# Chapter 2
# Master Responses

CEQA requires the lead agency to make a good-faith effort to provide a reasoned response in the FEIR to each of the comments received on the DEIR. Monterey County is responding to the comments received on the DEIR for the General Plan Update in two ways: through master responses and through individual responses. The following Master Responses address comments that were received from several commenters. They provide a means of providing a broader context to the response than may be possible when making individual responses. In some cases, an individual comment may be answered by one or more of the Master Responses. More commonly, the Master Response provides a portion of the response to an individual comment.

The following topics are addressed by the Master Responses, numbered in order of discussion in this Chapter:

- Master Response 1: Changes to the General Plan
- Master Response 2: Growth Assumptions Utilized in the General Plan
- Master Response 3: Agricultural Growth and General Plan Agricultural Policies
- Master Response 4: Water Supply
- Master Response 5: Carmel Valley Traffic Issues
- Master Response 6: Traffic Mitigation
- Master Response 7: New Urban Development Outside Focused Growth Areas
- Master Response 8: Biological Resources
- Master Response 9: Water Quality
- Master Response 10: Level of Detail for General Plan and the General Plan EIR
- Master Response 11: Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources
- Master Response 12: Recirculation

The responses to specific comments are found in Chapter 3 of this FEIR.

# Master Response 1: Changes to the General Plan

The County is providing, as Chapter 5 of the FEIR, a revised version of a draft 2007 General Plan which, if adopted, would be entitled "2010 Monterey County General Plan." This document includes errata to graphics, correction of typographical errors, changes to text to provide consistency of the draft General Plan with General Plan law, proposed mitigation measures in the General Plan DEIR, and changes to policies that are based on comments received at public workshops and in comments received on the General Plan and its DEIR.

CEQA only requires recirculation of an EIR when significant new information is added to the EIR after public notice, which changes the EIR "in a way the deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)." (CEQA Guidelines, §15088.5(a).) Revisions that have been made to the DEIR, including those that consider the revisions to the 2007 General Plan, merely clarify or amplify the analysis and do not make significant modifications and do not make significant modifications. (Chapter 4 of this FEIR includes all changes) Therefore, recirculation of the EIR is not required under CEQA. For an additional discussion of recirculation, see Master Response 12.

It should be noted that the terms "GPU5" and "2007 General Plan" refer to the same document and are used interchangeably throughout the FEIR.

This Master Response provides a history of the events that led to the drafting of the November 2007 Draft General Plan and a summary of the changes included in the February 2010 Draft.

The following response contains these subsections:

1.1 Background

1.2 Changes Reflected in the 2010 Draft Monterey County General Plan (FEIR Chapter 5)

1.3 Format of the Draft General Plan/FEIR Chapter 5

1.4 Housing Element

## 1.1 Background

Efforts to update the 1982 General Plan started in 1999. There have been multiple versions of general plans including GPU3, that was rejected by the Board of Supervisors in November 2003, and GPU4, that was approved by the Board of Supervisors in January 2007. Results from ballot measures relating to the general plan in 2007, however, ended with mixed results, and the Board of Supervisors directed staff to prepare a new draft

general plan that would be based upon GPU4. EIRs were prepared for GPU3 and GPU4 and each process included extensive public participation.

The transition from GPU4 to GPU5 (the current November 2007 draft) was done through a Planning Commission subcommittee that looked at the major issues raised during the ballot measure contest, and considered ways to revise policy to find a middle ground. In September 2007, the Planning Commission forwarded a set of recommendations to the Board of Supervisors. The Board made some modifications to the Planning Commission recommendations and a draft general plan was released for public review in December 2007.

A DEIR released in September 2008 evaluated potential impacts of GPU5 policies. Based on comments received, several errata to the September DEIR were added including modifications to exhibits, an Appendix C and revisions to references. The comment period was then extended to February 2, 2009. The County also provided errata related to the draft General Plan. These included revisions to several figures (comparable to the Exhibits in the DEIR) and text changes updating the General Plan for consistency with General Plan law.

The DEIR recommended a number of mitigation measures to reduce impacts identified in the analysis. Mitigation measures proposed in a general plan EIR become policies in the General Plan, if accepted by the Board of Supervisors. Some of the DEIR mitigation measures were proposed as new, additional policies to be placed in the appropriate General Plan element; other mitigation measures were proposed as modifications to existing General Plan text.

## 1.2 Changes Reflected in the 2010 Draft Monterey County General Plan (FEIR Chapter 5)

A number of changes have been made to GPU5 since it was released in 2007. As noted above, staff prepared errata in December 2008 that were important for guiding public review of the DEIR. After the close of the comment period on the DEIR (February 2, 2009), staff reviewed the comments received. This review suggested that it would be appropriate to make some revisions to the General Plan text for clarity and to better address some of the issues raised in the comments with respect to both proposed General Plan policies and DEIR mitigation measures.

Staff presented several sets of proposed changes to General Plan policies and DEIR mitigation measures at Planning Commission workshops during the months June-August, 2009. Based on public comments and Planning Commission discussion, staff made further revisions to these proposed changes. In addition, as in anticipated under CEQA, staff is recommending changes to the DEIR mitigation measures in response to issues raised by commenters.

Below is a summary of the modifications to the Draft General Plan that will be reflected in the revised Draft.

a. Text Clean-Up.

Between public and staff review of the General Plan, typographical errors have been found and corrected. These changes have no impact on the EIR analysis.

b. Graphic Errata.

In addition to errata noted above, a few commenters on the DEIR have identified inconsistencies between General Plan figures and EIR exhibits, and suggested updates to General Plan figures. Some of the General Plan figures have been updated, pursuant to comment. All of the General Plan figure changes have been evaluated for consistency with the EIR analysis and have been determined to be consistent with the assumptions utilized in DEIR.

The General Plan refers to these graphics as figures. The General Plan figures, when included in the EIR, are referred to as exhibits. To avoid any confusion that might result from providing two sets of amended maps in two locations, staff decided to include the amended General Plan figures in one location - FEIR Chapter 5. Table GP-1 below contains a chart that lists General Plan "Figures" and cross references these to the corresponding DEIR "Exhibits". The chart includes General Plan figures that were represented in the DEIR and those that were not included in the DEIR.

This is not a list of all of the exhibits found in the DEIR. Some General Plan figures do not have a corresponding DEIR exhibit.

**Table GP-1**. Figures and Exhibits

| GP Figure | Figure Title | DEIR Exhibit | DEIR Exhibit Title |
|---|---|---|---|
| 1 | Monterey County | | |
| 2 | Incorporated Cities | | |
| 3 | Planning Areas | 3.1 | Area Plan Map |
| 4 | Community Areas | | |
| 5 | Rural Centers | | |
| 6 | Circulation | | |
| 8a | Regional Faults | 4.4.1 | Regional Faults |
| 8b | Federal Emergency Management Agency (FEMA 100 Year Flood (Figure S-2 Released 9/3/2008) | 4.3.13 | FEMA Floodplains |
| 8c | Awareness Floodplains (Figure S-3 Released 9/3/2008) | | |
| 8d | Dam Inundation | | |
| 9a | Existing & Projected Noise Contours Airports | 4.8.1 | Existing Noise Contours, Airports |
| 9b | Existing & Projected Noise Contours: Stationary Sources | 4.8.2a | Existing Noise Contours, Stationary Sources |
| 9c | Existing & Projected Noise Contours: Stationary Sources | 4.8.2b | Existing Noise Contours, Stationary Sources |

| GP Figure | Figure Title | DEIR Exhibit | DEIR Exhibit Title |
|---|---|---|---|
| 9d | Existing Noise Contours for Roadways & Railroads with Noise Receptors – North County | 4.8.3b | Existing Noise Contours Roadways, North County |
| 9e | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas | 4.8.3c | Existing Noise Contours Roadways, Greater Salinas |
| 9f | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro | 4.8.3d | Existing Noise Contours Roadways, Greater Monterey Peninsula, Carmel Valley, and Toro |
| 9g | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley | 4.8.3e | Existing Noise Contours Roadways, Central Salinas Valley |
| 9h | Existing Noise Contours for Roadways & Railroads with Noise Receptors – South County | 4.8.3a | Existing Noise Contours Roadways, South County |
| 10a | Projected Noise Contours for Roadways & Railroads with Noise Receptors – North County | | |
| 10b | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas | | |
| 10c | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro | | |
| 10d | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley | | |
| 10e | Projected Noise Contours for Roadways & Railroads with Noise Receptors – South County | | |
| 11 | Water Management Agencies | 4.3-12 | District Map of Water Management Districts |
| 12 | Scenic Highway Corridors and Visual Sensitivity: Cachagua | 4.14.2 | Scenic Highway Corridors and Visual Sensitivity – Cachagua |
| 13 | Scenic Highway Corridors and Visual Sensitivity: Central Salinas Valley | 4.14.3 | Scenic Highway Corridors and Visual Sensitivity – Central Salinas Valley |
| 14 | Scenic Highway Corridors and Visual Sensitivity: Greater Monterey Peninsula | 4.14.4 | Scenic Highway Corridors and Visual Sensitivity – Greater Monterey Peninsula |
| 15 | Scenic Highway Corridors and Visual Sensitivity: North County | 4.14.5 | Scenic Highway Corridors and Visual Sensitivity – North County |
| 16 | Scenic Highway Corridors and Visual Sensitivity: Toro | 4.14.6 | Scenic Highway Corridors and Visual Sensitivity – Toro Area |
| AHO-1 | Affordable Housing Overlay Areas: Mid-Valley | 3.26 | Affordable Housing Overlay, Mid-Valley |
| AHO-2 | Affordable Housing Overlay Areas: Monterey Airport & Vicinity | 3.27 | Affordable Housing Overlay, Monterey Airport and Vicinity |

| GP Figure | Figure Title | DEIR Exhibit | DEIR Exhibit Title |
|---|---|---|---|
| AHO-3 | Affordable Housing Overlay Areas: Highway 68 & Reservation Road | 3.28 | Affordable Housing Overlay, Highway 68 and Reservation Road |
| AWCP-1 | Planning Area and Vicinity | | |
| AWCP-2 | Monterey Wine Country: Appellations Overview | | |
| AWCP-3 | Agriculture & Wine Corridors | 3.13 | Agricultural Winery Corridor Plan Area |
| AWCP-4 | Williamson Act Lands | | |
| AWCP-5 | Monterey Wine Country: Typical Signing | | |
| CA-1 | Community Areas: Boronda | 3.14 | Boronda Community Area Aerial Map |
| CA-2 | Community Areas: Castroville | 3.15 | Castroville Community Area Aerial Map |
| CA-3 | Community Areas: Chualar | 3.16 | Chualar Community Area Aerial Map |
| CA-4 | Community Areas: Ford Ord/ East Garrison | 3.17 | Ford Ord Community Area Aerial Map |
| CA-5 | Community Areas: Pajaro | 3.18 | Pajaro Community Area Aerial Map |
| LU-1 | Land Use Plan: Coast (Non-Coastal) | | |
| LU-2 | Land Use Plan: Cachagua | 3.11 | Cachagua Area Plan Land Use Map |
| LU-3 | Land Use Plan: Carmel Valley Master Plan | 3.8 | Carmel Valley Master Plan Land Use Map |
| LU-4 | Land Use Plan: Central Salinas Valley | 3.6 | Central Salinas Valley Area Plan Land Use Map |
| LU-5 | Land Use Plan: Greater Monterey Peninsula | 3.7 | Greater Monterey Peninsula Area Plan Land Map |
| LU-6a | Land Use Plan: Ford Ord Master Plan | 3.9 | Ford Ord Master Plan Land Use Map |
| LU-6b | Planning Areas: Fort Ord Master Plan | | |
| LU-7 | Land Use Plan: Greater Salinas | 3.5 | Greater Salinas Area Plan Land Use Map |
| LU-8 | Land Use Plan: North County | 3.4 | North County Area Plan Land Use Map |
| LU-9 | Land Use Plan: South County | 3.12 | South County Area Plan Land Use Map |
| LU-10 | Land Use Plan: Toro | 3.10 | Toro Area Plan Land Use Map |
| RC-1 | Rural Centers: Bradley | 3.19 | Bradley Rural Center Aerial Map |
| RC-2 | Rural Centers: Lockwood | 3.21 | Lockwood Rural Center Aerial Map |
| RC-3 | Rural Centers: Pine Canyon | 3.23 | Pine Canyon (King City) Rural Center Aerial Map |
| RC-4 | Rural Centers: Pleyto | 3.24 | Pleyto Rural Center Aerial Map |
| RC-5 | Rural Centers: River Road | 3.20 | River Road Rural Center Aerial Map |
| RC-6 | Rural Centers: San Ardo | 3.22 | San Ardo Rural Center Aerial Map |
| RC-7 | Rural Centers: San Lucas | 3.25 | San Lucas Community Area Aerial Map |

There are other changes to DEIR exhibits that are not General Plan figures. Those can be found in Chapter 4.

Table GP-2 below contains a chart that lists General Plan figures and provides a description to guide the reader of the changes to these figures that have been made since the release of the DEIR. It also distinguishes between changes to figures that were provided in the 2007 General Plan (errata) and new figures that have been added.

**Table GP-2.** Revisions to Draft General Plan Figures

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| 1 | Monterey County | ☐ | ☒ | ■ Map legend revisions:<br>❑ Icons modified and rearranged;<br>❑ Elevation key added to explain map colors. |
| 2 | Incorporated Cities | ☐ | ☒ | ■ Map legend – minor modifications to map icons. |
| 3 | Planning Areas | ☐ | ☐ | (no changes) |
| 4 | Community Areas | ☐ | ☒ | ■ Topography added to map.<br>■ Map legend – minor modifications to map icons.<br>■ Text box added addressing coastal boundary of the Castroville Community Plan area<br>■ Chualar Community Area boundary policy reference corrected.<br>■ Pajaro Community Area boundary corrected to follow RDA boundary |
| 5 | Rural Centers | ☐ | ☒ | ■ Topography added to map;<br>■ Map legend – minor modifications to map icons. |
| 6 | Circulation | ☐ | ☒ | ■ Title changed from, “Highways & Roads” to “Circulation Plan”<br>■ Amended to identify all transportation modes within Monterey County. Icons/Information added on the map and in the Legend:<br>❑ Railroads<br>❑ Ports<br>❑ Airports<br>❑ Coastal Boundaries<br>❑ Proposed West-Side By-pass<br>❑ Rural Centers<br>❑ Community Areas |
| 8a | Regional Faults | ☐ | ☐ | (no changes) |
| 8b | Federal Emergency Management Agency (FEMA) 100 Year Flood | ☒ | ☐ | ■ Previously Figure S-2 issued September 3, 2008 with General Plan Errata.<br>■ Map identifies all 100-year floodplain areas.<br>■ Change to Legend include Title and Icons.<br>■ Topography added to map. |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| 8c | Awareness Floodplains | ☒ | ☐ | ■ Previously Figure S-3 issued September 3, 2008 with General Plan Errata.<br>■ Map identifies floodplain awareness areas within Monterey County mapped by the California Department of Water Resources.<br>■ Change to Legend include, Title and Icons.<br>■ Topography added to map. |
| 8d | Dam Inundation | ☒ | ☐ | ■ Map identifies dam floodplain areas within Monterey County. |
| 9a | Existing & Projected Noise Contours Airports | ☐ | ☐ | (no changes) |
| 9b | Existing & Projected Noise Contours: Stationary Sources | ☐ | ☐ | (no changes) |
| 9c | Existing & Projected Noise Contours: Stationary Sources | ☐ | ☐ | (no changes) |
| 9d | Existing Noise Contours for Roadways & Railroads with Noise Receptors – North County | ☐ | ☒ | ■ Formerly titled, "Existing Noise Contours Roadways – North County".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 9e | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas | ☐ | ☒ | ■ Formerly titled, "Existing Noise Contours Roadways – Greater Salinas".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 9f | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro | ☐ | ☒ | ■ Formerly titled, "Existing Noise Contours Roadways – Greater Monterey Peninsula, Carmel Valley and Toro".<br>■ A close-up of Carmel Valley Village has been added.<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| 9g | Existing Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley | ☐ | ☒ | ■ Formerly titled, "Existing Noise Contours Roadways – Central Salinas Valley".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 9h | Existing Noise Contours for Roadways & Railroads with Noise Receptors – South County | ☐ | ☒ | ■ Formerly titled, "Existing Noise Contours: Roadways – South County".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 10a | Projected Noise Contours for Roadways & Railroads with Noise Receptors – North County | ☐ | ☒ | ■ Formerly titled, "Projected Noise Contours Roadways – North County".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 10b | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas | ☐ | ☒ | ■ Formerly titled, "Projected Noise Contours Roadways – Greater Salinas".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 10c | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro | ☐ | ☒ | ■ Formerly titled, "Projected Noise Contours Roadways – Greater Monterey Peninsula, Carmel Valley and Toro".<br>■ A close-up of Carmel Valley Village has been added.<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 10d | Projected Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley | ☐ | ☒ | ■ Formerly titled, "Projected Noise Contours Roadways – Central Salinas Valley".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| 10e | Projected Noise Contours for Roadways & Railroads with Noise Receptors – South County | ☐ | ☒ | ■ Formerly titled, "Projected Noise Contours Roadways – South County".<br>■ Additional icons that correspond to added information on the map, including:<br>❑ Sensitive Receptors;<br>❑ Railroads; and<br>❑ Airports or Airfields |
| 11 | Water Management Agencies | ☐ | ☐ | (no changes) |
| 12 | Scenic Highway Corridors and Visual Sensitivity: Cachagua | ☐ | ☒ | ■ Topography added to map.<br>■ City and Area names on map have been replaced with a bigger and bolder font.<br>❑ Map legend rearranged. |
| 13 | Scenic Highway Corridors and Visual Sensitivity: Central Salinas Valley | ☐ | ☒ | ■ Topography added to map.<br>■ City and Area names on map have been replaced with a bigger and bolder font.<br>❑ Map legend rearranged. |
| 14 | Scenic Highway Corridors and Visual Sensitivity: Greater Monterey Peninsula | ☐ | ☒ | ■ Topography added to map.<br>■ City minor streets removed for clarity<br>■ Map and map legend modified to show Coastal Zone Boundary.<br>❑ Icon modifications. |
| 15 | Scenic Highway Corridors and Visual Sensitivity: North County | ☐ | ☒ | ■ Topography added to map.<br>■ City minor streets removed for clarity (no change in pattern)<br>■ Map and map legend modified to show Coastal Zone Boundary. |
| 16 | Scenic Highway Corridors and Visual Sensitivity: Toro | ☐ | ☒ | ■ Topography added to map.<br>■ Map and Map Legend revised to include scenic vista location: |
| AHO-1 | Affordable Housing Overlay Areas: Mid-Valley | ☐ | ☐ | (no changes) |
| AHO-2 | Affordable Housing Overlay Areas: Monterey Airport & Vicinity | ☐ | ☐ | (no changes) |
| AHO-3 | Affordable Housing Overlay Areas: Highway 68 & Reservation Road | ☐ | ☐ | (no changes) |
| AWCP-1 | Planning Area and Vicinity | ☐ | ☐ | (no changes) |
| AWCP-2 | Monterey Wine Country: Appellations Overview | ☐ | ☐ | (no changes) |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| AWCP-3 | Agriculture & Winery Corridors | ☐ | ☒ | ■ Topography added to map.<br>❑ Map legend revised to include minor icon modifications.<br>❑ City Sphere of Influence added |
| AWCP-4 | Williamson Act Lands | ☐ | ☒ | ■ Map legend revised to include icon modifications. |
| AWCP-5 | Monterey Wine Country: Typical Signing | ☐ | ☐ | (no changes) |
| CA-1 | Community Areas: Boronda | ☐ | ☐ | (no changes) |
| CA-2 | Community Areas: Castroville | ☐ | ☒ | ■ Map and map legend revised to include Coastal Zone Boundary:<br>❑ Icon modifications;<br>❑ Text Box added stating that the General Plan only applies to the inland areas of the Castroville Community Plan. |
| CA-3 | Community Areas: Chualar | ☐ | ☐ | ■ Text Box reference to policy corrected. |
| CA-4 | Community Areas: Fort Ord/East Garrison | ☐ | ☐ | (no changes) |
| CA-5 | Community Areas: Pajaro | ☐ | ☒ | ■ New photo taken in 2007 for map.<br>■ Community Area boundary adjusted to follow RDA boundary. |
| LU-1 | Land Use Plan: Coast (Non-Coastal) | ☐ | ☒ | ■ Map and map legend revised to include:<br>❑ National Forestry Boundaries.<br>❑ Forest lands designated Resource Conservation.<br>❑ Military Boundaries<br>❑ New color for Resource Conservation Land Use.<br>❑ Density values shown.. |
| LU-2 | Land Use Plan: Cachagua | ☐ | ☒ | ■ Density values shown<br>■ Detail Map relocated and Detail area expanded.<br>■ City and Area names on map have been replaced with a bigger and bolder font.<br>■ Map legend includes an added statement to inform that the densities shown are for Cachagua area only.<br>■ National Forestry Boundaries.<br>■ Forest lands designated Resource Conservation. |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| LU-3 | Land Use Plan: Carmel Valley Master Plan | ☐ | ☒ | ■ Density values shown<br>■ Added statements that densities indicated are for Carmel Valley Master Plan area only and that where no density is shown; the development density is the lots of record.<br>■ Map Legend modified to add symbol for Affordable Housing Overlay.<br>■ Removed Rural Center Boundary and added Rancho Canada Village Special Treatment Area boundary.<br>■ Delfino (Airport Site) Special Treatment Area designation on Land Use Map deleted |
| LU-4 | Land Use Plan: Central Salinas Valley | ☐ | ☒ | ■ Density values shown.<br>■ Added statement that densities indicated is for Central Salinas Valley area only and that where no density value shown, the development density is lot of record.<br>■ Map and map legend revised to include:<br>❑ Icon for BLM land<br>❑ Added boundary delineation for Military installations<br>❑ Added boundary for National Forest<br>❑ Forest lands designated Resource Conservation. |
| LU-5 | Land Use Plan: Greater Monterey Peninsula | ☐ | ☒ | ■ Density values shown.<br>■ Added statement that densities indicated is for Greater Monterey Peninsula area only and that where no density value shown, the development density is lot of record.<br>■ Map and map legend revised to include:<br>■ Added boundary for National Forest<br>■ Forest lands designated Resource Conservation.<br>■ Removed Rural Center Boundary and added Rancho Canada Village Special Treatment Area boundary.<br>■ Bruno Property land use changed from Farmland to Resource Conservation. |
| LU-6a | Land Use Plan: Fort Ord Master Plan | ☐ | ☐ | (no changes) |
| LU-6b | Planning Areas: Fort Ord Master Plan | ☐ | ☐ | (no changes) |
| LU-7 | Land Use Plan: Greater Salinas | ☐ | ☒ | ■ Density values shown.<br>■ An added statement to inform that densities indicated is for Greater Salinas area only.<br>■ Approved Butterfly Village detail map and land use table added.<br>■ Map legend revised.<br>■ Bruno Property land use changed from Farmland to Resource Conservation. |

| Map Figure | Title | New | Errata | Description |
|---|---|---|---|---|
| LU-8 | Land Use Plan: North County | ☐ | ☒ | ■ Density values removed, development density to be lots of record.<br>■ Castroville Detail map has an added statement that informs that the General Plan only applies to the inland areas of Castroville.<br>■ Map legend revised<br>■ Pajaro Community Area boundary adjusted to follow RDA boundary.<br>■ 29 acres (Red Barn) returned from Light Commercial back to 1982 land use of Rural Density Residential (reflect deletion of policy T-1.4) |
| LU-9 | Land Use Plan: South County | ☐ | ☒ | ■ Density values shown.<br>■ An added statement to inform that densities indicated is for South County area only.<br>■ Map and map legend revised to include:<br>❑ BLM land holdings<br>❑ National Forestry Boundaries<br>❑ Forest lands designated Resource Conservation<br>❑ Military Boundaries<br>❑ Tank Road added to map. |
| LU-10 | Land Use Plan: Toro | ☐ | ☒ | ■ Density values shown.<br>■ Added Lots of Record Overlay to residentially designated properties within El Toro Creek basin.<br>■ Detail Area added<br>■ An added statement to inform that densities indicated is for Toro area only.<br>■ Map legend revised. |
| RC-1 | Rural Centers: Bradley | ☐ | ☒ | ■ New photo taken in 2007 for map. |
| RC-2 | Rural Centers: Lockwood | ☐ | ☐ | (no changes) |
| RC-3 | Rural Centers: Pine Canyon | ☐ | ☒ | ■ New photo taken in 2007 for map.<br>■ Corrected boundary location along Jolon Road. |
| RC-4 | Rural Centers: Pleyto | ☐ | ☐ | (no changes) |
| RC-5 | Rural Centers: River Road | ☐ | ☒ | ■ New photo taken in 2007 for map. |
| RC-6 | Rural Centers: San Ardo | ☐ | ☒ | ■ New photo taken in 2007 for map<br>■ Cattlemen Road name corrected. |
| RC-7 | Rural Centers: San Lucas | ☐ | ☐ | (no changes) |

c. Consistency with General Plan law.

Section 65302, *et seq* of the California Government Code establishes minimum requirements for what is required in a general plan. Certain introductions of General Plan Elements have been modified to provide background data required by law. This

information was to a great extent incorporated from the text in the DEIR and therefore would have no impact on the EIR analysis.

d. Mitigation Measures Proposed in the DEIR.

The DEIR proposed a number of measures for inclusion as policies in the General Plan. These have been incorporated.

e. Responses to Comments.

As noted above, a number of comments received during the DEIR review period included suggestions for modifications to draft General Plan policies or to proposed DEIR mitigation measures. Based on the review of these comments, changes were made to proposed mitigation measures and to draft General Plan policies. These changes were noted in the responses to the comments provided and were considered to be of equal or greater value as mitigation for impacts. Both of these sets of changes are incorporated in the February GP Working Draft.

f. City-County Consultation.

Some policy changes have been made in response to consultation with cities that would not affect the environmental analysis. A number of these changes included text in maps and minor changes in the wording of policies. Several of the recommended changes are reflected in the modifications to the Fort Ord Master Plan described in (h) below. None of the changes made would impact the EIR analysis.

g. Planning Commission workshops.

As already noted, a number of the changes to both General Plan policy text and DEIR mitigation measures were considered at Planning Commission workshops. The Planning Commission provided general direction to staff based upon public comment and Commission discussion. Changes proposed in response to this direction have been evaluated in the FEIR. No new significant impacts have been identified and changes to mitigation measures result in equal or greater value.

h. Fort Ord Master Plan.

That portion of the Fort Ord Reuse Plan within the County's jurisdiction was incorporated into GPU4 as the Fort Ord Master Plan, which has not been modified since that time. Modifications have been made to the Fort Ord Master Plan in GPU5 in order to stay current with the adopted Fort Ord Reuse Plan. No changes are proposed beyond what has been certified by the Fort Ord Reuse authority (FORA). The Fort Ord Master Plan will be subject to review and certification by FORA after County adoption. Since there has been no change beyond what has been approved and evaluated for development in this area, there would be no impact on the environmental analysis.

## 1.3 Format of the Draft General Plan/FEIR Chapter 5

Chapter 5 of the FEIR includes the draft general plan with all of the changes represented with ~~strikeout~~ text for deletions and <u>underlined</u> text for new additions. Text boxes are provided after each section/policy where a change has been made to identify the origin of

the recommended change. Decision makers may accept, delete or modify each recommended change.

## 1.4 Housing Element

Due to the timing of GPU3 and the State mandated timeline for updating Housing Elements, the Housing Element was separated from GPU3 and adopted in October 2003. Housing Elements are required to be updated periodically and as a result Monterey County is currently in the process of updating the Housing Element. Because of the uncertainty of the timing of adoption of the updated Monterey County General Plan, the Housing Element is being updated separately but concurrently with the General Plan. Although a separate CEQA review is being completed for the Housing Element, consistency with the draft General Plan and EIR has been considered.

When the DEIR for the November 2007 Draft General Plan was released in September 2008, the 2003 Housing Element was included as being part of the comprehensive General Plan. The current Housing Element Update makes adjustments to reflect changes between GPU3 and GPU5 such as changing Rancho San Juan Community Area to the Butterfly Village Special Treatment Area. In addition, RHNA numbers for the current planning period are lower than they were for the last housing planning period. The Draft 2010 General Plan is consistent with the draft Housing Element, and impacts of the draft Housing Element have been evaluated to an equal or greater level in the General Plan DEIR by using the 2003 Housing Element as a basis.

It should be noted that the proposed 2009-2014 Housing Element will cover only a portion of the period between now and 2030 (and between now and build-out). As required under Housing Element Law (Government Code Section 65580, et seq.), the Housing Element will be updated on a regular basis (approximately every 5 to 7 years). Therefore, the population and housing need assumptions in the Housing Element will be adjusted on a regular basis during the term of the General Plan.

# Master Response 2: Growth Assumptions Utilized in the General Plan

The County received comments on the growth assumptions utilized in the DEIR as the basis of the impact analysis for the General Plan. Comments focused on the following issues: (a) the accuracy of the growth projections, and the potential for growth not included in the projections; (b) concerns that the analysis overestimates impacts because it is based upon a regional population and housing forecast that predicts greater growth than is now anticipated and therefore requires mitigation that is unnecessary; (c) the accuracy of the projections post 2030 and whether, because of the speculative nature of these projections, it is feasible or appropriate to include proposed mitigation measures; (d) questions regarding consistency of the analysis with the 2008 Air Quality Management Plan; and (e) concerns that the General Plan plans for more growth than is required to meet future needs.

