of this species on the property. This area should also be clearly marked on the sensitive species vegetation map so that herbicide is not applied accidentally as part of roadside management practices. An exception to the use of herbicide in this area would be if it were needed to control competition by exotic plant species.

Section 4.9-12 under plant narratives for Eastwood's goldenbush (*Ericameria fasciculata*) and Kellog's horkelia (*horkelia cuneata* ssp. *sericea*) there are conflicting statements about whether surveys were done for these species. When compared with "Appendix H" it appears that the sentence "No surveys for this species have been conducted to date" was not deleted. It should have been deleted as "Appendix H" indicates that new surveys were conducted in 2005.

In regard to nesting birds (mitigation measure 4.9-12 page 2-19 of the Executive summary) there seems to be a discrepancy as to what constitutes an allowable working buffer if habitat removal work cannot be conducted outside the nesting season. The DEIR indicates that DFG would accept a buffer of 100 to 500 feet around a nest located on the property. For raptors, 100-foot buffer is not adequate. A 500-foot buffer should be observed for raptors found to be actively nesting on the property. The Executive summary acknowledges that removing potential nesting habitat during the nesting season is problematic and should be avoided.

DFG personnel met with project proponents on March 9, 2005, to discuss potential impacts. At that time DFG recommended removing parcels 30-58 (based on the vegetation map Exhibit 4.9-1) which are near Jack's Peak and adding them to open

space as a condition of approval. The reason for this recommendation is that steep areas (much of the current proposed set-aside) do not mitigate all habitat impacts. 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. None of the proposed alternatives completely accomplishes this additional protection of some of the best oak and pine woodland that can be found on the property. The reduced density alternative comes closest and the reduced forest impact alternatives could also accomplish the task but additional parcels would still need to be removed from development. It is helpful to review the number of trees proposed for removal under the following five alternatives versus their title:

Alternative	Removal of Pine	Oak
Reduced (housing) Density	1145	502
Reduced Forest Impact,w/High Inclusionary housing.	1459	768
Reduced Forest Impact, w/20% Inclusionary housing.	1438	583
82/27 version of the 3 other Inculsionary housing proposals identified in the document as the preferred alternative.	1464	819
Full project	2692	890

In the DREIR there is mention of Yadon's piperia and an anecdotal report that 65 plants were found in the vicinity south of Jack's Peak, but that exact location records were not kept. During surveys in 2005, Michael's piperia (*Piperia michaelii*) was located and not Yadon's piperia.

Given the project impacts to Monterey pine and oak woodlands, the more intact mature forest areas such as those near the Jack's Peak boundary (referenced parcels 30-58), which do not occur elsewhere on the property, should be protected. Removal of Monterey pines and oaks in this area would be difficult to mitigate elsewhere on the project site. Whenever possible, avoidance is the preferred form of mitigation, 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.

Aquatic Resources

Federally endangered Southern steelhead (*Oncorhynchus mykiss irideus)* and the California red-legged frog *(Rana aurora draytonii),* a Federally threatened and State species of special concern, are known to occur in the Carmel River and throughout its watershed in appropriate habitats. The DREIR contains some re-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.

The previous DEIR stated that the project would only pump the groundwater aquifer for seven months of the year (November 1 through May 31), in order to avoid diminishing flows in the Carmel River during the period of June 1 through October 31, where National Marine Fisheries Service has recommended no further diversions be allowed for the protection of steelhead. However, State Water Resources Control Board Order 98-08 says the Carmel River is fully appropriated for the period of May 1 through December 31 of each year, an eight-month period. Both the DEIR and DREIR acknowledge that the project will reduce inflow to AQ3 by an estimated 12 AF per 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 if it pumps for only four months of the year, January 1 through April 30. This prior DFG comment does not appear to have been addressed in the DREIR. As we inquired in our previous comments on the DEIR, regardless of which groundwater pumping period is used (four or seven months), how will the water demand for the rest of the year be met 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 will not be pumping groundwater.

DFG remains concerned 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 over-drafted lower Carmel River basin. Therefore, any new wells that tap of the watersheds tributary to the Carmel River will diminish the Carmel River surface and underflow to some degree. The DREIR shows in Table 4.3-9 that on an instantaneous basis this may be a 0.05% to 0.13% reduction in flow; however, this still amounts to a loss of at least 12 AF per year in below normal water years when the yield from the whole Carmel River basin is only 1,000 AF. Therefore, in below normal water years, the project is reducing total flows in the lower basin by 1.2%. The DREIR further argues that once the main river is dewatered by the current levels of diversion, the project induced reduction in water table levels of AQ3 will only be a few millimeters. Therefore, the DREIR admits that the project will have some

small incremental impact on underflow to the already compromised Carmel River lagoon, where fish kills occur in many years due to poor water quality resulting in the most part from a lack of subterranean flow to refresh the lagoon. DFG does not agree with the determination that the development will have no significant impact on the maintenance of flows in the lower Carmel River or underflow to the lagoon, and its' threatened steelhead resource, which is currently experiencing a successive five-year period of decline.

All 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. If one were to accept the DREIR's argument that this development has no significant cumulative impact, then one would have to believe that adding developments of this size in the future would have no cumulative impact on the surface and underflow of the Carmel River. DFG does not believe this is the case since the main stem Carmel River is legally declared over-drafted and reductions in contributions from any source of inflow must be having a cumulative effect.

While the DREIR does address some of the further hydrologic impact analysis requested by DFG, the DREIR should have attempted to calculate how much the new groundwater pumping will increase the degree, date, and rate at which the Carmel River's wetted front will dry 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.

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 DEIR, but was excluded from this DREIR.

DFG continues to request 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 as the County does not require CEQA review of new individual well permits granted within the Carmel Valley aquifer.

In summary, although further analysis has been provided in the DREIR, it does acknowledge and demonstrate that small incremental and cumulative impacts to the surface and underflow of the already over-drafted and over-appropriated Carmel River aquifer will occur as a result of the project. While these impacts may appear to be small, they cannot validly be deemed inconsequential and should be mitigated. A possible mitigation would be augmenting inflow to the Carmel Lagoon with treated water during critical periods. Continuing development within the Carmel River watershed that reduces surface and subsurface inflow to the Carmel River aquifer will have irreversible cumulative impacts, if not incrementally mitigated.

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 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.

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,

Original signed by Carl Wilcox

Robert W. Floerke
Regional Manager
Central Coast Region

cc: See next page

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

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State of California – The Resources Agency
ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
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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.

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.

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.

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."

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:

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

Codes:

FT	Federally listed as Threatened
FE	Federally listed as Endangered
CNPS 1B	California Native Plant Society - List 1B
SR	State listed as Rare
SE	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

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.

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.

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.

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.

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?

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.

The DREIR 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

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.

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.

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.

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

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.

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

TIMBERLAND HARVEST (TH)

Response to TH 2-1

Please see Responses to CDFG 2-1 through CDFG 2-17.

RICHARD & VIRGINIA DUNN

193 DEL MESA CARMEL
CARMEL, CA 93923
(831) 622-7933

28 March 2006

Alana Knaster, Interim Director, Monterey County Planning and Building Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

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 Recirculated Portion of Draft Revised Environmental Impact Report for the September Ranch Subdivision Project.

IN GENERAL

It is significant that with respect to water supply and availability the Recirculated Portion of the DREIR neither includes nor cites any new hydrologic exploration done since the DREIR was circulated in December, 2004. The Recirculated Portion consists of nothing more than changes in verbiage, that is rewritten observations and opinions expressed by the same authors. In essence we have a "rosier" presentation, but not one based on new evidence. Under such circumstances it is realistic to accept the first straight forward report rather than the second spruced up one. RVD 2-1

And again, as in the earlier report, this entire section is replete with carefully crafted, qualified phrases and statements which shrink from unqualified, factual assertions. A few examples follow:

4.3: In the last paragraph of this section on page 4.3-1, "a less than significant impact on the water resources" of the SRA and the CVA.

4.3.1: In the second paragraph which begins on page 4.3-2, it is stated that "the evidence in the record demonstrates that there is a limited and inconsistent hydrologic connection between the SRA and the CVA." And in the very next sentence "concludes that the CVA and SRA are separate ground water basins," a clear *non sequitor*. RVD 2-2

4.3.1 And again, in the last sentence of the first full paragraph on page 4.3-44, "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."

In summary, the foregoing qualified assertions cannot serve as the basis for any logical conclusions based on established facts. RVD 2-2

INCONSISTENCY

4.3.1: In the last paragraph beginning on page 4.3-44 it is stated that "wastewater will be conveyed to the Carmel Area Water District's (CAWD) water recycling plant for eventual release into Carmel Valley Lagoon." No evidence is cited to support this assertion and it is inconsistent with the first paragraph of the Executive Summary on page iv of Appendix C, which states that appurtenant facilities for the September Ranch project will include a "waste water treatment system." RVD 2-3

CONSISTENCY with RELEVANT PLANS and POLICIES

4.3.4: On page 4.3-51 CVMP Policy 26.1.22 prohibits further development is 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 page 4.3-52 it is expressly acknowledged that "no water is available for this project in the County's allocation." RVD 2-4

4.3.4: Project Impacts: It is stated in the paragraph ending at the top of page 4.3-44 that in both normal and drought precipitation periods, pumping from the SRA for the proposed project will not result in a direct withdrawal of water from the CVA. It is not necessary to establish "withdrawal" to evidence a harmful effect on the CVA. Obviously, pumping from the SRA in any given year is going to preclude or reduce flow to the CVA, and thus reduce the volume of water stored in the CVA, contrary to applicable lawful restrictions and mandates. RVD 2-5

To the extent necessary to maintain their life, we reallege and incorporate herein by reference all comments made in our filing dated 25 February 2005 as to the REIR for the September Ranch Subdivision Project, which was issued in December, 2004.

Richard T. Quinn

Virginia B. Quinn

RICHARD AND VIRGINIA DUNN (RVD)

Response to RVD 2-1

The comment is mostly correct that the primary hydrologic evidence remains the same, although refined analyses of the information is presented in the Recirculated Draft REIR and accompanying Hydrology Report by means of additional technical memorandum and summaries in the Recirculated Draft REIR. The comment does not reference or provide information regarding environmental impacts, and thus no further response is required.

Response to RVD 2-2

"Less than significant" is a defined term under CEQA. The conclusion of separate ground water basins is based in part on the existence of limited and temporally/physically inconsistent hydrologic connection. Please see Recirculated Draft REIR, Section 4.3 and Appendix C. The terms used in the Recirculated Draft REIR reflect that there is no such thing as perfect information and that hydrologic analysis necessarily contains some uncertainty, as expressly allowed by CEQA. The Recirculated Draft REIR identifies and presents the best information that the County could reasonably obtain. The comment does not reference or provide information regarding environmental impacts, and thus no further response is required.

Response to RVD 2-3

Please see Response to LWMC 2-4.

Response to RVD 2-4

The issue of whether the proposed project should be approved is not relevant to the environmental analysis; rather, the environmental analysis will be considered as one factor in subsequent land use proceedings that may or may not lead to project approval. The proposed project would not receive water from the County's allocation but instead would utilize the applicant's pre-existing water rights.