There were additional comments regarding assumptions about growth that would be induced as a result of implementation of the AWCP and the accuracy of assumptions regarding the growth of viticulture. These are addressed separately in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies.*

The discussion below responds to general comments received on the methodology utilized by the County, as well as to each of the specific issues discussed above. The discussion is organized as follows:

2.1 Methodology and Assumptions.

- 2.1.1 Use of the AMBAG 2004 Growth Projections
- 2.1.2 Assumptions Regarding the 80%/20% Allocation of New Growth

2.2 Accuracy of Projections; Potential Growth not Included in the Analysis

2.3 Overestimation of Impacts and Growth; Timing of Mitigation

2.4 Speculative Nature of the 2030-2092 Time Horizon.

2.5 Consistency of General Plan Growth Projections with Air Quality Management Plan Growth Projections

2.6 Rationale for Analyzing Criteria Air Pollutants

2.7 Rationale for Planning for "More Growth than is Required"

Here is a summary of the following discussion:

- The General Plan uses growth projections consistent with the only certified traffic model that is accepted in the region, and the County acknowledges that the model assumed more growth than is currently projected to occur. Accordingly, the DEIR analysis is conservative because more impacts are projected to occur and more mitigation is required than might have occurred with the 2008 AMBAG growth forecast

- Based upon the assumptions provided with respect to the 80%/20% allocation of growth between focused growth areas and areas outside of focused growth areas, and the small number of units in the AWCP and the coastal zone not included in the General Plan growth projections, there would not be new or worse significant environmental impacts beyond those disclosed in the DEIR.
- Proposed changes to mitigation measures BIO-1.4, BIO-1.5, and WR-2 provide for periodic tracking of actual growth against forecasted growth, thereby reducing the potential for over-estimation or under-estimation of growth that might occur, and allowing timely planning to mitigate long-term biological and water resources impacts.
- The approaches used for the General Plan buildout analysis and the DEIR buildout impact analysis and mitigation measures, were reasonable and consistent with CEQA Guidelines provisions for General Plan EIRs.
- The General Plan growth projections are consistent with the growth projections used for 2008 AQMP traffic and air quality modeling.
- The County is not "planning for more growth than is required," because the General Plan must be long-term, and provide flexibility for both decision-makers, the private market, and economic fluctuations.

# 2.1 Methodology and Assumptions.

## 2.1.1 Use of the AMBAG 2004 Growth Projections

The County used the 2004 growth forecast prepared by AMBAG, which is the Metropolitan Planning Agency for Monterey, Santa Cruz and San Benito Counties, to identify the amount of residential growth and employment growth expected by 2030. The location of growth due to the 2007 General Plan was determined by the land use designations in the 2007 General Plan.

The County considered utilizing the 2008 AMBAG growth forecast to estimate residential and employment growth for 2030. The 2008 forecast reflects early evidence of the current economic recession, predicting significantly less growth in homes and employment than the AMBAG growth forecast. However, the County decided not to use the 2008 forecast for the following reason:

- In order to conduct the analysis of traffic impacts, the County attempted to update the validated 2004 AMBAG traffic model with 2008 forecast data.
- In February, 2008, AMBAG advised that the model should not be updated outside of the AMBAG update and validation process. To date, as of February 2010, there still is no validated AMBAG 2008 traffic model. The County used the approved 2004 AMBAG traffic model, since it is the most up-to-date approved regional traffic model.
- The County was concerned about inconsistencies that would result between the impact analysis for traffic and the analysis for other resource areas if it relied upon a

2004 growth forecast for traffic impacts and a 2008 forecast for other resources impacts.

- The County was also aware that using the 2004 growth forecast, which could be viewed as a "worst case growth scenario," as the basis for analysis could result in the overestimation of the impacts. This approach was considered preferable to potentially underestimating impacts and is the more conservative approach. An analysis based on the 2004 forecast provides greater assurance that significant impacts that may occur during the time horizon between today and 2030 would be disclosed and mitigated.

Full buildout was calculated by assuming development on a parcel to the full extent allowed by the zoning and 2007 General Plan policies. The DEIR used the 2004 AMBAG projected housing unit growth and fixed persons per unit ratio to 2030 to estimate when full buildout could occur (2092). The calculation took into consideration the 2007 Draft General Plan's limitation to single family homes on lots of record within a portion of the Greater Salinas Area Plan, a portion of the Toro Area Plan, and all of the North County Area Plan. Similarly, buildout in the Carmel Valley Master Plan area was based on the 266-unit cap on the creation of new lots.

## 2.1.2 Assumptions Regarding the 80%/20% Allocation of New Growth

There were a number of comments regarding the reasoning behind distribution of growth between focused growth areas and outside focused growth areas. These comments also asserted that utilizing the assumption that 20% of the growth would occur on lots of record or from new subdivisions outside focused growth areas would under predict the likely impacts that could occur from implementation of the General Plan.

The DEIR analysis of future impacts from new development assumed that 80% of the growth between 2006 and 2030 would occur in areas designated in the General Plan for focused growth and 20% would occur outside of focused development areas. This would equate to 8,012 units in focused growth areas and 2,003 new units outside of focused growth areas.

This assumption is based upon several factors: 1) population distribution trends and projections; 2) trends in population composition and preferences; 3) directives and incentives in General Plan policies; and 4) state regulatory mandates (i.e., Regional Housing Needs Assessment).

1. Population distribution. The 2004 AMBAG forecast (DEIR Table 3-3) indicates that by 2030, 78% of the population in the County will reside in cities and 22% will reside in the unincorporated area. This split between the cities and unincorporated area is the continuation of a trend that has characterized population changes since 1980. In 1980, 71% of the population lived in the cities versus 29% in the unincorporated area. In 2006, the estimated population division between cities and the unincorporated area was 76% versus 24%.

Based upon this historic trend, and the regional projections, it was reasonable to conclude that this trend would be mirrored in the allocation of future growth within the unincorporated County. This was the primary factor considered in deriving the 80%/20% assumption for the DEIR impact analysis.

2. Trends in population composition. The State Department of Finance estimates that 1 in 5 people in California will be over 65 by 2030. (California Department of Finance 2007b). This change in the age of the population is also characteristic of Monterey County. Family size in the unincorporated area is also decreasing, in part because of the aging of the population. In 2005, the average number of persons per dwelling unit in the unincorporated County was 3.19/unit. The AMBAG 2004 forecast (DEIR Table 3-5- note e) indicates that the number of persons per unit in the unincorporated County will decrease to 2.78 persons/unit by 2030.

   The March 11, 2008 Annual Housing Report presented to the Monterey County Board of Supervisors noted that the affordable housing crisis was likely to continue with more families seeking rental housing. With the ongoing mortgage crisis and economic downturn, less rental housing was being constructed than was needed thus exacerbating the problem.

   County staff recognized that urbanized areas provide more housing choices for smaller families and lower income families. The higher densities that are required to achieve affordability are best accommodated in areas of compact urban development. In addition, urbanized areas provide increased employment opportunities for working families and access to services, transportation, and entertainment.

   There are 4,629 lots of record in the unincorporated area. Based on projected population composition, economic factors and consumer preferences, the County assumed that development on these lots would be spaced over time, i.e. that the supply would not be exhausted during the life of the General Plan. Given the cost of building a single family dwelling and the constraints on creating new subdivisions outside of focused growth areas, the 20% of total projection of 2003 units seemed a reasonable assumption for the purposes of analysis.

   These indices -- increase in the age of the population, growing need for affordable housing and rental housing and preferences for access to services and transportation -- support the assumption that future growth in the unincorporated area would be directed towards the focused growth areas.

3. Directives and incentives in the General Plan. There are numerous policies in the General Plan that direct growth to the cities and focused growth areas in the unincorporated area. The policies include strict provisions that limit development outside focused growth areas based on the need to provide services, protect agricultural land and natural resources. Policies LU-1.4(designation of new growth areas) and LU-1.8 (transfer of development rights) address directing new development where there are adequate services and facilities. Policy LU-1.19 indicates “that Community Areas, Rural Center and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County”. LU-1.19 establishes a development evaluation system consistent with this policy. LU-2.12 establishes a program for affordable and work force housing that includes a number of incentives for future developers. Policies LU-2.21 through LU-2.33 prescribe the location and criteria for Community Areas and Rural Centers and

set priorities for completion of Community and Rural Center plans. Policies PS-1.1 through PS-1.6 provide criteria for "Adequate Public Services and Facilities" that must accompany new development that must be met for a project to be approved. In addition, funding for focused growth areas is established as a high priority in the General Plan (Policies LU-2.30, C-1.2, and PS-1.1). These policies among others set the future direction of new growth to existing and planned focused growth areas and constrain growth outside of these areas.

Both the requirements to provide Adequate Public Facilities and Services and the cost of providing these to new development are strong factors in the DEIR assumptions regarding the allocation of new growth. The stringency of new requirements from federal and state agencies with respect to water quality and wastewater disposal suggests that it will become even more difficult for the single family home builder and small project developer to comply. These requirements in concert with the General Plan policies are likely to constrain growth outside of the focused growth areas identified in the General Plan

4. Regional Housing Needs Assessment (RHNA). By law, the General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code Section 65580, et seq.). The State Housing and Community Development Department (HCD) assigns housing targets for each region in the State, including targets for affordable housing. These targets are then allocated to individual jurisdictions by the regional agencies such as AMBAG. These housing allocations (based on 5-7 year planning cycles) must be accommodated in the Housing Element for that jurisdiction (Government Code Section 65583). Housing Elements are required to be submitted to HCD for review and, if found to comply with the requirements of Housing Element Law, certification of adequacy. If a Housing Element cannot be certified because it does not designate sufficient land to accommodate affordable housing, the jurisdiction may lose eligibility for housing grants. To accommodate the housing target, the jurisdiction must demonstrate that it has sufficient housing that will be zoning at a high density (20+ units per acre) to meet the allocation.

   The 2007 General Plan was drafted with the intent of ensuring consistency with these requirements and accommodating several RHNA cycles. The Community Areas, Rural Centers and AHOs were selected and designed to address the RHNA requirement and community needs by accommodating the projected RHNA growth.

   The initial housing allocation assigned to the unincorporated area, based on the 2004 Growth Projections, was 2,500 units (2006-2013).[1] This would equate to 10,000 units over four planning cycles. The RHNA for the current cycle required that 60%, or 6,000, of these units be in very low-, low-, and moderate-income housing categories. The remaining were assumed to be in higher price categories. These calculations were factored into the DEIR assumptions regarding the likely distribution of new growth. As indicated above, the County assumed that the difference (4,000 units) would not be accommodated by building single family dwellings on all remaining existing lots of record.

[1] The RHNA allocation was subsequently adjusted by AMBAG in April 2008, but since the DEIR analysis is based on the 2004 forecast, not the 2008 reduced forecast, the lower RHNA allocation was not taken into consideration in the DEIR.

Table 3-9 indicates that there would be sufficient capacity in the Community Areas, Rural Centers and AHOs through the year 2030 to accommodate the RHNA.

In summary, the assumption utilized in the DEIR impact analysis (80% of new growth would occur in focused growth areas; 20% outside of these areas) was derived from each of the factors described above, individually and collectively. Population distribution trends were the primary factor in deriving these assumptions. The remaining factors were applied to confirm whether the assumption was realistic. The combination of population distribution and composition trends, changes in community preferences over time, key principles and constraints in General Plan policies and State regulatory requirements for affordable housing suggest development between 2006 and 2030 will occur primarily in the Community Areas, Rural Centers and AHOs. These land use designations established in the General Plan are most able to provide affordable housing, employment, services and transportation options.

As a result, the County does not believe that the DEIR analysis underestimated the impacts from growth outside of focused growth areas and the conclusion in the DEIR would remain the same.

## 2.2 Accuracy of Projections; Potential Growth not Included in the Analysis

AMBAG 2004 growth forecast distribution for 2030 was adjusted to reflect the distribution of growth consistent with the 2007 Draft General Plan. For example, commenters noted that the DEIR projects more growth on the Monterey Peninsula (including portion of Highway 68) than is assumed in the AMBAG 2004 forecast. This is correct because the DEIR appropriately addresses and therefore includes in its assumptions the affordable housing overlays (AHOs) proposed by the 2007 Draft General Plan in Carmel Valley, Highway 68 (Airport) and Reservation Road/Highway 68. The 2007 Draft General Plan recognizes that there might not be sufficient affordable housing in the unincorporated area, taking the decline in housing production in the Peninsula cities into consideration, and therefore proposed potential areas for concentrated growth specifically to accommodate affordable housing that would address this deficiency.

Commenters raised questions regarding growth in the Coastal Zone. The 10,015 residential units that could result based on the 2004 AMBAG forecast were distributed within the inland areas. Available data suggests that there are 1,509 vacant existing lots in the Coastal Zone. If the same rate of growth that has been assumed for the inland area is applied, there could be 423 new Coastal Zone residential units, equal to 4% of total growth. Therefore, there could be a minor potential difference in the distribution of growth by 2030 (423 units over-predicted for the inland area or 423 under-predicted for the coastal area, equivalent to 18 homes per year). The Del Monte Forest Plan may result in some additional residential development; however, although the Pebble Beach Company and the California Coastal Commission have indicated a settlement on the Pebble Beach proposal for the Del Monte Forest, the total number of new lots that will be permitted in the Coastal Zone is still subject to future approval and environmental review. Given the known resource constraints in the Coastal Zone with respect to water

availability and wastewater disposal, as well as sensitive visual and biological resources in the Coastal Zone, it is reasonable to assume that future Coastal Zone growth could be constrained and not reach 423 units by 2030. The potential for a 423 unit difference in the inland area vs. Coastal Zone is a minor deviation that would not materially change the EIR impact analysis, significance conclusions, mitigation measures, or cumulative impact analysis, especially since the EIR impact analysis relied upon the conservative AMBAG 2004 growth forecast.

As noted above, commenters have raised questions regarding whether the General Plan growth projections account for potential growth in subdivisions outside of Community Areas and Rural Centers pursuant to LU-1.19. The growth projections do account for such growth.

Table 3-8 (New Growth by Planning Area) does identify growth outside of Community Areas and Rural Centers in the Area Plan totals, subject to the Development Evaluation System (Policy LU-1.19) and lots of record. The total number of units in this area is 2,003 residential units by 2030. Residential growth in these areas is also included in Table 3-9 (New Growth by Planning Area, Community Area and Rural Center, 2006-2030 and 2092 Buildout). The projection assumes that 80% of 2030 new growth would occur in Community Areas, Rural Centers and Affordable Housing Overlays, and 20% of the 2030 projected growth would be outside these areas.

Comments also inquired about residential units that could be constructed in connection with the AWCP. The AWCP allows up to 4 units per new winery (one residential unit and 3 units of employee housing). This would total 120 units maximum. The worst case scenario would be 120 new units allowed by 2030, or 6 units per year. This very small number of additional units, distributed over the AWCP's large geographic area, would not cause new or worse significant environmental impacts beyond those disclosed in the DEIR. Please refer to Master Response 4 for a discussion of water supply impacts and Master Response 8 for the biological resource impacts associated with the AWCP.

## 2.3 Overestimation of Impacts and Growth; Timing of Mitigation

The County received comments that questioned the level of mitigation proposed, since it was based on impacts that would occur resulting from the 2004 AMBAG growth forecast. The commenters asserted that the revised 2008 AMBAG forecast should have been used as the basis of the EIR analysis, and that several mitigation measures should accordingly be revised.

Section 2.5 of the DEIR and the "Methodology and Assumptions" discussion above describe the County's approach to its analysis of growth that would result from the implementation of the 2007 Draft General Plan. AMBAG adopted a revised growth forecast in April 2008, which projected a considerable decline in population and employment for the region from what had been projected in its 2004 forecast (62% less growth). The County has acknowledged that using the higher 2004 growth forecast may overestimate some of the potential impacts that could result by 2030. It is therefore

possible that some of these potential impacts, especially cumulative impacts, might not reach a level of significance until after 2030. While the EIR may overestimate impacts between today and 2030, it is possible that unanticipated cyclical increases in development could cause those impacts to occur by 2030, and the EIR provides greater assurance that these impacts are addressed.

Several commenters raised concerns about the requirement to revise policies that is based on a conservatively early estimate of the date that these impacts would occur, arguing that the use of these dates is speculative and overly burdensome. Other commenters raised concerns that if growth were accelerated because of changes in market conditions or other factors not anticipated in the DEIR, that relying on 2030 as the date for triggering revisions to policies could be problematic and impacts might not be appropriately addressed.

To address concerns regarding the timing of proposed mitigation, the FEIR presents revised mitigation measures that address potential impacts and mitigation measures after 2030. These modifications call for monitoring of actual growth levels, rather than assume that growth will occur by a specific date. The five-year review of growth is intended to cover residential and commercial construction, as well as changes in agricultural production. This review will therefore address any underestimation or over estimation of growth that had been the subject of public comment letters,

The revised mitigation measures follow:

> **BIO-1.4 (Policy OS-5.20)** At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth have been attained. If the examination indicates that the growth thresholds predicted in the General Plan EIR (10,015 new residential units; 500 new acres of commercial development; 10,253 acres of cultivation on previously uncultivated lands) are within 10% of the projected growth, then the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of species and habitat addressed by Policy OS-5.16 due to continued urban growth. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to the species and habitat addressed by policy OS-5.16.
>
> **BIO-1.5 (Policy OS-5.21)** At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR **(**10,015 new housing units; 500 acres new commercial development; 3111 acres new industrial development and 10,253 acres of land converted to agriculture**),** then the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to projected development. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to development**.** The County shall invite the participation of the incorporated cities, the federal land agencies,

Caltrans and other stakeholders. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent**.**

**WR-2 (Policy PS-3.17)** The County will pursue expansion of the SVWP by investigating expansion of the capacity for the Salinas River water storage and distribution system. This shall also include, but not be limited to investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by the date that extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review this extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall implement PS-3.18.

**WR-2 (Policy PS-3.18**) As required by PS-3.17, County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The purpose will be to identify~~ing~~ new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives within five years and to have the projects on-line five years following identification of water supply alternatives.

# 2.4 Speculative Nature of the 2030-2092 Time Horizon

Comments on the 2007 General Plan DEIR, as well as on the FEIR for the 2006 General Plan and the subsequent petition for writ of mandate and complaint for injunctive relief filed with the Superior Court on Feb 2, 2007 stated that the County had relied on the AMBAG forecast rather than the potential for growth that could be allowed based upon the policies in the General Plan, and that an EIR needs to describe growth with the time horizon anticipated to be covered by a General Plan as well as potential full buildout. In preparing the DEIR, the County took these prior comments into account.

Section 15144 of the State CEQA Guidelines acknowledges that the drafting of an EIR involves some degree of forecasting, recognizes the potential limitations of forecasting, but requires that "an agency must use its best efforts to find out and disclose all that it reasonably can". Unlike a specific project, a General Plan sets forth general policies under which growth and development may occur in a jurisdiction. Areas that are suitable

for growth are identified. It is uncertain whether this development will occur, whether it will occur at the full intensity and density permitted, and when it will occur. The Lead Agency, however, must forecast what can reasonably be expected to occur in the future, and the impacts that would result. State CEQA Guidelines Section 15146(a) recognizes less specificity is required in an EIR for a general plan than for a project EIR: "An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will an EIR on the adoption of a local general plan…because the effects of the construction can be predicted with greater accuracy."

Section 3.3 of the DEIR, as well as the "Methods and Assumptions" discussion above, provide the analysis assumptions and methodology for determining growth in the unincorporated area under the 2007 General Plan. The DEIR describes the County's decision to utilize the AMBAG 2004 Traffic Model which was based upon the AMBAG 2004 Growth Forecast and incorporated the best information available at the time regarding the general plans of each of the jurisdictions in the County and region. It also discusses the differences between the revised 2008 forecast and the 2004 forecast, underscoring that use of the AMBAG 2004 growth forecast would overestimate the amount of growth and resulting potential impacts that could occur during the 20+ year horizon of the General Plan.

DEIR Section 3.3.1.2 then proceeds to describe the basis for determining full buildout based upon the maximum zoning densities allowed under the General Plan, and the assumptions utilized for predicting the year that full buildout could occur. The DEIR again utilized the rate of growth and person/household ratio from the AMBAG 2004 forecast and applied it to the timeframe beyond 2030. This approach is both reasonable and conservative, and based upon a model and data that had been vetted within the region Other approaches could have been used, e.g. the slower growth projections of the AMBAG 2008 forecast, an average between the two forecasts, or adding some percentage above the lower forecast to take changes in future economic growth into consideration. However, for the reasons stated above the approach used in the DEIR is reasonable and based on an accepted methodology.

State planning law requires that the County adopt a "long term" general plan; that is, a general plan with a long term perspective. (State of California *General Plan Guidelines 2003,* Governor's Office of Planning and Research, http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf at page 13.) The Guidelines provide that "[t]he local jurisdiction may choose a time horizon that serves its particular needs." *Id.* Also, California case law provides that even if a proposed general plan (or general plan amendment) is treated as a "first phase," with later development having separate approvals and CEQA review, the CEQA evaluation of a proposed general plan "must necessarily include a consideration of the larger project, i.e., the future development permitted by the [general plan]." (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 403)

## 2.5 Consistency of General Plan Growth Projections with Air Quality Management Plan Growth Projections

Commenters stated that the General Plan is inconsistent with the AQMP because the Draft General Plan is based on 2004 AMBAG growth forecast, whereas the AQMP presents the lower 2008 growth forecast. Impact AQ-1 provides: "Buildout of the 2007 General Plan would conflict with applicable Air Quality Management Plans and standards." The DEIR conclusion that the Draft General Plan would not conflict with the MBUAPCD Clean Air Plan (the 2008 AQMP) is correct because the emissions forecasts in the 2008 AQMP are based on the 2004 AMBAG traffic model, which in turn, is based on the 2004 AMBAG growth forecast.

The 2008 AQMP presents the lower 2008 AMBAG growth forecast, but does not use the updated forecasts for traffic modeling or emissions forecasts, because the 2004 AMBAG traffic model is the only regional traffic model that has been approved for use. (Deshazo, pers. comm.) The August 2008 AQMP on page 4-5 explicitly states that the AQMP mobile source emissions modeling, using EMFAC2007, was based on travel data from AMBAG's June 2005 Metropolitan Transportation Plan, which in turn was based on the AMBAG 2004 growth forecast.

The primary nexus between growth forecasts and AQMP consistency is mobile source emissions forecasts. Therefore, the DEIR conclusion that Impact AQ-1 (conflict with the AQMP) is less than significant is correct. The air quality analysis and traffic modeling in both the DEIR and the 2008 AQMP were based on the same AMBAG 2004 population and travel forecasts. While the 2008 AQMP showed AMBAG's 2008 population forecast in Table 1-1, that forecast was not used in the 2008 AQMP's analysis. (Nunes 2010).

## 2.6 Rationale for Analyzing Criteria Air Pollutants

In the DEIR, for mobile source emissions, a 2000 condition was evaluated that consisted of the VMT from the entire County in 2000 at 2000 emission rates. The reason 2000 was chosen is that the AMBAG traffic model used for traffic evaluation only had a validated model for the year 2000. A validated traffic model was not available during preparation of the DEIR for 2008. Thus, in order to be consistent with the traffic model, a base year 2000 was shown in Table 4.7-5 and used as a basis to roughly disclose current emissions and then compare changes with the project and changes with cumulative beyond the base year.

Several commenters requested that estimates of 2008 criteria pollutants from mobile source emissions should be added to the DEIR in order to provide a more current baseline than 2000. This has been added to the FEIR and used to update Tables 4.7-5 and 4.7-6 (see Chapter 4). There is still no validated AMBAG model for 2008 as of March 2010. Thus, in order to create an estimate of 2008 criteria pollutants related to VMT that could be (roughly) compared to the model results, the 2000 VMT from the AMBAG model was

inflated to 2008 using population data. AMBAG's 2004 forecast (and its 2008 forecast) only have forecasts on five year increments and thus only have 2000, 2005 and 2010. In order to use a more precise estimation of population for 2008, the Department of Finance estimates were used, since data is available for 2000 and 2008. The percentage increase in Monterey County population from 2000 to 2008 was then used to inflate the VMT from the AMBAG model for 2000 to the 2008 period. Inflating the VMT using population is only done for the means of producing a 2008 VMT number that can be compared to the traffic model derived numbers and thus used to compare emissions resultant from that VMT. The resultant 2008 VMT estimate was then used to estimate 2008 criteria pollutant emissions from mobile sources using 2008 emission rates from EMFAC. Two estimates were prepared. 2008A is the emissions estimate for mobile sources taking into increased VMT due only to unincorporated County growth (approximately 25% of overall County growth). 2008B is the emissions estimate for mobile sources taking into increased VMT due to all County growth.

Because the traffic model developed for the 2007 General Plan used a 2000 base, the identification of project increases (to both 2030 and buildout) were compared to the 2000 conditions in the DEIR but are now also compared to the 2008A emissions. Since the "2030 cumulative" and "cumulative buildout" conditions include both city and unincorporated growth, in the DEIR they were compared to the 2000 conditions, but in the FEIR they are also compared to the 2008B conditions.

The PM10 criteria pollutants were also updated for the FEIR to include entrained PM10 in the calculations.

The conclusions of the DEIR relative to criteria pollutants from mobile sources are not changed as a result of the addition of the 2008 criteria pollutant estimates or the addition of entrained PM10 to the estimates. The DEIR conclusions for mobile sources, and the FEIR conclusions and rationale are as follows:

- *2007 General Plan at 2030* - The DEIR concluded that the impacts of the 2007 General Plan of mobile sources, taking into account changes in vehicle technology, would be less than significant when comparing "2030 with project" emissions to 2000 because the mobile source emissions decreased; this conclusion is unchanged. Based on the comparison of "2030 with project" emissions to 2008A conditions, all criteria pollutant emissions would decrease with the exception of PM10 which would rise by an amount less than the MBUAPCD. Thus, the less than significant conclusion for 2030 from the DEIR is unchanged.
- *2007 General Plan at buildout* – The DEIR estimated emissions for buildout using buildout VMT and 2000 emission factors. Based on this data, the criteria pollutant emissions would increase and exceed MBUAPCD thresholds and would be significant. The DEIR concluded that the impacts of the 2007 General Plan, would be potentially significant as vehicle miles would increase, but emission factors are not available for 2092. Based on the updated calculations, this conclusion is unchanged. In the DEIR, buildout emissions were calculated using 2000 emission rates. For the FEIR, a "2030 buildout" condition was added to examine buildout using 2030 emissions rates. When comparing the "2030 buildout" conditions to the 2008A conditions, all criteria pollutant emissions decreased with the exception of

PM10, but this does not change the conclusion of the DEIR, which is still significant for buildout.

- *2007 General Plan and Cumulative at 2030 and Buildout* - The DEIR concluded that the impacts of the 2007 General Plan and cumulative development related to mobile source emissions, taking into account changes in vehicle technology, would be significant and unavoidable as criteria pollutant emissions would increase above the MBUAPCD thresholds. Based on the updated calculations, this conclusion is unchanged. However, it should be noted that when comparing the "2030 Cumulative" and "Cumulative Buildout" conditions to the 2008B conditions, all criteria pollutant emissions decreased with the exception of PM10, but this does not change the conclusion of the DEIR.

## 2.7 Rationale for Planning for "More Growth than is Required"

Some commenters state that the County is planning for more growth than is required. California state law requires each jurisdiction to adopt a comprehensive, *long-term* general plan for the physical development of the land within its boundaries. (Government Code Section 65300) The general plan is intended to express the community's goals and policies relative to the distribution of future land uses. (Government Code Section 65302) State law also requires that each jurisdiction provide the means to accommodate the projected five-year need for housing, identify sufficient potential sites for future residential development to meet the projected need, and provide programs and policies to ensure that adequate housing may be provided. (Government Code Section 65580 et seq.) As further discussed in the Governor's Office of Planning and Research (OPR) General Plan Guidelines, "given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change." (Office of Planning and Research 2003, page 14)

By designating areas that would be appropriate for future development, the County is in no way mandating that all of the lands identified would be subject to development, nor guaranteeing that additional residential and commercial growth would occur. The location and design of actual development is subject to numerous County policies and regulations that are intended to protect the environment.

With respect to affordable housing needs, it is important for a jurisdiction to identify more sites for affordable housing than are specifically allocated in the regional housing needs assessment in order to accommodate the preferences and availability of jobs and services for future residents, as well as to take market forces into consideration. Planning for only the allocated regional housing need would not provide sufficient flexibility for the private market to meet that need, reducing the chances that affordable housing would actually be produced.

# Master Response 3: Agricultural Growth and General Plan Agricultural Policies

The County received a number of comments pertaining to proposed policies in the General Plan that address the County's agricultural industry and the DEIR's analysis of these policies. The comments have focused on the proposed Policy OS-3.5 (slope), proposed Policy AG-3.3 ( "Routine and Ongoing Agriculture"), the proposed Agriculture and Wine Corridor Plan (AWCP), and the potential impacts of agricultural expansion on erosion/sedimentation, water supply and biological resources that some commenters assert have not been fully considered and addressed. Commenters also questioned the DEIR assumptions with respect to the anticipated potential growth of agricultural development including vineyard growth. There were also several comments regarding traffic impacts that would result from implementation of the AWCP. In addition, commenters contend that the General Plan policies and DEIR mitigation are insufficient to address the significant impacts of agricultural growth to erosion/sedimentation, water supply, and biological resources.

This Master Response will include a discussion on the following topics:

3.1 Revised General Plan policies and revised mitigation measures

3.2 Projected extent and distribution of agricultural expansion and natural land conversions to 2030 including that which would occur pursuant to OS-3.5 (slope policy) and the AWCP

3.3 Anticipated development that would be permitted pursuant to AG-3.3 (Routine and Ongoing Agriculture)

3.4 Anticipated winery and ancillary uses that would be permitted under the AWCP

3.5 Traffic Impacts from the AWCP

Comments on the adequacy of the DEIR analysis relative to water quality and water supply are addressed in Master Response 4, Water Supply. Comments on the adequacy of the DEIR analysis relative to biological resources are addressed in Master Response 8, Biological Resources.

## 3.1 Draft General Plan Policies, DEIR Mitigation and Revised General Plan Policies and DEIR Mitigation Measures Addressing the Impacts of Converting Uncultivated Land

The County received comments on a number of issues pertaining to the proposed slope policy in the 2007 Draft General Plan (OS-3.5). Commenters asserted that since the current County Ordinance 21.66.030 prohibits conversion of uncultivated land to

cropland on slopes over 25 percent, the change in policy in the Draft General Plan that establishes an agricultural permit process for conversion on slopes over 25 percent would result in impacts that have not been disclosed in the DEIR. Certain commenters contend that this change in policy could potentially occur on hundreds of thousands of acres of land due to the proposed General Plan policy on slope (OS-3.5). This acreage is asserted to include potential growth induced in connection with the AWCP, which commenters contend would accelerate development of new acreage devoted to grapes, specifically along the AWCP corridor adjacent to new winery facilities and primarily on steeper slopes.

Commenters also contend that the policies in the Draft General Plan and proposed DEIR mitigation measures are insufficient to reduce the impacts from the converting of uncultivated land to a level that is less than significant. This section of the Master Response addresses those comments by amplifying the discussion in the DEIR regarding the efficacy of the Draft General Plan policies that specifically target grading and land conversion, and describing how proposed changes to draft General Plan policies would further reduce potential impacts below those described in the DEIR.

*Draft General Plan Policies.* The Draft General Plan sets forth a number of policies to reduce the potential for adverse impacts from converting uncultivated land to cropland. As already noted in the DEIR, Draft General Plan Policies OS-3.1, OS-3.2, OS-3.7, AG-5.1, AG-5.4, S--1, S-2, and S-1.5 through S-1.8 would apply to individual projects and both individually and collectively would further reduce potential project impacts. These policies provide for the implementation of Best Management Practices, project design to address geologic hazards and flood-prone areas, and protection of water resources. Routine and Ongoing agriculture is not exempted from any of these policies.

*Proposed Modifications to Draft General Plan Policies and DEIR Mitigation Measures to Further Reduce Potential Impacts.* In response to comments from the public on the DEIR and input received from the Planning Commission at workshops held in the months of June-August 2009 regarding possible changes to a number of the proposed General Plan policies, the County is proposing several modifications to these policies that would further reduce potential impacts that could result from the conversion of uncultivated land to agricultural production and development on steep slopes (Changes to biological resource policies and mitigation measures are addressed in Master Response 8). These are described below.

### *a. Modifications to Policy OS-3.5 (Development on Slopes)*

Draft Policy OS-3.5 required a ministerial permit for conversion on slopes between 15 percent and 25 percent (or for conversions on highly erodible soils on slopes between 10 percent and 25 percent) and required the development of an Agricultural Permit Ordinance that would include provisions for what activities would require discretionary permits as well as mandating that the ordinance include standards equivalent to or more restrictive than the Central Coast Regional Water Quality Control Board's Agricultural Waiver Program. Commenters had questioned whether this type of permit would adequately address erosion/sedimentation and biological resource impacts, and stated that the Draft General Plan Policy did not identify sufficient criteria for the permit or

conditions especially with respect biological resource impacts nor did it sufficiently constrain development on steeper slopes.

The County is proposing changes to draft policy OS-3.5 that would add further restrictions to the conversion of previously uncultivated lands on steep slopes to agricultural production. These include requiring a discretionary permit for conversion on slopes between 15 percent and 25 percent (or greater than 10 percent if on highly erodible soils), and establishing a general prohibition on conversion of uncultivated lands to cropland on slopes over 25 percent. This prohibition is subject to a narrow exception if stringent requirements for a discretionary permit are met. The definition of the time frame that would govern previously uncultivated remains the same within the past 20 years. The revised policy is as follows and would replace the prior draft policy OS-3.5 in the November 2007 Draft General Plan:

> OS-3.5 The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:
>
> 1) Non-Agricultural. Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:
>
>  a) there is no alternative which would allow development to occur on slopes of less than 25%;
>
>  b) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.
>
>  Development on slopes greater than 25-percent (25%) or that contain geologic hazards and constraints shown on the County's GIS Geologic (*Policy S-1.2*) or Hydrologic (*Policy PS-2.6*) Hazard Databases shall require adequate special erosion control and construction techniques and the discretionary permit shall:
>
>  a) evaluate possible building site alternatives that better meet the goals and policies of the general plan;
>
>  b) identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques; and
>
>  c) minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
>
>  Where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. It is the general policy of the County to require dedication of a scenic easement on a slope exceeding twenty five percent (25%).
>
> 2) Agricultural. Conversion for agricultural purposes of previously uncultivated lands containing slopes exceeding fifteen percent (15%) but not exceeding twenty five percent (25%) shall require a discretionary permit. Conversion of such lands containing slopes exceeding ten percent (10%) but not exceeding fifteen percent (15%) shall require a discretionary permit where the lands to be converted contain highly erodible soils. Conversion of previously uncultivated lands shall be prohibited where the slope exceeds twenty five percent (25%) except as noted below;

> however, such conversion may occur pursuant to a discretionary permit where the area(s) containing slopes exceeding twenty five percent (25%) meets all of the following criteria:
>
> a) does not exceed ten percent (10%) of the total area to be converted;
>
> b) does not contain a slope in excess of fifty percent (50%);
>
> c) is designated for Farmland, Permanent Grazing, or Rural Grazing land use;
>
> d) is planted to a permanent crop such as trees or vines, and,
>
> e) is situated in the interior of the parcel(s) in which the permit is sought.
>
> Approval of discretionary permits for these purposes shall follow the submission of an adequate management plan. Such plans should address appropriate measures to ensure the long term viability of agriculture on that parcel, and include an analysis of soils, erosion potential and control, water demand and availability, proposed methods of water conservation and water quality protection, and protection of important vegetation and wildlife habitats.
>
> For lands designated Rural Density Residential and Low Density Residential (LDR) there shall be no cultivation of any lands exceeding 25%.

As noted above, this policy modifies the proposed Policy OS-3.5 by prohibiting conversion of previously uncultivated acreage on slopes over 25 percent except in specified, limited circumstances and requiring a discretionary permit for conversion on slopes over 15 percent (or over 10 percent if on highly erodible soils). The prior language in Policy OS-3.5 required an Agricultural Permit for conversion on slopes over 25 percent and a ministerial permit for lands over 15 percent (or over 10 percent if on highly erodible soils).

Exceptions to the prohibition of agricultural conversion on slopes over 25 percent would apply only if all of the exceptions set forth in subsections a) through e) are met. There are no exceptions for slopes over 50 percent. The exception would limit the amount of slope area greater than 25 percent that could be converted to less than 10 percent of the area to be converted. These limited circumstances would, for example, allow contiguous planting of a permanent crop on property that has variations in slope in the area considered for cultivation. Approval of all discretionary permits under the revised policy would also require agricultural management plans that include, among other requirements, methods to conserve water and protect water quality, and protection of important vegetation and wildlife habitats. Discretionary permits under Policy OS-3.5, would also require submission of an agricultural management plan that would enable the County to review and address the potential impacts of the proposed conversion on protection of biological resources, as well as erosion/sedimentation and water quality overall. Adoption of this revised policy would both further restrict the number of total acres on steep slopes that could be converted to cropland and enhance the ability of the County to address potential resource impacts from any proposed conversion of previously uncultivated lands. Again, the definition of previously uncultivated -- areas that have not been cultivated in the past 20 years-- was not modified.

In conclusion, the proposed revisions to Policy OS-3.5 would further reduce the potential for impacts from conversion of uncultivated land to cropland by: a) reducing the amount of uncultivated acreage that would be subject to conversion to cropland; b) lowering the

threshold for requiring non–agricultural and agricultural projects to be subject to discretionary review, and c) imposing more stringent environmental requirements for agricultural project discretionary permits with respect to soil erosion, water quality and biological resource protection.

### *b. Modifications to Policy AG-3.3*

The following revision is made to Policy AG-3.3, to clarify that routine and ongoing agricultural activities are not exempt from Policy OS-3.5 and to delete the reference to Policy OS-6 (which applies to residential development).

> "Routine and Ongoing Agricultural Activities" are exempt from the following General Plan policies to the extent specified by those policies: *C-5.3 (Scenic Highway Corridors)*, *C-5.4 (Scenic Highway Corridors)*, *OS-1.9* (views), *OS-1.12* (scenic routes), ~~*OS-3.5* (slope), *OS-3.6* (erosive soils),~~ *OS-5.5* (native vegetation), *OS-6.3* (archaeological), *OS-7.3* (paleontological), *OS-8.3* (burial sites), *OS-10.8* (air quality), *S-2.3* (floodplain). Further modifications may be made in Area Plans as part of this process.

### *c. Modifications to General Plan Glossary*

The following definitions will be added to the General Plan Glossary:

> Slope, or Percent Slope = (change in elevation/horizontal distance) x 100, measured over a horizontal distance of at least 10 meters. Slope projections calculated by a Geographical Information System based on the USGS National Elevation Dataset may also be used to make an initial determination of slope.
>
> "Highly erodible soils" are soils having an erosion hazard rating of "high" in the Soil Survey of Monterey County (1978, Cook).

The following definitions remained unchanged:

> **PREVIOUSLY UNCULTIVATED LANDS** means those areas that have not been cultivated during the past 20 years.
>
> **CULTIVATED** means to prepare or use the land for crops through the tillage of soil or planting of vines or trees. Cultivation includes periods of fallow rotation that are part of an agricultural production system.

### *d. Modifications to Development Standards in the Agricultural Wine Corridor Plan*

The County is proposing to amend Section 3.3 of the AWCP (Permitted Uses, Ministerial Permit Required in Each Case) to require an examination of biological resources on proposed project sites for all permanent facilities allowable pursuant to the AWCP. The proposed text is as follows:

> This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan.

> Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits.
>
> A biological study (as defined in Policy OS-5.16) shall be required for permanent facilities with the potential to affect biological resources. If the biological study indicates a potential for a significant impact on a biological resource, then an administrative permit shall be required.

This change in the AWCP development standards provides for discretionary review of proposed projects in the wine corridors with respect to biological resource impacts based on an initial project screening. It further reduces the potential for artisan wineries or ancillary AWCP uses to adversely affect biological resources, and addresses the concerns raised by commenters that there could be cumulative impacts from the development because future sites for facilities are not known at this time. It does not change other requirements in the AWCP that limit the footprint of facilities and geographic distribution.

### *e. Revisions to OS-5.16*

The County is also proposing revisions to OS-5.16 to clarify the criteria that trigger the requirement to conduct biological studies and biological surveys. See also Master Response 8, Biological Resources). The modifications to OS-5.16 intend to clarify the species and habitat that would be addressed by the policy, as well as the process and criteria for determining potential impacts. These modifications are responsive to comments from the public and Planning Commission regarding the applicability of several General Plan biological resource policies. They would further reduce the potential for adverse biological impacts from discretionary projects converting uncultivated land to cropland on steep slopes, as well as from non-agricultural projects.

### *f. Revisions to Biological Resource Mitigation Measures*

Several revisions to proposed mitigation measures in the DEIR would further strengthen protections for biological resources and water quality provided by the Draft General Plan policies. These are discussed in Master Response 8, *Biological Resources*.

### *g. Summary*

In conclusion, the revised proposed policies in the Draft General Plan described above, the other proposed policies, the mitigation measures for water quality (see Master Response 9, *Water Quality*), the biological resource policies and mitigation measures (see Master Response 8) would limit and collectively further reduce impacts to biological resources from agricultural activities and development.

# 3.2 Projected Extent and Distribution of Agricultural Development to 2030 and 2092 including Projected Agricultural Development that Would Occur Pursuant to OS-3.5 (Slope Policy) and the AWCP

Commenters assert that the DEIR substantially understates the area of potential agricultural conversions of natural land covers. For example, Exhibit B to the Landwatch comment (comment O-11g) asserts that there are 1.04 million acres with intact natural vegetation subject to agricultural conversion, of which about 600,000 acres are on slopes less than 25 percent and the remaining 400,000 acres are on slopes more than 25 percent.

These numbers are much higher than the current amount of County important farmland, which totals around 236,142 acres (see Table 4.2-5 in the DEIR), and the total of all County agricultural areas of 254,491 acres (see Table 4.9-1 in the DEIR). Given limited growth rates for agricultural development under the General Plan starting with this baseline, a very small percentage of the 1.04 million acres would likely be converted to agricultural uses.

The analysis below shows that the likely acreage of uncultivated land that could be converted to agricultural land under Policy OS-3.5 is significantly less than asserted in some comments that assert that there will be hundreds of thousands of acres of natural land covers converted to farmland (including vineyards) with the 2007 General Plan. The analysis below supports the DEIR's conclusions that conversion of previously uncultivated land to agricultural uses would not cause significant impacts on erosion/sedimentation (see Master Response 9) and biological resources and wildlife movement (see Master Response 8).

Factors affecting the amount of uncultivated land that could be converted to agriculture under the General Plan include:

- Historic conversion trends and growth projections
- Land suitability taking into account soil capability, water availability, and slope
- Trends in viticulture and the role of the AWCP
- Geographic distribution of agricultural production and the AWCP

These factors are also discussed in the DEIR, and support the significance conclusions in Section 4.3 of the DEIR (concerning erosion and sediment) and Section 4.9 of the DEIR (concerning biological resources). The response below is intended to further clarify the reasons why the DEIR concludes that potential impacts on erosion/sedimentation and biological resources from conversion of previously uncultivated land to agriculture would not be significant. The response below also consolidates the information provided in separate DEIR sections into one Master Response.

*Historic trends and growth projections.* As shown in Table 4.9-8 in the DEIR, between 1982 and 2006, 11,185 acres of uncultivated land have been converted to agriculture, an average of 466 acres per year.[2] The EIR analysis assumes that although there may be a change in emphasis in the types of crops produced, the current trend of agricultural conversion is a reasonable basis for estimating future conversions. Using the trend from 1982 to 2006 and forecasting forward from 2008 to 2030, an estimated 10,253 acres of previously uncultivated land are estimated to be converted to cropland by 2030.

Both the AMBAG 2004 and AMBAG 2008 growth forecasts suggest there will be no increase in agricultural employment at 2030 from present. If there was a massive expansion of agriculture on the scale suggested by some commenters, then agricultural employment would have to increase by large amounts not only for work in the fields but also in the agricultural processing area. As AMBAG does not forecast any substantial expansion in agricultural employment and the past trend of agricultural expansion overall is modest, the assumptions in the DEIR remain a reasonable estimate of future conversions. Thus, economic trends in the agricultural industry as a whole and more specifically in viticulture (see discussion below) suggest that there is unlikely to be a significant surge in the conversion of uncultivated lands to productive agriculture. Production has been cyclical during the past several decades and economic forecasts suggest that this will continue. Data suggests that industry is becoming more efficient, and able to achieve higher yields using fewer resources – land, water and soil amendments than in the past.

*Amount of suitable land that has the potential for conversion.* The DEIR indicates that 1,185,000 acres in Monterey County are designated as agricultural lands. Of this acreage, 236,142 acres are identified as Important Farmland (defined as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland) by the State Department of Conservation in the 2004-2006 Farmland Mapping and Monitoring Program report (California Department of Conservation 2006). This includes 167,636 acres of Prime, 43,402 acres of Statewide Importance and 25,104 acres of Unique Farmland. The remaining acreage (approximately 948,858 acres) is grazing land. As shown on Exhibit 4.2.1, Important Farmland is primarily found along the Salinas River Valley and Pajaro River Valley, with very limited amounts of important farmland located on steep slopes.

In order to examine whether the DEIR's estimate of potential overall agricultural expansion is reasonable, the County conducted additional analysis of potentially suitable areas in the Salinas Valley watershed for agricultural expansion that considers soil capability classifications, water availability, and slope, as shown in Table AG-1 and Exhibit AG-1.

[2] The DEIR actually estimated conversions of 447 acres per year because the 1982 to 2006 total was inadvertently calculated on a 25 year basis instead of 24 years. This has been corrected in the FEIR.

Castroville
Prunedale
Marina
Monterey
Seaside
Salinas
Carmel By The Sea
Chualar
Carmel Valley
Gonzales
Big Sur
Soledad
Greenfield
King City
San Lucas
San Ardo
San Antonio Reservoir
Bradley

**Notes:**

**a.** The areas with higher potential for agricultural expansion were identified by identifying lands that are not already cultivated or developed, that are designated for farmland, grazing land, or resource conservation use by the 2007 General Plan, that are within Soil Capability Classes I through IV (as defined by the Natural Resource Conservation Service), and that are on slopes less than 25 percent.

**b.** These areas, indicated in red on the figure, do not consider the potential availability of water.

**c.** Lands within the Salinas Valley Water Project Zone 2C can be provided water from the Salinas River alluvial aquifer.

**d.** Lands outside of Zone 2C would be dependent on local groundwater sources, which may be less reliable or extensive than in the Salinas Valley. As a general rule, lands outside of Zone 2C without a readily available water source would be subject to less pressure for agricultural conversion.

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Miles

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**Areas with Higher Potential for Agricultural Expansion**

Uncultivated land, designated for agriculture in Soil Class 1 through 4, less than 25% slope

**Screening Criteria**

Salinas Valley Watershed Boundary
Zone 2C Boundary
Undeveloped and Uncultivated Land
2007 General Plan: Agricultural Use Allowed
Soils: Class 1-4

# Exhibit AG-1
## Areas with Higher Potential for Agricultural Expansion in the Salinas Valley Watershed

Sources:
County of Monterey. California Spatial Information Library.
USDA SSURGO Soils Data. USGS 30-meter Digital Elevation Model.

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**Table AG-1**. Areas of Potential Agricultural Expansion in the Salinas Valley Watershed

| Factor | Acreage | Notes |
|---|---|---|
| Undeveloped/Uncultivated Area | 1,258,539 | Area assumed to contact intact natural land covers |
| ..of which agriculture allowed | 849,313 | Designated for farmland, grazing or resource conservation |
| …of which, contain soil capability categories I through V | 77,339 | Areas suitable for agriculture |
| …of which, are located within Zone 2C of the Salinas Valley Water Project | 21,798 | Areas that are suitable for agriculture and can obtain water from the Salinas River groundwater basin |
| …of which are on slopes < 25% | 21,375 | Areas that are not prohibited from agricultural conversion by OS 3-5 |

Soil capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. Capability classes are designated by the numbers I through VIII. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined in the Soil Survey for Monterey County (USDA, 1972) as follows:

- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations that reduce the choice of plants or require moderate conservation practices.
- Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both.
- Class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both.
- Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation.
- Class VII soils have very severe limitations that make them unsuitable for cultivation.
- Class VIII soils and miscellaneous areas have limitations that nearly preclude their use for commercial plants..

Generally speaking, the steeper the slope, the poorer the soil. Most of the areas of better soils (Class I, II and III) in Monterey County are already under cultivation. Grapes can be grown on nearly all Class I through III soils, some Class IV soils and a few Class V soils, but these are not high priority areas for production. For the purpose of the analysis, it was assumed that areas with soils in capability Class I through V are most susceptible to conversion. However, in Monterey County, there are no mapped Class V soils, and thus the analysis focused on Class I through IV soils.

An additional constraint to growth of agriculture outside the river valleys is water. Zone 2C is the area benefitted from the SVWP and water from the alluvial aquifer is not available to areas outside of Zone 2C. As shown in Exhibit AG-1, Zone 2C of the Salinas Valley Water Project only includes the Salinas Valley proper, the San Antonio River valley and the immediately adjacent slopes. Thus, agricultural expansion outside Zone 2C will be dependent on water from smaller valley aquifers and/or hard rock fractures which are, in general, less productive and less reliable than large river alluvial aquifers (like the Salinas River). For the purpose of the analysis, it was assumed that areas within Zone 2C are the most susceptible to conversion compared to areas outside of Zone 2C.

As shown on Exhibit 4.4-5 in the DEIR, much of the sloping areas outside of river valleys contain highly erodible soils. As described above, the 2007 General Plan (as revised) has only narrow exceptions for agriculture conversions on slopes beyond 25 percent and there is a requirement for a discretionary permit for agricultural conversions on slopes beyond 15 percent (or 10 percent if on erodible soils). For the purpose of the analysis, it was assumed that areas with slopes less than 25 percent are the most susceptible to conversion. For conversions on slopes between 15 percent and 25 percent (and between 10 and 25 percent if on erodible soils), project impacts will be addressed during discretionary review.

As indicated in Table AG-1 above, based on this analysis, the most susceptible areas in the Salinas Valley watershed total 21,375 acres within Zone 2C. The EIR identifies the potential amount of agricultural conversions as 10,253 acres by 2030 and 39,148 acres by 2092 (see revised Table 4.9-8 in Chapter 4, Changes to the Text of the DEIR), using historic trends. The geographic analysis reflected in Table AG-1 and Exhibit AG-1 is consistent with the historic trend analysis, in that mere availability of land does not mean that 100 percent conversion will occur. Combining the historic trend analysis with the geographic analysis, it is reasonably foreseeable that the primary focus of agricultural expansions to 2030 would be within Zone 2C, which could accommodate the entire 10,253 acres forecasted by 2030 without placing substantial pressure outside Zone 2C. After 2030, there would still be approximately 10,000 acres of remaining conversion potential within Zone 2C alone, but if historic trends of conversion continue, there would be greater pressure in areas outside of Zone 2C at some point beyond 2030. This does not mean that there will not be agricultural conversions outside of Zone 2C before 2030; as shown in Figure 4.9-6 in the DEIR, there has been a limited amount of conversion that has already occurred in the Salinas Valley watershed outside of Zone 2C. Where water is available and site conditions are appropriate, some level of conversions outside Zone 2C will continue. However, for the near future it is expected that the most likely areas of conversion will be within Zone 2C with future conversions moving outside of Zone 2C in the long-run to extent that local water supplies are adequate to support such expansion.

In summary, the combination of soil suitability, water availability, and slope and lead to the conclusion that the number of acres most susceptible to agricultural conversion is limited in scale, consistent with the EIR's estimate for future conversions based on use of historic trends.

*Trends in viticulture; role of the AWCP in the expansion of viticulture.* There were approximately 33,371 acres of grape production in 1982 (Monterey County Agricultural

Commission 1982) and 39,636 acres of grape production in 2007 (Monterey County Agricultural Commission, 2009), reflecting a long-term growth trend of approximately 251 acres per year (not all of the new grape production is on previously uncultivated land; some is from crop switching on land already in cultivation). Forecasting forward to 2030 from 2007 using 251 acres/year, there could be approximately 5,773 acres of new vineyard in 2030. On the average, an acre of grapes in Monterey County yielded approximately 5.64 tons per acre in 2007 (Monterey County Agricultural Commission, 2009). Thus, there could be an average grape production on new vineyards of approximately 32,600 tons in 2030. Adding the actual 2007 grape production total of 224,000 tons, there could be an estimate production of 256,600 tons in 2030 in Monterey County.

Though the acreage devoted to grapes is expected to increase in future years, major producers would more likely to convert flat and gently sloping areas from row crops to vineyards and from natural land to vineyard than converting extensive areas of uncultivated slopes to vineyards. This is because it is far easier and more cost-effective to plant on level ground where soils are usually more fertile, where water is usually more readily available and where access is easier.

Some comments assert that the DEIR underestimated winery growth in Monterey County and questioned the winery size assumptions in the DEIR. These comments suggest that the majority of processing of wine is occurring outside of Monterey County and thus the limited amount of new wineries estimated in the DEIR would be insufficient to achieve the AWCP goal of balancing grape production and wine processing in Monterey County. Further, comments assert that if the amount of new wineries is underestimated, then the amount of new water demand and new volatile organic compound (VOC) emissions are also underestimated.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.1, Setting:

> About 45,300 acres of Monterey County are in grape production (45,000 Salinas Valley/300 Carmel Valley) with 21 established wineries. This ratio of acres to wineries makes Monterey County by far the highest ratio of acres per winery at 1,922 with the next highest being Santa Barbara at 369 acres/winery. Currently 65-70 percent of the grape production is shipped out of Monterey County to wineries elsewhere, whereas only 5 percent of wines produced are produced as a Monterey appellation. Although viticulture revenues have grown to about $380 million per year, strategic planned development of this industry would help to retain more of the economic benefits within Monterey County.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.2, Project Background:

> In April 2001, the Monterey County Vintners and Growers Association (Association) did a presentation to the Board of Supervisors on problems facing the wine industry in Monterey County. This presentation showed an imbalance between the grape production and wine processing capacity within the County. It included examples for how other areas have been able to create balance of their industry within their region.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.3 Plan Objectives:

> The main purpose of creating an Agricultural Winery Corridor Plan (AWCP) is to achieve a balance between the wine grape production and wine processing capacity within the County. In addition, the AWCP will enhance the industry's marketing of Monterey County appellation and its wines. In order to make the Winery Corridor work, there is a need to create a process that encourages the growth of this industry since enhancement of the wine industry is a benefit to the overall economic development of the County.

This language would logically give the impression to the reader that a large portion of wine processing is occurring outside of Monterey County. At the time of the early development of the AWCP in the years following 2001, there was a more limited wine processing capacity in Monterey County, and thus, the language above in the AWCP was written. However, subsequently, there has been a substantial increase in wineries (28 in 2007) and in processing capacity within Monterey County. The Monterey County Vitners and Growers Association (MCVGA) estimated that, as of 2007, there was a capacity to process nearly 31.5 million gallons of wine in the County (corresponds to 197,225 tons of grapes) (MCVGA 2007). In 2007, approximately 224,000 tons of grapes were produced in Monterey County (Monterey County Agricultural Commission, 2009). Thus, in 2007, there was the capacity to process approximately 88 percent of the grapes grown in the County. According to the MCVGA, approximately 180,000 tons of grapes were actually processed in Monterey County in 2007 (Gollnick 2010) or about 80 percent of the local production. Based on this data, the wineries were operating about 91 percent of their capacity in 2007.

The DEIR (See Table 4.3-11, on p. 4.3-121) estimated the amount of new wineries allowed by the AWCP. The estimated processing capacity was based on an estimate prepared by the MCVGA (MCVGA 2007). The MCVGA estimated the size of new wineries based on the pattern of winery sizes and the estimated amount needed to balance production and processing in Monterey County. Thus, the DEIR estimated that the 10 new full-size wineries and 40 new artisan wineries would collectively process approximately 4.35 million cases of wine, which corresponds to approximately 67,000 tons of grapes (at 65 cases/ton).

Adding the existing 2007 processing capacity of 197,225 tons and the new winery capacity of 67,000 tons, with the new wineries allowed by the AWCP, there would be a total approximately processing capacity of 264,225 tons in 2030. This would represent approximately 103 percent of the total average production estimated above for 2020 (256,600 tons). As noted for 2007, it is not expected that every winery would operate at 100 percent capacity. If the wineries in 2030 operated on the same capacity percentage as those in 2007 (91 percent), then the Monterey County wineries would process about 240,000 tons of grapes or about 94 percent of local grape production.

Thus, contrary to comment assertions, the number and size of new wineries estimated in the DEIR is a reasonable amount as it would provide for the approximate capacity necessary to bring Monterey County grape production and wine processing into rough balance. Thus, the assumptions about wineries used for estimating impacts related to

water demand, air emissions, biological resources and other impacts in the DEIR remain a reasonable basis for impact analysis.

The AWCP has multiple purposes, including bringing local production and processing into balance as well as to promote Monterey County vintage wine through the expansion of artisan winemaking and through the promotion of wine-related tourism. In order to present a current picture of the purpose and need for the AWCP, there have been updates in language in the AWCP to reflect the current conditions relative to production and processing in Monterey County.

With respect to comments suggesting that new viticulture would be directed to extensive areas on steep slopes in the agricultural wine corridors designated in the AWCP, some of new vineyards will occur on slopes (including some on steep slopes) based on historic trends and vineyard expansion will likely occur both within and outside the wine corridors. As to the extent of such expansion, please see discussion earlier in this response in which the DEIR's estimate of overall agricultural expansion is defined as a reasonable evidence-based estimate. The recent growth in grape production has occurred primarily on valley edges and upslope in areas with water availability (e.g., Zone 2C). As discussed above, success in agricultural plantings in general would be based upon the soil suitability, slope and water availability as well as specific appropriate conditions that are requisite for grape production. Further, the 2007 General Plan will only allow agricultural conversions on slopes over 25 percent under limited circumstances (with project-level discretionary review) and agricultural conversion on slopes over 15 percent would be subject to project-level discretionary review. Thus, the area of agricultural conversion including vineyards, is expecting to focus on those areas of potential suitability below 25 percent slope, as shown in Exhibit AG-1.

Although there will be an increase in grape production during General Plan implementation, for the reasons stated above, the overall scale of expansion is expected to be consistent with the DEIR's overall estimate of agricultural expansion, the areas of potential expansion are disclosed in this response, and thus the DEIR adequately discloses the character of agricultural expansion.

*Geographic Distribution of Agricultural Production.* As stated above, historically an average of 466 acres per year of uncultivated land has been converted to active agriculture. Moreover, these conversions have been geographically dispersed. Agricultural conversions in the Salinas Valley alone, for example, are distributed over 110 miles of the Highway 101 corridor (as shown on Figure 4.9-9 in the DEIR). Agricultural holdings in the Cachagua Valley and North Monterey County are equally dispersed. Each area contains its own unique soils and microclimates that support a diverse array of agricultural products.

Focusing on the Salinas Valley, on the uplands east and west of the Salinas Valley floor and along the tributary valleys, there will be some level of conversions, including conversions to vineyards. Focusing on the uplands along the Valley within a two-mile swath on either side of the 80-mile section of the Salinas Valley between Salinas and the southern County line, this area would cover approximately 102,400 acres. If two-thirds (~6,939 acres) of the estimated 10,253 acres estimated county-wide agricultural conversions by 2030 were to occur only in these uplands, agricultural growth would

disturb about 7 percent of these uplands (corresponding to about 5 miles of valley edge along 80 miles of Valley). Given the historic pattern of agricultural conversions, future conversions are likely be dispersed throughout the Valley, as well as occurring outside the Salinas Valley (for example around the Lockwood area). The relatively limited scale of agricultural conversions, coupled with their geographic dispersion, are key factors taken into account in the analysis of biological resource impacts (see Master Response 8).

*Conclusion.* The information presented in the DEIR, as amplified in the discussion above, demonstrates that the extent of new land conversion to agriculture will likely remain at historic levels. Accordingly, commenters' assertions that there would be massive expansion of agriculture and/or vineyards and thus that there would be corresponding massive increase in impacts from soil erosion/sedimentation, loss of species habitat and/or disruption to wildlife movement that would result based on the provisions of Policy OS-3.5 or the implementation of the AWCP are unfounded. The combination of factors presented above (historic trends and growth projections, land suitability, trends in viticulture and role of the AWCP, and geographic distribution of agriculture) and the revisions to Policy OS-3.5 and the AWCP described above support the conclusions in the DEIR concerning the level of impacts to water quality and biological resources.

See Master Response 8 for further discussion of biological resources and wildlife corridors. See Master Response 9 for further discussion of water quality.