Response to RVD 2-5

The Recirculated Draft REIR does not assume that direct withdrawal is necessary to create an impact. As noted extensively in the Recirculated Draft REIR, the potential impact results from reduction in recharge, in some years, from the SRA to the CVA, not direct withdrawal to the CVA. Contrary to the comment, it is not necessarily unlawful to reduce the volume of storage in the CVA. The proposed project would reduce the volume of storage in the CVA in some years, but the potential reduction is less than significant.

8240 El Camino Estrada
Carmel CA, 93923 USA
Tel.& fax 831-625-5316
March 9, 2006

Co.
Monterey Planning Dept.
168 W. Alisal, Salinas CA, 93901
attn: Alana Knaster

Comments on Recirculated Revised EIR for September Ranch
Section 4.3 - Water Supply and Availability

My conclusions, as a geologist, concur with the findings of the State Water Resources Control Board in April, 1988, namely:

C 1 "there apparently is no structural boundary between the September Ranch basins and the Carmel River" RG 2-1

C 16 "alluvium underlying 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." RG 2-2

A major argument by the consultant is that the September Ranch aquifer (SRA) is practically separate and independent from the Carmel Valley aquifer (CVA).

4.3.3 claims a "very limited and inconsistent connectivity between the SRA and CVA. 4.3.14 states that the September Ranch basin on its southwest side "contacts the CVA across a subsurface ridge of Qoa2 (older alluvium), and 4.3.12 states that this older alluvium is "low permeability –classified as an aquitard – this unit impedes groundwater flow between the SRA and CVA at certain locations". 4.3.47 describes this same alluvium as a "high ridge of relatively impermeable material". 4.3.8 is a cross-section depicting groundwater gradients on either side of the supposed SRA-CVA "boundary". Unfortunately, there are no data for the SRA in a drought period, presumably because such wells did not exist in 1990. RG 2-3

All the conclusions in this EIR relating to water flow from SRA into CVA are based on the assumption that Qoa2, the older alluvium, acts as a barrier from 70 ft. below sealevel to 40 ft. above sealevel (Cross-section 4.3.4c).

However, nowhere in this EIR nor the 1988 EIR are any data presented on the degree of permeability of this older alluvium. It is simply ASSUMED to be impermeable. If, as seems more likely, there is substantial "leakage" through the older alluvium, then the September Ranch project will diminish the flow into the Carmel Valley aquifer by 57 AFA. During drought periods this would be a significant loss to the downstream users, and create an unacceptable environmental impact.

Robert Greenwood

Robert Greenwood, Geologist.

ROBERT GREENWOOD (RG)

Response to RG 2-1

The hydrology analysis in the Recirculated Draft REIR and the Hydrology Report demonstrates that the 2 systems are collocated but there are limited in hydraulic communications due to the very low permeability in the QOA2 or older alluvial deposits. See also MR-18: Hydrology and Water Availability (HMR-1, HMR-2, HMR-3, and HMR-4).

Response to RG 2-2

Please see MR-18: Hydrology and Water Availability and Response SOCR 1-66. The SWRCB does not have jurisdiction over percolating groundwater. Even if the SRA was, in fact, part of the CVA, the SWRCB would not have jurisdiction because the property owner would have riparian rights.

Response to RG 2-3

Please see MR-18: Hydrology and Water Availability (HMR-1, HMR-2, HMR-3, and HMR-4).

A Special Note —

Re. Easter.

Aside from the multitude of crucial environmental reasons that September Ranch shouldn't be developed - just imagine the chaos an emergency would create on Carmel Valley Road.

Lorraine Sklar

Stephen Sklar

LS 2-1

LORRAINE SKLAR (LS)

Response to LS 2-1

The comment is noted. As outlined in Section 4.6 of the Draft REIR, the project was designed to provide a minimum safe access point to the property and circulation improvements are included in the project that will assist in emergency planning/access. Additionally, as identified in Section 4.6, the project will not result in any significant transportation and traffic impacts.

March 24, 2006

Monterey County
Resource Management Agency
Planning and Building Inspection Department
168 W. Alisal Street 2nd Floor
Salinas, CA 93901

Dear Director and Staff:

This is a statement and suggestion regarding the proposed September Ranch project.

As a long-time resident of the Monterey Peninsula since 1957, I strongly object to the proposed size and scope of the September Ranch development.

I advocate the following:

1. Reduce the number of houses to the 47 suggested by the Planning Department — MJ 2-1

2. Eliminate the Equestrian Center and horse trails. I feel that this is a terrible mix of uses. This would eliminate part of the water use, eliminate or control the fly population, eliminate the odors from the horses, reduce the traffic to the development, and cut down on the general population contained in the project. — MJ 2-2

3. Use the existing old (not historical) buildings (or building shells) as part of the community club house or other facilities. This would maintain the "feel" of Carmel Valley "ranches" and maybe satisfy some individuals' need for history. — MJ 2-3

Margaret W. Johnsen

Margaret W. Johnsen
94 Del Mesa Carmel
Carmel, CA 93923

3/28/06

MARGARET JOHNSON (MJ)

Response to MJ 2-1

The Recirculated 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 in Section 6 of the REIR). This alternative has 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 REIR in relation to the proposed project in its consideration of the certification of the REIR and project approval.

Response to MJ 2-2

The equestrian center will be retained as part of the proposed project. As noted on page 4.6-12 of the Draft REIR, no significant environmental impacts are associated with the retention of the equestrian center and the proposed residential land uses. The equestrian center will only contribute a total of 13 peak hour trips (11 inbound and 2 outbound). Additionally, the existing equestrian facilities consist of only one employee residential unit; therefore, retention of this feature will not result in a significant contribution to the project-related population forecasts.

Response to MJ 2-3

The historical bar and the associated equestrian facilities will be maintained onsite and utilized for equestrian purposes as discussed in Section 3, Project Description of the Draft REIR.

Mrs. W. V. Graham Matthews
Two Via Milpitas
Carmel Valley, CA 93924

Apr. 3, 2006

Ms. Alana S. Knaster, Chief Assistant Director
Monterey County Planning& Building Dept.
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

RE: September Ranch RDREIR

Dear Ms. Knaster:

As a long-time participant in county planning issues, especially in Carmel Valley, I want to express my deep concern about the latest iteration of the September Ranch development.

After all the critical issues that were raised in connection with the two previous proposals, I fully expected that we would see a revised plan responding to the these concerns in a constructive manner. Instead there is almost no change from the previous plan, except two new, slightly reduced alternatives that leave the main objections unresolved.

For what it's worth, I am the only person who served full time on both Carmel Valley Master Plan Committees for over four years in the late 70s and early 80s. The only other person who was on both committees was Dr. Robert Greenwood, but after he had to leave to fulfill a teaching commitment in Brazil, I became chair of the Water and Waste Management Subcommittee and continued to serve until the second plan was completed in 1982.

Carmel Valley Master Plan Policy 7.1.1.1 was a cornerstone of this plan. I feel very strongly that none of the alternatives in the current plan is consistent with this policy: "Areas of biological significance shall be identified and preserved as open space. These include but are not limited to 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 ... 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 of a parcel because of biological significance, a low level of development (but no subdivision) may be allowed." MM 2-1

The Monterey pine forest is recognized by many scientists to be biologically extremely significant habitat, indeed, more so than the redwood community that is singled out as a prime example in the document. Mitigations to transplant trees and grow trees from site-specific seeds are useful for landscaping, but they cannot substitute for a native, self-sustaining forest. I therefore respectfully urge that this project be redesigned to confine development to the lower part of the property that will not impinge on the pine forest.

Thank you for your consideration.

Sincerely yours,

Mary Ann Matthews

MARY ANN MATTHEWS (MM)

Response to MM 2-1

Please refer to Response to SOCR 2-103.

Valenzuela Springs
575 Viejo Road
Carmel, CA 93923

The Board of Supervisors of Monterey County
The Monterey County Planning Commission
C/O Ms. Alana Knaster
Chief Assistant Director
Planning and Building Inspection Department
Church St.
Salinas, CA

March 16, 2006

Re: September Ranch Revised Draft EIR

Dear Members of the Board of Supervisors and the Planning Commission,

This letter is in response to the request for comments on the September Ranch Revised Draft EIR.

The concerns we have raised in earlier letters (enclosed) are not addressed by this revised draft. The proposed project will damage the biological and aesthetic integrity of Jacks Peak County Park and in so doing endanger the legacy my late husband, Talcott Bates, and I left when we purchased Jacks Peak itself that it might become the core and catalyst for this park so many years ago. I continue to ask that the parcels closest to the park boundary, parcels 48 through 58 and 90 through 100, be eliminated or relocated and those lands plus the adjacent open space dedicated to Monterey County for inclusion in Jacks Peak County Park. Additionally I ask that those parcels further from the Park boundary yet still in its view shed, parcels 82-86, be eliminated or relocated. MDTB 2-1

Please find enclosed letters sent in response to the NOP on March 6, 2003 and in response to the Draft EIR on Feb. 9, 2005 on the same subject.

Because the entire Bates family shares my concerns about the threats of the proposed project to the Park my son, David, joins me in signing this letter.

Sincerely,

Margaret P. (Mrs. Talcott) Bates

David Talcott Bates

Enclosures:

1. Letter to Ms. Alana Knaster dated March 6, 2003
2. Letter to Board of Supervisors c/o Ms. Alana Knaster dated Feb. 9, 2005
3. Map of Area Proposed for Dedication to Monterey County for Inclusion in Jacks Peak County Park

Valenzuela Springs
575 Viejo Road
Carmel, CA 93923

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.

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,

Signed 2/9
Margaret P. (Mrs. Talcott) Bates

David T. 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

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 ofthe Park, particularly Pacific Meadows and less so Del Mesa Carmel were consistant 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 untrammeled 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 vison Talcott Bates had so many years ago.

Thank you for giving consideration to our concerns.

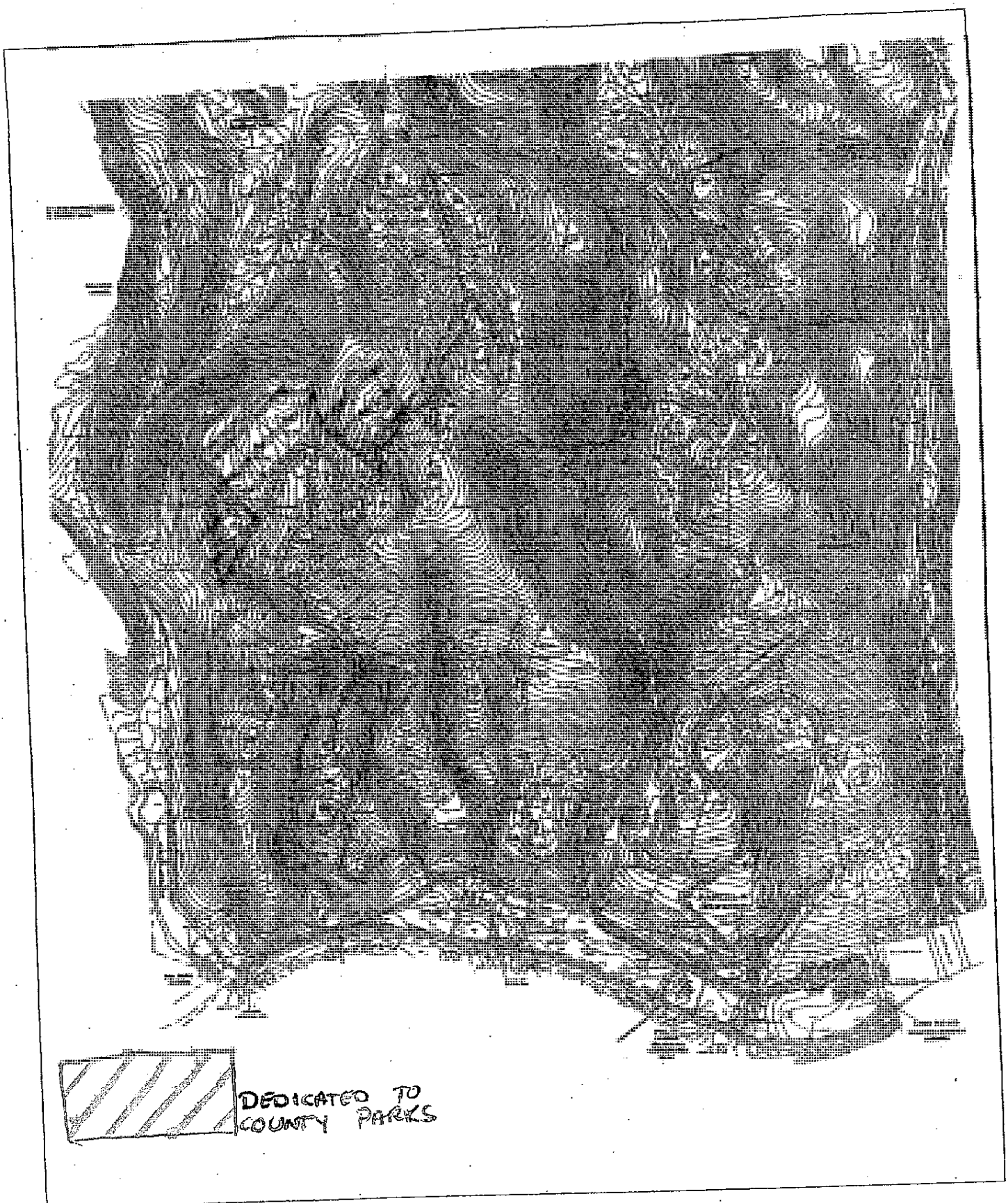
Sincerely yours,

Margaret P. Bates

Mrs. Talcott Bates

David T. Bates

David Talcott Bates



SOURCE: Whitson Engineers, January 2003.

390 0 195 390
SCALE IN FEET

Exhibit 3
Site Plan

Michael Brandman Associates

21370002 - 01/2003

MARGARET BATES AND DAVID TALCOTT BATES (MBDTB)

Response to MBDTB 2-1

Please refer to MR-4: Loss of Trees and Mitigation for Tree Removal; MR-5: Monterey Pine Forest Biological Sensitivity and MR-6: Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility.

Alana Knaster
Interim Director Monterey County Planning and Building Department
168 West Alisal Street, Second Floor
Salinas,, CA 93901
Ref: September Ranch recirculated portion of DEIR

Dear Alana,

I understand that SB-18 is not part of the CEQA process but should run on a parallel tract. Please explain in detail how all the requirements of SB-18 have been or will be met during the planning process for September Ranch. MROB 2-1

Thank you for your cooperation.

Sincerely,

Margaret Robbins

Margaret Robbiins
3850 Rio Road #26
Carmel, CA 93923

March 30, 2006

P.S. I am attaching as Exhibit A my 5 p[ages of questions on September Ranch dated February 28, 2005. MROB 2-2

cc: Cari Herthel, Tribal Chair, OCEN

Alana Knaster
Chief Assistant Director
County of Monterey
Planning and Building Inspection Department
2620 1st Avenue
Marina, CA 93933

Dear Alana,

Just a few points that need clarification. – Re: September Ranch

(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?

(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.

(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?

(4) Why is there no manure management plan? How is the manure removed from the property now or is it?

(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?

(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

requirements for this maintenance of this private open space? Is fencing allowed? Please discuss and explain.

(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.

(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 exaplain and discuss the facts supporting this statement.

(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.

(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

(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.

(20) On page 4.3.48 under CVMP Policy 26.1.22 indicates that developed areas should be evaluated in light of resoure 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

(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?

(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.

(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.

(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 Laurels 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.

(25) On page 4.6-10 under Roadway Segment Analysis, the second to that lst 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. Pleaase discuss and explain in detail.

(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.

(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

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.

(28) Please explain how bullet #2, no degradation below LOS C, will be accomplished if September Ranch is approved?

(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.

(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.

(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?

(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 descrepancy and justify why any mitigation fees should be paid for toward installing this stoplight now.

(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.

(34) Please explain how installing a MST stop adjacent to September Ranch would reduce vehicle trip generation and LOS impacts to less than significant?

(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.

(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.

(37) TableIV, Appendix E: Trip Generation of approved/pending projects. Please discuss and explain the discrepancies. Ex ample: Quail Meadows has a 2 after it. Yet in the footnotets 2 referes 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?

(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 snrvey of Monteresy Peninsula assisted Living Facilitics 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 Impovement Center. The RanchoSan Carlos figure should include the secondary units and it does not. The following projects have either not been idenditified 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. Plesae 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 includsion of these projects.

(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.

Due to the traffic impacts and the lack of adequate traffic mitigation, the unanswered questions about secondary units, and unanswered questions about fire and policeprotection, I can only support the NoProject/No development alternative. In fact, the other three alternatives do little to allay my concerns in these areas.

Thank you for your consideration.

Margaret Robbins

Margaret Robbins
3850 Rio Road #26
Carmel, CA 93923
February 28,2005

MARGARET ROBBINS

Response to MROB 2-1

Please see Response to Comment LWMC 2-3.

Knaster, Alana x5322

From: hale@nps.edu on behalf of Bob Hale [hale@nps.edu]
Sent: Monday, April 03, 2006 2:10 PM
To: Knaster, Alana x5322
Subject: September Ranch RREIR comments

Hi Alana,

I mailed written comments on last Friday March 31, Just in case postal system didn't deliver today, here are the comments I submitted.

thanks, Robert Hale

--

Robert Hale, Meteorologist
(831) 656-3108
email hale@nps.navy.mil

Knaster, Alana x5322

From: hale@nps.edu
Sent: Monday, April 03, 2006 4:08 PM
To: Knaster, Alana x5322
Cc: hale@capella.nps.navy.mil
Subject: Additional September Ranch RRDEIR comments

Hi Alana,

I have a few more September Ranch RRDEIR comments to be submitted for consideration. I, Robert Hale, have sent you comments earlier dated March 30, 2006. Please add these to my comments.

Robert Hale
813 Cypress Street
Monterey, CA 93943

3 April 2006

Alana Knaster, Monterey County Planning Department

RE: September Ranch RRDEIR

I have a few additional comments to submit for the September Ranch RRDEIR. These are in addition to my comments dated 30 March 2006.

Monterey Pine Forest Special Status Plant Community -

I fully agree with the designation of the Monterey Pine Forest as a special status plant community. Native Monterey Pines are restricted to 3 small areas in California and the September Ranch property contains blocks of Monterey Pines that are contiguous with the Jacks Peak forest, that is the largest in the world. This large contiguous block represents the best opportunity to preserve an intact, biologically diverse and healthy, undisturbed forest that will best preserve the genetically diversity of the pines. The pines are also growing on their eastern more summer drought tolerant (less fog) part of the range and thus possess important genetic traits of the species adapted to warmer more stressed environment. The RRDEIR must acknowledge the importance of preserving the Monterey Pine forest on the September Ranch proptery for preservation of the species. RH 2-1

Designation as a Special Status Plant Community requires the RRDEIR to comply with any laws reflecting Special Status plants. Has the RRDEIR addressed all laws relating to Special Status plants Communities , CDFG etc?

The RRDEIR must analyze how the alternatives impact the integrity of the Monterey Pine Special Status Community using the criteria of maximizing contiguous acres of forest that are not developed with roads and lots within. That is it must maximize the acreage of Pine forest that is distant from roads and lots. RRDEIR must analyze the impacts on the Special Status Monterey Pine forest by the amount of acreage that is protected contiguous to Jacks Peak forest. RH 2-2

Mitigation 4.9-2 - Given the Designation of the Monterey Pine Forest as a

Special Status Plant Community and CVMP Policy 7.1.1.1 that protects areas of biological significance - the 3:1 ratio of preserved to developed Monterey Pine Forest is completely arbitrary with no explanation given as to how this would comply with the preservation of the Special status community. The acreage preserved must be designated in a manner to attain maximum preservation of the forest. Thus the proposed project by scattering lots and roads throughout the Pine Forest does not provide the degree of protection of the forest that would be offered by preserving a contiguous block of Pine forest in the northern half of the project that would adjoin the protected Jacks Peak forest. This mitigation is not adequate.

RH 2-3

thanks for your consideration,

Robert Hale

Robert Hale, Meteorologist
(831) 656-3108
email hale@nps.navy.mil

Robert Hale
813 Cypress Street
Monterey, CA 93943

3 April 2006

Alana Knaster, Monterey County Planning Department

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thanks for your consideration,

Robert Hale

ROBERT HALE (RH)

Response to RH 2-1

Please refer to MR-4 (Loss of Trees and Mitigation for Tree Removal); MR-5 (Monterey Pine Forest Biological Sensitivity) and MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility).

Response to RH 2-2

Please refer to Response to RH 2-1.

Response to RH 2-3

Please refer to Response to RH 2-1.

Applicant Submitted
4-3-06

ZANDER ASSOCIATES

Environmental Consultants

Transmittal/Memorandum

To: Alana Knaster
From: Michael Zander
Subject: September Ranch Subdivision Project
Comments on Recirculated Draft EIR
Date: April 3, 2006

Following are Zander Associates comments on the Recirculated Draft EIR for the September Ranch Subdivision Project.