## 3.3 Anticipated Development that Would be Permitted Pursuant to Policy AG-3.3 (Routine and Ongoing Agriculture)

The Draft General Plan provides exemptions from a number of General Plan policies for "routine and ongoing" agriculture as specified in the referenced policies (Policies C-5.3 (Scenic Highway Corridors), C-5.4 (Scenic Highway Corridors), OS-1.9 (views), OS-1.12 (scenic routes), OS-3.5 (slope), OS-3.6 (erosive soils), OS-5.5 (native vegetation), OS-6.3 (archaeological), OS-7.3 (paleontological), OS-8.3 (burial sites), OS-10.8 (air quality), S-2.3 (floodplain). Policy AG-3.3 does not exempt activities that would contribute to erosion or water quality impacts. The list of specific activities to be covered would be developed in consultation with the Agricultural Commissioner and would be based upon the technical input of County, regional and state technical staff. These would be based on state of the art information from other jurisdictions as well as the County's own experience.

Activities that may be considered in the development of a future ordinance include practices that are common to agricultural operations with a focus on daily, ongoing operational activities. The practices noted in the policy include daily practices that are common within agriculture production systems today such as crop planting, tilling, harvesting, and maintenance of facilities. These are activities are already in existence on active farms and the General Plan policies and zoning ordinances recognize these practices as routine (Monterey County Code, Title 21, Chapters 21.24, 21.30 through

21.38, and 21.48). Current General Plan policy recognizes routine and ongoing agricultural operations as a baseline with respect to resource impacts.

However, it is important to note that proposed General Plan Policy AG-3.3 does not exempt routine and ongoing conversions from the provisions of Policy OS-3.5 when it comes to conversion of previously uncultivated areas (aka natural land covers). Thus, when routine and ongoing agriculture results in conversion of previously uncultivated areas on slopes above 15 percent (or about 10 percent on highly erodible soils), then a discretionary permit will be required.

Commenters have contended that the exemptions under "routine and ongoing agriculture" (Policy AG-3.3) would result in impacts to a number of resources that have not been fully characterized or quantified in the DEIR. These include: a) impacts to wildlife corridors; b) impacts to fish and other riparian species, c) impacts to plant and animal habitats, and d) impacts to water quality from soil erosion. To address these comments, first we provide a brief description of routine and ongoing agriculture, including a brief summary it is important to first understand the regulatory requirements that already apply and would continue to apply to these activities routine and ongoing agriculture. The impacts of agriculture on water quality and biological resources are also discussed in Master Response 9 and Master Response 8, respectively.

Routine and ongoing agricultural operations must comply with all applicable federal, state, and local, and federal regulations governing water quality and environmental protection. General Plan policies do not implicitly or explicitly grant exceptions or exemptions to the compliance with those existing laws and regulations, whose intent is to avoid or minimize environmental impacts. The intent of the General Plan policies related to routine and ongoing agricultural operations is not to provide the industry with reduced regulation (as comments allege), but rather to clarify County policies in regards to agriculture.

Environmental regulations with which routine agricultural operations are required to comply with a myriad of regulation designed to protect environmental resources. Again, the General Plan does not exempt agriculture from these regulations. Such regulations include but are not limited to: surface, and groundwater quality regulations; County zoning, grading, and building regulations; air quality; erosion regulations; surface and ground water discharge regulations; riparian habitat regulations; lake and streambed alteration stream and river regulations; floodplain development regulations; and hazardous materials regulations; and federal and state endangered species acts. Below is an abbreviated description of these regulations:

- *Surface and groundwater quality regulations*, including impacts to water quality from soil erosion and storm water run-off flowing through irrigated lands: Routine agricultural operations must comply with the Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Pursuant to these regulations, the Central Coast Regional Water Quality Control Board (RWQCB) has established a comprehensive conditional waiver program to regulate discharges from irrigated lands. This program is intended to ensure that discharges from irrigated land do not cause or contribute to the exceedance of any Regional, State, or Federal water quality standard (Water Code, § 13269; RWQCB Order No. R3-2009-0050). The Conditional Waiver of Waste Discharge Requirements for Irrigated Lands prohibits

the discharge of substances (including sediment) that may impact beneficial uses and/or affect fish or wildlife. Agricultural operations are not permitted to violate water quality standards or discharge pollutants into waterways. In addition, agricultural operations must comply with Federal Clean Water Act Total Maximum Daily Load (TMDL) limitations for nutrients, sediments, and pesticides (33 U.S.C., § 1313(d)). Development and enforcement of these regulations are outside of the jurisdiction of the County. The County plans to actively participate in the development of TMDLs. See also, Master Response 9 on Water Quality.

- *County zoning, grading, and building regulations*: Routine agricultural operations must comply with applicable County zoning code requirements (Monterey County Code, Title 21, Chapters 21.01 through 21.90), obtain applicable grading permits (Monterey County Code, Title 16, Ch. 16.08), and building permits (Monterey County Code, Title 18, Ch. 18.08).
- *Erosion control regulations*: Routine agricultural operations must comply with Monterey County erosion control regulations. (Monterey County Code, Title 16, Ch. 16.12.) County code enforcement is responsible for enforcing excessive accelerated erosion violations.
- *Pesticide use regulations*: Pesticide regulations are developed by the Environmental Protection Agency and the Department of Pesticide Regulation. (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. §§ 136 et seq.); Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. §§ 301 et seq.); Food & Agriculture Code, Division 7; 3 Cal. Code Regs, §§ 6624-6628.) Pesticide use regulations are designed to protect human health and safety as well as both surface and groundwater quality. Agricultural operations are required to obtain permits for restricted materials and materials that have the potential to impact groundwater (Food & Arg. Code, § 14006.5). Compliance with regulations is enforced by the County Agricultural Commissioner. Pesticide applicators are subject to inspection and must report pesticide use to the County Agricultural Commissioner (Food & Agriculture Code, § 14012).
- *The CDFG lake and streambed alteration regulations*: Routine agricultural operations must comply with California Department of Fish and Game (CDFG) regulations regarding lake and streambed alterations. Permits must be obtained from the CDFG for the alteration of the beds or banks of lakes or streambeds. (Fish and Game Code, §§ 1601 et seq.). A streambed alternation permit is also required for removal of riparian vegetation.
- *Floodplain development regulations*: Agricultural operations must comply with County floodplain development regulation (Monterey County Code, § 16.16.050) The County Code requires that filling or grading that exceeds a depth of one foot per acre of land surface comply with existing grading permit requirements.
- *Hazardous materials regulation*: Routine agricultural operations are subject to hazardous materials regulations enforced by the County Environmental Health Division (Monterey County Code, Ch. 10.65). Hazardous materials include fuel tanks, pesticide storage, and field toilets (Monterey County Code, § 10.65.020.). These regulations are enforced by the County Environmental Health Division.

Comments have also alleged that Policy AG-3.3 would result in construction of new fences throughout the County that would impede wildlife movement and that this potential impact has not been disclosed. Property owners are currently permitted to construct fences subject to height restrictions and setbacks consistent with the current zoning ordinance (fences higher than 6 feet are considered structures and require a building permit and potentially a variance). There is no evidence to suggest that because AG-3.3 includes fences as an allowable practice, that there would be a significant increase in fence construction. Nothing in the information presented in the comments provides evidence or support for the assertion that inclusion of fencing as a routine and ongoing activity would result in a surge in fence installation beyond what is currently allowed and practiced. Rather, trends indicate that the industry utilizes fences on a very limited basis. The cost of a fence is approximately $8.00 per foot. Because of the high installation and maintenance costs, fences are only employed in limited circumstances where wildlife intrusion seriously threatens food safety. The County enacted an emergency ordinance providing 6 months of relief from zoning restrictions on height and setbacks. During the 6-month period there were no permits requested for fences. This strongly suggests that the industry is not prone to fencing large tracts of land, as the comments allege. This clarifies that Policy AG-3.3 refers to fencing in the context of maintenance of existing fencing, but does not provide for exemptions for fences that do not already exist.

In summary, in response to comments concerning the potential impacts that could occur as a result of the implementation of Policy AG-3.3, the County has concluded that even if all of the activities listed in the policy are actually exempted in the ultimate ordinance, there are sufficient policies and regulations from federal, state, and regional authorities as well as policies in the General Plan and County ordinances, that would mitigate assure potential environmental effects to a level that are less than significant. Even assuming the unlikely scenario that all of the future conversion of uncultivated land to agricultural production would occur pursuant to Policy AG-3.3 (estimated in this EIR as a total of ~10,253 acres by 2030), given the likely distribution of agricultural activities throughout the County, and the application of General Plan policies that would apply in combination with other regulatory requirement it is reasonable to conclude that impacts related to erosion/sedimentation or habitat conversion would be less than significant. See Master Response 9 for further discussion of impacts to erosion/sedimentation and Master Response 8 regarding habitat conversions.

## 3.4 Anticipated Additional Development that Would be Permitted under the AWCP

The County received comments regarding the potential development within the AWCP, asserting that the commercial development that would be allowed pursuant to the Plan policies would create biological resource impacts, including disruption to wildlife, by the placement of facilities in the corridor. Commenters also asserted that sprawling commercial development would be induced by implementation of the corridor.

As noted previously in this Master Response, the policy regarding permitting of artisan wineries and ancillary uses has been modified to require compliance with Policy OS-5.16

(biological study). This will address and mitigate potential impacts to habitat, species and corridors. Development of a large scale winery in the corridor would be subject to a discretionary permit which would in turn address slope conversion and other resource impacts.

Further, AWCP policies limit the number of wineries that can be sited in each corridor segment, thus assuring that facilities will be geographically dispersed and not have cumulative impacts. Facilities that would be allowed under the AWCP (e.g., tasting rooms, bed and breakfasts, restaurants) are also limited in number. This would therefore limit the commercial "sprawl" as asserted by commenters. Additional visitor serving facilities or commercial facilities that would serve winery operations would likely be sited in the cities adjacent to the corridor.

Based upon the application of General Plan biological resource and soil/erosion policies, policies, the limit on the total number of facilities that would be permitted and the distribution of facilities throughout the 80-mile of corridors, the DEIR conclusion that impacts from development of AWCP facilities would be less than significant is correct. See Master Response 4 for discussion of water demand from AWCP development. See Master Response 8 for further discussion of AWCP impacts on biological resources.

## 3.5 Traffic Impacts from AWCP Development

Several commenters asked questions about how the traffic impacts from the AWCP were analyzed in the DEIR and whether the traffic impact conclusions were accurate. While traffic impacts of the AWCP were included in the DEIR (see discussion beginning on Page 4.6-108), a more focused discussion to amplify that analysis is presented below, in response to these comments. This discussion demonstrates that AWCP-related traffic was accounted for in the DEIR conclusions.

In the DEIR, the AWCP County roadway corridor was analyzed under weekday and weekend conditions. Weekday conditions reflect growth in traffic related to the increase in employment within the corridor as well as the increase in through traffic caused by growth outside the County. Weekend conditions reflect tourist and visitor traffic to the corridor. Weekday conditions in the AWCP wine corridor are also analyzed in the General Plan analysis (Section 4.6.3.5). The AWCP analysis in Section 4.6.4 of the DEIR compares weekday and weekend roadway service levels.

Traffic forecasts for Monterey County in the DEIR are derived from the Association of Monterey Bay Area Government's (AMBAG) regional travel demand forecasting model. This model is only validated for weekday travel conditions, so a methodology was devised to estimate weekend conditions for the wine corridor. Since specific development projects and their locations in the wine corridor are unknown, the conversion of weekday to weekend traffic is based on the change in weekday to weekend traffic from a corridor with similar characteristics as the wine corridor.

As noted on Page 4.6-109 of the DEIR, Highway 29 in Napa County was selected as a similar agricultural and tourist-oriented corridor for purposes of making assumptions about future traffic generation. Highway 121 (Silverado Trail) in Napa County was also

reviewed because its physical characteristics are more comparable to those of the Monterey County wine corridor. However, the weekday to weekend conversion for Highway 121 was substantially less than that of Highway 29. So, to be conservative, Highway 29 was selected to compute a ratio of weekday to weekend traffic. The average percent change from weekday to weekend traffic volumes on Highway 29 ranged from -4 percent to 17 percent. Using only the segments of Highway 29 that showed positive change in traffic between weekdays and weekends, the ratio applied to the AWCP corridor was 11.2 percent.

In the DEIR, the weekday to weekend growth estimate for the AWCP corridor is conservative for the following reasons:

- The average weekday to weekend ratio of traffic volumes on Highway 29 over its length in Napa County is 4 percent when segments with a weekend reduction in traffic are considered.
- Highway 29 is designed for higher speeds and capacities and has substantially more wineries and venues than the AWCP corridor and likely attracts more visitor traffic and tour buses than the AWCP corridor on weekends.
- The 11.2 percent growth rate is applied to all weekday traffic using the AWCP corridor including work related and through traffic, whereas Highway 29 has little through traffic in the segments used for to develop the ratio.

Therefore, AWCP-related traffic was accounted for in the DEIR traffic impact conclusions. Even with a conservative weekend growth estimate applied to future traffic projections, few segments of the AWCP wine corridor have identified impacts, even at buildout of the General Plan. Unless traffic volumes substantially exceed 20,000 vehicles per day, traffic impacts on two lane highways (such as those in the designated corridors) typically occur from lack of passing opportunities or delays caused by vehicles waiting to turn at intersections. Mitigating these impacts can be accommodated by the measures identified in Mitigation Measure TRAN-5A, as revised (revision shown in underlined text), while maintaining the rural character of the corridor.

- Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or
- Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or
- Constructing passing lanes at selected locations.

<u>Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a “fair share” payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.</u>

# Master Response 4: Water Supply

Numerous comments were provided concerning water supply policies and water supply-related analysis in the EIR. The following is a general outline of this Master Response.

4.1 General Issues (Unincorporated Inland Area)

- 4.1.1 Definitions
- 4.1.2 General Plan Policy Adequacy
- 4.1.3 Adequacy of Analysis of Supply and Demand
- 4.1.4 Sources of Future Supply
- 4.1.5 SB 610 Applicability
- 4.1.6 2092 Buildout Analysis
- 4.1.7 Impacts of sea level rise
- 4.1.8 Policy and Mitigation Changes since the DEIR
- 4.1.9 Summary of EIR Significance Conclusions

4.2 Salinas Valley

- 4.2.1 Salinas Valley Water Demand
- 4.2.2 Salinas Valley Water Project, Phase 1
- 4. 2.3 Salinas Valley Water Project, Phase 2
- 4.2.4 Seawater Intrusion
- 4.2.5 Groundwater Overdraft
- 4.2.6 Granite Ridge and South Highlands
- 4.2.7 El Toro Creek Groundwater Subbasin
- 4.2.8 Water Supply for Future Fort Ord Development

4.3 Monterey Peninsula

- 4.3.1 Balance of Supply and Demand
- 4.3.2 Coastal Water Project
- 4.3.3 Regional Water Supply Program
- 4.3.4 Impacts of legal lot development

4.4 Pajaro Valley

- 4.4.1 Balance of Supply and Demand
- 4.4.2 Status of Potential Supply Projects
- 4.4.3 Feasibility of mitigation for legal lot impacts

4.4.4 Pajaro Community Area water supply

4.5 Regional Water Management

4.6 Impacts of Water Supply Projects

This Master Response provides response to these broad water supply issues, but does not provide a specific response to every comment that has been received on water supply. Individual comments are addressed in the Chapter 3 of this FEIR. Please also see Chapter 4, Changes to the Text of the DEIR.

# 4.1 General Issues

## 4.1.1 Definitions

### Watersheds, Basins, Sub-basins, Sub-areas, and Study areas

Certain comments requested definitions of the terms used in DEIR Section 4.3 concerning watersheds, groundwater basins, sub-basins and subareas, and study areas. The following is added to DEIR Section 4.3 for clarity. See Chapter 4, Changes to the Text of the DEIR, for specific text revisions.

- *Watershed*: the geographic area defining the area from which a river or stream derives its water. Rain falling within the watershed flows down to supply the particular river or stream.
- *Groundwater basin*: a groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir. The boundaries of the basin are defined by geologic or hydrologic features that isolate it from other basins. A watershed may supply more than one groundwater basin.
- *Sub-basin or subarea*: A portion of a larger groundwater basin. A sub-basin is not geologically or hydrologically separate from the larger basin, but is distinguishable by having unique characteristics within the larger basin.
- *Study area:* an area studied for purposes of analyzing water supply and demand. In the case of the Monterey County General Plan Update, the study area is not limited to a single watershed or groundwater basin, but instead includes the County as a whole.

Exhibit 4.3-7 of the DEIR identifies the North County groundwater basins and sub-basins. In order to clarify the geographic location of the County's major groundwater basins, Exhibit 4.3-7a has been added to the EIR. It illustrates Monterey County's four major groundwater basins – Pajaro, Salinas, Seaside, and Carmel River.

## Long-Term Water Supply/Safe Yield, Long-term Sustainable Water Supply/Sustainable Yield, and Overdraft

Some commenters have argued that the definition of "safe yield" used in the DEIR (see page 4.3-45 is not a standard definition and is not a workable standard. They also ask that the relationship between safe yield and sustainable yield be clarified.

It should be noted that in common usage, some will use safe yield and sustainable yield to mean the same thing, however the analysis in the EIR views safe yield and sustainable yield to have somewhat different meanings as follows:

- **Long-Term Water Supply (safe yield) (as defined in Title 19.02.143):** the amount of water that can be extracted continuously from the basin or hydrologic sub-area without degrading water quality, or damaging the economical extraction of water, or producing unmitigatable adverse environmental impacts.
- **Long-Term Water Supply (as defined in the General Plan Glossary and used in specific General Plan policies):** an available supply of water that can be extracted from a basin or hydrogeologic sub-area to service the existing and projected development in that basin or hydrogeologic sub-area for a twenty year period without degrading water quality, damaging the economical extraction of water, or causing significant unavoidable adverse environmental impacts.
- **Long-term Sustainable Water Supply (as used in specific General Plan policies):** the use of groundwater in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic or social consequences taking into account the effects of pumping (safe yield) and the ability to reverse trends that are depleting supply and renew basin functions through various means.
- **Overdraft:** The pumping of water from a groundwater basin or aquifer in excess of the supply flowing into the basin over the course of several climatic cycles.

"Long term water supply" as used and defined in the General Plan pertains to the evaluation of a project specific review or water system review. It typically would look at a more localized area than long term sustainable supply. Twenty years is the planning horizon for considering whether a water company, for example, has access to supply for 20 years, based on its technical, managerial and financial capabilities, permits from the CPUC and operational plans into the future. The 20-year time horizon is not part of the definition of "sustainable" supply. The term "Long term water supply" also applies to consideration of water quality trends in the service area and measures that will be undertaken to address impending problems or regulatory requirements. For a groundwater supply, a "long-term water supply" would need to have a safe yield for a minimum of a 20-year period.

"Long term sustainable water supply", as referenced in General Plan goal PS-3 and policies under goal PS-3, examines the groundwater basin or sub-area in a broader context- and does not have a specific timeframe. It is based on consideration of whether the basin is likely to come into balance; that is, whether solutions are funded or in place to reverse general trends with respect to overdraft and seawater intrusion. It involves a more comprehensive evaluation of conditions in the groundwater basin including the economical extraction, effects on neighboring wells (the concept of "safe yield" as used

in Title 19 of the County Code), amount of available water in storage, ability to renew and sustain basin functions over time, and ability to accommodate current and future growth and development. For a groundwater supply source a "long-term sustainable water supply" would have to have a sustainable yield without resulting in further overdraft over the long-term.

For the purpose of the DEIR impact analysis in the Water Resources Chapter 4.3, the DEIR relied on the concept of "long term sustainable water supply" as described above, including the concept of sustainable yield for groundwater supply sources. For the purposes of environmental review of water supply impacts under CEQA, the County relied on the most conservative term. General Plan policies under Goal PS-3 also use the term "long-term sustainable water supply," and the DEIR relied on the concept of this term as described above in analyzing the impact of these policies (See DEIR, at p. 4.3-127).

The definitional discussion above has been added to Page 4.3-45 in the first paragraph (see Chapter 4, Changes to the Text of the DEIR).

The remaining terms will still have applicability for different purposes in implementation of the General Plan. For example, the General Plan uses the concept of "long term water supply" as defined in the General Plan glossary in determining whether new development has Adequate Public Facilities and Services (Table PS-1 and General Plan Policies PS-1.1 through PS-1.4).

## 4.1.2 General Plan Policy Adequacy

A number of comments questioned the adequacy of the water resources mitigation measures and certain specific General Plan Policies in terms of their effectiveness to limit environmental effects related to water supply.

Mitigation measures WR-1 and WR-2 are consistent with the CEQA requirements and measures are in place to ensure their implementation. While the EIR has proposed Mitigation measures WR-1 and WR-2 as feasible means to reduce the impact of new development on water supply, the EIR does not rely upon these mitigation measures to reduce impacts to a less than significant level in all areas of the county (see pages 4.3-131, 4.3-154, and 4.3-163 of the DEIR).

### *a. Adequacy of Mitigation Measure WR-1 Regarding Monterey Peninsula Water Supply, Groundwater Overdraft and Seawater Intrusion*

Several commenters have asserted that Mitigation Measure WR-1 is inadequate because it lacks specific feasible actions to actually improve environmental conditions and monitoring of its implementation. Mitigation Measure WR-1 requires the County to participate in regional planning for water supplies for the Monterey Peninsula while continuing to protect the Salinas and Pajaro River groundwater basins from seawater intrusion. The purpose of this measure is to ensure County involvement and commitment to regional planning to address the shortfall in water supplies for Monterey Peninsula while make sure that any regional solutions do not exacerbate the groundwater conditions

in the Salinas River or Pajaro River groundwater basins. Mitigation Measure WR-1 has been revised to clarify that cooperative water planning activities will also involve the affected agencies in the Pajaro River basin (see below for the revision).

This mitigation is not described as fully mitigating significant water supply impacts (Impact WR-4) on the Monterey Peninsula (that is, mitigating to a less than significant level) up to 2030. Instead, while providing for a mitigation measure to reduce the impacts of new growth, the DEIR nonetheless concluded that future development would result in a significant and unavoidable impact related to water supply due to ministerial development on lots of record on the Monterey Peninsula. Subsequent to the DEIR, as discussed below in response 4.1.9, the County has revised this conclusion to now be less than significant for the Monterey Peninsula without mitigation because of consideration of the effects of Policies 3.1 and 3.3 for discretionary development and because of revised Policy 3.4 regarding Carmel Valley and consideration of the Seaside aquifer adjudication determinations concerning small water users. The text on page 4.3-130 of the DEIR has been revised to clarify this point (See Chapter 4, Changes to the Text of the DEIR). The impact of the 2007 General Plan to water supply for the Monterey Peninsula is still identified as significant and unavoidable due to the lack of planning for periods beyond 2030.

Mitigation Measure WR-1 is described in the DEIR as mitigating impacts to groundwater overdraft (Page 4.3-154) and seawater intrusion (Page 4.3-162) on the Monterey Peninsula to a less that significant level up to 2030. Subsequent to the DEIR, the county has revised this conclusion to, as discussed below in section 4.1.9, to now be less than significant for the Monterey Peninsula without mitigation because of consideration of the effects of Policy PS-3.1 and PS-3.3 for discretionary development and because of revised Policy PS-3.4 regarding Carmel Valley and consideration of the Seaside aquifer adjudication determinations concerning small water users. The text on pages 4.3-154 and 4.3-162 of the DEIR have been revised to clarify this point (See Chapter 4, Changes to the Text of the DEIR). The impact of the 2007 General Plan to groundwater overdraft and seawater intrusion for the Monterey Peninsula is still identified as significant and unavoidable due to the lack of planning for periods beyond 2030.

Regarding the commenter's request that Mitigation Measure WR-1 be changed to commit the County to specific water supply actions: (1) the 2007 General Plan constrains discretionary development (except for the first single family dwelling and non-habitable accessory uses on an existing lot of record) from moving forward without an assured water supply wherever it occurs in the County (Policy PS-3.1); (2) the solutions to the water supply problems on the Monterey Peninsula and the Pajaro River basin are the responsibility of multiple jurisdictional entities including the County; and (3) the County thus cannot go it alone and design solutions separate from the other responsible parties. Mitigation Measure WR-1, as revised, provides for just such cooperative work. The revised measure is described in Chapter 4, Changes to Text of the DEIR, of the FEIR.

### *b. Adequacy of Mitigation Measure WR-2 Regarding Salinas Valley Water Supply, Groundwater Overdraft and Seawater Intrusion for the Period after 2030*

Commenters have also suggested that Mitigation Measure WR-2 (Initiate Planning for Additional Supplies to the Salinas Valley) is not adequate. Mitigation measure WR-2 is only provided for impacts from the 2030 horizon year to buildout in 2092. This measure, as revised, will establish General Plan policies committing the County to continuing development of water supplies, including through conjunctive use and other methods of using existing supplies efficiently, to serve the Salinas Valley. As discussed on page 4.3-131, a second phase of the SVWP is a feasible water supply project that could provide adequate water for the expected amount of increase in water demand for the unincorporated County beyond 2030. The revisions provide for the ongoing and regular review of growth projections, adaptive changes in response to unanticipated growth, and a five-year deadline for development and implementation of any necessary adaptive changes. The revised measure is described in Chapter 4, Changes to the Text of the DEIR. See also Master Response 10, Level of Detail for the General Plan and the General Plan's EIR, regarding the level of detail necessary in mitigation measures that are adopted as part of a general plan EIR. As further noted in *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351, 377, "[w]here…devising more specific mitigation measures early in the planning process is impractical, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval." (Id., internal quotations omitted; see also *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [agency entitled to rely on the result of a future study to fix the exact details of the implementation of the mitigation measures the agency identified in the EIR.].) As discussed in the Master Response, there are a number of statutory requirements which ensure the implementation of General Plan policies and any mitigation measures adopted as part of project approval. (See Government Code Sections 65359, 65400, 65455, and 65860.)

Note that Mitigation Measure WR-2 (which modifies the proposed Policies PS-3.17 and -3.18 to provide for expansion of the SVWP as may be necessary to meet future demand) mitigates the impacts of the buildout of the General Plan Update in unincorporated areas to water supply in the Salinas Valley (See page 4.3-134 of the DEIR). As noted on page 4.3-134, "The SVWP has the capacity to provide additional water to the Salinas Valley with expansion of the distribution system, capture of additional flows through changes in operational management of the dams, and continued trends of per capita conservation. The MCWRA estimates this to be as much as 10,000 AFY, which would be slightly less than estimated as needed for new post-2030 demand (~10,905 acre-feet (AF); see revised Table 4.3-9a)." However, the estimate in Table 4.3-9a has not taken into account water conservation measures as it is based on a DWR 2005 per capita average use factor. New mandatory requirements per state law (SB-X7 7) will mandate reduction of per capita water use in Monterey County (and throughout the state) by 20 percent by 2020. Taking this into account, the new demand in the unincorporated County areas beyond 2030 would be more like 8,724 AF per year (AFY), which is less than the amount estimated as being available through a second phase of the SVWP. Other water conservation measures are also being implemented, such as the State's Model Landscape Ordinance (AB 1881 [2006]), and General Plan Policies OS-3.8, OS-10.10, PS-3.12, and PS-3.13. It

is reasonably foreseeable that water conservation measures will be in place such that urban water usage increases from 2030 to buildout in 2092 will be less than 10,000 AFY (See Section 4.1.6 of this Master Response for greater detail).

### *c. Approval of Development Relative to Long-Term Sustainable Water Supplies*

Several commenters expressed concern about approving any new development until water supply, seawater intrusion and groundwater overdraft issues are fully addressed. The 2007 General Plan (Policy PS-3.1) requires discretionary development to provide proof of a long-term sustainable water supply prior to approval. This would apply to future development in the Community Areas, Rural Centers, major commercial centers, or standard subdivisions. Additional General Plan policies, listed below, address the requirement for new development to demonstrate that it has adequate public facilities and services (APFS) that are managed by an entity with the appropriate technical expertise and financial stability. Thus, discretionary development will not be able to proceed in areas wherein new water demands would exacerbate existing seawater intrusion or groundwater overdraft.

The General Plan includes policies that limit new residential subdivisions within a portion of the Greater Salinas Area Plan and the Toro Area Plan and all of the North County Area Plan. By prohibiting new subdivisions in these areas, these policies will in effect restrict the potential for future impacts on groundwater and seawater intrusion by constraining demand.

As discussed below in the discussion for the Monterey Peninsula and Pajaro River basins, for ministerial development on legal lots, the County has existing requirements that limit the potential water supply demand of existing lots of record. In addition, plans are underway for a new water supply to portions of the Highlands South and Granite Ridge areas (discussed below under discussion of Salinas Valley basin) that will limit the impact of future development water demand in these areas.

### *d. Feasibility of Implementing General Plan Policies*

Several commenters questioned the feasibility of implementing the 2007 General Plan policies concerning water supply. The policies (noted below) are all considered feasible, will be implemented through new ordinances or through existing zoning and subdivision regulations, and all contribute to reducing potential impacts of new development, new water demands, and new water infrastructure.

The proposed draft General Plan includes numerous specific policies that will encourage water conservation and discourage development in advance of the availability of adequate water supply. These also address the related issues of groundwater recharge, well interference, and reducing seawater intrusion. The pertinent policies include the following:

- Policies PS-1.1 through PS-1.6 establish Adequate Public Facility and Services (APFS) requirements to ensure that new discretionary projects will meet specific service standards, including the availability of a long-term water supply, and require services to be installed concurrent with each phase of new development in accordance with an infrastructure phasing plan.

- Policies PS-2.1 through PS-2.9 establish a comprehensive regulatory scheme for limiting new impacts on groundwater sources. This includes improved groundwater data collection, requirements for connection to existing water service, conservation, and groundwater recharge requirements in development design.
- Policies PS-3.1 through 3.15, in addition to requiring discretionary development (except for a single residence on existing lots of record) to show a long-term water supply and establishing performance standards to determine whether a supply is sustainable, establish requirements for new wells that will reduce impacts on existing wells and restrict the installation of new wells where sea water intrusion is a problem. These policies also include a requirement to prepare a Capital Improvement and Financing Plan to address water infrastructure deficiencies and requirements for imposing water conservation methods.

## 4.1.3 Adequacy of Analysis of Supply and Demand to 2030

Numerous comments questioned the analysis of water demands throughout the County, requested comparison of supply and demand, and requested analysis of cumulative supply and demand conditions including demands from inside the incorporated cities and agriculture. The DEIR included these analyses in Section 4.3, *Water Resources*. The specifics of supply and demand for different parts of the County are described below in the responses concerning the Salinas Valley, Monterey Peninsula, and North County.