1. The characterization of vegetation communities in the setting section includes descriptions of both native and non-native grasslands but does not identify coastal terrace prairie as one of the communities on the site. Yet, later in the document (pp. 4.9-8 through 4.9-10), coastal terrace prairie is described as one of the two rare special status natural communities on the site. The description of this community type states that it "*occurs on sandy loam soils of marine terraces near the coast .... It is distributed from Santa Cruz County to Oregon....*" The analysis goes on to conclude that "*17.92 acres of grassland, including native terrace prairie and non-native grasslands, have the potential to be impacted.*" Soils on the site are primarily colluvial sandy to silty clays and silts derived from weathering of Monterey shale and not sandy loams on former marine terraces. Furthermore, the site is south of the designated range of coastal terrace prairie. We believe that native grasslands is a more appropriate characterization than coastal terrace prairie for those areas on the site that support a greater concentration of native grassland species. ZA 2-1

2. The second sentence of the first paragraph on p. 4.9-10, under the heading **Special Status Species**, should be revised to read that "*CDFG recognizes that lists 1A, 1B and 2 of the CNPS Inventory consist of plants that may qualify for listing, and the Department recommends they be addressed in CEQA projects.*" (See CNPS Inventory, 6th Edition). ZA 2-2

3. On pp. 4.9-10 and 4.9-11, it should be clarified that both small-leaved lomatium (*Lomatium parvifolium*) and California adder's tongue (*Ophioglossum californicum*) are CNPS List 4 species which are plants of limited distribution, but not rare, threatened or endangered. ZA 2-3

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telephone: (415) 897-8781
fax: (415) 897-0425

4. On p. 4.9-11, change the status of Michael's piperia to CNPS List 4. ZA 2-4

5. On page 4.9-12, under the subheadings for both ***Eastwood goldenbush*** and ***Kellogg's horkelia***, the statements that no surveys have been conducted to date should be deleted. ZA 2-5

6. The discussion of potentially significant impacts (Biological Resources Impact 7) and mitigation measures (4.9-10) for special status plant species on pp. 4.9-29 and 4.9-30 should be revised to accurately reflect the results of the 2005 survey information and other focused surveys conducted in previous years. Only one of the species found on the site through all these surveys, Pacific Grove clover (*Trifolium polyodon*), is state-listed (as rare by DFG). Of the remaining four species considered "special-status plant species" in the RDEIR, three are CNPS List 4 species which are plants of limited distribution, but not rare, threatened or endangered (see above). The other, Monterey pine, is a CNPS List 1B species and appropriate mitigation has already been identified in the RDEIR. Further surveys to determine presence or absence of "*an additional fourteen (that) have the potential to occur onsite*" are not warranted; none of these species was observed in any of the past surveys and they are not expected to occur on the site. ZA 2-6

7. Mitigation measure 4.9-10 on p. 4.9-30 should be rewritten. Pre-construction surveys and avoidance/minimization measures are appropriate. However, no consultation with USFWS is required for plants and consultation with DFG is only required for state-listed plants; in this case, Pacific Grove clover. In addition, the second bullet item in the mitigation measure is largely redundant. ZA 2-7

8. Under mitigation measures 4.9-12 and 4.9-13, pp. 4.9-31 & 32, second bullets, grading/tree removal with appropriate buffers should be allowed during the nesting season in consultation with CDFG. ZA 2-8

ZANDER ASSOCIATES (ZA)

Response to ZA 2-1

On pages 4.9-8 through 4.9-10 under the discussion of Special Status Natural Communities, the vegetation community Costal Terrace Prairie should be changed to Native Annual California Grasslands within Non-native grasslands. This revision is included in this document; see Section 6, Errata.

California's coastal grasslands are poorly described in the literature. As described in Stromberg, et al. (2002) "Coastal terrace prairie" has had widely varying interpretations. Others have defined "north coast prairies" from the Mendocino coast south to Point Lobos (Stromberg, et al. 2002). They described north coast prairies as being dominated by *Festuca idahoensis, F. rubra*, and *Danthonia californica*; they used the term "coastal terrace prairie" to describe this community. Monterey pine forests are often adjacent to coastal terrace prairies along the central coast of California.

Stromberg, et al. (2002) points out Coastal grasslands, in general, have much greater species richness in comparison to inland Nassella grasslands, coastal pine, or coastal scrub plant communities. On the September Ranch site, over 240 different grasses and forbs were observed in the annual and non-native grasslands. The California Department of Fish and Game (2005) classify the following grasslands considered rare and worthy of consideration by CNDDB:

- Foothill Needlegrass [*Nassella lepida*]
- Purple Needlegrass [*Nassella pulchra*]
- California Oatgrass Bunchgrass Grassland [*Danthonia californica*]

As stated in the Zander June 2005, *Grasslands at September Ranch* report, grassland areas containing a high percentage of native grasses and herbs are considered "high priority" habitats by the CNDDB and are actively tracked.

Response to ZA 2-2

Recirculated DREIR, Page 4.9-10, the second sentence of the first paragraph under the heading Special Status Plant Species is revised to read as follows:

CDFG recognizes that lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing and the CDFG recommends that they be addressed in CEQA projects.

This change has been included in the document and is referenced in Section 6, Errata, of this document.

Response to ZA 2-3

It is noted that the small-leaved lomatium (*Lomatium parvifolium*) and the California adder's tongue (*Ophioglossum californicum*) are CNPS List 4 species, which are plants of limited distribution, but are not rare, threatened, or endangered. This change has been included in the document and is referenced in Section 6, Errata, of this document.

Response to ZA 2-4

It is noted that the status of Michael's piperia is CNPS List 4. This change has been included in the document and is referenced in Section 6, Errata, of this document.

Response to ZA 2-5

It is noted that surveys have been conducted for Eastwood goldenbrush and Kellog's horkelia. This change has been included in the document and is referenced in Section 6, Errata, of this document.

Response to ZA 2-6

The revisions have been made and are included in Section 6, Errata, of this document.

Response to ZA 2-7

In Recirculated DREIR Mitigation Measure 4.9-12, the reference of 100 feet for raptors was for American kestrels, which often have a higher threshold of disturbance than other raptors. Nevertheless, consultation with the CDFG must be conducted prior to ground breaking/tree removal if conducted during ht nesting season. At that time, the CDFG will establish the appropriate buffers per species.

Response to ZA 2-8

See Response to ZA 2-7.

STAUB FORESTRY

Applicant Submittal Received 4-3-06

Staub Forestry & Environmental Consulting

RECEIVED

March 31, 2006

APR 3 4 - 2006

MONTEREY COUNTY PLANNING & BUILDING INSPECTION DEPT.

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 Recirculated Portion of the RDEIR for September Ranch

As the professional forester who has prepared three supplemental forestry reports on the current project, I have reviewed the Recirculated Portion of the Revised Draft EIR and suggest the following revisions to improve clarity and technical accuracy.

1. **Page 4.9-24** - Under Mitigation Measure 4.9-3, the third item should be revised so that 100% of the 1:1 replacement standard is met at the end of the five year monitoring period unless that is found to be detrimental to the health of the stand due to overcrowding. The long term objective is 1:1 replacement. If initial planting levels exceed 1:1 replacement, then whatever percent assures 1:1 replacement should be the minimum standard subject to the forester's finding caveat about stand health just mentioned. SF 2-1

- Under Mitigation Measure 4.9-3, the last three sections at the bottom of the page dealing with sources of replacement tree stock should be consolidated and simplified so that appropriate tree replacement is encouraged rather than encumbered. Suggested language: "All replacement trees should be of local, native stock. All replacement Monterey pines should be grown from on-site native stock collected within 500' elevation zone of planting site. Replanting should avoid open spaces where currently there are no trees unless there is evidence of soil deep enough and of good enough quality to support the plantings." SF 2-2

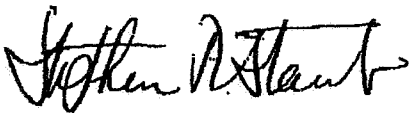
This suggested language specifically deletes the recommendation in the last item on the page that replacement pines should be "grown from seeds collected from asymptomatic trees..." because extensive studies by pitch canker researchers at UC Davis and Cal Poly have determined that there is little to no useful correlation between a symptomless cone bearing parent and the disease resistance of its seed grown progeny. It should also be deleted because it conflicts with the following sentence that encourages use of open pollinated seedlings for at least a portion of the replacement trees in order to maintain a broad genetic base. SF 2-3

6010 Highway 9, Suite 6 Felton CA 95018 Phone 831. 335.1452 Fax 831. 335.1462 staubfre@pacbell.net
Stephen R. Staub, Registered Professional Forester License No. 1911
Cassady Bill Vaughan, Registered Professional Forester License No. 2685
Cheyenne Borello, Registered Professional Forester License No. 2784

2. **Page 4.9-26** - First sentence at top of page under Biological Resources Impact 3 contains an incorrect and apparently inadvertent reversal of terms by saying lower elevation where higher elevation is correct. The correct statement is that "...pitch canker symptoms decrease in frequency and severity at **higher** elevations and as distance from the ocean increases (Staub 2002)." Once the first sentence is corrected to read "higher" rather than "lower" elevations, the second sentence as written is confusing as it mentions pines growing at or above 30' above mean sea level. In fact, most of the pines at September Ranch grow at elevations much higher than the near sea level and near ocean native stands where the most severe pitch canker symptoms have been observed. Thus, the more inland and higher elevation locations of the September Ranch native pine stands are what decrease the threat of pitch canker on the site.
- Eliminate the first sentence recommending debarking under the second bullet under Mitigation Measure 4.9-5. Proper handling to prevent spread of infested pine materials has already been covered more correctly and in greater detail in the first bullet by requiring removal and chipping in accordance with handling guidelines of the Pitch Canker Task Force. Debarking should not be made a general recommendation as it is almost never used and would really apply on in very rare instances where large diameter logs might be shipped outside the Zone of Infestation.
- Delete or revise the last sentence under the second bullet about using pitch canker resistant trees as a seed source for replanting for the same reason noted under #1 above - there is no significant correlation between a symptomless cone bearing parent and the disease resistance of its seed grown progeny. Planting of only disease resistant offspring runs the risk of unduly narrowing the genetic base of the pines at September Ranch, although there is no harm in having known disease resistant offspring for a limited portion of the replacement trees.

SF 2-4

Submitted by:



Stephen R. Staub
Registered Professional Forester
License Number 1911
ISA Certified Arborist #WE-6739A

March 31, 2006

STAUB FORESTRY (SF)

Response to SF 2-1

The revision is noted and is included in Section 6, Errata, of this document.

Response to SF 2-2

The revision is noted and is included in Section 6, Errata, of this document.

Response to SF 2-3

The revision is noted and is included in Section 6, Errata, of this document.

Response to SF 2-4

The revision is noted and is included in this document; see Section 6, Errata. In addition, the second bullet point of Mitigation Measure 4.9-5 is removed. This revision is included in Section 6, Errata, of this document.

Bringing you HOPE -
Helping Our Peninsula's Environment
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Monterey County Supervisors, and
Alana Knaster
Monterey County Planning Dept.
PO Box 1208
Salinas, CA 93902

April 3, 2006 April 3, 2006A

September Ranch RREIR Again Ignores Significant Impacts
Yet another supplemental or subsequent EIR needs to be written.

After reviewing this document, it is no wonder the Grand Jury year after year blasts the County "Planning Department" for its incompetence and disregard for common sense. It is no wonder the best planners leave this county Department as soon as possible.

We live in one of the most beautiful places in the world; one of the world's biodiversity hotspots.

This proposal would destroy some of that beauty and would contribute to the extinction of several species. HOPE 2-1

Your RRDEIR is, as like the document before it colossally inadequate. If I were grading it in one of my CEQA courses– it would get a D- overall and an F for its ecological/biological treatment.

1. THERE is no right to subdivide! HOPE 2-2

2. Condors have been reported in Monterey pine trees on and near this property. There is no mention of these highly endangered species. HOPE 2-3

3. Monterey Pine Forest Ecosystem
Forest impacts were prepared and written by ***a Forester! Not a biologist or an ecologist.***[1]

- Staub may be qualified to count trees and board feet for lumber, but **he is simply not qualified or trained to provide a professional opinion on either Biology or Ecology issues.** His opinions on Pitch Canker (Fusarium circinatum or Fusarium subglutanins f. Sp. Pini.) must be fully backed with refereed journal articles –sadly there is little to none with which to make his points. HOPE 2-4
- Michael Brandman Associates has no one listed on their website as having any forest ecology training.

[1] You may have noticed Dr. Arthur Partridge is one of our science advisors. Dr. Partridge is often considered one of (if not the) most respected forest ecologists worldwide.

- The forest ecology impacts section of the RRDEIR needs to be rewritten and recirculated.

Actually that is another failing of the document – it has **no forest ecology impacts section or discussion.** It only discusses biology. Sadly, biology only deals with a single species at a time. Ecology deals with the health of the entire living area and their interdependence. HOPE 2-4

Interdependence – a word that does not appear in biology text books – or in your RRDEIR!

- We want you to include a section on forest ecosystem interdependence.

Forest loss Mitigations are legally inadequate.

This forest is on the extreme edge of native Monterey pine forest habitat. Ecological science recognizes this as the area with the highest species diversity. This extreme edge impact biodiversity must be assessed. HOPE 2-5

- We want you to include a section on the impacts to this forest's species edge biodiversity. HOPE 2-6

Only Nine Acres is Significant Loss

"The approximately 9 acres of native Monterey pine forest to be cleared for the golf course represents a substantial long-term impact." - Monterey County's Spanish Bay Project Final approval 1984 pg 25. HOPE 2-7

This project will destroy at least 3 times that (35 acres) and ***this RRDEIR leaves significant impacts after mitigation***

***Mitigation Measure* 4.9-2:** The project applicant shall submit a Forest Mitigation and Monitoring Plan, which will identify permanently dedicated open space 3 times the acreage of Monterey pine/coast live oak forest (3-to-1 ratio) that will be developed. HOPE 2-8

"Permanently dedicated open space" ???
This same County department argues to the Coastal Commission that a permanently protected area in Del Monte Forest must have its protection removed after only 20 years so it can be developed. Coincidentally that project and this one employ the same lawyer.

Ridiculous Mitigation

Saving other areas while allowing an imperiled forest to be destroyed (3 to one mitigation) is like the developer threatening – ***"If I can kill one of your children – I'll let your other 3 live."*** HOPE 2-9

Logging Management Plan

You can not "Submit a "Forest Management" Plan for review" according to CEQA Deskbook (R.E. Bass and cited as an authoritative source by California Courts), and fees alone are probably not adequate mitigation (p 100). HOPE 2-10

As the RRDEIR is written these are significant unmitigated impacts to biotic resources. HOPE 2-11

California Red-Legged Frog

There are potentially significant impacts to the California Red-Legged Frog (Rana aurora draytonii) due to CEQA Guideline 15065. There are potential losses to the individual frogs and their habitat.

California Red-Legged frogs have been documented as moving as much as ONE MILE FROM AQUATIC SITES. (The following is quoted from the US Fish & Wildlife SERVICE - "Guidance on Site assessment and Field surveys for California red-legged frogs, Appendix - California red-legged frog ecology and distribution." Dated February 18, 1997.

"Movement California red-legged frog may move up to 1.6 km (ONE MILE) UP OR DOWN A DRAINAGE and are known to wander throughout riparian woodlands up to several dozen meters from the water. On rainy nights california red-legged frog may ROAM AWAY FROM AQUATIC SITES AS MUCH AS 1.6 KM (ONE MILE). California red-legged frog will often move away from the water after the first winter rains, causing sites where California red-legged frog were easily observed in the summer months to appear devoid of this species."

According to the USFWS Biological Opinion on nearby Rancho San Carlos (dated September 6, 1996) the - "California red-legged frog could inhabit any aquatic and riparian areas within the range of the species and also any landscape features near riparian areas that provide cover and moisture."

"ANY AQUATIC AND RIPARIAN AREAS WITHIN THE RANGE OF THE SPECIES"

HOPE 2-11

The Federal Register Listing of the Frog expands on and gives additional examples of Frog habitat. "California red-legged frogs have been found up to 30 m (98 feet (ft)) from water in adjacent dense riparian vegetation for up to 77 days." "Estivation habitat is essential for the survival of California red-legged frogs within a watershed." "Estivation habitat for the California red-legged frog is potentially all aquatic and riparian areas within the range of the species and includes any landscape features that provide cover and moisture during the dry season within 300 feet of a riparian area. This could include boulders or rocks and organic debris such as downed trees or logs; industrial debris; and agricultural features, such as drains, watering troughs, spring boxes, abandoned sheds, or hay-ricks. Incised stream channels with portions narrower than 18 inches and depths greater than 18 inches may also provide estivation habitat." (From the Federal Register for Thursday, May 23, 1996)

Since the California Red-Legged Frog (Rana aurora draytonii) can range up to a mile in any direction from aquatic sites that makes a circle two miles in diameter as potential habitat for the frog from each known water location.

Your EIR fails to recognize the connection between additional pumping of the aquifer and the harm to CRLF habitat.

These significant impacts to a wildlife species prevent you from approving this project due to Subdivision Map Act Sec. 66474 which does not allow Overriding Considerations for substantial environmental damage or substantially and avoidably injuring of fish or wildlife or their habitat.

With all due Respect,

-David Dilworth, Executive Director 831/624-6500
Please refer to and include these letters which the County "Planning Dept": has on file NMFS letter Oct 10 1997; NMFS letter May 20 1996; NMFS letter Nov 6 1991

HELPING OUR PENINSULA'S ENVIRONMENT (HOPE)

Response to HOPE 2-1

The comment is noted. The Draft REIR and Recirculated Draft REIR have been prepared in accordance with CEQA Guidelines 15151, which outlines the standards of adequacy for an EIR. See Response to HOPE 2-4.

Response to HOPE 2-2

As outlined on page 3-11 of the Draft REIR, the Draft REIR was prepared by the County of Monterey to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. The County of Monterey as the lead agency has the discretionary authority over the project and project approvals including the preliminary project review map and vesting tentative map to allow for the subdivision of the property.

Response to HOPE 2-3

The California condor (*Gymnogyps californianus*), federally-listed endangered, was released into Monterey County in 1997. On March 27, 2006, a pair of condors was observed nesting in an old redwood tree. Typically nesting in caves on cliff faces or behind boulders on a cliff, they have rarely been documented nesting in trees. With a wing-span of 9.5 feet and a body weight of 22 pounds, strong thermals are required for these birds to launch into flight. None of the Monterey pines on September Ranch are large enough in diameter to provide nesting habitat for this large bird. No suitable foraging habitat occurs on September Ranch. Therefore, there is no potential for this species to occur on the site.

Response to HOPE 2-4

As outlined on page 1-1 of the Draft REIR, the document was prepared in conformance with CEQA (California Public Resources Code Sections 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the rules, regulations, and procedures for implementing CEQA contained in the County of Monterey Municipal Code.

The REIR forest impacts analysis is based on the research and analysis of the County's consulting biologists through MBA, Wildlife Research Associates. In preparing the analysis of impacts to trees, fragmentation, and other forest-related issues, Wildlife Research Associates reviewed, among many other studies and analyses, the analyses prepared by professional forestor Steven Staub. Please refer to MR-4 (Loss of Trees and Mitigation for Tree Removal); MR-5 (Monterey Pine Forest Biological Sensitivity) and MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility), and References thereto.

The forest impacts section reviews the potential for impacts to forest habitat as well as individual species, including the potential for the project to result in fragmentation of forest habitat.

Response to HOPE 2-5

Please refer to MR-4 (Loss of Trees and Mitigation for Tree Removal); MR-5 (Monterey Pine Forest Biological Sensitivity) and MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility).

Response to HOPE 2-6

Please refer to Response to HOPE 2-5.

Response to HOPE 2-7

With implementation of Mitigation Measures 4.9-2 through 4.9-5 as outlined on pages 4.9-24 through 4.9-26 of the Recirculated Draft REIR, impacts to the Monterey pine forest are considered less than significant. Please refer to MR-4 (Loss of Trees and Mitigation for Tree Removal); MR-5 (Monterey Pine Forest Biological Sensitivity) and MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility).**Response to HOPE 2-8**

As identified in Recirculated DREIR Mitigation Measure 4.9-2, the project will require a permanent dedication of open space that will equal three times the acreage of the Monterey pine/coast live oak forest that will be impacted by project implementation.

Response to HOPE 2-9

Please refer to Response to HOPE 2-7 and HOPE 2-8.

Response to HOPE 2-10

Please refer to Response to CNPS 2-2.

Response to HOPE 2-11

Based on the habitats on site there are no primary constituent elements for the California red-legged frog, as described in the Proposed Designation of Critical Habitat for the California Red-legged Frog (*Rana aurora draytonii*) (USFWS 2004). The primary constituent elements (habitats) consist of three components:

> (1) Aquatic habitat with a permanent water source with pools (i.e., water bodies) having a minimum depth of 0.5 m (20 in) for breeding and which can maintain water during the entire tadpole rearing season;
>
> (2) Upland areas up to 90 m (300 ft) from the water's edge associated with the above aquatic habitat that will provide for shelter, forage, maintenance of the water quality of the aquatic habitat, and dispersal; and
>
> (3) Upland barrier-free dispersal habitat that is at least 90 m (300 ft) in width that connect at least two (or more) suitable breeding locations defined by the aquatic habitat above, all within 2 km (1.25 miles) of one another.

While September Ranch supports upland habitat, Carmel Valley Road does not constitute a barrier free dispersal corridor. There is a significant negative correlation between traffic density and the density of anuran populations (USFWS 2001). Roads that are traveled with 24 to 40 cars per hour, such as Carmel Valley Road hinder amphibian movements (USFWS 2001).

Carmel Valley Association
P.O. Box 157, Carmel Valley, California 93924
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Since 1949

March 31, 2006

Alana Knaster, Interim Director
Monterey County Planning and Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

RE: SEPTEMBER RANCH SUBDIVISION PROJECT
RECIRCULATED PORTION OF DRAFT REVISED EIR (**RPRDEIR** in the narrative below)

Dear Ms. Knaster:

The comments that follow are the Carmel Valley Association's response to the document referred to above. Established in 1949 and consisting of 900 dues-paying members, the Carmel Valley Association is the oldest and largest homeowners and residents association in Carmel Valley. Members of its board have reviewed the RPRDEIR with great care and conclude that the document is insufficient "in identifying and analyzing the possible impacts on the environment" in a variety of respects, including those described below. CVA 2-1

It is important to note that in arriving at the analysis and conclusions that follow we have paid close attention to the substance of the report and to the specific data included in it, and have taken those sources as the basis for our inferences and conclusions. It is also important to note that CEQA requires the public agency to "consider the EIR along with other information which may be presented to the agency" [section 15121(a)], so the adequacy of the information in the study cannot be presumed.