New Table 4.3-9b (see Chapter 4, Changes to the Text of the DEIR) summarizes and augments the information in Chapter 4.3, *Water Resources*, of the DEIR to clarify the projected water supply situation within Monterey County, under the General Plan Update. Table 4.3-9b also includes the projected water demands of the incorporated cities. Tables 4.3-9c, 4.3-9d, 4.3-9e, 4.3-9f, 4.3-9g and 4.3-9h (see Chapter 4, Changes to the Text of the DEIR) provide greater detail concerning water demands and existing and potential future supplies.

The updated water demand and supply details, including updated information on incorporated city demand, do not, by themselves change the conclusions of the DEIR related to water supply, groundwater overdraft, or seawater intrusion. In the Salinas Valley the updated demand is still consistent with the projections of the SVWP and thus the SVWP EIS/EIR conclusions regarding water supply, groundwater overdraft and seawater intrusion still hold. On the Monterey Peninsula, the fundamental conclusions about the need for further water supply projects to support future growth remain unchanged. However, as discussed below in the section concerning the Monterey Peninsula, the conclusion regarding the impacts of ministerial development on lots of record has been changed due to consideration of 2007 General Plan policies and due to determinations in the Seaside aquifer adjudication; the impact is now considered less than significant in regards to water supply, groundwater overdraft, and seawater intrusion. In the Pajaro River groundwater basin, the fundamental conclusion of inadequate supplies to address current and future demands is unchanged. The revised water demand and supply estimates do not result in the change of any impact identified as less than significant in the DEIR to significant and unavoidable in the FEIR.

## 4.1.4 Sources of Future Water Supply

A water supply analysis should discuss future water supply sources, as well as the potential impacts of obtaining those future supplies, to the extent that information is reasonably foreseeable. Section 4.3.2.4 of the DEIR (beginning on page 4.3-29) discusses existing and future potential supplies in the three major groundwater basins in the County, describes the status of planning for future supplies, and discussed potential secondary environmental impacts of developing further resources. The information in the DEIR has been supplemented with the information in this Master Response, but the fundamental conclusions of the DEIR remain unchanged.

As discussed in Chapter 4.3, *Water Resources*, and in this Master Response, there are no feasible outside supplies of water for the County. This has not changed since the release of the DEIR for review. Additional information is now available about the Coastal Water Project proposed by CalAm to provide a replacement for its illegal diversions from the Carmel River and to comply with the adjudication of the Seaside Basin. That information is described below.

## 4.1.5 Need for SB 610 Analysis

Commenters have asserted that the DEIR should include a "SB 610" water supply analysis. Senate Bill (SB) 610, enacted in 2001, requires that the public water supplier for any large development project (as defined in the statute) prepare a water supply assessment describing the long-term availability of water to supply the project.

The DEIR does not include a formal SB 610 Water Supply Assessment (WSA) because General Plan EIRs are not required to comply with SB 610. SB 610 does not apply to General Plans for three reasons: 1) the express language of SB 610 does not include General Plans as projects subject to the Act; 2) General Plan law sets forth an alternative process for local governments to consult with water supply agencies during General Plan preparation (see Government Code Section 65352.5); and 3) the Legislature envisioned the General Plan being considered during preparation of long-term Urban Water Management Plan preparation, to serve as the first tier of land use and water supply planning coordination, prior to consideration of individual development projects.

SB 610 applies to *development projects*, for example, "a proposed residential development of more than 500 dwelling units," or a "project that would demand an amount of water equivalent, or greater than the amount of water required by a 500 dwelling unit project." (Water Code §10912(a)) SB 610 lists several other "projects" requiring a WSA; a General Plan is not on that list. SB 610 further provides that nothing in SB 610 is "intended to modify to otherwise change existing law with respect to projects that are not subject to…" (Water Code §10914(c)) Although a General Plan may enable individual projects falling within the SB 610 definition of project, the General Plan itself is not such a project.

Instead, the Legislature has created an alternative approach to assure that local governments coordinate with water supply agencies when preparing General Plans. Local

agencies must "refer" a proposal to adopt a General Plan to any public water system with 3,000 or more service connections that serves customers within the General Plan area. (Government Code Sec. 65352.5) The public water system has 45 days to comment. The Monterey County General Plan complies with this process.

Lastly, the Legislature envisioned General Plan and water supply planning coordination being accomplished not through SB 610, but rather through the Urban Water Management Plan (UWMP). The Urban Water Management Planning Act (Water Code §§ 10610 et seq.) requires urban water suppliers to consider their entire service area, and is intended to "provide assistance to water agencies in carrying out their long-term resource management responsibilities…" (Water Code Sec. 10610.2(a))

Water suppliers must prepare UWMPs that analyze water supply and demand, and water supply reliability, over a 20-year planning horizon, and to update these plans every 5 years. General Plans typically serve as an information source for water suppliers to prepare UWMP water demand projections. When individual development projects are proposed, WSAs are entitled to rely on information contained in the UWMP. (Water Code §10910(c)(2)) Thus under the Legislature's approach, UWMPs based on General Plans can function as the first tier of coordinating land use and water supply planning. WSAs prepared for individual development projects then function as the second tier.

Also, comments assert that since the General Plan EIR functions as a "terminal EIR" for certain future activities not requiring further discretionary approvals or CEQA review, a WSA must be prepared for these activities. This assertion is incorrect. As discussed above, a General Plan is not a "project" subject to SB 610 WSA requirements. There is no authority supporting the proposition that the inclusion of certain activities that do not require discretionary approvals somehow converts a General Plan into a project subject to SB 610.

It is immaterial that no WSA will be prepared later when activities not requiring discretionary approvals are implemented. The Legislature intended SB 610 to apply only to those qualifying discretionary projects subject to CEQA that require a Negative Declaration or EIR. (Water Code §§10910(a), (b))

## 4.1.6 2092 Buildout Analysis

Commenters have asserted that the DEIR lacks sufficient detail regarding potential impacts from full buildout under the General Plan in the year 2092. As discussed in the *In re Bay-Delta* case, over a 30-year period, it is "impracticable to foresee with certainty specific source of water and their impacts…The PEIS/R complied with CEQA by identifying potential sources of water and analyzing the associated environmental effects in *general terms*." (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4$^{th}$ 1143, 1173; emphasis added.)

The availability of water supply to meet demands at full buildout in 2092 has been conservatively described as significant and unavoidable in the DEIR (see, for example, the discussion beginning on page 4.3-135). As shown in Table 4.3-9b (see Chapter 4, Changes to the Text of the DEIR) current water supply planning is inadequate to meet

projected demands through the 2030 period in two out of three of the County's major watershed areas (Carmel River/Seaside basin and Pajaro River basin).

The new water demand from development in Monterey County was estimated in DEIR Table 4.3-9 through 2092 buildout. Table 4.3-9 was revised (as Table 4.3-9a – see Chapter 4, Changes to the Text of the DEIR) to clarify and update the demand estimates by basin, to combine Carmel River/Seaside basin totals (as these areas are commonly combined in water resource planning), and to revise the North County planning area split between the Salinas and Pajaro groundwater basins to better reflect the likely split in development between these two planning areas. The Carmel River and Seaside groundwater basins are combined because together they are the key sources of water supply on the Monterey Peninsula and both are being tapped by CalAm. Although the revised Table 4.3-9a provides a more practical view of supply and demand, it does not substantively change either the basic supply and demand numbers, or the conclusions in the DEIR.

Unlike the 2030 period, the buildout estimate has not been updated to add in the city demands or to prepare basin-wide estimates of demand. The reason for not updating the post 2030 buildout estimate is that most of the local cities have General Plans with horizons that are 2030 or thereabouts and thus estimating potential city growth out to 2092 is based on straight line extrapolations. The extent to which urban water use or agricultural water use will increase beyond 2030 cannot be precisely estimated at this time without speculating. Based on recent trends in regulation, such as the enactment of SB 407 (Chapter 587, Statutes of 2009 – requires plumbing retrofits on property re-sale),Senate Bill 7 from the 7$^{th}$ Extraordinary Session (2009) – sets goals for the reduction of Urban and Agricultural water use, Assembly Bill 1881 (2006) – Model Landscape Ordinance, and adoption of Title 16A of the California Plumbing Code (simplifies the installation of graywater systems), and trends in agricultural practice (the expansion of drip irrigation use is discussed later in this Master Response) it is reasonable to assume that water conservation standards will become increasingly strict in the future. Therefore, a straight line estimate based on current levels of consumption would likely overstate per capita demand.

Similarly, identifying supply projects for the period beyond 2030 should be considered at a conceptual, not planning level. For example, the ability (financial and otherwise) of the area to support substantial additional desalination beyond the proposed Coastal Water Project is unknown. However, the DEIR did discuss a potential SVWP Phase 2, because such a project was studied programmatically in the SVWP EIR for the potential to provide water in the Salinas Valley after 2030. The discussion represents a reasonable, good-faith effort at examining demands and projects for which there is very little reasonable information available. The Phase 2 project will be subject to a project-level CEQA analysis at such time as it is proposed and sufficient design detail is available.

## 4.1.7 Impacts of Sea Level Rise

Some commenters questioned what the impact of sea level rise would be on groundwater supplies in the County.

As noted in page 4.3-155 of the DEIR, "global climate change may have two future effects on the county's overdraft condition: sea level rise would exacerbate the seawater intrusion, making any groundwater withdrawals more critical to maintaining equilibrium; and variable rainfall may result in less water available to the Salinas, Pajaro, and Carmel Rivers, and other county streams and river systems in some years." As was the case when the DEIR was released, global circulation models have not been downscaled sufficiently to a local scale to allow for evaluation of changes in precipitation and river flow at the County level.

Sea level rise is a bit better understood at this time. The DEIR noted that "Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100" (see page 4.16-39). A 2009 report by the Pacific Institute now estimates that the total rise by 2100 may be between 39 inches and 55 inches (1.0 to 1.4 meters) compared to 2000 (California Climate Change Center 2009).

Predicted sea level rise is not uniform over the next 100 years, but rather is expected to rise slowly to approximately mid-century and then accelerate rapidly as the effects of global warming accelerate with accumulation of predicted rise in greenhouse gases in the atmosphere. The Pacific Institute estimated a rise of approximately 12 inches (0.3 meters) by 2030, compared to 2000. By comparison, the rate of sea level rise in the 20$^{th}$ century was approximately 8 inches per century, which would correspond to a rise of just over 2 inches between 2000 and 2030 if global warming was not taken into account. The text on page 4.16-39 has been updated to reflect this new information (see Chapter 4, Changes to the Text of the DEIR). The new information does not substantively change the conclusions in the DEIR.

As disclosed in the DEIR (see pages 4.3-133 and 4.16-42), sea level rise is expected to increase seawater intrusion. This would negatively affect the current efforts in Monterey County and Santa Cruz County to halt seawater intrusion into the Seaside Aquifer, the Salinas groundwater basin and the Pajaro groundwater basin. At this time the extent of that effect is not known precisely in relation to the effect of current groundwater pumping. One study of the Seaside aquifer used simulations of sea level increases of 0, 0.5 and 1.0 meter (1 meter = 3.28 feet) over the next 100 years run in a finite element model under the assumption of continued annual extraction equal to the year 2002 rate. (Loaiciga and Pingel 2009) These simulations suggested that while the effect of sea level rise is present, the principal driver of seawater intrusion is groundwater extraction. Thus, accelerated sea level rise is a concern for any of the coastal aquifers currently relied on for water supply. At this time, it is not known to what extent current supplies might be limited due to further seawater intrusion due to sea level rise, but the implication is that some of the coastal groundwater supplies might be less in the future than currently anticipated.

Relevant to the analysis in the DEIR, the document already discloses significant and unavoidable water supply impacts on the Monterey Peninsula and in the Pajaro groundwater basin. For the Salinas River, the DEIR concludes that the SVWP can halt further seawater intrusion even with new water demands through 2030 or thereabouts.

## 4.1.8 Policy and Mitigation Changes Since the DEIR

The following changes to Mitigation Measure BIO-2.3 concerning Policy PS-3.4 are made to clarify the intent of this policy relative to a portion of Carmel Valley and the Granite Ridge/Highlands South areas.

> PS-3.4 Specific criteria shall be developed for use in the evaluation and approval of adequacy of all new wells. Criteria shall assess both water quality and quantity including, but not limited to:
>
> a. Water quality.
>
> b. Production capability.
>
> c. Recovery rates.
>
> d. Effect on wells in the immediate vicinity as required by the Monterey County Water Resource Agency.
>
> e. Existing groundwater conditions.
>
> f. Technical, managerial, and financial capability of the water purveyor of a water system.
>
> g. Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purposes of minimizing impacts to those resources and species.
>
> h. A discretionary permit shall be required for new wells in the Carmel Valley alluvial aquifer. All new wells shall be required to fully offset any increase in extractions from this aquifer. These requirements shall be maintained until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Am withdrawals in excess of its legal rights.
>
> i. A discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. This requirement shall be maintained until such a time that a water supply project or projects are completed that addresses existing water quality and water supply issues in fractured rock or hard rock areas.

The following changes are made to Mitigation Measure WR-1 concerning Policy 3.16 to clarify the involvement of PVWMA and Santa Cruz County in regional planning for water supply efforts.

> **Mitigation Measure WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project**
>
> The County will revise the draft 2007 General Plan to include the following new policy:
>
> PS-3.16 The County will participate in the Water for Monterey County Coalition or similar regional group, for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater

basins from saltwater intrusion. The County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin. The County's general objective, while recognizing that timeframes will be dependent on the dynamics of each of the regional groups, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the General Plan and to implement the selected alternatives within five years after that time.

The following changes are made to Mitigation Measure WR-2 concerning Policy 3.17 to clarify the timing for planning for additional supplies to the Salinas Valley.

**WR-2: Initiate Planning for Additional Supplies to the Salinas Valley.**

The County will revise the draft 2007 General Plan to include the following new policies:

PS-3.17 The County will pursue expansion of the Salinas Valley Water Project (SVWP) by investigating expansion ~~initiating investigations~~ of the capacity for the Salinas River water storage and distribution system. ~~to be further expanded.~~ This shall also include, but not be limited to, investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs.

The County's overall objective is to have an expansion planned and in service by ~~2030.~~ the date that extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review this extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall implement PS-3.18.

PS-3.18 As required by PS-3.17, the County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The ~~for the~~ purpose ~~of the working group~~ will be to identify~~ing~~ new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives ~~by 2020 and have projects online by 2030.~~within five years and to have the projects on-line five years following identification of water supply alternatives.

## 4.1.9 Summary of EIR Significance Conclusions on Water Supply, Infrastructure, Groundwater Overdraft, and Seawater Intrusion

Some commenters asked for clarification of the significance conclusions regarding water supply, especially since the four impacts identified in the EIR (WR-4 through WR-7) are in many ways interrelated. In order to provide a succinct summary of the conclusions and the rationale for the conclusions, Table W-1 provides that clarification.

**Table W-1.** Summary of Significance Conclusions for Water Supply (2030 and 2092)

| Impact | Significance Overall | Salinas Valley | Monterey Peninsula | Pajaro River |
|---|---|---|---|---|
| *All conclusions below presume implementation of proposed 2007 General Plan policies including:* | | | | |
| Policy PS 3-1: | Requirement for long-term sustainable water supply for discretionary development (delays development where no long-term sustainable water supply exists) | | | |
| Policy PS 3-2: | Credit for reduction compared to historic use | | | |
| Policy PS 3-3: | Long-term sustainable water supply requirements | | | |
| Policy PS 3-4: | New well requirements (1) | | | |
| Policy T-1.7: | B-8 restrictions in El Toro Creek Groundwater sub-basin | | | |
| Policy NC-1.5: | Restriction of residential development to lots of record in North County. | | | |
| Policy GS-1.13: | Restriction of residential subdivisions in the portion of the Greater Salinas Area Plan north of Salinas. | | | |
| *Unless otherwise noted, conclusions apply to both 2030 and 2092.* | | | | |
| Impact WR-4: Water Supply | Significant and Unavoidable (see columns to the right for specific conclusions) | **Overall significance:** Less than Significant to 2030. Less than significant with mitigation to 2092.<br>**Salinas Valley groundwater basin:** Less than significant impact due to effect of SVWP to 2030. Less than significant with mitigation to 2092 due to mitigation measure WR-2.<br>**Granite Ridge/Highlands South:** Less than significant because SVWP brings balance to basin overall and revised Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues. | **Overall significance:** Less than significant with revisions to General Plan Policy PS-3.4 (per Mitigation Measure BIO-2.3) to 2030. Significant and unavoidable to 2092.<br>**Carmel Valley alluvial aquifer:** For both 2030 and 2092, less than significant with revised Policy PS-3.4 (per Mitigation Measure BIO-2.3) to require discretionary permits and offset of new demands(1).<br>**Carmel Valley hard rock areas**: For both 2030 and 2092, less than significant as proposed GP policies will address localized well impacts and aquifer extraction not shown to be linked to instream flows (2). | **Pajaro River groundwater basin:** Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft and seawater intrusion. Significant and unavoidable for 2092 due to lack of water supply for long-term demand. |

| Impact | Significance Overall | Salinas Valley | Monterey Peninsula | Pajaro River |
|---|---|---|---|---|
| | | **El Toro Creek sub-basin**: Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. | **Seaside aquifer**: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030 (3). Significant and unavoidable for 2092 due to lack of long-term water supply. | |
| Impact WR-5: Infrastructure | Significant and Unavoidable (see column to the right for specific conclusions) | Impacts due to new water infrastructure in many cases can be mitigated to less than significant through application of proposed 2007 General Plan policies, through 2007 General Plan mitigation measures, and through project-level review and mitigation. However, impacts are considered significant and unavoidable, including to biological resources. | | |
| Impact WR-6: Groundwater Overdraft | Significant and Unavoidable (columns to the right discuss specific impacts) | **Overall significance:** Less than significant to 2092. Less than significant with mitigation to 2092.<br>**Salinas Valley groundwater basin:** Less than significant impact due to effect of SVWP on halting further overdraft compared to baseline to 2030. Less than significant with mitigation to 2092 with mitigation measure WR-2.<br>**Granite Ridge/Highlands South:** Less than significant because SVWP addresses overall basin overdraft and revised Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues.<br>**El Toro Creek sub-basin:** Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the | **Overall significance:** Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.<br>**Carmel Valley alluvial aquifer:** For both 2030 and 2092, less than significant with revised Policy PS-3.4 to require discretionary permits and offset of new demands(1).<br>**Carmel Valley hard rock areas:** For 2030 and 2092, less than significant as proposed GP policies will address localized well impacts.<br>**Seaside aquifer:** Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply. | **Pajaro River groundwater basin:** Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft. |

| Impact | Significance Overall | Salinas Valley | Monterey Peninsula | Pajaro River |
|---|---|---|---|---|
| | | El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. | | |
| Impact WR-7: Seawater Intrusion | Significant and Unavoidable (columns to the right discuss specific impacts) | **Overall significance:** Less than significant to 2030. Significant and unavoidable to 2092.<br>**Salinas Valley groundwater basin, (including Granite Ridge/Highlands South):** Less than significant impact due to effect of SVWP in halting seawater intrusion relative to current baseline to 2030. Significant and unavoidable for 2092 due to future uncertainty.<br>**El Toro Creek sub-basin:** No impact. Seawater intrusion not an issue in the sub-basin. | **Overall significance:** Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.<br>**Carmel Valley alluvial aquifer:** No impact. Seawater intrusion not an issue in this aquifer.<br>**Carmel Valley hard rock areas:** No impact. Seawater intrusion not an issue in these areas.<br>**Seaside aquifer:** Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply | **Pajaro River groundwater basin:** Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall seawater intrusion. |

**Notes:**

1. Revision to Policy PS-3.4 clarifies that groundwater extractions in the Carmel Valley alluvial aquifer will need to fully offset increases.
2. See Stern (2010) regarding evidence on hard rock wells and instream flows.
3. See Monterey Superior Court (2007) which concludes that small users (< 5 AF) do not result in material harm to the aquifer.

**References:**

Geosyntec Consultants. 2007. El Toro Groundwater Study. Prepared for: Monterey County Resource Management Agency. Salinas, CA. July.

Monterey Superior Court Amended Decision in California-American Water vs. City of Seaside et al, Case No. M66343, filed February 9, 2007.

Stern, Henrietta (MPWMD). 2010. Personal communication with Rich Walter, ICF, January 25, 2010.

# 4.2 Salinas Valley

## 4.2.1 Salinas Valley Water Demands

### Urban Water Demand

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities. This has been done, as shown in Table 4.3-9c. As shown therein, the updated estimate of water use is within 0.01 percent of that estimated during planning for the Salinas Valley Water Project (see Table 4.3-9d). Given the scale of groundwater extractions within the Salinas Valley (~443,000 AFY), the difference between the two estimates is trivial and statistically insignificant. Thus, the conclusions about water supply, seawater intrusion, and groundwater overdraft in the Salinas groundwater basin in the SVWP EIR would also hold true for the General Plan development to approximately 2030.

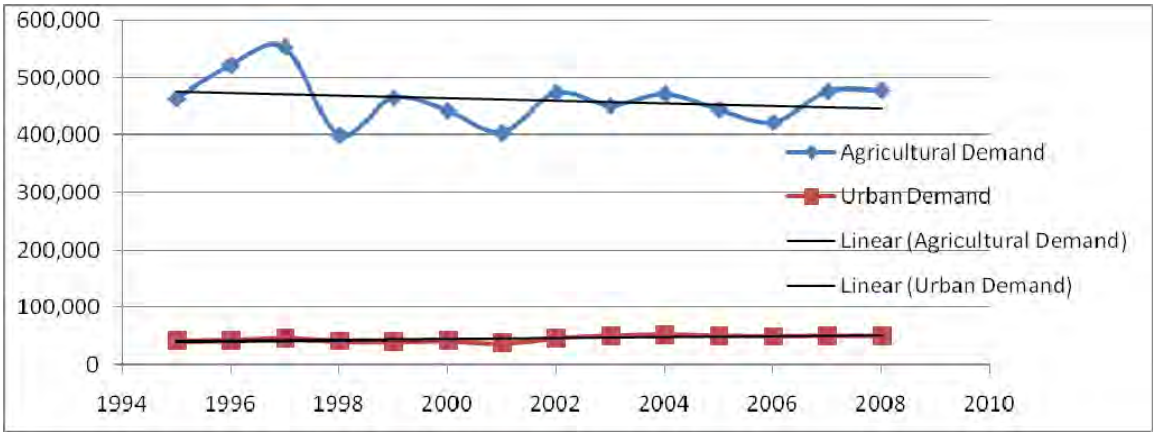
### Agricultural Demand

Some commenters have asserted that the future agricultural water demand in the Salinas Valley has been underestimated in the SVWP EIR, and by reference, the DEIR for the General Plan Update. Projected Salinas Valley demand is based on the records and projections of the MCWRA in development of the SVWP. As discussed in the DEIR for the SVWP, the MCWRA projects that agricultural water use will decrease in the future due to the limited expected growth in irrigated acres overall and the increase in efficiency of water use over time.

Regarding the projected change in agricultural acreage (including vineyard acreage), please see the response on this issue in the Master Response on Agriculture. As described therein, the assumptions used in the DEIR to forecast agricultural land use (including vineyard acreage) remain a reasonable evidentiary basis for the purpose of the impact analysis.

Regarding the increase in efficiency of agricultural water use over time, as shown in Table 4.3-5 in the DEIR, agricultural pumping has slightly declined from 1995 to 2008. This is graphically shown with trend lines in Exhibit W-1 below.

**Exhibit W-1.** Salinas Valley Groundwater Basin Extraction Data, 1995 to 2008 (Acre-Feet)




Source: Monterey County Water Resources Agency 2008b

The SVWP EIR estimate of agricultural demand took into account this trend which is likely influenced by both the increased efficiency in water user in the agricultural sector, as well as crop selection. Exhibit W-1 includes data from the MCWRA's 2006, 2007, and 2008 Groundwater Summary Reports, and updates the information relied upon in the DEIR.

Changes in agricultural practices have resulted in improved water conservation. The MCWRA's "2008 Groundwater Summary Report" illustrates the change in irrigation methods between 1993 and 2009. In 1993, approximately 3,227 acres in the Salinas Valley were furrow irrigated (water is run down furrows and allowed to sink into the ground) and 86,435 acres were irrigated using sprinkler and furrow irrigation (water is applied to the furrows by sprinkler). These methods are relatively high water users. By 2009, these numbers had shrunk to 143 acres being furrow irrigated and 34,895 acres being irrigated by the sprinkler and furrow method. In contrast, water-conserving drip irrigation acreage has increased from about 25,080 acres in 1993 to 95,032 acres in 2009. (Monterey County Water Resources Agency 2009)

Thus, in response to questions raised by commenters regarding the methodology of estimating agricultural water demand, the County has concluded that the evidence used in the SVWP remains a solid basis by which to evaluate future water demands in the EIR for the General Plan Update. Therefore, the DEIR is correct in its projections of agricultural water demand.

## AWCP/Winery Demands

Some commenters asserted that water demand of wineries or other ancillary uses in the Agricultural Wine Corridor were not fully evaluated in the DEIR.

Regarding certain comments asserting that the growth in wineries would be far greater than estimated in the DEIR, please see the Master Response on Agriculture, which

explains that the amount of estimated winery growth corresponds to the best estimates of the wine industry and is in line with the estimated growth in vineyards out to 2030.

The water demand for new wineries was summarized in Table 4.3-11 in the DEIR and is included in the overall estimate of demand in revised Table 4.3-9a. The methodology by which the winery demand estimates were made is found on page 4.3-120. This analysis represents a good faith effort at estimating future winery use, based on the conservative assumption that all 10 full-scale and all 40 artisan wineries allowable in the ACWP would actually be built during the 2030 planning horizon. The water use of existing wineries is the baseline condition and is not a result of the proposed Draft General Plan. Therefore, it is included in the estimates of existing use and not in estimates of future demand.

Comments questioned the factor used for winery water demand and the referenced source of the factor. The DEIR referenced a Napa County study (West Yost Associates, 2005) as the source of the 7-gallons of process water per gallon of wine factor used in Table 4.9-11. As comments pointed out, the West Yost actually concluded that the Napa County wineries in the studies used more than 7-gallons of water per gallon of wine. The 7-gallon factor should have been referenced to the water analysis required by Napa County in vineyard applications (Napa County 2009)[3]. The Napa County reference also included a factor for landscaping at wineries; this has been added to the water analysis such that it now include 7.0 gallons of process water/ gallon of wine plus an additional 1.6 gallons of water to account for landscaping and domestic requirements for a revised factor of 8.6 gallons of winery water use per gallon of wine. The DEIR estimate of winery water use was 224 acre-feet; this has been revised to 310 acre-feet (a change of 86 acre-feet). It should also be noted that it is common practice for wineries to recycle their process wastewater for use in irrigating their adjacent vineyards (MCVGA 2010)[4]. Thus, although the Table 4.9-11 shows an increase in water use relative to the new wineries (without taking into account recycling), in practice, the recycling of winery wastewater will partially offset vineyard water demands and won't actually represent a net 100 percent increase.. As noted above, agricultural water demands were accounted for separate from winery water demands.

It is correct that the specific water use of ancillary uses (other than wineries) allowed in the ACWP were not evaluated in the DEIR. The DEIR estimated new water demand for non-agricultural uses on a per capita basis using Department of Water Resources (DWR) per capita factors that are appropriate for a broad scale assessment in a programmatic evaluation such as the Program EIR for the General Plan Update. However, in the interest of full disclosure, an estimate of potential demand for the estimated allowed non-winery demands in the AWCP has been added to Table 4.9-11 (see Chapter 4, Changes to the Text of the DEIR). Based on Table 3-15 in the DEIR which indicates the potential for 10 winery tasting rooms (assumed to be equivalent to a 20-seat restaurant), 3 restaurants (each assumed to have 50 seats), 5 delicatessens (each assumed to be 1,500

[3] Napa County. No Date. Phase 1 Water Availability Analysis. Available on the web at: http://www.co.napa.ca.us/GOV/Departments/29000/Forms/ATTACHMENT_D_WATERANLYS.SPECS.pdf. Reference is to 2.15 AF process water/100,000 gallons of wine = 7.00 gallons of process water/ gallon of wine plus 0.5 AF landscaping and domestic water use/100,000 gallons of wine = 1.63 gallons landscape/domestic water use/gallon of wine, for a total of 8.63 gallons of winery water use/gallon of wine.

[4] Gollnick. 2010. Memorandum from Kurt Gollnick to Carl Holm re: Winery wastewater. January 12.

SF) and 8 inns (each inn assumed to have 10 rooms)**,** the total demand of these ancillary uses is 17 AF.

Including the revised winery water use estimate and the ancillary uses, the water demand of these uses in the AWCP is estimated at 326 acre-feet (an increase of 102 acre-feet from that in the DEIR). Although this is a slightly higher amount than identified in the DEIR, the addition of this amount does not substantially alter the water supply-demand situation overall in the Salinas Valley as shown in Table 4.3-9c.

Other ancillary land uses in the ACWP could include produce stands and limited guesthouses, residential units and employee housing. Produce standards do not use large amounts of waters. Residential growth overall is already included in the residential assumptions for the planning areas in which the wine corridors occur and thus no additional demand has been added to the overall demand estimate.

## 4.2.2 Salinas Valley Water Project, Phase 1

Commenters have raised questions about the SVWP's ability to halt seawater intrusion in the upper aquifers of the Salinas Valley water basin, as well as its ability to reduce groundwater overdraft. The commenters have also taken issue with the DEIR's statement that the SVWP is a water supply project.

The SVWP is an approved project of the MCWRA that will provide water for both agricultural and municipal uses within the Salinas Valley from careful management of the Salinas River. The EIR/EIS for the SVWP (MCWRA 2001a) describes its purpose and need as follows:

> MCWRA is the public agency charged with the long-term management and preservation of water resources in the Salinas Valley. As such, MCWRA has analyzed the substantial challenges of managing the Basin's resources and has developed the proposed action as a mechanism for meeting some of these challenges. The purpose of the proposed action is to address the critical issues facing the management and longevity of the Basin's water resources by meeting the following objectives:
>
> 1. Stopping seawater intrusion.
> 2. Providing adequate water supplies to meet current and future (year 2030) needs.
> 3. Improving the hydrologic balance of the groundwater basin in the Salinas Valley (Basin).