Summary

Water Supply and Availability – The RPRDEIR data on water and hydrology does not warrant the report's conclusion that the aquifers SRA and CVA are substantially independent, and in fact supports more strongly the contrary conclusion. This is a serious defect arising from inadequate information and selective interpretation. In consequence, with very high probability, ***the project would impose significant adverse environmental effects on water resources*** affecting a large geographical area and significant population. The impact would be irreversible and under foreseeable circumstances the potential for severe adverse effects is considerable. This alone should disqualify the project. CVA 2-2

Biological Resources – Measures proposed in the RPRDEIR to mitigate adverse effects of the project on biological resources contain inconsistent references which therefore cannot be interpreted, and many of the measures are based on proposals for programs that do not exist or are not described in reasonable detail and therefore cannot be evaluated. Analysis of some potential impacts simply is missing. In addition, numerous conclusions concerning the significance of the project's impacts are not supportable. Therefore the ***identification and analysis of biological impacts is not sufficient to meet EIR requirements for CEQA.*** CVA 2-3

Cumulative Impacts – The RPRDEIR does not adequately discuss cumulative consequences of the project and thus arrives at an incorrect conclusion. Addition of individual incremental adverse effects, even when considered less than significant individually, when taken together can impose highly significant adverse impacts. Given the array of other projects already approved or in process in the Valley and their potential for adverse environmental effects, and given this project's magnitude and geographic scope, especially in light of the significant deficiencies in the various preliminary environmental studies including the current one, it is evident that this project ***would produce cumulatively considerable adverse environmental impacts.*** CVA 2-4

Alternatives - Only one of the alternatives discussed in the RPRDEIR, namely the no-project alternative, would remove the proposed project's actual *significant adverse environmental impacts* (rather than their asserted absence). CEQA requires the environmental report to "describe reasonable alternatives to the project" [section 15121], so it is appropriate to assume that the alternatives presented are the options considered most reasonable to the proponent. ***The impacts in question,*** for the project and for the proposed construction alternatives alike, ***would range from clearly significant to severe, would be irreversible, and could not be mitigated to a less than significant level.*** CVA 2-5

Additional Issues

Wastewater - In the RDEIR the more thoroughly discussed means of managing wastewater was on-site collection, treatment and disposal; off-site treatment through connection with an extension of the Carmel Area Wastewater District pipeline on Carmel Valley Road, though presented as the preferred alternative, was discussed only briefly. The project apparently has been modified to eliminate the on-site alternative, and to reflect this the RPRDEIR should have contained a new version of section 4.5 in which the single off-site approach is presented, including any modifications to the narrative that may result from the change of intentions. The ***identification and analysis of wastewater impacts is not sufficient to meet EIR requirements for CEQA.*** CVA 2-6

Archeological and Historical Resources (Cultural Resources) -

1. Existing buildings. The RPRDEIR does not address whether or not the farm CVA 2-7

house on the property is historic, qualifying for protection. This was raised during the site visit by the CVLUAC and Planning Commission, and staff indicated that it would be addressed in the revised document. Although the RDEIR asserts briefly in section 4.10, with no supporting evidence, that there are no structures on the project site that would be eligible to be placed on one or more registers of historic places, significant doubt concerning this conclusion and its basis has been expressed by local observers and discussion of this should have appeared in the RPRDEIR. CVA 2-7 CONT

2. SB 18. Requirements of SB 18 for consultation with the local Native American tribe have not been addressed. CVA 2-8

In short, the ***identification and analysis of archeological and historical resource impacts is not sufficient to meet EIR requirements for CEQA.*** CVA 2-9

Aesthetics - The visual impact of affordable housing units is not addressed. This is a serious deficiency, particularly in view of significant changes that apparently have been made in the location and design of these units. Again, the ***identification and analysis of aesthetic impacts is not sufficient to meet EIR requirements for CEQA.*** CVA 2-10

Transportation and Circulation – The information provided in the traffic portion of the RDEIR is not adequate to allow independent assessment on the basis of the data provided. In addition, the potential contribution of the project to adverse cumulative impacts is large enough that the segment discussing cumulative traffic impacts, from Laureles Grade Road to the SR1/Carpenter Street intersection, lacks plausibility. This can be corrected only by a more complete analysis that is transparent to direct independent evaluation. The RPRDEIR would be the proper place to present such an analysis. Thus the to ***identification and analysis of traffic impacts, both direct and cumulative, is not sufficient meet EIR requirements for CEQA.*** CVA 2-11

Fire/Emergency Medical Services and Sheriff Services - Traffic congestion and clogged intersections adversely affect the capacity of an area to respond to emergencies, "small" and large, from the need for rapid assistance for an individual to massive evacuations occasioned by fire, flood, earthquake or homeland security emergency. This is not addressed in either the traffic or emergency response segments of the EIR drafts, and hence the ***identification and analysis of impacts of traffic growth on emergency response capacity is not sufficient to meet reasonable standards for satisfactory environmental assessment.*** CVA 2-12

Discussion

Water Supply and Availability - Our objections remain essentially the same as in our response to the 1998 EIR and agree with the State Water Resources Control Board's findings of 1998, namely:

C1 "there apparently is no structural boundary between the September Ranch basins and the Carmel River"

C 16 "alluvium underlying September Ranch [basin] is in hydraulic continuity with and appears to be part of the Carmel subterranean stream. As such it is subject to the permitting authority of the SWRCB."

The RPRDEIR's claim of less than significant adverse environmental impact depends entirely on a single assertion, namely that water for the project would come solely from an aquifer, called the September Ranch Aquifer or SRA, which is hydraulically independent of the Carmel Valley Aquifer or CVA. The evidence in the report, however, supports with notably stronger probability the contrary inference, namely that the SRA is not hydraulically isolated, and is integral to the CVA.

The issue hinges on whether a ridge in the lower of two overlying layers of alluvium is so impermeable as to provide a hydraulic barrier that isolates the SRA from the CVA. However, several circumstances, including the following, raise serious doubts about this claim and in fact indicate the opposite, that the ridge does *not* constitute an effective hydraulic barrier: CVA 2-13

- "... CVA AQ3 collocates with the westernmost portion of the SRA west of the knoll. This portion of the CVA occupies about 35 percent of the total SRA aquifer and is the most productive portion of the SRA." [RPRDEIR, p. 4.3-47]
- Contours of equal groundwater levels [e.g. Figs. 4.3-5,6,7; for context refer to 4.3-3,4] do not show discontinuities across the ridge supposedly isolating the SRA from the CVA, but rather run smoothly across it, indicating no significant barrier to hydraulic communication
- The "neutral gradient" (e.g., p. 4.3-47) between the hypothesized SRA and the CVA is most easily explained by the absence of significant restriction of water flow between the two, that is, by the hypothesis that the two are not reasonably considered separate aquifers; the opposite assertion in the report defies common experience (think of filling an ice cube tray), simple physics and reasonable analysis
- Impermeability of the alluvial layer referred to as Qoa2 is critical to any argument that it is capable of isolating water in the SRA from the CVA, yet no measure of the permeability of Qoa2 (nor of Qoa1 or Tm) is offered. Given its older alluvial character and the local setting, the permeability is very unlikely to be small enough to satisfy such a requirement. In spite of this, the ridge is *assumed* to be impermeable in each version of the project's EIRs.

That there are highly credible alternatives to the conclusions drawn in the report is evident from the uncertainty appearing throughout the narrative of the report itself. Words and phrases such as "appears," "likely," "unlikely," "appears likely," "suggests," "does not suggest," "debatable," "nearly," "almost," "fairly," "near," "cannot precisely establish," and "not considered to have" appropriately suffuse the discussion, though they are intermingled with confident assertions of the proponent's desired conclusion, which are inappropriate and likely incorrect, such as "extremely limited hydraulic connectivity" or its equivalents. Further, there are contradictions, such as that " ... CVA AQ3 collocates with the westernmost portion of the SRA ..." and "There is extremely limited hydraulic connectivity between the SRA and the CVA AQ3 ..." that are hard to square with one another.

The consultant claims, on p.4.3-3, "a very limited and inconsistent connectivity between the SRA and the CVA," on p. 4.3-14 that the SRA "contacts the CVA across a subsurface ridge of Qoa2," and on p. 4.3-12 that this older alluvium is of "low permeability – classified as an aquitard. This unit impedes groundwater flow between the SRA and CVA at certain locations." On p. 4.3-47 this is characterized again, in summary, as "a high ridge of relatively impermeable material." But no measure of permeability is indicated in all these pages, and the notion that it constitutes an impediment to flow is refuted by the "neutral gradient" of groundwater levels across the "ridge," which also indicate flow (along the gradients, perpendicular to lines of constant water level) that runs smoothly essentially along the ridge.

CVA 2-13
CONT

In short, the case for a hydraulically impermeable "wall" between the Carmel Valley Aquifer and a depression in the water-bearing alluvium near the southern extreme of September Ranch is not supported by the data in the report, and on the contrary is effectively contradicted by those data. The report reluctantly admits to significant uncertainties (though it inappropriately minimizes them) in its interpretations as well as in its data, but does not resolve them because it cannot. The large opening in the Monterey Formation (about a quarter mile wide and about 110 feet deep at its greatest vertical extent), where the ridge of older alluvium supposedly serves as a barrier to water flow, is most simply and suitably understood as a reasonably permeable water-bearing part of the CVA. That is, it is a normal feature integral to the aquifer that actually connects the depression to the rest of the aquifer rather than isolates it. The observed general regularity of gradients in water surface level strongly supports such a conclusion, and there is no contrary information in the report.

It is important to understand the structure of the argument in the RPRDEIR because its interpretations and conclusions do not seem to square with the basic observed water data. First, the critical issues must be identified, and they arise as follows: An observed depression in alluvial deposits resting on a similar depression in the Monterey formation intriguingly suggest the possibility of a separate, isolated water storage basin, which is then hypothesized to exist and

given the name SRA. The disappointing existence of a large gap in the Monterey formation, which connects the SRA with the Carmel Valley Aquifer, leads to a further hypothesis to save the first one, namely that the alluvium filling the gap and forming a ridge there is impermeable to water. This then is the essential assertion on which the argument survives or fails. Observational data on the behavior of subsurface water in the neighborhood of this ridge is the only evidence that can resolve the question. Indeed, the hydraulic permeability of the material in the ridge can be determined only by measuring the flow of water through that material. But no such measurement is obtained, so we are left with only the behavior of the (subsurface) water levels in the neighborhood of the opening in the Monterey formation. That is the only relevant set of data available to determine the correctness or not of the (desired) original hypothesis. Aside from the initial measurements of the geometrical forms and constituent materials of the underlying geology, only the physical measurement of the behavior of the water matters.

CVA 2-13 CONT

The consultant's discussion, however, does not display such a simple and coherent organization of the logic. Instead it creates a new structure that is characterized by the intermixing of data, interpretations and conclusions, much of it only vaguely relevant to the central question, namely, how does water behave in the neighborhood of the gap/ridge. The one quantity, aside from water surface levels, whose measurement would most help to resolve the matter, namely the hydraulic permeability of the older alluvium is *assumed from the outset* to have the extreme but desired value of zero rather than an actually measured value of the physical quantity. All further interpretations and conclusions are then predicated on this extreme assumption and woven into the narrative; the result is a confused and confusing text that obscures rather than clarifies. For this reason, most of the discussion in the report is irrelevant to the essential question, which is whether the September Ranch basin actually forms a physically separate aquifer. This makes it nearly impossible for the casual reader to evaluate the report with any confidence, and difficult even for most earnest readers to ferret out its credibility.

With respect to recharge, there are substantial differences between the ways agricultural and residential uses affect the movement, distribution and quantity of runoff. Paving prevents absorption of water into the ground and redirects its distribution, changing the amount of water that returns to subsurface resources. Irrigation typically removes water from subsurface resources, either directly from wells or indirectly from a more complex water system, but the water used in irrigation generally feeds back to the groundwater system after percolating through soils, whereas household water becomes wastewater that is, in the case of the current project, delivered off site for treatment and not returned to the local subsurface system. These matters should be considered in the RPRDEIR but are not.

CVA 2-14

Most of the impact analysis is nullified by the failed assumptions and conclusions

concerning the SRA, beginning with degradation/depletion of groundwater and recharge, through (especially) exchange between the SRA and the CVA, to impairment of CVA performance through local pumping and demand. Among other things, the standards of significance must be reviewed in light of the already overdrawn condition of the Carmel River and its associated CVA. Reasonable standards under these conditions cannot be stated fairly and properly in terms of proportions or relative inflow or outflow; the extraction from the Carmel River system of enough water for 109 residences and 350 people in the September Ranch location is the reduction of available water for 109 "downstream" (read: "existing community") residences and 350 "downstream" people, no matter what the proportions may be, no matter what the season, no matter what the contemporary rainfall.

CVA 2-14 CONT

Before concluding this section we note a further difficulty having to do with future demands for riparian water. This is a very important issue, yet the document is contradictory in its analysis. On p. 4.3-8 it states, "Estimates of future demands for riparian water based on changes/maturing of land uses because such estimates would be extremely speculative". Compare this with the statement on p. 5-2. "This following section analyzes the extent to which, as the project area experiences growth, the proposed project plus future demand for water would cumulative reduce water availability, and the significance thereof." While undue speculation should be avoided, reasonable assessment is needed in a matter as critical as this. A single, unambiguous, responsibly quantitative estimate of future demand should be provided.

CVA 2-15

Water supply and availability is the most important issue for this or any other project in Carmel Valley to face squarely. It is not enough to state that a separate water source might be available for the project, or even to go to great ends to support that assertion. *It must be shown beyond the shadow of a doubt that the assertion is consistent with reliable physical evidence.* In this case the claim not only is doubtful, but with high probability is simply wrong. To accept the conclusion offered in the report could well amount to usurping water from the public supply that serves the entire Monterey Peninsula, which is well known not to have abundant water resources. It is reasonable and proper for the people of the Peninsula and for the government representing the people of Monterey County to reject any project that treats this issue cavalierly and is willing to impose further demands on this scarce local resource. A fair analysis demonstrates that the September Ranch project would do precisely that, namely, ***in its effects on water supply and availability it would impose highly significant adverse environmental impacts*** on the existing community.

Biological Resources – Our response to section 4.9 of the report consists of several distinct parts.

A. Inconsistent References to Mitigation Measures

1. Measure 4.9-1, p. 4.9-22 references the Forest Management Plan, the Open Space Management Plan and the Grassland Habitat Management Plan which

CVA 2-16

implies that these plans have been prepared.

2. Measure 4.9-3, p. 4.9-24 requires the applicant to submit a Forest Mitigation and Monitoring Plan. Is this the same as the Forest Management Plan?
3. Measure 4.9-6, p. 4.9-27 requires the applicant to submit a final Forest Management Plan. Is this the same as the Forest Mitigation and Monitoring Plan? This suggests there is a draft Forest Management Plan. If so, where is it described? Under Monitoring Action on the same page, the project applicant is required to submit a Forest Mitigation and Monitoring Plan. Is that the same as the final Forest Management Plan referenced in Measure 4.9-6?
4. Measure 4.9-7, p. 4.9-28. The applicant is required to submit a final Open Space Management Plan. This suggests there is a draft plan. Where is it described?
5. Measure 4.9-8, p. 4.9-29. The applicant is required to submit a final Grassland Management Plan. Is there a draft Plan? If so, where is it described?
6. Page 5-6 references the project's Forest Management Plan which includes mitigation requiring that lost acreage of Monterey pines and coast live oaks be dedicated at a ratio of 3 acres for every 1 acre lost. This suggests there is a final plan which conflicts with statements above. Is the Forest Management Plan the same as the Forest Mitigation and Monitoring Plan?

CVA 2-16 CONT

B. Adequacy of Mitigation Measures

1. It appears that mitigation for most biological resource impacts will be addressed by management plans yet to be prepared and not available for current review. This is a deferral of mitigation that is inconsistent with CEQA requirements.
2. Mitigation Measure 4.9-1 includes provisions regarding conservation easements that should be considered. Without assurance that these provisions are adopted, a finding that implementation of the measure will reduce site improvements to less than significant is unsupportable
3. Mitigation Measure 4.9-3 requires the replacement on a 1:1 basis of all coast live oak trees and Monterey pine trees 6" or larger and recommends additional measures. Without assurance that these provisions are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable. Additionally, one of those recommended measures is that "At least 70 percent of the plantings shall be established/surviving by five years or monitoring and (replacement) shall continue until compliance is achieved..." This suggests that the proposed 1:1 replacement does not mitigate significant impacts.
4. Mitigation Measure 4.9-4 requires that to avoid mechanical damage to pines not slated for removal, several measures are recommended for implementation. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable.
5. On p. 4.9-9, the REIR states, "The loss of individuals may increase the potential spread of pine pitch canker throughout the forest." On p. 4.9-26, the REIR concludes, "There is no proven method available that will prevent pitch

CVA 2-17

canker from infecting susceptible tree." Yet, even with this conclusion, the REIR finds, "Implementation of the mitigation measure will reduce impact on Monterey pine forest fragmentation to less than significant." Based on the finding regarding the lack of methods to address this problem, the impact on forest fragmentation should be found to be significant.

6. Mitigation Measure 4.9-10 includes recommendations to reduce the potential "take" of individuals. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable. CVA 2-17 CONT
7. Mitigation Measure 4.9-3, 4.9-13 and 4.9-14 recommend measures to address impacts on nesting habitat, passerines and bats, respectively. Without assurance that these measures are adopted, a finding that implementation of the measure will reduce impacts to less than significant is unsupportable.

C. Consistency with Carmel Valley Master Plan

On page 4.9-33, the project is found to be consistent with CVMP Policy 7.1.1.1: "Areas of biological significance shall be identified and preserved as open space...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..." This finding is not supported by findings in the REIR, and the project should be found to be inconsistent with the CVMP. CVA 2-18

D. Cumulative Impact Analysis

On page 5-6, the REIR states, "Development of the September Ranch project in conjunction with other projects will result in impacts to the Monterey pine forest and the coast live oak forest. The project's Forest Management Plan includes mitigation, which requires that lost acreage of Monterey pines and coast live oak be dedicated at a ratio of 3 acres for every 1 acre lost. In addition, lost trees are to be replaced at a 1:1 ratio. Because of these measures, the proposed project would not contribute to a net loss of Monterey pines or coast live oak forests". This finding cannot be supported based on our comments noted above. CVA 2-19

E. Requirements of PRC Section 21083.4

The requirements of PRC Section 21083.4 which addresses county requirements for addressing the loss of oak woodlands should be specifically addressed. CVA 2-20

Hence *the identification and analysis of biological resource impacts is not sufficient* to meet EIR requirements for CEQA.

Cumulative Impacts – Taking account of needed revisions in the analysis of water supply and availability, and of biological resources, requires a corresponding revision of cumulative impacts.

The project would produce cumulative impacts of two varieties, which can be labeled "internal" and "external." Although only the latter is addressed in the report for CEQA purposes, the former is exceptionally important for projects as large as this one and with the range of potential adverse environmental impacts CVA 2-21

it embodies. Therefore we believe the EIR should address the former as well as the latter, just as the RPRDEIR and RDEIR address some issues not mandated by CEQA.

External cumulative impact refers to the "combined cumulative impact associated with the project's incremental effect and the effects of all other projects ... causing related impacts." County documents show that as of 2003 there were 1,043 undeveloped legal lots of record in Carmel Valley. In addition, several major projects have recently been approved, including the Safeway/Crossraods expansion, the Gamboa assisted care facility, Mirabito self storage complex, the Robles and Quail hotel expansions, and the large Rancho San Carlos and Tehama subdivisions. These already approved parcels and projects will generate approximately 15,000 new daily car trips, overwhelmingly on Carmel Valley Road, which is already over or at capacity on several segments. These figures do not include the proposed 281-unit subdivision at Rancho Canada, or two smaller subdivisions proposed at mid-valley (CV Ranch and Agha). Thus, September Ranch would constitute a significant contribution to cumulative development activity in the Valley, and inevitably each adverse environmental effect it brings to that activity inevitably would yield a significant impact on the environmental future of the Valley. Careful examination of the *substance* of the RPRDEIR and the associated data, in contrast with its stated interpretations and conclusions, leads inexorably to the conclusion that implementation of ***the project would produce cumulatively considerable adverse environmental impacts.***

CVA 2-21 CONT

Internal cumulative impact refers to the combined cumulative effect associated with the combination of all the incremental impacts of the project itself, in all the different categories of environmental concern, taken together. While this is not a category explicitly contemplated in CEQA guidelines, it is important to have this matter on the record. The magnitude and geographic scope of this project, and the combined effect of its many effects on the local environment, leads quite clearly to the conclusion that the effect of all these increments in combination show that the ***project would yield, internally, cumulatively considerable adverse environmental impacts.***

Alternatives – Again, given the need for major revisions in other environmental categories, the section on alternatives in the RPRDEIR needs to include a new assessment of reasonable alternatives to the project, as required by CEQA. The ***identification and analysis of impacts related to alternatives to the project is not sufficient*** to meet EIR requirements for CEQA.

CVA 2-22

Additional Issues

Wastewater - The executive summary of the RPRDEIR indicates [§2.2, bullet 5] that the on-site wastewater treatment option has been eliminated from the proposed project, and the on-site wastewater management material is deleted

CVA 2-23

from the Matrix table [§2.2, p. 2-9], yet there is no section, or relevant discussion, in the remainder of the RPRDEIR concerning the certainty that project wastewater would be collected on site and delivered to the CAWD system. Is the portion of the original RDEIR that is devoted to off-site treatment wastewater unchanged? Since this is an actual alteration in the project proposal, and the off-site option is not given a separate subsection in the RDEIR, the new, presumably abbreviated, version of section 4.5 should have been included in the RPRDEIR. The new version should include analysis of the effects of water supply and availability on wastewater removal, and vice versa, and should be predicated on an understanding of the actual connectivity of the September Ranch basin with the CVA. The ***identification and analysis of wastewater impacts is not sufficient*** **to meet EIR requirements for CEQA.**

CVA 2-23 CONT

Archeological and Historical Resources - As indicated in the Summary, above, the principal issues that need further examination and reporting in the EIR are the eligibility of locations on the property that are eligible for listing on registries of historic places, the preservation of significant historical structures -- in particular the farm house -- and full compliance of the project with SB 18 concerning consultation with the local Native American tribe. The *identification and analysis of archeological and historical resource impacts is not sufficient*

CVA 2-24

Aesthetics -- The document does not address the impact of the affordable housing units from Carmel Valley Road. Their arrangement on the property appears to have been altered from the description in the RDEIR. Again, this was a matter of considerable discussion during the site visit with the conclusion that the project would have a greater impact than identified in the RDEIR. While visual impacts are indirectly addressed on p. 6-29 with the conclusion that Reconfigured Alternative 94/15 would have a lesser impact than the proposed project, the document does not directly address the impact of the preferred alternative on visual resources, and ought to do so. The ***identification and analysis of aesthetic impacts is not sufficient*** **to meet EIR requirements for** CEQA.

CVA 2-25

Transportation and Circulation -- The "executive summary matrix table," Section 2 of the RPRDEIR reveals again the extent to which the unmitigated project violates standing planning standards and provisions. The proposed mitigations would create, in fact, new environmental impacts that are not addressed but should be. This is a serious matter that strongly affects the community and its infrastructure. At issue in mitigations such as these, and whether and why the public should make the special concessions and accept the prospective environmental, infrastructure and service degradations that the project would impose upon them.