A primary objective of the SVWP is to halt further groundwater degradation and seawater intrusion by bringing aquifer pumping and recharge rates into balance. The SVWP does this through a series of improvements to the upriver storage capacity, changes in the operations of the upriver dams, and groundwater recharge activities. The approved SVWP specifically includes the following improvements (MCWRA 2001a):

- *Modification of the Nacimiento spillway*. The existing spillway would be modified by replacing a section with an inflatable rubber dam or radial gates that are capable of passing the probable maximum flood event (PMF). This modification will increase

the spillway capacity and allow the reservoir to store a higher volume of water throughout the wet season. The surface elevation would not change.

- *Reoperation of Nacimiento and San Antonio Reservoirs*. Due to the ability to store more water through the wet season, Nacimiento can be reoperated to release less water in the wet season and release it during the irrigation season. San Antonio reservoir will also be re-operated to store more water in the wet season and release it during the irrigation season. This will allow for a greater level of groundwater recharge and will allow diversion of water at the lower Salinas River for direct delivery. Water will be in the Salinas River year round, except during droughts. As a result, existing channel maintenance activities may need to be modified.
- *Surface Diversion/Impoundment*. A seasonal diversion structure would be constructed on the northern reach of the Salinas River to divert an average of 9,700 acre-feet per year for irrigation during April through October. The diversion structure would be equipped with pneumatically-operated gates. Outside the diversion season, the gates would be lowered to lay flat on a concrete sill on the bed of the river. During the diversion season, the gates would be raised to create an impoundment from which water would be diverted. The gates would be comprised of multiple panels that may be raised and lowered independently to facilitate fish passage and control the water level in the impoundment. The maximum depth of the impoundment would be 9 feet at the diversion structure. The impoundment would extend approximately 4.5 miles upstream. The diversion structure would also include a fishway and fish screens to provide for fish passage when the dam is raised. A pump station with a capacity of 85 cfs would discharge the diverted water into the existing CSIP pipeline and co-mingle with water from the Monterey County Regional Wastewater Treatment Plant. If the amount of diverted water needs to be increased in the future (see cost discussion below), an expanded delivery and distribution system will be required.
- *Delivery*. The diversion structure would be constructed near the current point where the CSIP pipeline crosses the Salinas River. The CSIP pipeline delivers recycled water to agricultural users in the CSIP service area. The pipeline has sufficient capacity to deliver project water to the CSIP area also. Hydrologic modeling shows that the project may not halt seawater intrusion in the long-term future (year 2030). If this were to occur, additional distribution capacity will be created in a new pipeline and water would be delivered outside the CSIP area to ensure project objectives are met and seawater intrusion is halted.
- *Pumping Limitations*. In areas where project water is delivered, groundwater pumping would be limited to peaking capacity and deliveries during drought.

Physical changes to the spillway at Lake Nacimiento allow the reservoir to retain approximately 30,000 acre-feet per year (AFY) of additional storage, in round numbers. At the time the DEIR was released for review, the spillway was under construction -- this work is now complete. Changes in the operation of both Lake Nacimiento and Lake San Antonio will both improve flood control and allow larger releases during the irrigation season. Larger flows in the Salinas River translate to about an additional 10,000 AFY of recharge through infiltration into the riverbed. Water infiltrates into the riverbed as a result of increased deliveries from the SVWP. This recharges the groundwater supply and thereby raises groundwater levels (MCWRA 2001a).

To clarify the discussion on page 4.3-131 of the DEIR, the new surface diversion dam will divert 9,700 AFY of Salinas River water to the existing Castroville Seawater Intrusion Project (CSIP) system for delivery to the CSIP service area for agricultural irrigation. The diversion dam was under construction at the time the DEIR was released for review and, as of this writing, is now expected to be completed in the spring of 2010. (Weeks 2009). The diverted river water will be blended with recycled water from the regional wastewater treatment plant and will distributed through the CSIP system to replace existing groundwater pumping in the CSIP service area. The CSIP system provides water to approximately 12,000 acres of farmland.

As illustrated by Exhibit W-1 above, the overall trend of agricultural water demand is slowly downward, as discussed on page 4.3-34 of the DEIR. Keep in mind that yearly demand may vary, depending upon climate conditions. During dry years, water demand is higher than in wetter years because soil moisture levels are lower. For example, the MCWRA's 2006, 2007, and 2008 "Groundwater Summary Reports" show agricultural water use as 421,634 AFY in 2006, 475,155 AFY in 2007 (as the current drought set in), and 477,124 AFY in 2008. This is still substantially below the 1997 high point in demand shown on Exhibit W-1. (Monterey County Water Resources Agency 2008c, 2008d, 2009)

Commenters have asked whether the SVWP projections can be relied upon and whether the DEIR's projections for water demand are consistent with those of the SVWP.

The Salinas Valley Integrated Ground and Surface Water Model (SVIGSM) was used as a planning tool in the development of the SVWP, and subsequently as the analytical tool in determining potential hydrologic impacts. The SVIGSM was developed specifically to model the Salinas Valley groundwater basin and has proven to be a reliable method of estimating the results of the SVWP. The SVIGSM has been calibrated based on 50 years of data from the basin and 25 years of well data. It is the fundamental tool for projecting future conditions within the groundwater basin and is also used by the Marina Coast Water District and the Seaside Basin Watermaster as the foundation for developing their own, more specific groundwater models. It was also utilized to model future flows on the Salinas River by the National Marine Fisheries Service (NMFS) in the June 21, 2007 Biological Opinion on the South-Central California Coast Steelhead NMFS issued for the SVWP (the model output was augmented with more site-specific stream gage data in the final Biological Opinion). The SVIGSM is continually updated to improve its results.

The SVIGSM anticipates that overall, as time passes there will be a reduction in the overall demand for agricultural water and an increased demand for municipal water (including the future demands of the Salinas Valley cities). The reasons for this expected shift are described in Section 3.2.4 of the DEIR/EIS prepared for the SVWP:

> "Total urban needs are projected to increase from 45,000 AFY in 1995 to 85,000 AFY in 2030 (a 90% increase) based on projected growth. A large amount of this growth is expected to occur in the northern end of the valley.
>
> "Agricultural needs, which make up a far greater share of water use, are projected to decrease by approximately 51,700 AFY (a 13% reduction) as a result of several factors, including increased irrigation efficiencies, changes in crops (i.e., increase in lower water-demand grape production), and some conversion of land from

> agriculture to urban uses. Although some agricultural land will be converted to urban uses, some of this acreage will be replaced by conversion of non-agricultural or non-irrigated land to irrigated uses. An overall slight net reduction in agricultural land uses would be expected. Because the agricultural portion of the total existing water needs in the Basin is approximately 90% of the total, and agricultural water use reductions would be substantial, an overall reduction of 17,000 AFY in basin-wide water use in 2030 is projected."

The SVWP estimated the increase in urban water use in the Salinas Valley from 1995 to 2030 to be approximately 45,000 AFY (see Table 4.3-6 on page 4.3-34 of the DEIR). The new FEIR tables show an urban water use increase in the Salinas Valley of approximately 34,000 AFY (2008 to 2030) both combined city and county demands. However, what really matters is the total demand projected under the SVWP and with the 2007 GP. As shown in new Table 4.3-9c (see Chapter 4, Changes to the Text of the DEIR) , the total demand projected for 2030 in the SVWP EIR and the total demand projected with the 2007 GP are virtually the same (~443,000 AFY). While the two analyses used somewhat different methodologies, they both result in a similar estimate of 2030 demand.

## 4.2.3 Salinas Valley Water Project, Phase 2

Commenters have criticized the DEIR for the General Plan Update for not analyzing in more detail the potential impacts of Phase 2 of the SVWP. For purposes of the General Plan DEIR, "Phase 2" of the SVWP generally refers to additional infrastructure that may be installed in the future to expand the area to which SVWP water can be delivered (the SVWP EIR/EIS assumes that deliveries would be limited to the Zone 2C area of benefit). Phase 2 was analyzed at a general level in the SVWP's EIR/EIS because it has not been designed and the specific size and locations of any future distribution system is currently unknown. Whether Phase 2 of the SVWP is needed will depend upon the continued success of the SVWP in meeting its objectives of halting seawater intrusion and reducing groundwater overdraft.

In conclusion, the specific components of the Phase 2 expansion of the SVWP are not reasonably foreseeable at this time, given that the SVWP has not been in operation for a sufficient length of time to determine whether there is a need for its expansion and what form that expansion might take. Further, there is insufficient information about the location and design of Phase 2 to allow a meaningful analysis of its potential impacts. CEQA Guidelines Section 15004 states that an EIR "should be prepared as early as feasible in the planning process…, yet late enough to provide meaningful information for environmental assessment." There is insufficient information to proceed with a detailed environmental analysis of Phase 2. CEQA Guidelines Section 15145 provides that if an agency finds that an impact is too speculative for evaluation, it should terminate the discussion of the impact.

The DEIR broadly disclosed the potential types of water infrastructure that might be needed and disclosed that impacts of new infrastructure on biological resources and other subjects under Impact WR-5, and that further evaluation would be needed when these projects are actually conceptualized and proposed. The impact analysis under WR-5

acknowledges that water storage, treatment and conveyance facilities would result in impacts to biological resources (see DEIR page 4.3-135, 4.3-137, 4.3-138, 4.3-139, including discussion of "ESA-listed fish species" on page 4.3-144. Impacts WR-5 was determined to be significant and unavoidable for the 2030 horizon year and buildout in 2092 (See DEIR Pages 4.3-145 and 146).

This conclusion would not necessarily apply to steelhead in the Salinas River, which a number of commenters raised as a potential concern for the SVWP, Phase 2. The SVWP's Biological Opinion for steelhead resulted in a non-jeopardy finding from the National Marine Fisheries Service. Whether Phase 2 would result in a changed finding would depend on a number of factors, including whether Phase 2 would require a change in the operating regime of the River, timing of any releases into local rivers and water bodies, flow rates, water temperatures, the location of spawning areas, and spawning times. Phase 2 would involve changes in distribution, not any additional water. It is not known at this time whether Phase 2 would include any changes in the water regime that are outside the Biological Opinion and there is no site specific or project specific operational details are known which would allow analysis of impacts to individual species such as the steelhead after the 2030 horizon year. Please also see Mitigation Measure BIO-2.3 in DEIR Section 4.9 which addresses impacts to the steelhead from new water diversions or new wells.

For the foreseeable future, the SVWP will operate within the restrictions of the Biological Opinion. Keep in mind that the SVWP is more than the diversion structure and additional water being supplied to the CSIP. It also involves a change in operations in the upstream reservoirs and the release of additional water to the Salinas River that will percolate into the groundwater system. So, the recovery of groundwater levels and provision of water to users upstream of the CSIP service area is not dependent upon the diversion structure or the CSIP distribution system.

## 4.2.4 Seawater Intrusion through 2030

Commenters have asserted that seawater intrusion will not be halted in the Salinas Valley, noting that the DEIR for the General Plan Update states that intrusion may be halted by 2030. The DEIR focuses upon impacts to existing conditions (see CEQA Guidelines Section 15125). With implementation of the SVWP project the rate of sea water intrusion will decrease in comparison to baseline. Furthermore, the DEIR states that the components of the SVWP are believed to be sufficient to halt seawater intrusion in the short term, but *may* not be sufficient through the year 2030. The SVWP DEIR/EIS states (based on the results of the SVIGSM runs) that "on a long-term basis, there would be an average annual rate of subsurface outflow to the ocean after implementation [of the SVMP]." As a result, the SVMP DEIR/EIS concludes that "seawater intrusion would be effectively reversed during normal and greater than normal rainfall years, and would occur at a rate less than current and Future Baseline (2030) conditions under drought conditions. The net effect, considering all rainfall years, would be no additional seawater intrusion." (Section 5.3, SVMP DEIR/EIS) This conclusion is essentially unchanged in the FEIR/EIS. (Monterey County Water Resources Agency 2002)

The DEIR for the General Plan Update uses the term *may*, because the SVIGSM, like all models, has a margin of error. As explained in section 3.2.4, *Distribution/Delivery of Water*, of the SVMP DEIR/EIS:

> "For the year 2030, modeling indicates seawater intrusion may be 2,200 AFY [acre-feet/year] with surface water deliveries only to the CSIP area. This is substantially less than the 10,500 AFY of intrusion that would occur without the project. It is important to note that, given the dynamics of the hydrologic system, the uncertainties of whether future demands will occur as projected, and the limitations of any modeling effort, it is not known if this level of seawater intrusion will occur. The project could potentially fully halt intrusion in 2030 with deliveries only within the CSIP system. As discussed in Section 3.2.7, a monitoring program will be implemented to determine the success of the project."

The 2,200 AFY in question is within the SVIGSM's margin of error. While there is a degree of uncertainty over the SVWP's efficacy in halting seawater intrusion, given that the average outflow of the Salinas River would be 249,000 AFY with the SVWP, the level of uncertainty is very low, at less than 1 percent. As further explained in section 3.2.4, *Distribution/Delivery of Water*, of the SVMP DEIR/EIS:

> "SVIGSM modeling does demonstrate that delivery of an average [of] 18,300 AFY of SVWP water in combination with recycled water to CSIP and agricultural uses outside of the CSIP area would fully halt seawater intrusion.
>
> "Diversion from the Salinas River would be increased from an average of 9,700 AFY to 18,300 AFY. Of this total diversion, 14,300 AFY would be delivered outside the CSIP delivery area. CSIP deliveries would shift in their composition. An average of 4,000 AFY would be provided by Salinas River diversions. Recycled water deliveries would increase to 16,000 AFY. Supplemental pumping of groundwater wells up to 2,800 AFY would provide the balance of water needed to meet water use demands (approximately 23,000 AFY) in the CSIP area."

To clarify the discussion in the DEIR (see page 4.3-35), the MCWRA and the MRWPCA have two major capital projects to better manage groundwater quality while halting the long-term trend of seawater intrusion and groundwater overdraft. The MCWRA operates the SVWP, which is described above. In addition to the diversion facility that directly feeds the Castroville Seawater Intrusion Project (CSIP), the SVWP provides additional releases of water to the Salinas River upstream which will percolate into the groundwater aquifers. This increases the amount of subsurface water pushing downstream against the seawater that is attempting to enter the aquifers. The MRWPCA operates the Salinas Valley Reclamation Plant (SVRP), a water recycling facility at its Regional Wastewater Treatment Plant with the capacity to produce 29.6 million gallons per day of recycled water. The SVRP supplies the CSIP, a distribution system including 45 miles of pipeline and 22 supplemental wells that is operated cooperatively with the MCWRA. The CSIP retards the advance of seawater intrusion by supplying irrigation water to nearly 12,000 acres of farmland in the northern Salinas Valley. The water provided to farms by the CSIP, including that which will be supplied from the SVWP, avoids the need to remove a like amount of water from the subsurface aquifers. This counteracts the seawater attempting to move into the aquifers.

In conclusion, seawater intrusion into the aquifers of the Salinas Valley is expected to be halted by 2030. The rate of seawater intrusion will be decreased in comparison to the baseline year for the SVWP by the addition of substantial new water into the groundwater basin from the SVWP and the CSIP (which replaces groundwater that would otherwise be used by farmers). In other words, based on the results of the SVIGSM and observed changes in groundwater levels, fresh water will push into the aquifers now contaminated with seawater and there will be subsurface flow to the ocean. (MCWRA 2001a) As a result, the extent of seawater intrusion will not expand in future years and will be effectively halted from moving further eastward. This is a less than significant effect.

## 4.2.5 Groundwater Overdraft in the Salinas Valley

Commenters have asserted that existing groundwater overdraft conditions in the Salinas Valley will not be improved by the SVWP. That assertion ignores the fact that one of the key objectives of the SVWP is to reduce groundwater overdraft. As described in more detail in the EIR/EIS for that project, the Salinas River surface diversion facility would divert river water to the CSIP system to augment the supply of CSIP project water and thereby further reduce current levels of groundwater pumping in the 12,800-acre CSIP service area. In addition, the diversion facility would form a shallow impoundment of water upstream of the facility that would provide direct groundwater recharge.

The SVWP's spillway modifications at the Nacimiento and San Antonio reservoirs would change the reservoirs' operations in order to provide the source water for the SVWP, while continuing to assure adequate flood control capacity during the flooding season. The modified operation would increase the amount of water available for recharge and diversion in the Salinas Valley during the irrigation season. (Monterey County Water Resources Agency 2003a)

In conclusion, the increased recharge and aquifer storage resulting from the SVWP are expected to increase the groundwater elevation in all of the Salinas Valley's hydrologic subareas. In addition, groundwater balance will be improved by an increase in groundwater storage – reversing the pre-SVWP conditions. (Monterey County Water Resources Agency 2002) The commenters have not provided any evidence that the SVWP is not feasible nor that it cannot achieve its objectives.

## 4.2.6 Granite Ridge and Highlands South

Commenters assert that the Granite Ridge and Highlands South areas of the North County do not benefit from the Salinas Valley Water Project even though they are in Zone 2C and that thus the DEIR's conclusion that there is adequate water supply in the Salinas Valley overall is in question. This assertion is contrary to the SVWP Engineer's Report prepared for the Zone 2C Proposition 218 proceeding. The 2003 Engineer's Report describes the reasoning, in detail, that supports the conclusion that the alluvial portion of the Granite Ridge area and all of the Highlands South area benefit from the SVWP. In brief, the benefit relates to a reduction in the hydrologic gradient between the Salinas Valley and the higher Granite Ridge and Highlands South areas. By raising

groundwater levels in the Salinas Valley, the SVWP reduces the gradient and thereby reduces the impetus for the movement of groundwater from Highland South and a portion of Granite Ridge into the Salinas Valley. This is a direct benefit to these areas.

As discussed in the DEIR on page 4.3-16, that portion of the Granite Ridge area that is underlain by granitic formations experiences water supply and water quantity problems. This area would be served by the SVWP through the installation of a water distribution system to meet water quality and quantity requirements. Those portions of the area underlain by alluvium have fewer problems and have not been included in the supply project described below. In areas underlain by rock, well yields are generally low. Further, approximately 25 percent of the water systems and an unknown number of individual wells are currently experiencing problems with their water (i.e., water shortage and/or contamination with nitrates and naturally occurring arsenic). The County Environmental Health Bureau estimates that 22 water systems (serving 159 homes) currently exceed the Maximum Contaminant Level (MCL) for nitrates, nine additional water systems are close to the MCL, 11 water systems (serving 171 homes) currently exceed the MCLs for arsenic, and an additional two water systems (serving 8 homes) are close to this level. (County of Monterey Environmental Health Bureau 2009a)

Since the release of the DEIR, additional progress has been made toward providing a water supply to the Granite Ridge and portion of the Highlands South areas that are underlain by granitic formations. The County has established the North County Regional Ad Hoc Water Committee to explore potential solutions to the water supply and water quality problems of North County areas, including portions of Granite Ridge and Highlands South. Providing water that meets water quality standards to existing residents of the area will require a mix of the following actions: replacement of existing contaminated wells, installation of a treatment system to remove contaminants, consolidation of connections and water systems away from contaminated wells, and installation of the proposed Granite Ridge Water Supply Project (called the Granite Ridge Distribution Facilities in the DEIR). The latter is discussed in more detail below. (County of Monterey Environmental Health Bureau 2009a)

An Engineer's Report has been prepared in anticipation of creation of a benefit assessment district to finance at least a portion of the cost of the system. The Engineer's Report identifies the costs, direct benefits to the involved parcels, and estimated assessments, as required by Proposition 218. This proposed potable water system would be based on retrofitting an existing well of the Monterey County Park and Recreation District and installing a new, high-capacity well elsewhere. Two new storage tanks, two pump stations, and approximately 87,000 to 91,000 linear feet of water mains would complete the system. It would have the capacity to serve up to 119 mutual water systems and 507 individual well users. Up to 1,238 individual parcels would be served by the project. The estimated cost in 2012 dollars for construction, based on the conceptual design, ranges from $26.1 to $26.5 million; operations and maintenance are estimated at between $328,000 and $330,000 annually. (Monterey County Water Resources Agency 2008e) On December 15, 2009 the Board of the MCWRA directed that an EIR be prepared for this project in anticipation of a Proposition 218 ballot proceeding to levy a benefit assessment to finance the water supply system.

The DEIR disclosed both the water supply and water quality issues associated with the Granite Ridge and Highlands South areas. For the FEIR, the significance conclusions have been clarified as follows:

- *Highlands South (which is in Zone 2C) and the portion of Granite Ridge that is within Zone 2C are both part of the Salinas Valley groundwater basin.* The SVWP will balance the basin overall in terms of overdraft compared to baseline conditions taking into account 2030 new demands (MCRWA 2001). There are local water quality issues including nitrate in shallow zones and arsenic in deeper zones. In the Granite Ridge area, water is found in fractured zones with limited storage capacity which is a localized supply issue. Policy PS-3.4 will require evaluation of water quantity and quality for all new wells. Impacts on water supply and overdraft for these areas are considered less than significant in light of Policy PS-3.4 (which requires new wells to address water quality and quantity concerns) and the SVWP (which will balance the basin overall in regards to overdraft). The Granite Ridge project being considered by the County would benefit portions of Granite Ridge and Highland South to help address the existing constraints by utilizing a well source with acceptable water quality and a pipeline distribution system.
- *Areas of Granite Ridge that are not in Zone 2C (on the eastern and northern sides of Granite Ridge) and are in fractured rock or hard rock areas.* Water availability in these areas is limited, discontinuous, and unpredictable. A discretionary permit will be required pursuant to Policy PS-3.4 to provide for detailed review of new development. New wells will thus need to address water quality and localized overdraft pursuant to the requirements of Policy PS-3.4. Thus, impacts on water supply and overdraft for these areas are thus considered less than significant in light of PS-3.4 (which requires new wells to address water quality and local well interference).

The impacts of potential new infrastructure in these areas were already disclosed in the DEIR.

## 4.2.7 El Toro Creek Groundwater Subbasin

One commenter (Omni Phelps, Comment I-14) asserted that the DEIR mischaracterizes the available groundwater in the El Toro Creek Groundwater Sub-basin due to reliance on one (Geosyntec, 2007) report and that there is actually water available to support new development beyond the first single-family residence on lots of record in the B-8 constrained area. Another commenter (TOMP, Comment O-21k) questioned the DEIR's description of a relation between the Toro Area and the Salinas Valley watershed and asked for clarification of the significance of impact of new development in the Toro Area plan relative to water supply and groundwater overdraft. Both of these comments are responded to in detail in the individual responses. The summary of those responses are provided herein to provide clarification to support the summary of impacts presented earlier in this master response.

Regarding the accuracy of the Geosyntec (2007) report, this is the most recent evaluation of the groundwater basin which considers many of the prior evaluations cited by the commenter. The commenter did not provide technical substantiation for the asserted

criticisms of the Geosyntec report and thus the County finds that this report remains an adequate basis for characterization of the groundwater basin. As such, the expansion of the B-8 constrain zone as recommended in the Geosyntec report is still included in the Toro Area Plan to properly constrain growth until water supply issues are resolved.

Regarding the connection of the Toro Area Plan to the Salinas Valley groundwater basin, the Toro Planning area contains two distinct areas. The eastern side of the Plan Area is within the Salinas Valley groundwater basin and the western side is within El Toro Creek Groundwater Sub-basin (see Exhibits 4.3-3 and 4.3.10 in the DEIR). The eastern side is within the Salinas Valley groundwater basin itself and thus recharge in this area enters the basin directly. The DEIR describes the El Toro Creek Groundwater Basin (on p. 4.3-35) based on the 2007 Geosyntec Consultants report. That report clearly states that the El Toro watershed drains to Toro Creek which flows northeastward into the Salinas River, thus establishing an indirect hydrologic connection.

Regarding the impact significance for development on water supply and groundwater overdraft for the Toro Area Plan, the EIR has been updated in Chapter 4, Changes to the Text of the DEIR, to describe the following: (1) For development within the portion within the Salinas Valley groundwater basin proper, the conclusions in the DEIR apply; (2) for discretionary development in the El Toro Creek groundwater subbasin, General Plan policies (including, but not limited to Policy PS-3.1, 3.3, and T-1.7) will delay development (other than single-family residential development on lots of record that do not require a discretionary permit for other reasons) where long-term water supplies do not exist and thus avoid significant impact to water supply and groundwater overdraft due to discretionary development; (3) For ministerial development in the El Toro Creek groundwater subbasin, the minor amount of new well demand (estimated as around ~97 acre-feet due to 194 vacant lots of record) is considered to have a less than significant impact on groundwater overdraft relative to recharge in the basin of 2,000 to 3,000 AFY with implementation of Policy PS-3.4 to assess well water quality and avoid well interference. More specifically, Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.

## 4.2.8 Water Supply for Future Fort Ord Development

Some commenters questioned the availability of water to supply future development at Fort Ord and asked for clarification of potential supplies.

Fort Ord is currently supplied by the Marina Coast Water District which derives its water from the Deep Zone in the Salinas River groundwater basin. Fort Ord itself overlies the Salinas groundwater basin and the Seaside aquifer but it is unlikely to derive any water from the adjudicated Seaside aquifer and thus the adjudication is not relevant. A note (see Chapter 4, Changes to the Text of the DEIR) has been added to Table 4.3-4 on page 4.3-31 and to Table 4.3-10 on page 4.3-117 to clarify that Fort Ord does not derive water from the Seaside aquifer nor is expected to in the future.

Potential water sources for future growth at Fort Ord include the Salinas Valley groundwater basin and regional water supply projects.

Page 4.3-119 of the DEIR has also been revised to clarify the source of additional water supply to Fort Ord and to describe that future development would not derive its water from the Coastal Water Project which is limited from providing water for future growth (see Chapter 4, Changes to the Text of the DEIR).

Regarding the 6,600 AFY mentioned on 4.3-119, the Fort Ord Reuse Authority (FORA) Board retains the authority to allocate Salinas Valley groundwater supplies as provided for under an agreement between the federal government and the Monterey County Water Resources Agency (MCWRA) dated September 1993 (MCWD 2005). This agreement provides for groundwater extraction rights of 6,600 AFY, an amount consistent with the former average groundwater use at Fort Ord while under military operation (MCWD 2005).

The additional 2,400 AFY identified in the Fort Ord Reuse plan as needed for future development would have to come from an additional supply project such as Regional Project Alternative described in the CPUC FEIR for the Coastal Water Project.

# 4.3 Monterey Peninsula

## 4.3.1 Balance of Supply and Demand

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities and provides an estimate of total demand. This has been done for the Monterey Peninsula (Carmel River basin/Seaside Aquifer), as shown in Table 4.3-9e. As shown therein, the updated estimate of water use roughly matches MPWMDs long-term assessment of water needs (MPWMD 2006b. Existing Long-Term Water Needs by Jurisdiction Based on General Plan Buildout in Acre-Feet, May 18.)

Commenters also requested an analysis of water supply versus demand. This has also been done. As indicated in Table 4.3-9f, existing and proposed supply projects (including the Coastal Water Project and the ASR project), can address existing demands with some reserve for critically dry years, but are not expected to provide water for new growth. The Regional Water Supply Program could provide a limited amount of water for new growth in Phase 1, with substantially larger amounts in Phase 2. This additional information does not change the conclusions in the DEIR that water is not available for new growth with existing sources plus the Coastal Water Project, but that water may be made available through the Regional Water Supply Program and other efforts.

Some commenters have raised the concern that water originating in the Salinas River groundwater basin may be transferred to the Monterey Peninsula in order to alleviate that area's chronic water shortage. However, transfer of water from the Salinas River to the Monterey Peninsula is not feasible. The MCWRA is established under the Monterey County Water Resources Agency Act (California Water Code Appendix, Chapter 52),

and its territory consists of "all of the territory of the county lying within the exterior boundaries of the county." (California Water Code Appendix, Chapter 52, Section 52-4). The Act itself limits the authority of the MCWRA to transfer water, as follows:

> The Legislature finds and determines that the agency is developing a project which will establish a substantial balance between extractions and recharge within the Salinas River Groundwater Basin. For the purpose of preserving that balance, *no groundwater from that basin may be exported for any use outside the basin, except that use of water from the basin on any part of Fort Ord shall not be deemed such an export*. If any export of water from the basin is attempted, the agency may obtain from the superior court, and the court shall grant, injunctive relief prohibiting that exportation of groundwater. (California Water Code Appendix, Chapter 52, Section 52-21; emphasis added)

## 4.3.2 Coastal Water Project

Commenters have also asked for an update on the progress of the Coastal Water Project, its relationship to the Cease and Desist Order issued to CalAm by the State Water Resources Control Board, and the ability of this project to address existing and future water needs. This response addresses those comments.

Since the release of the DEIR for the General Plan Update, the Coastal Water Project has advanced through the CEQA process with release of both a DEIR and certification of a FEIR in 2009. The California Public Utilities Commission (CPUC) will consider whether to approve the proposed project or one of two proposed alternatives after further proceedings in the Commission's formal docket. The CPUC is expected to make this decision later in 2010.

The proposed Coastal Water Project would enable the California American Water Company (CalAm) to install and operate a 10 million gallon per day (MGD) capacity desalination plant at Moss Landing that would provide sufficient water to allow CalAm to cease its excessive and unauthorized reliance on water from the Carmel River (thereby complying with the State Water Resources Control Board's Order 95-10). This proposed Coastal Water Project would also replace the supply lost through adjudication of the Seaside groundwater basin and the loss of the Carmel River reservoirs' capacity due to silting. It would not provide substantial additional supplies to support new growth within CalAm's service area.

In addition to the Coastal Water Project, the CPUC is considering two alternatives: the "North Marina Project" and the "Regional Water Supply Project," which is discussed in more detail below.

The impacts of the Coastal Water Project were disclosed under Impact WR-5 in the DEIR with additional updated information provided in Section 6 of this Master Response. This level of detail is consistent with the requirements of CEQA. (See *In re Bay-Delta Programmatic* (supra) 43 Cal.4$^{th}$ at 1174 [Holding additional detail on second tier project, the EWA, was not required in the first tier EIR.].)

### Relationship to SWRCB Cease and Desist Order

The Coastal Water Project is not directly linked to the cease and desist order brought against CalAm by the State Water Resources Control Board (SWRCB). However, it would be one means of complying with the order. The SWRCB issued a final Cease and Desist Order against CalAm on October 20, 2009 (Order WR 2009-0060) to enforce the limits on diversions from the Carmel River imposed by its Order 95-10. The Cease and Desist Order describes the limited supply of water on the Monterey Peninsula, ongoing efforts to enhance the supply through water recycling, conservation, demand management, and the Aquifer Storage and Recovery Project (storing water in the Seaside groundwater basin), and proposes a schedule by which to wean CalAm off of its unlawful diversions from the Carmel River by 2016. The Cease and Desist Order places responsibility directly on CalAm for finding the means to reduce its diversions, whether or not the proposed Coastal Water Project desalination plant (or one of its alternatives) is approved and eventually provides sufficient supply of potable water to replace CalAm's illegal diversions from the Carmel River.