CVA 2-26

"Mitigations" often only modify the character of impacts but actually do not solve the problems they are presumed to relieve. Such is the case here, with the project's significant addition to already excessive traffic on local roads -- more

than 1,000 car trips per day in an area where a subdivision moratorium already exists because of traffic beyond infrastructure capacity. Payment of fees does not and cannot solve the problems, existing and generated by the project, on Carmel Valley Road, SR1 and elsewhere in the vicinity. Addition of traffic lights creates a whole new set of issues and does not diminish the actual impact of additional car trips, but only changes the nature of their effect. Among the additional issues is whether the "mitigations" such as (but not limited to) added signalizations would convert Carmel Valley Road from a "rural" to an "urban" road, and if not, how much closer to that change in designations they would bring the road. How far would the Valley's main traffic artery be from the "tipping point" that would subject it to a lowered service standard, after September Ranch's mitigation program were completed?

CVA 2-26 CONT

Extensive off-site "mitigations" (4 of 6 numbered items, 6 of 12 "mitigation" projects) indicate the degree to which this project would impose itself on the community and raise additional serious traffic management issues throughout the local area, as far away as SR 1 at Holman Hwy and beyond, and to Laureles Grade Road. To characterize even the "mitigated" impacts as "less than significant" stretches the normal bounds of credulity.

Provisions for emergencies and potential evacuations need to be provided for in planning, especially in a forested river valley subject to flood, fire and earthquakes, like the Carmel Valley, and in a time of elevated concerns about "homeland security." Traffic congestion and clogged intersections adversely affect the capacity of an area to respond to such eventualities, and local roads already are operating at the edge of their abilities to handle even non-emergency traffic, as the current moratorium on subdivisions implies. ***It is unfair and exceptionally dangerous to increase the community's burden of exposure to failures of emergency response that this project would impose*** even including the mitigations listed. With only Highway 1 and Laureles Grade as access to the Valley (given that the eastern extremities of Carmel Valley Road are not safe and reliable as rapid access, especially under emergency conditions), and with only Carmel Valley Road as a significant internal artery, emergency ingress and egress is extremely limited and vulnerable. A project of this magnitude would raise potential peril in the Valley to levels unacceptable in any rational planning regime.

CVA 2-27

Because of their magnitude, because of the "radiation" of their effects beyond the project site, and because of the inadequacy of the long list of "mitigations" in the RDEIR, the *identification and analysis of impacts on transportation and circulation is not sufficient* to meet the need for satisfactory environmental assessment.

CVA 2-28

Fire/Emergency Medical Services and Sheriff Services -- The role of traffic-blocked roads and intersections can be a major factor in determining whether responses are effective or catastrophic, as noted above. Thus traffic issues also should be addressed under headings related to emergency response. In its

CVA 2-29

absence the *identification and analysis of impacts on emergency response capacity is not sufficient* to meet the need for satisfactory environmental assessment. CVA 2-29 CONT

Finally, as we noted in our letter to you of February 27, 2005, Monterey County is prohibited by law from approving the September Ranch subdivision pending the outcome of the vote to incorporate Carmel Valley, expected in November 2006. The tentative vesting map for September Ranch was submitted after October 2002, thus California Government Code 66413.5 governs this application. CVA 2-30

Thank you for your thoughtful consideration of these matters. We were disappointed that many of our concerns raised by the first draft EIR were not addressed in this revised draft EIR. We expect proper due diligence in responding to the concerns detailed in this letter. Thank you.

Sincerely,

Glenn E. Robinson
President
Carmel Valley Association

CARMEL VALLEY ASSOCIATION (CVA)

Response to CVA 2-1

The comment is noted.

Response to CVA 2-2

The Recirculated Draft REIR demonstrates that the CVA and SRA are independent aquifers. This conclusion does not depend on the existence of an impermeable barrier; the Recirculated Draft REIR acknowledges that there is some, albeit limited, connectivity between the two aquifers. It is important to note that because the impact analysis assumed a maximum 1:1 impact on the CVA (i.e that 57.21 AFY of pumping in the SRA would result in a 57.21 AFY reduction in the CVA and thence Carmel River); the issue of whether the two aquifers are separate is irrelevant to the CEQA impact analysis.

Response to CVA 2-3

Please see Section 4.9 of the Recirculated DREIR, Section 6, Errata, and MR-2, Adequacy of Mitigation Measures.

Response to CVA 2-4

As outlined in CEQA Guideline 15130(a)(3), "An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." With the exception of transportation and circulation, no cumulative project impacts that require mitigation have been identified; the project applicant will be required to make a fair share contribution to alleviate the project's cumulative contribution to transportation and circulation impacts. Please see MR-2, Adequacy of Mitigation Measures.

Additionally, Section 5.0 of the Recirculated Draft REIR considers all reasonably foreseeable projects that result in a net increase in water use. Please refer also to MR-18: Hydrology & Water Availability. The comment identifies no specific projects for consideration.

Response to CVA 2-5

The comment does not identify which significant impacts might have merited an additional alternative. Please see Response to Comment LWMC 2-11. As discussed in the Recirculated DREIR, the proposed project will not result in any significant and unavoidable impacts.

Response to CVA 2-6

Please see Response to Comment LWMC 2-4. Although the Draft REIR and Recirculated

Draft REIR properly considered both options and therefore both options are properly available for approval, it should be clarified that there are no significant impacts associated with wastewater service by CAWD (and the comment has suggested none); because CEQA is concerned with significant impacts, no further analysis is required.

Response to CVA 2-7

Please see Response to Comments AMAP 1-1.

Response to CVA 2-8

Please see Response to Comment on LWMC 2-3.

Response to CVA 2-9

Please see Response to Comments CVA 2-7 and CVA 2-8. It is noted that the commentor questions that the archeological assessment is sufficient to meet the requirements of CEQA; however, t he cultural resources investigation for the proposed project was prepared in accordance with CEQA Guidelines 15064.5, which guide the assessment of cultural resources for purposes of CEQA.

Response to CVA 2-10

Please see Section 6 of the Recirculated DREIR and MR-14.

Response to CVA 2-11

The Traffic Impact Study was prepared by the County's independent consultant, who prepared the TIS in accordance with standard practices as outlined by the Institute of Transportation Engineers and in consult with Caltrans. Please see MR-2, Adequacy of Mitigation Measures and MR, 13, Traffic Impact Fees.

Response to CVA 2-12

The Monterey County Sheriff's Department (MCSD) and the Carmel Valley Fire Protection District (CVFPD) were contacted in an effort to solicit information regarding potential project impacts on sheriff and fire services. Both the MCSD and the CVFD provided mitigation, which has been incorporated into the proposed project, to mitigate potential project impacts upon sheriff and fire services to less than significant. Additionally, traffic improvements, which will reduce the project related and cumulative transportation and circulation impacts to less than significant have been incorporated into the proposed project, which will in part result in roadway improvements (channelization, signalization, phasing, etc.) that will assure that traffic flows at an acceptable level of service. Moreover, the CVFPD has included conditions, as outlined in the County of Monterey Draft Conditions of Approval to assist in fire safety and emergency planning.

Response to CVA 2-13

The fact that there is some exchange between the two aquifers under certain hydrology conditions does not preclude the aquifers as being classified separately or different. For purposes of CEQA, it is

important to note that the comment is incorrect that the conclusion of less than significant impact depends on the existence of two separate aquifers, and the Recirculated Draft REIR expressly concludes that there is not an impermeable barrier between the two aquifers. Please refer to CVA 2-2; MR-18: Hydrology & Water Availability; MR-19: Significance Thresholds for Water Supply & Availability; Recirculated Draft REIR, Chapter 4.3 and Appendix C. Appendix C addresses the information contained in the SWRCB 1998 letter. In this regard, additional hydrologic analyses have been provided since the 1998 Final EIR and the SWRCB has not commented on that new information.

Response to CVA 2-14

Please see Response CVA 2-2 and CVA 2-14. Consulting hydrologists have concluded that due to the fact that there are times in which the CVA and SRA do not exchange water, due to the distance between the project site and the Carmel River, the multitude of additional pumping in the CVA and the magnitude of that pumping, it is unlikely that real conditions on the ground would result in a 57.21 AF reduction of available flows in the Carmel River over a 12-month period. Moreover, baseline conditions during the summer months reduce the potential for impact to fisheries during those periods. Nonetheless, to address public concerns, the analysis assumes a 57.21 AFY impact to the CVA and Carmel River flows as a worst case scenario and concludes that the impact is less than significant.

Response to CVA 2-15

The impacts of the proposed project are measured against baseline conditions, as required by CEQA. The cumulative impacts analysis identifies reasonably foreseeable net increases in water demand.

The Recirculated Draft REIR does not state that a separate water source is available to serve the project. The comment misunderstands the analysis presented in the Recirculated Draft REIR. Please refer to CVA 2-2.

Response to CVA 2-16

Please see MR-2, Adequacy of Mitigation Measures and Section 6, Errata.

Response to CVA 2-17

Please see MR-2, Adequacy of Mitigation Measures, MR-3, Conditions, Covenants, and Restrictions/Mitigation Measure Enforcement MR-6, The Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility. Additionally, please see Response to Comment SOCR 1-133.

As outlined in Mitigation Measure 4.9-3 on page 4.9-24 and 4.9-25 of the Recirculated DREIR, the seventy percent performance standard set forth to monitor the success and compliance with of the 1:1 replacement planting of coast live oak and Monterey pine trees 6" or larger. Briefly, at least seventy percent of the trees replaced on a 1:1 ratio must survive for compliance to be achieved with Mitigation Measure 4.9-4.

Response to CVA 2-18

Please see Response to Comment LWMC 2-8.

Response to CVA 2-19

Please see Section Response to Comment CVA 2-17.

Response to CVA 2-20

Please see Response to Comment LWMC 2-9.

Response to CVA 2-21

The Draft REIR and Recirculated Draft REIR identify and assess all impacts of the proposed project, direct, indirect and cumulative. Please see MR-13: Traffic Impact Fee.

Response to CVA 2-22

Development in the Carmel Valley is limited by the Carmel Valley Master Plan. Please see Response to Comment CVA 2-21.

Response to CVA 2-23

Please see Response to Comment LWMC 2-4.

Response to CVA 2-24

Please refer to Response to Comments AMAP-1-1 and LWMC 2-3.

Response to CVA 2-25

Please see MR-14.

Response to CVA 2-26

Please see MR-2, Adequacy of Mitigation Measures and Response to Comment LWMC 1-1.

Response to CVA 2-27

Please see Response to Comments CVA-2-11 and CVA 2-12.

Response to CVA 2-28

The comment is noted, please see Response to Comment 2-11 and MR-2, Adequacy of Mitigation Measures.

Response to CVA 2-29

Please see Response to Comments CVA 2-11 and CVA 2-12.

Response to CVA 2-30

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.

Knaster, Alana x5322

From: Doug Honma [pobox53@montereybay.com]
Sent: Thursday, March 16, 2006 2:28 PM
To: Knaster, Alana x5322
Subject: note

Alana,

My name is Douglas T. honma, 6490 Carmel Valley Road, Carmel CA. 93923. I reside across the Carmel Valley Rd. from theSeptember Ranch subdivision..With regard to the recirculatedportion of the revised ddraft environmental impact report forthe September Ranch subdivisionand combined developmentg permit located in Carmel Valley,I concur with thethe afore mentioned the document. DH 2-1

Sincerely,

Douglas T. Honma

DOUG HONMA (DH)

Response to DH 2-1

It is noted that the commentor concurs with the Recirculated DREIR.