From the text of Order WR 2009_0060:

> "In general, it is up to Cal-Am and to determine how it may best serve its customers while reducing its unlawful diversions from the Carmel River. Efforts to reduce the use of potable water may aid Cal-Am efforts to serve its customers while reducing illegal diversions from the river. Cal-Am can also seek to serve its customers and reduce illegal diversions by developing and operating temporary water supply projects until the proposed Coastal Water Project or the Regional Project sponsored by the Marina Coast Water District is constructed and becomes operational."

Both CalAm and the Monterey Peninsula Water Management District have since brought suit against the SWRCB in attempt to block implementation of the Cease and Desist Order. Those lawsuits have not been brought to conclusion at this writing.

## 4.3.3 Monterey Regional Water Supply Program

Commenters questioned the status of the Monterey Regional Water Supply Program (Regional Project) and the ability of this project to address existing and future water needs. This response addresses those comments.

As mentioned above, the certified FEIR for the Coastal Water Project also analyzes a Regional Project alternative that would produce additional water beyond CalAm's current replacement needs. Prior to release of the DEIR for the Coastal Water Project, a group named Water for Monterey County proposed a regional water supply program that formed the basis for the Regional Project alternative (referred to as the WFMCC by some comments). The DEIR for the Draft General Plan discussed this earlier version of the Regional Project (see page 4.3-137).

Since that time, the Regional Project has been refined. In addition to the CalAm's replacement needs, the Regional Project would provide sufficient additional water to the Marina Coast Water District to meet the future needs of Fort Ord (2,700 AFY), for build-

out of the Monterey Peninsula in accordance with existing local general plans (4,500 AFY), and to serve the North County (5,900 AFY). The FEIR for the Coastal Water Project defines the North County as rural and urban areas, including Castroville, Granite Ridge, Moss Landing, Pajaro, and Prunedale. The Regional Project is envisioned as a phased project, with first priority being 12,500 AFY of replacement water for CalAm and 2,700 AFY to meet future Fort Ord demand. Phase I of the Regional Project would therefore provide up to 15,200 AFY in a critically dry weather year. If fully built out with Phase II, the Regional Project would supply up to 25,600 AFY (California Public Utilities Commission 2009b).

The Regional Project alternative that was analyzed in the FEIR prepared for the Coastal Water Project has stimulated cooperation between the County and other water agencies in seeking (at least at a preliminary stage) solutions to chronic water shortages in those areas. The discussions now in progress use the Regional Project as a starting point. The following briefly summarizes the Regional Project alternative and the multi-agency discussions that it has prompted.

As currently described in the Coastal Water Project FEIR (California Public Utilities Commission 2009b), Phase I of the Regional Project would include the following facilities:

- Sand City desalination plant and distribution system (to be operational in 2009)
- Regional Urban Water Augmentation Project (delivery of recycled water from the Salinas Valley Reclamation Plant for urban irrigation uses -- currently under design)
- Seaside Basin Aquifer Storage and Recovery (ASR) project (in operation) and expansion
- Regional Desalination Facility (new 10.9 mgd plant and associated intake wells proposed to be located in North Marina)

Phase II could include some combination of the following additional facilities, none of which are currently approved (California Public Utilities Commission 2009b):

- Pacific Grove urban runoff diversion project
- Salinas River Diversion Facility
- Castroville Seawater Intrusion Project expansion
- Expansion of the Surface Water Treatment Plant proposed under Phase 1 of the Coastal Water Project
- Expansion of the Regional Desalination Facility proposed under Phase 1 of the Coastal Water Project to utilize brackish water wells
- Seaside Basin groundwater replenishment activities
- Seaside Basin ASR and reservoir expansion

Commenters have also questioned the feasibility of Mitigation Measure WR-1 that calls for cooperation among agencies to address water supply within the County. Mitigation Measure WR-1 provides, in part, that the County will work cooperatively with others in exploring solutions to water supply on the Monterey Peninsula while protecting the

Salinas and Pajaro river basins from further seawater intrusion. As the following examples illustrate, this effort is already underway and is demonstrably feasible.

On June 16, 2009, the Monterey County Board of Supervisors entered into a Memorandum of Understanding (MOU) with the Monterey Regional Water Pollution Control Agency, the MCWRA, and Marina Coast Water District for the purpose of evaluating the feasibility of the urban recycled water project elements of the Regional Project alternative. Under the MOU, these recycled water supply elements are to be consistent with the Regional Urban Water Augmentation Project previously considered in 2004, 2006, and 2007. These discussions will include consideration of legal limits on the use of water from the Salinas River, the BO/incidental take permit for the SVWP, and the SVWP's service area.

At the same June 2009 meeting, the Board of Supervisors entered into a separate MOU with the same agencies for a collaborative technical evaluation of several elements under consideration in the Regional Project alternative. These include a proposed North Marina Regional Desalination Plant, use of brackish water sources, and other regional project elements for the Monterey Peninsula and the communities of North Monterey County, other areas of Monterey County including agriculture, the former Fort Ord and the United States Army. The brackish water supply component element of the MOU will provide an initial mechanism for cooperation between the agencies to evaluate a source of brackish source water for desalination. The MOU makes clear that this is a preliminary agreement for the purpose of undertaking planning-level activities, and is not a commitment by any of its parties to undertake or eventually approve any specific project or action.

On February 26, 2010, the Board of Supervisor's approved a loan agreement between MCWD, MCWRA, and Cal-am to help fund project environmental review and designing test wells related to a regional project.

Although the Regional Project alternative is under discussion, the County is not at the point of selecting a specific approach. Any advancement of a regional project will require adequate CEQA review.

As another example of cooperation, the Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District signed an agreement in June 2009 to establish the Regional Urban Water Augmentation Project (RUWAP). The first component of the project would bring treated wastewater from the MRWPCA's Salinas Valley Reclamation Plant to Del Rey Oaks and the MCWD's distribution system. This will provide non-potable water to the former Fort Ord, as well as 300 AF of recycled water to the Monterey Peninsula for irrigation and similar non-potable uses. The MCWD would install and operate the distribution system, including pump stations, a storage tank, and approximately 133,000 linear feet of backbone pipelines. The second phase would provide desalinated water. These agencies are currently pursuing funding for the RUWAP. The system will be subject to CEQA review before it may be built.

## 4.3.4 Impact of Ministerial Development on Legal Lots

Commenters have asked for clarification of the impact of ministerial development on legal lots. As noted in the DEIR, for discretionary development, Policies PS-3.1 and 3.3 will require demonstrations of a long-term sustainable water supply prior to approval of projects. However, the 2007 General Plan does not require proof of long-term water supply for ministerial projects. It would be infeasible to further restrict the permissible uses on legal lots of record. Under the United State Constitution's "takings clause," the County is not empowered to halt development on existing single lots of record without exposing itself to potential legal liability. Land use regulations cannot prohibit all economic use of property unless the government pays just compensation to the property owner. As discussed in DEIR, Section 3.3.1.2 there are approximately 4,629 legal lots of record in the County. The County wants to avoid lawsuits over alleged regulatory takings which would make further restrictions on legal lots of record economically, legally, and socially infeasible.

Regarding County policies overall and their effect on water use for ministerial development on lots of record, also see further discussion under Section 4.4.3 below.

### Carmel River Basin

The groundwater issues in the Carmel River basin are different for the Carmel River alluvial aquifer and the hard rock fractured zones outside the alluvial aquifer. These are discussed separately below.

#### *Carmel River Alluvial Aquifer*

As described in the DEIR for the 2007 General Plan, existing groundwater extractions and surface water diversions in the Carmel River alluvial aquifer have resulted and are resulting in significant impacts to biological resources in the Carmel River including steelhead, California red-legged frog, other special-status species (such as western pond turtle) and riparian vegetation (CPUC 2009a). Seawater intrusion has not been identified as a concern for the Carmel River alluvial aquifer (Stern 2010). Thus, there is an existing baseline of impacts related to biological resources due to groundwater extractions in the alluvial aquifer.

According to NMFS (NMFS 2002), instream flow studies to date have shown that there is substantial water (> 10,000 AF) available for diversions during average water years and more in above-normal years. However, during relatively dry years (representing perhaps 20 percent of years), relatively little "surplus" flow is available for withdrawal without potentially affecting steelhead.

Given that current total extractions from the Carmel River aquifer exceed 10,000 AF, further extractions will exacerbate existing impacts on steelhead and other biological resources in the Carmel River. Thus, ministerial development on lots of record could contribute to a current cumulatively significant impact. According to the most recent assessor data on the County's GIS system, there are 161 vacant parcels (145 residential, 15 commercial, 1 other). A single-family residence would have a water demand of

approximately 0.20 AFY (MPWMD 2006a). For commercial parcels (which vary in size from < 0.1 acre to 4.9 acres with a mean size of 0.4 acres), demand could vary depending on the type of commercial development. For the purpose of analysis, it was estimated that each commercial parcel (and the "other" parcel) would have the water demand of 1 acre-foot (which matches a 50-seat restaurant, a 5,000 square foot convenience store, or a 15,000 square foot grocery, based on MPWMD factors). Thus, the demand of new single-family residences and commercial development on existing lots of record is roughly estimated as 45 AFY.

MPWMD requires that new wells in the alluvial aquifer must not increase extractions above baseline (i.e., existing conditions) (Stern, 2010). If MPWMD were to continue this approach and not issue any permits for lots of record where they would increase extractions from the Carmel Valley aquifer, then development on lots of record would not result in a significant impact to water supply or to biological resources. However, should Monterey County or MPWMD could be faced with the situation where denial of a permit would represent a constitutional takings, then there is a possibility that the permit may be issued regardless of the impact on the alluvial aquifer. As such, the DEIR disclosed this potential for a significant and unavoidable water supply impact (under Impact WR-4, see DEIR p. 4.3-130-4.3-131).

Subsequent to the DEIR, the County has revised Policy PS-3.4 to require a discretionary permit for all new wells in the Carmel Valley alluvial aquifer and to require all new wells to fully offset any new demands such that there is no net effect on instream flows in the Carmel River. This requirement will be in place until such a time that the Cal-Am withdrawals from the Carmel Valley alluvial aquifer beyond their existing water rights cease. With this revised policy, the EIR now concludes that impacts to the Carmel Valley alluvial aquifer from the 2007 General Plan would be less than significant.

The proposed Coastal Water Project would restore as much as 8,498 afy to the Carmel River aquifer compared to existing conditions. Streamflows during the wet season are generally not affected by Cal-Am's current operations and thus would not change with Coastal Water Project. Upstream of the Narrows, streamflow during the dry season is affected by the amount of water stored in the Los Padres Reservoir, the wetness of the year, and the absolute level of base-flow from the upper drainage and the Coastal Water Project would not change these conditions. Downstream of the Narrows, the Coastal Water Project would reduce Cal-Am's production from the Carmel River aquifer and would potentially increase the magnitude, extent, and persistence of dry season flows, which would be beneficial to riparian biological resources and species. Since the cumulative flows would increase substantially compared to baseline, even when considering the minor new extractions due to legal lot development, a cumulative impact above today's physical baseline would not be identified after the Coastal Water Project comes online.

### *Carmel Valley Hard Rock/Fracture Zone Aquifers*

According to MPWMD (Stern 2010), MPWMD currently does not find any direct connection between hard rock wells and any effect on instream flows (at least none that can be measured). 2007 General Plan policies (such as Policy PS-3.4) and MPWMD regulations require consideration of local groundwater issues of water quality and well

interference when issuing permits; these controls are adequate to address local groundwater (e.g. not basin-wide) issues of wells in hard rock areas. Thus, the EIR now concludes that there would be a less than significant impact of new wells in hard rock areas for development on lots of record in the Carmel Valley.

## Seaside Aquifer

In the Seaside aquifer, the environmental concerns are groundwater overdraft and the potential for future seawater intrusion. As described in the DEIR for the 2007 General Plan, existing groundwater extractions in Seaside Aquifer have resulted in a lowering of the groundwater levels. Seawater intrusion has not occurred to date (Stern 2010), but is possible in the event of unabated drawdown of the aquifer. Thus, there is an existing baseline of impacts related to water supply and groundwater overdraft with a future concern about seawater intrusion.

The basin was adjudicated, and the following findings made in 2007 (Monterey Superior Court 2007):

- Natural safe yield is about 3,000 afy.
- Current withdrawals are greater than natural safe yield, but the adjudication order requires reduction in pumping over time in combination with recharge (aquifer storage and recovery) to bring the basin into balance over time.
- Withdrawals less than 5 AFY were found to result in no material harm to the aquifer, but the court order reserved the right to constrain such withdrawals if other action fails to balance the aquifer over time.

Current MPWMD practice for well permits is as follows (Stern 2010):

- If a property is part of the adjudication, then well permit would be processed governed by the determinations in the adjudication.
- If not part of adjudication, and less than 5 AFY or less, then MPWMD can issue permit consistent with adjudication determination of no harm.
- If not part of adjudication and more than 5 af, then need further assessment of hydrologic impacts.

Thus, applications for new wells on new lots would be evaluated by MPWMD as follows:

- At this point, minor extractions (< 5 AFY) are not considered a concern in terms of returning the aquifer to the natural safe yield.
- If small withdrawals become a concern in the future, the adjudication gives the Superior Court the authority to limit these extractions to balance the basin and to avoid future seawater intrusion.
- MPWMD is likely to constrain well permits, if in the future the Seaside watermaster determines harm is resulting or predicted to result from small well users, similar to current practice in the Carmel River aquifer.

The basin adjudication has concluded (and MPWMD concurs) that small withdrawals from the basin of less than 5 AFY are not likely to significantly contribute to material injury to the aquifer (including increase the potential for seawater intrusion). Thus, for now, MPWMD and Monterey County will be able to issue well permits for single family development on existing lots and these new water demands would have a less than significant impact on water supplies, groundwater overdraft, and seawater intrusion. Should the Court determine in the future that the exemption of production sources less than 5 AFY has contributed to or threatens to contribute to a material injury to the Seaside basin, the Court will modify or eliminate the exemption for small users. For CEQA conclusions, single family development on existing legal lots would not contribute considerably to groundwater overdraft or future seawater intrusion and thus would be less than significant. For other development on existing legal lots, if less than 5 AFY, such development would also be less than significant. For other development on existing legal lots with use of more than 5 AFY, MPWMD review will require an analysis and avoidance of material harm to the aquifer. Court jurisdiction over the aquifer will be maintained such that over time, development on legal lots will not be allowed to result in material injury to the Seaside aquifer. Thus, the EIR now concludes that the impact of ministerial single-family development on lots of record would have a less than significant impact on water supply, groundwater overdraft, and seawater intrusion.

# 4.4 Pajaro Valley

## 4.4.1 Balance of Supply and Demand

Commenters have asked for a discussion of supply and demand in the Pajaro basin, and contend that the PVWMA does not have the ability to import additional water.

As discussed in the DEIR, existing water supplies are insufficient to meet projected needs in the Pajaro Valley (see page 4.3-42). There has been no change in this situation since the release of the DEIR.

The PVWMA is operating water recycling facilities to help meet agricultural demand and will eventually use blended water to augment municipal demands. Other than potentially expanding its existing recycling operations, the PVWMA does not have specific new projects underway to meet future demand. In general, the significant impacts of expanding the existing water recycling plant may include exceeding air quality and noise emissions standards during construction, and construction impacts related to installing distribution pipelines.

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities and provides an estimate of total demand. This has been done for the Pajaro groundwater basin as shown in Tables 4.3-9g and 4.3-9h. Commenters also requested an analysis of supply versus demand. This has also been done (see Table 4.3-9g). As indicated in Table 4.3-9g, existing and proposed supply projects are insufficient to meet existing demands, much less future demands. Further, as noted below, some of the proposed projects may not be feasible. This additional information does not change the conclusions in the DEIR that water is not available for

new growth in the Monterey County portions of the Pajaro groundwater basin and that continued groundwater extractions will only worsen existing problems with seawater intrusion and groundwater overdraft.

To clarify that the County will work with affected agencies in the Pajaro basin, Mitigation Measure WR-1 has been revised to state that the County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin.

## 4.4.2 Status of Supply Projects in the Pajaro Basin

Commenters asked about the status of supply projects in the Pajaro groundwater basin.

As discussed in the DEIR on page 4.3-42, the PVWMA is eligible to receive CVP water and includes that source in its Basin Plan, but a physical link to the CVP is not feasible due to lack of sufficient funding, the CVP is oversubscribed and recent court decisions relating to endangered species in the Sacramento San Joaquin Delta restrict the CVP's ability to even deliver supplies to existing users. The DEIR agrees that there is no feasible source of imported water for the PVWMA. Monterey County has concluded that overdraft and seawater intrusion problems will continue in the Pajaro groundwater basin.

The Watsonville Area Water Recycling Project, a joint project of the City of Watsonville and the PVWMA, began delivering recycled water to the Coastal Distribution System in April 2009. The Water Recycling Project produces 4,000 acre-feet (AF) of tertiary treated water during the spring, summer, and fall irrigation season that is distributed through system pipelines to farmland in the seawater intrusion areas. When blended with other treated water, the overall seasonal supply is approximately 6,000 AF. This replaces the need for farmers to tap groundwater and will slow the rate of seawater intrusion into the Pajaro basin. However, the Pajaro Valley Water Management Agency estimates that it would need 18,500 acre-feet of water to halt seawater intrusion. (Pajaro Valley Water Management Agency 2002) Therefore, operation of the Watsonville Area Water Recycling Project does not change the conclusions in the EIR for the Draft General Plan.

## 4.4.3 Feasibility of Mitigation for Legal Lot Impacts

Commenters questioned the DEIR/s conclusion that mitigation was not available to address the significant unavoidable impact of new wells on legal lots in the North County that are within the Pajaro groundwater basin (e.g. Springfield Terrace, Highlands North, and Pajaro). The County has included a policy in the 2007 General Plan that will limit future development to the first single-family residence on existing lots of record (See Policies NC-1.5). This general plan policy is a means of restricting future water demand by limiting the intensity of allowable future growth. So, to an extent, the policy limiting development to a single family residence on each legal lot of record itself reduces the potential impact of new development in this portion of the County.

The County is proposing additional policies in the 2007 General Plan that will also reduce demand from new development.

Proposed Policy PS-2.8 provides that the County will require that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. Implementation would include standards that could regulate impervious surfaces, vary by project type, land use, soils and area characteristics, and provide for water impoundments (retention/detention structures), protecting and planting vegetation, use of permeable paving materials, bioswales, water gardens, and cisterns, and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge.

Proposed Policy PS-3.4 (including revisions pursuant to DEIR Mitigation Measure BIO-2.3) provides a number of criteria in the evaluation and approval of all new wells, including those on existing legal lots of record, such as water quality, production capability, recovery rates, effects on nearby wells, existing groundwater conditions, and technical managerial and financial capabilities of the water purveyor. Furthermore, proposed Policy PS-3.6 places a ban on drilling or operating any new wells in known areas of salt water intrusion.

In addition, the County has existing regulations that act to limit water demand on individual lots. There is nothing in the 2007 General Plan that would lead to these ordinances being rescinded. Monterey County Ordinance Chapter 18.50 (Residential, Commercial, and Industrial Water Conservation Measures) provides that: "It is the purpose and intent of this Chapter to reduce the excessive use of water within the Greater Salinas, Toro, Greater Monterey Peninsula, and a portion of North County and Coast Planning areas by requiring the installation of low water use plumbing fixtures and low water use landscape material as part of new construction and prohibiting certain excessive use of water." (Section 18.50.020)

Monterey County Code Section 18.50.050 sets the following minimum requirements for water conservation:

A. All new construction, as defined herein, shall be equipped with ultra low flow toilets with a maximum tank size or flush capacity of 1.6 gallons, and shower heads with a maximum flow capacity of 2.5 gallons per minute.

B. All new construction shall include as part of the exterior landscape development, low water use or native drought-resistant plant material and low precipitation sprinkler heads, bubblers, drip irrigation system and timing devices. Before any permit may be issued for such new construction, the applicant shall submit a landscape plan for review and approval by the Director of Planning and Building Inspection in conformity with landscape guidelines adopted by the Board of Supervisors. The Department of Planning and Building Inspection shall charge appropriate fees for review of such plans.

Furthermore, Monterey County Code Section 15.12.060 prohibits nonessential water uses including:

A. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of any toilet that uses in excess of three and one-half

gallons of water per flush, or the installation of a shower head that does not limit the flow of water to not more than three gallons per minute at forty (40) pounds per square inch or less pressure;

B. In newly constructed or reconstructed commercial, industrial or public buildings, the installation in any restroom or bathroom of any faucet other than a metering faucet;

C. The use of any ornamental fountain, permanent swimming or wading pool, or other structure making similar use of water, except when a recirculating system is employed;

D. The operation of any water-cooled comfort air-conditioning equipment which does not have water-conserving equipment;

E. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of water pipes without valves to reduce the water pressure to fifty (50) or less pounds of pressure per square inch;

F. The provisions of Subsections A, B, and E of this Section shall apply only to those buildings constructed or reconstructed pursuant to a building permit issued after the effective date of the ordinance codified in this Chapter.

Additionally, Chapter 16A of the California Plumbing Code (effective August 4, 2009) simplifies the installation and permitting of "graywater" systems. This allows the use of non-septic domestic wastewater for outdoor watering. Given the water supply shortage in the North County, at least a portion of the new development there can be expected to utilize this in addition to other water conservation tools.

The State's Updated Model Water Efficient Landscape Ordinance ("Model Ordinance") is also applicable to development within Monterey County, including lots of record. (See AB 1881 [2006])[5] The Model Ordinance provides measures to reduce landscaping water consumption including a soil management report, landscape design plan, irrigation design plan, grading design plan, irrigation scheduling, landscape and irrigation maintenance schedule, irrigation audits, surveys, and water use analyses, recycled water, stormwater management, and public education.

As discussed above, the Granite Ridge Water Supply Project, when in operation, will reduce the demand for new wells in the rock-underlain portions of the Granite Ridge and Highlands South areas. Existing lots of record in the area of the Granite Ridge Water Supply Project could develop without adversely affecting neighboring properties if connected to that project.

In addition, not all existing lots of record will be developed. Whether a residence can be built on a lot of record depends upon the individual circumstances of that lot. The County requires that the lot have adequate water on-site to serve the new home. (Monterey County Code Chapters 15.04 [Domestic Water Systems] and 15.08 [Water Wells]). A buildable lot must also contain sufficient area to hold a septic system (if not served by a public sewer system) and a replacement system, while also meeting requirements for setbacks from domestic water wells, groundwater, and property lines.

[5]For more details on the Updated Landscape Ordinance see http://www.water.ca.gov/wateruseefficiency/landscapeordinance/

In addition, the site must contain suitable soils and pass a percolation test that indicates the soil will not allow passage of sewage into beneficial waters and will absorb sewage at a sufficient rate. (Monterey County Code Chapter 15.20 [Sewage Disposal])

The number of lots of record that cannot be developed because of site limitations in unknown and cannot be known without assessing each individual lot based on soils, percolation tests, water quality, etc. Nonetheless, these regulations will limit development of some sites. That reduces the total number of lots of record available for development.

As discussed above, there are a number of statutory and regulatory requirements which would reduce water consumption on new single family dwellings built on legal lots of record. However it would be infeasible to further restrict the permissible uses on legal lots of record. Under the United State Constitution's "takings clause," the County is not empowered to halt development on existing single lots of record without exposing itself to potential legal liability. Land use regulations cannot prohibit all economic use of property unless the government pays just compensation to the property owner. As discussed in DEIR Section 3.3.1.2 there are approximately 4,629 legal lots of record. The County wants to avoid lawsuits over alleged regulatory takings which would make further restrictions on legal lots of record economically, legally, and socially infeasible.

## 4.4.4 Pajaro Community Area Water Supply

Commenters have raised the issue that the water shortage in the North County makes infeasible the focused growth assumed under the proposed Pajaro Community Area.

The Pajaro Community Area has been included in the General Plan Update in response to public input received during the long process of drafting the General Plan. Although it is included as a focused growth area, the ability of this Community Area to support additional growth is dependent upon water being made available to the community. While imported supplies are infeasible (as discussed above) and additional pumping would contribute to existing overdraft conditions, some water may be available through improved conservation or the retrofitting of existing development. So, the potential for development within the Community Area cannot be completely discounted.

At the same time, there are a number of policies proposed in the General Plan Update that will ensure that the Pajaro Community Area will not develop in advance of water availability and will not contribute to water supply shortages. Policies PS-1.1 through PS-1.6 establish Adequate Public Facility and Services (APFS) requirements and mandate that services be available concurrent with new development. Policies PS-3.1, PS-3.3, and PS-3.11 prohibit the approval of residential and commercial subdivisions absent a demonstrated long term sustainable water supply. In particular, Policy PS-3.3 will require the establishment of criteria to determine the availability of a sustainable water supply. These will include, but are not limited to: well production capability, well recovery rates, effect on wells in the immediate vicinity, existing groundwater conditions, and cumulative impacts and planned growth in the area. These criteria will ensure that new development will not contribute to overdraft conditions.

# 4.5 Regional Water Management

A number of commenters have opined that the County should be involved in regional efforts to manage groundwater use. As discussed in Section 4.3 of the DEIR, groundwater is the primary source of water within the County. The groundwater basins store water underground and have a direct relationship, via infiltration through the soil, to surface water flows.

Monterey County currently takes part in regional water management planning activities, as described below. These are leading toward the comprehensive analysis of water-related issues throughout the County, as well as multi-agency solutions for the problems identified in the DEIR, including groundwater, long-term supply, water quality, and sea water intrusion, among others. The County's participation in the RUWAP and the evolution of the Regional Project have been discussed previously.

## 4.5.1 Existing Integrated Regional Water Management Plans

The County, through the Monterey County Water Resources Agency (MCWRA), is a party to the *Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan and the Salinas Valley Integrated Regional Water Management Functionally Equivalent Plan.* Integrated Regional Water Management (IRWM) plans are prepared under California Proposition 50 ("Water Security, Clean Drinking Water, Coastal and Beach Protection Act" of 2002), which encourages integrated regional strategies for the management of water resources and provides competitive grant funding for projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. (Central Coast Wetlands Group 2009a) In addition to establishing a watershed-based analysis of water resources and problems, IRWM plans also provide the bases for obtaining state funding for the identified solutions. The MCWRA Board of Directors adopted both of these plans at their hearing of January 26, 2009.

Currently there are three IRWM Plans covering geographic areas within Monterey County. These have been developed and adopted under the provisions of Proposition 50:

- Pajaro River Watershed IRWM Plan (May 2007), including portions of San Benito and Santa Clara Counties
- Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plan (November 2007, amended March 2009)
- Salinas Valley IRWM Functionally Equivalent Plan (May 2006, amended October 2008)

These existing plans cover most of the Salinas Valley, all of the Pajaro River watershed, all of the Carmel River and San Jose Creek watersheds, and the Monterey Peninsula. However, several areas of Monterey County are outside of these plans, including the Big Sur coastal watersheds and communities on the western side of the Santa Lucia Range, the larger Salinas River watershed from the Salinas River National Wildlife Refuge at the Pacific Ocean south to the San Luis Obispo County line, the Gabilan watershed; and

portions of western San Benito County. (Central Coast Wetlands Group 2009a) None of these excluded areas host substantial populations, nor are they identified as areas of substantial future development. So, while they are important from the point of view of providing for comprehensive consideration of water resources under IRWM planning principles, their absence is not critical from the perspective of determining the water supply and demand under the General Plan Update, nor for regional groundwater planning.

### 4.5.2 Greater Monterey County Integrated Regional Water Management Plan

A Regional Water Management Group made up of nearly 20 agencies and organizations (including the MCWRA and the Agricultural Commissioner's Office) has been formed to participate in developing a new IRWM plan that will supersede the Salinas Valley IRWM Functionally Equivalent Plan. Representatives of the Central Coast IRWM Regions (including the Santa Cruz County, San Luis Obispo County, and Santa Barbara County Regions, in addition to Monterey County) agreed in February 2008 that the *Salinas Valley IRWM Functionally Equivalent Plan* should be expanded to include those areas of Monterey County that had been left out of the three adopted IRWM plans. The new "Greater Monterey County IRWM plan" will, in conjunction with the adopted Pajaro River Watershed IRWM and the Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plans, encompass the entire county within IRWM planning efforts. (Central Coast Wetlands Group 2009a)

The Regional Water Management Group Memorandum of Understanding (MOU) describes the reasons why the Pajaro River Watershed IRWM and the Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plans were not rolled into the Greater Monterey County effort. With regard to the Pajaro River Watershed, the MOU explains that it is a distinct region, already covered by its own IRWM Plan. With regard to the Monterey Peninsula, Carmel Bay and South Monterey Bay, the MOU explains that this area has a distinct area of water supply. The Greater Monterey County RWMG and the Monterey Peninsula, Carmel Bay and South Monterey Bay Water Management Group have discussed the possibility of future overlapping projects in the Seaside Basin, particularly in regard to the Regional Water Supply Project; both groups have agreed to continue communication about these projects and to coordinate as necessary. (Central Coast Wetlands Group 2009a) Outreach efforts are underway to include additional stakeholder groups in the process. (Central Coast Wetlands Group 2009b)

## 4.6 Impacts of Water Supply Projects

Some commenters have asserted that the DEIR inadequately disclosed potential impacts due to future water supply projects that will be necessary to support growth under the 2007 General Plan. Commenters also assert that Phase 2 of the SVWP will have a potential impact on steelhead in the Salinas River due to changes in flow.

As discussed by the California Supreme Court in *In re Bay-Delta*, "at the first-tier program stage, the environmental effects of obtaining water from potential sources may be analyzed in general terms, without the level of detail appropriate for second-tier, site specific review." (*In re Bay-Delta* (supra) 43 Cal.4th at 1169.) The Court further held that in a program EIR over a 30 year period, "it is not reasonably feasible to require quantification of the 'big picture' impacts of its water needs." (*Id.* at 1176.) Please also see Chapter 2, Master Responses, Master Response 10 on the level of detail required in a Program EIR.

The DEIR is a first tier document, which analyzed, at a programmatic level of detail, the potential for impacts associated with new water resource infrastructure and operations in Impact WR-5, starting on page 4.3-135. The discussion included the SVWP, Granite Ridge Distribution Facilities (now called the Granite Ridge Water Supply Project), Coastal Water Project, the Regional Water Supply Program, the Seaside ASR Program, the Pajaro-Sunny Mesa Desalination Plant, PVWMA's Basin Management Plan, community area water infrastructure, and water infrastructure for the AWCP and for agriculture. Impact WR-5 was determined to be significant and unavoidable from the construction and implementation of new water resource infrastructure, after mitigation for both the 2030 horizon and the 2092 horizon. Project-level analysis of water supply projects for after 2030 was not done due to the lack of project-specific details.

Infrastructure that has already been approved and that will serve future development and other uses under the General Plan Update, such as the SVWP, has been adequately analyzed under its own CEQA analyses. Projects that are in the proposal stage, such as the California American Water Company's (CalAm) Coastal Water Project and the Granite Ridge Water Supply Project, are undergoing separate CEQA analyses. Their potential impacts are being disclosed and mitigated to the extent feasible as part of their CEQA processes.

Potential projects that are yet to be proposed in sufficient detail to be analyzed for CEQA purposes will have their own CEQA analyses prepared at such time as sufficient detail is available and those projects move forward. This includes Phase 2 of the SVWP. Depending on the design and location of the projects, they may typically result in significant effects as a result of construction (dust, traffic, and noise, for example) and operations (greenhouse gas emissions, for example). Some or all of the effects may be avoided or reduced by future mitigation measures.

As part of the permitting for the SVWP, the MCWRA obtained a Biological Opinion (BO) from the National Marine Fisheries Service, including an incidental take permit for South-Central Coast California steelhead. The BO is based on the Salinas River flow described in the SVWP DEIR/EIS for Phase 1. The BO concludes that the SVWP operations will not result in jeopardy for this species, provided that no additional diversions are necessary. As noted above, it is not feasible to evaluate SVWP, Phase 2 and its potential impacts on the environment until the operations and actual effects of SVWP on halting seawater intrusion and groundwater overdraft are better understood and any Phase 2 expansion is conceptualized and proposed. At this time, it would be premature to speculate on the potential impacts on steelhead, other species, or other subject areas of impact. Impacts of new water infrastructure on biological resources and other subjects was conservatively disclosed as significant and unavoidable in the DEIR,

despite the inability to fully analyze impacts of future water infrastructure that will not be proposed for perhaps two or more decades in the future.

The Coastal Water Project EIR became available after release of the DEIR on the 2007 General Plan. The following discussion provides further detail on potential impacts of the Coastal Water Project and the Regional Project alternative. However, as discussed in *In re Bay-Delta*, this DEIR is not required to provide the same level of detail as this project level analysis (*In re Bay-Delta* (supra) 43 Cal.4th at 1174 [Holding additional detail on second tier project released before certification, the EWA, was not required in the first tier EIR.]).

The Coastal Water Project FEIR identifies no significant and unavoidable impacts that could result from either the Coastal Water Project or the North Marina alternative. The FEIR identifies a number of significant effects that can be reduced below a level of significance after mitigation measures are implemented. A partial list of these avoidable impacts includes: construction-related erosion or surface water quality degradation; greenhouse gas emissions; seismically-related damage; water quality effects from the release of brine into Monterey Bay; effects on special status species; effects on natural habitats; short-term increase in traffic during construction; construction- and operations-related noise; visual intrusion; historic resources; and construction-related air quality impacts. (California Public Utilities Commission 2009a)

The Coastal Water Project EIR identifies the following potential significant and unavoidable impacts of Phases I and II of the Regional Project: greenhouse gas emissions; growth-inducement; air quality degradation during construction; degraded water quality from the blending of stored recycled water with other supplies (Phase II only); exposure of treatment facilities to damage from liquefaction in an earthquake (Phase II only); and exceedance of noise standards during construction (Phase I only). (California Public Utilities Commission 2009a)

As mentioned above, the impacts of the project eventually selected by the CPUC will be mitigated as provided in the Coastal Water Project EIR and, if mitigation does not avoid all significant effects of the selected alternative, the CPUC will adopt a statement of overriding considerations.

# Master Response 5: Carmel Valley Traffic Issues

A number of comments were received on the DEIR pertaining to the Carmel Valley Master Plan (CVMP) Circulation Policies, the Carmel Valley Transportation Improvement Program (CVTIP), and SR1 near Carmel Valley. Commenters questioned both the methodology utilized in the DEIR for analyzing traffic impacts on Carmel Valley Road and whether the mitigation measures proposed in the DEIR adequately address the impacts.

This Master Response will include a discussion of the following specific issues raised in the comments:

5.1 Relationship between the CVTIP and its EIR, and the 2007 General Plan and its EIR.

5.2 Appropriate standards and methodologies for evaluating traffic conditions in the CVMP area.

5.3 Comparison of the General Plan EIR methodology for analysis of traffic along Carmel Valley Road in comparison to the methodology used for analysis along other County roadways.

5.4 Basis of land use forecasts for the analysis of traffic impacts in the CVMP area

5.5 Significant and unavoidable traffic impacts along SR1 and in the Carmel Valley Village.

5.6 Board of Supervisors Resolution 02-024 and future subdivision approvals.

5.7 Adequacy of traffic impact fees to address traffic impacts; growth inducing impacts of a fee-based impact program

5.8 Concurrency of mitigation relative to process of development

5.9 Consistency of circulation policies on the rural character of the CVMP

5.10 Relationship of circulation policies to safety and emergency access

## 5.1 Relationship between the CVTIP and EIR, and the 2007 GP and EIR

Comments asked for a history of the overlapping processes concerning CVMP circulation policies in the CVTIP, 2007 GP and the associated EIRs. Comments asked how inconsistencies between the CVTIP and its EIR and the 2007 GP and its EIR will be resolved and asked which set of policies would be governing.

The County has two been managing two parallel processes: one very broad process that is seeking to complete a comprehensive General Plan Update, and one that is much narrower that is addressing CVMP circulation issues.

The CVTIP process began in 2005 when the County identified that a segment of Carmel Valley Road had exceeded a monitoring threshold, which indicated a potential problem with traffic conditions. In order to evaluate this issue, the County decided to complete an updated traffic study of current roadway and intersection conditions, update the traffic improvement list to maintain the LOS standards in CVMP Policy 39.3.2.1, and update the fee program to fund the improvements. The traffic study and the accompanying DSEIR were completed and released for public comment in August 2007.

Subsequently, the County was developing a new CVMP as part of the 2007 General Plan. The draft General Plan maintained the same key circulation policies (such as Policy 39.3.2.1) as the current CVMP. During the preparation of the DEIR for the 2007 General Plan, County staff identified the need for the DEIR to reflect the result of the CVTIP study results and recommendations. Thus, Mitigation Measure TRAN-2B was identified in the September 2008 DEIR for the 2007 General Plan to take into account the results and recommendations for the CVTIP and to propose potential CVMP policy changes accordingly.

In early 2009, the County decided to revise the DSEIR for the CVTIP to add additional analysis of SR 1 conditions between Rio Road and Ocean Avenue, based on comments received on the DSEIR requesting that the CVTIP Traffic study be expanded to include SR1 near Carmel. Since the County had both the original CVTRIP study for areas within Carmel Valley and the SR1 study, these study results were used for the CVMP area and SR 1 in the 2007 General Plan DEIR. The County was able to identify clearly proposed CVMP policy changes consistent with the results of the CVTIP traffic study and the SR1 traffic study.

The proposed 2007 General Plan CVMP Policy CV-2.18, as modified by Mitigation Measure TRAN-2B in the General Plan DEIR, is identical, in essence, to the changes to CVMP Policy 39.3.2.1 proposed in the CVTIP DSEIR.

The County is following two parallel courses of action, while maintaining consistency in substance between them. The County has been developing and refining a General Plan Update over the last ten years and within that process and the associated environmental review, it has been considering potential changes overall to the CVMP, including to circulation policies. Should the General Plan Update be adopted before the CVTIP, then the adopted GP policies would be the controlling policies for the CVMP area. Should the CVTIP be adopted first, then the adopted policies in the CVTIP would be the controlling policies for the CVMP area until such a time as a General Plan Update were adopted.

# 5.2 LOS Standards for CVMP Area

## 5.2.1 Background

There were comments received questioning the standards and methodologies used to evaluate traffic conditions in the CVMP area. The comments focused on whether the Highway Capacity Manual (HCM) for peak hour level of service (LOS) analysis was appropriate, as contrasted with fixed volume thresholds based on average daily traffic.

Commenters criticized the proposed CVMP LOS standards in Policy CV 2.18 (as modified by Mitigation Measure TRAN-2B) as being: (1) insensitive to large changes in volumes; (2) hypersensitive to small changes when traffic is near to the threshold level; and (3) not indicating impending violation of standards and thus not providing proportional response to problems. Comments also stated that the County has been using a "measure of effectiveness" or MOE consisting of a fixed volume of average daily traffic (ADT) for years and that ADT should be the standard. Commenters expressed the view that that the proposed CVMP Policy CV-18 represents a weakening of the current traffic standards in existing CVMP Policy 39.3.2.1, and that the proposed use of "percent time spent following" (PTSF) to identify LOS results is a different (and "worse") LOS than ADT, and that therefore the change in methodology results in worse traffic conditions than current standards.

Existing CVMP Policy 39.3.2.1 describes the CVMP standards for approval of development within the CVMP relative to traffic conditions. It describes that development approval will be deferred if approval would "significantly impact" roads in the CVMP area that are at LOS C or below unless and until: (1) an EIR is prepared that includes measures necessary to raise the LOS to an "acceptable level" and (2) the EIR may include a statement of overriding considerations. The policy defines "acceptable level" for level of service as the "baseline LOS as contained in the CVMP EIR". The CVMP FEIR (County EIR No. 85-002, PC-5390, Planning Area No. 2) was prepared in September 1986. Page 81 and 82 of the FEIR (Monterey County 1986a) identifies the baseline LOS for 1985 for Carmel Valley Road segments as follows:

- Eastern CVMP boundary to Holman Road (Segment 1) – LOS C
- Holman Road to Esquiline Road (Segment 2) – LOS C
- Esquiline Road to Ford Road (Segment 3) – LOS C
- Ford Road to Laureles Grade (Segment 4) – LOS D
- Laureles Grade to Robinson Canyon Road (Segment 5) - LOS D
- Robinson Canyon Road to Schulte Road (Segment 6) – LOS D[6]
- Schulte Road to Rancho San Carlos Road (Segment 7) – LOS E
- Rancho San Carlos Road to Rio Road (Segment 8) – LOS A
- Rio Road to Carmel Rancho (Segment 9) – LOS A
- Carmel Rancho to Highway One (Segment 10) – LOS E

The policy defines "significant impact" as where traffic created by the development would cause the LOS to fall to the next lower level compared to the present condition. However, given that this policy overall only applies to roads that are at LOS C or below, where the baseline condition is identified as better than LOS C (Segments 8 and 9), the policy is taken to mean that a "significant impact" can only occur when traffic LOS falls to LOS D or below and is below the "acceptable level." Thus, the existing CVMP Policy 39.3.2.1 defines a "significant impact" as when traffic created by development would

[6] LOS D was a typographical error in the original Higgins report that was later corrected to LOS E to conform with the supporting data in the Appendices of the original report

cause the level of service to either: (1) fall to LOS D or lower if the acceptable level is LOS C; (2) fall to LOS E or lower if the acceptable level is LOS D; or (3) fall to LOS F if the acceptable level is LOS E. Applying this logic to the different segments of Carmel Valley Road, the existing CVMP Policy 39.3.2.1 requires the following level of service standards:

- Eastern CVMP boundary to Ford Road (Segments 1, 2, and 3) – LOS C
- Ford Road to Schulte Road (Segments 4, 5, and 6) – LOS D
- Schulte Road to Rancho San Carlos Road (Segment 7) – LOS E
- Rancho San Carlos Road to Carmel Rancho (Segments 8 and 9) – LOS C
- Carmel Rancho to Highway One (Segment 10) – LOS E

While currently adopted CVMP Policy 39.3.2.1 is somewhat confusingly written and does contain an uncorrected typographic error, the interpretation above was determined to be the most consistent way to understand the intent and requirements of the existing policy. Monterey County Public Works Department, which implements the Carmel Valley Road annual monitoring and the current TIP program for Carmel Valley, concurred with this interpretation prior to completion of the DEIR for the 2007 General Plan.

The current CVMP 39.3.2.1 seeks to avoid worsening conditions compared to the baseline conditions that existed in 1986 as documented in the Higgins traffic study. The current policy also allows projects to be approved without mitigation that do not worsen level of service conditions compared to the 1986 baseline. Traffic conditions have, in some cases improved since 1986, particularly along the multi-lane segments of Carmel Valley Road. The intent of the current policy is not, as some comments assert, to control the volume of traffic on Carmel Valley Road – it is to prevent the deterioration in the level of service along Carmel Valley Road.

The proposed changes reflected in the 2007 General Plan would maintain the 1986 baseline level of service along Carmel Valley Road, with the exception of along Segment 3 in the Carmel Valley Village. As disclosed in the DEIR, no feasible mitigation has been identified for Segment 3 that could both maintain a LOS of C and be consistent with the Village rural character and the character of the adjacent area. Therefore, this impact was identified as significant and unavoidable.

The proposed policy CV-2.18 (as amended by Mitigation Measure TRAN-2B) would include the following level of service standards

- Signalized Intersections – LOS of “C” is an acceptable condition.
- Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant is an unacceptable condition.

- Carmel Valley Road Segment Operations – LOS of "C" for Segments 1, 2, 8, 9, and 10 and LOS of "D" for all other segments (3, 4, 5, 6, and 7) are acceptable conditions[7].

These proposed standards are the same as those required by current CVMP Policy 39.3.2.1 with the following exceptions:

- Esquiline Road to Ford Road (Segment 3) – revised Policy CV-2.18 would have a LOS of D compared to the existing LOS of C. The CVTIP study examined alternative roadway improvements that would maintain LOS C, but all of the identified alternatives were found to be either incompatible with the character of the Village (e.g., a 4-lane roadway) or incompatible with adjacent residential use (e.g., routing traffic through adjacent residential areas). This change is a significant and unavoidable impact.
- Schulte Road to Rancho San Carlos Road (Segment 7) –revised Policy CV-2.18 would have a LOS of D compared to the existing standard LOS of E. This represents an improvement in the LOS standard.
- Carmel Rancho to Highway One (Segment 10) – Revised Policy CV-2.18 would have a LOS of C compared to the existing standard LOS of E. This also represents and improvement in the LOS standard.

## 5.2.2 Measures of Effectiveness for Carmel Valley Road

Certain comments by members of the Carmel Valley Ad Hoc Traffic Committee on the DEIR requested the use of quantitative metrics instead of letter grades for level of service (such as "A", "C", and "F"), for measuring traffic conditions along Carmel Valley Road. County staff met with the Committee a number of times, but did not reach a mutual agreement on what should be the basis for the level of service standard or the trigger for requiring a hearing on traffic conditions. Thus, as of the time of this FEIR, CVMP Policy CV 2.18 does not contain quantitative metrics for evaluating Carmel Valley Road traffic conditions and the trigger for hearings is the same as that identified in the DEIR Mitigation Measure TRAN-2B.

Should the Board decide to include specific quantitative metrics, or measures of effectiveness, by which to apply the above LOS standards in CVMP Policy CV 2.18 to Carmel Valley Road, the following table shows the corresponding metrics using the methods from the Highway Capacity manual for the different segments of the road:

[7] Segments 11 & 12 were not included in the CVTIP analysis because these two segments are in the "urban" shopping district, have already been improved to four lanes with turning lanes and signal control and currently operate far better than the LOS C standard proposed.

**Table CV-1.** Carmel Valley Road, Peak Hour Segment Operational Measures of Effectiveness

| Segment | Start | End | Type | Metric | LOS Equivalent |
|---|---|---|---|---|---|
| 1 | East Of Holman | Holman Road | PTSF | 70 | C |
| 2 | Holman Road | Esquiline Road | PTSF | 70 | C |
| 3 | Esquiline Road | Ford Road | PTSF | 85 | D |
| 4 | Ford Road | Laureles Grade | PTSF | 85 | D |
| 5 | Laureles Grade | Robinson Canyon Road | PTSF | 85 | D |
| 6 | Robinson Canyon Road | Schulte Road | PTSF | 85 | D |
| 7 | Schulte Road | Rancho San Carlos Road | PTSF | 85 | D |
| 8 | Rancho San Carlos Road | Rio Road | Density | 26 | C |
| 9 | Rio Road | Carmel Rancho Blvd. | Density | 26 | C |
| 10 | Carmel Rancho Blvd. | SR1 | Density | 26 | C |

Notes: PTSF = Percent time spent following, as determined using the 2000 Highway Capacity Manual
Density = Passenger cars per lane per mile, as determined using the 2000 Highway Capacity Manual

These quantitative metrics are not different in substance with those included in Mitigation Measure TRAN-2B. As such, should the Board decide to include them in the CVMP Policy 2-18, this change would not result in any change in the environment relative to that disclosed in the DEIR. They are only definition of the measurement standard.

The proposed LOS standards in Table CV-1 are measured using the percent-time spent following (PTSF) and density (passenger cars per lane per mile) methodologies for peak hour LOS from the 2000 Highway Capacity Manual (HCM). Contrary to the assertions of comments, the existing CVMP does not mandate the use of ADT or a fixed volume standard for the evaluation of LOS along Carmel Valley Road. Comments assert that because ADT is mentioned in Policy 39.3.2.1, subsections (a), (b), and (c), that therefore measures of ADT and not their translation into LOS grades should be the traffic standards. However, ADT is only mentioned in the first three parts of the policy that refer to traffic monitoring, the yearly evaluation report, and the requirement for public hearings. ADT is not mentioned in subsection (d), which is the section that defines the terms “acceptable level” and “significant impact.”

ADT is not a direct measure of LOS because it only measures absolute daily traffic levels and does not take into account roadway capacity or hourly distribution of traffic over the day. The ADT thresholds defined in the CVMP are best interpreted as monitoring trigger levels as opposed to defined standards. ADT data thus do not, by themselves, indicate what delay or LOS exists on a particular roadway, and thus ADT would be an inappropriate standard. For example, the 1986 EIR identifies ADT for Segments 8, 9, and 10 as 15,000, 19,000 and 17,400 per day in 1985. Segments 8, 9, and 10 were converted to 4-lane roads after 1985. The County updated the ADT thresholds to 48,487 (Segment 8) and 51, 401 (Segment 9) with the expansion to 4 lanes. Thus, fixing the standard as a defined ADT level in 1985 does not take into account changes that could affect a roadway’s ability to accommodate traffic or its LOS. The traffic study and DSEIR are based on the interpretation that Policy 39.3.2.1(d) was referring to the LOS in

the 1986 EIR when it referred to "acceptable level," as subsection (d) makes no mention of ADT and because ADT is only input to determining LOS, not a measure of level of service itself.

The HCM represents the current professional standard reference for traffic analysis methodologies. The following describes some aspects of using the HCM peak hour methodologies in the CVMP area instead of a fixed volume ADT-based threshold (as proposed by a number of commenters):

(1) LOS values in the HCM correspond to differing LOS that reflect the amount of delay incurred when travelling along a roadway. The letter grades ("A", "C", "F") correspond each to a gradated range of conditions from free flowing to significant delay. The intent of using LOS grades is to identify when conditions decline to a level such that a substantial overall change in traffic service can be unambiguously identified to have occurred. Thus, contrary to the comment, use of LOS grades is sufficiently sensitive to large changes in volume.

(2) When conditions are approaching a threshold, it is true that a small change in volume could result in a drop in a letter grade. This does not mean that LOS grades are "hypersensitive," but rather that conditions have now approached a point at which they unambiguously can be found to have declined to the next LOS grade.

(3) When using LOS-based grades, one can examine the volume to capacity (V/C) ratio, the time of vehicle delay, the roadway density, or the PTSF metrics to identify problems "in advance" of the point at which service will decline to below a threshold. The metric chosen depends on the type of road facility being examined. In the case of Carmel Valley Road, PTSF is the accepted methodology for determining LOS from the HCM for the two-lane segments.

(4) The use of a fixed volume threshold would be far more inaccurate than a LOS-based threshold. Specifically, a fixed volume threshold indicates nothing about the driver experience (in terms of delay) along a roadway because it does not take into account the roadway capacity or conditions. Unless the volume thresholds are calibrated to the roadway capacity and conditions, exceedance of such thresholds does not indicate whether a problem has or has not occurred in terms of roadway service. Thus, use of an un-calibrated numeric threshold in this case would identify a "problem" where none exists by use of professional standard analysis (e.g., HCM).

(5) Use of LOS for CEQA documents is the professional standard, not the exception, throughout Monterey County and California at present.

(6) The assertion that ADT is used for evaluation of projects under existing Policy 39.3.2.1 is not correct. ADT is not used for project evaluation of projects currently in the CVMP or elsewhere in Monterey County. In fact, peak hour analysis following HCM methods for intersections and roadway segments are the standard analysis that has been used for years in Carmel Valley for all major project CEQA documents. Where appropriate, vehicle delay, V/C, or PTSF are used to determine LOS in accordance with professional practice and HCM. Thus, the proposed language changes to 39.3.2.1 in CV 2-18 are intended to clarify current project evaluation practice and will not result in an actual change in how project evaluation is conducted. Therefore, the purported decline in traffic conditions is not a result of the clarification of methodology.

(7) What would change with the 2007 General Plan would be the triggering mechanism to hold a public hearing. At present (under existing Policy 39.3.2.1), a hearing is triggered when there are 100 or less daily trips remaining before a lower LOS would occur. The proposed change in Mitigation Measure TRAN-2B is to 100 *peak* hour trips before an unacceptable LOS would occur. County staff recommends the Board consider changing CVMP Policy CV-2.18(c) to 10 peak hour trips instead, because this would be roughly equivalent to the current policy of 100 daily trips, because, as a general rule of thumb, daily trips are usually 10 times that of the peak hour. As this is only a trigger for a hearing, should the Board make this change, this would not result in a change to the environment beyond that disclosed in the DEIR.

(8) The ADT methodology is appropriate for broad policy-level assessment of traffic conditions and is useful for identifying potential traffic issues across an extensive area. ADT is not used for design level and project level analysis of specific roadway conditions, nor is it used to determine the level of mitigation needed to maintain level of service – peak hour analysis is universally used. Thus, if ADT is the only metric used to evaluate a roadway, it can overstate or understate the level of an existing problem in terms of the actual amount of delay along a roadway as it cannot account accurately for peak conditions which can vary from roadway to roadway. Nor can ADT be used to develop and measure the effectiveness of operational improvements to the roadway, except for the addition of lanes to expand capacity. In Carmel Valley, this would mean widening roadways and intersections and would preclude the adoption of other traffic improvements (such as passing lanes, turn lanes, and other means) that are more consistent with the rural character of the CVMP.

(9) Given that a peak-hour LOS methodology represents standard professional practice, specification of the methodology in changes in Policy 39.3.2.1 does not result in a worsening of traffic in terms of significance. Instead the language changes would only codify the actual project review practice already being employed and would provide a much clearer reference for interpretation than the current policy.

(10) Whether or not the GPU policy changes are made, the County will continue to use peak hour analysis and HCM methods to evaluate projects and thus the policy changes themselves do not result in change of the roadway conditions, except as they relate to Segment 3 (and to SR1 as discussed below), which are properly disclosed as significant and unavoidable impacts.

Comments also assert that PTSF is inadequate because it only focuses on driver experience and excludes the effect on stationary observers:

(1) As noted above, PTSF is used for evaluation of 2-lane roadway segments, whereas delay is used for intersections and density is used for multi-lane roadway segments.

(2) PTSF is only used for the analysis of traffic operational impacts; it is not intended to analyze aesthetic or other impacts.

(3) Aesthetic impacts of the CVTIP were analyzed separately in the DEIR. The significance criteria are disclosed in Section 4.14.6.2 of the 2007 General Plan DEIR. That section analyzes the impact of the 2007 General Plan on aesthetics. Similarly, noise impacts were analyzed separately in the DEIR (noise can also influence aesthetic perceptions along roadways).

(4) The use of roadways by traffic is a baseline condition. The addition of traffic per se (separate from roadway improvements) does not change the viewer expectation about the aesthetics of the roadway itself, nor change the views of scenic areas and ridgelines in the CVMP and thus is not considered a significant aesthetic impact per the significance criteria as it does not substantially change views or visual character.

## 5.3 Different Methodologies for Analysis of Carmel Valley Road Traffic Impacts and the Rest of the County

Comments questioned why the General Plan DEIR used a different methodology to analyze traffic inside the CVMP area than was utilized to analyze traffic elsewhere in the County.

As described in the DEIR on Page 4.6-9, the roadway LOS analysis for the CVMP area is based on peak hour (AM and PM peak) information. The reason that CVMP roadway facilities are analyzed in the peak hour as opposed to the daily analysis used for the rest of the County is because more detailed analysis is appropriate to assess traffic conditions in this sensitive area. The CVMP policies were revised to establish LOS standards based on peak hour (Policy CV 2.18(d)), and to effectively utilize a recent draft traffic analysis of the CVMP and the CVTIP, which included mitigation measures based on peak hour conditions (Monterey County 2007b). Integration of this analysis into the 2007 General Plan EIR allows for consistency between documents.

The CVMP analysis of roadway segments is based on industry standard methods for peak hour analysis (2000 Highway Capacity Manual, Transportation Research Board). Two performance measures are used in the CVMP analysis: two-lane roadways are analyzed based on the percentage of time vehicles must travel in groups behind slower vehicles due to inability to pass, while four-lane roadways are analyzed based on the density of vehicles, or how closely vehicles travel together making it difficult to change lanes or pass. These performance measures reflect actual roadway operations and require detailed information about roadway configurations and peak hour travel characteristics. In comparison, the performance measure used for the rest of the County, for purposes of the 2007 General Plan DEIR, is the ratio of daily traffic volume to daily roadway capacity, a theoretical planning measure that estimates whether a roadway will experience peak hour congestion by comparing demand to the number of lanes available.

Both approaches are valid methods of analysis. The peak hour analysis requires detailed current data that was only available for the CVMP area at the time of the General Plan DEIR preparation. The daily roadway capacity methodology is appropriate for broad policy-level traffic analysis, like that for the General Plan. However, given the availability of a specific traffic analysis for CVMP, it was judged appropriate to use the specific analysis instead of a more broad-level analysis.

# 5.4 Basis of Land Use Forecasts used for the Analysis of Traffic Impacts in the CVMP

Comments questioned the land use assumptions used for the analysis of traffic impacts in the CVMP.

As described in the 2007 General Plan DEIR on page 4.6-63, Table 4.6-18 presents the peak hour level of service for roadways within the CVMP based on the analyses prepared for the CVTIP traffic study. The modeling for the CVTIP traffic study was done under the existing CVMP which would allow a slightly higher amount of development in the CVMP area in 2030 than the 2007 General Plan. The CVTIP traffic study assumed development of 1,188 housing units between 2000 and 2030, more units than assumed in the General Plan estimates to the year 2030.

The rationale for the 1,188 housing units is provided in Appendix F.D of the 2007 DEIR for the CVTIP (Monterey County 2007b). Appendix F.D contains the land use forecasting methodology and the numbers used for developments approved but not yet built, pipeline developments, and approved undeveloped legal lots of record. The model base year was the year 2000 and the base year traffic model included the AMBAG profile of existing residential, visitor-serving, and commercial development at that time. The traffic study created the 2030 horizon year in the model to include development after 2000. Table 2 identifies 655 residential units approved (residential SFDs through 2005 and subdivisions up to 2006), but not yet built by 2000. This 655 unit total included approval of units on existing (pre-1987) lots as well as approval of units for subdivisions and was included in all study scenarios. Pipeline projects are identified in Table 3 in Appendix F.D and were limited to projects with complete applications with new units. At the time of DSEIR preparation this was limited to Rancho Canada Village, with a proposed 281 units. As to "approved undeveloped legal lots of record", the forecast includes 533 new residential units remaining (out of the original 1,310 residential unit quota allowed for by the existing CVMP). At the time of the CVTIP, it was estimated that there remained 533 units within the quota. When combining the 655 approved but not built units with the remaining 533 new units, one gets 1,188 units.

The existing CVMP, at the time of the 2007 CVTIP traffic study, allowed approximately 533 new residential units on both existing and new lots. At the time, it was estimated that there remained approximately 259 existing lots. Assuming one residential unit for each existing lot, this would leave 274 units on new lots. By contrast, the 2007 General Plan would only allow up to 266 units on new lots. Both the existing and proposed CVMP allow development on existing legal lots. The minor difference in new units (8 units) has no material effect on the validity of the traffic study.

Regarding assumptions about growth in the rest of the County used in the 2007 CVTIP traffic study, the study utilized growth forecasts in the AMBAG model which were based on the AMBAG 2004 projections. While the 2007 General Plan would have slightly different locations of growth compared to the AMBAG 2004 projections, the General Plan forecasts were the same level of aggregate growth as that in the AMBAG 2004 projections.

Thus, since the forecast for growth in the CVMP was approximately the same in the CVTIP traffic study as that assumed for the 2007 General Plan and the external general level of growth used is roughly the same as that used for the 2007 General Plan, the CVTIP traffic study is considered reasonably representative of 2030 conditions and is thus appropriate to use for traffic analysis in the 2007 General Plan DEIR.

## 5.5 Significant and Unavoidable Impacts relative to SR1 and the Carmel Valley Village

Comments questioned why the 2007 General Plan would allow further development in the CVMP area even though traffic impacts on SR1 near Carmel and on the Carmel Valley Village are identified as significant and unavoidable. Comments also questioned why mitigation is not identified to address the impacts to SR1 and the Carmel Valley Village and why mitigation would not be implemented prior to new traffic being added due to new development.

As disclosed in the DEIR, certain operations on SR1 between Ocean Avenue and Rio Road, in particular southbound operations, are failing under current conditions. These conditions will worsen with cumulative traffic from the CVMP or other locations.

The existing northbound climbing lane from Carmel Valley Road to Ocean Avenue has added an additional northbound lane. This lane was described as for safety and operational purposes, but has similar effects as adding capacity along this segment in the northbound direction. Traffic accidents can cause gridlock in any type of roadway facility depending on the nature of traffic and the nature of the particular accident. The climbing lane has not added any capacity in the southbound direction, which is still constrained to a single-lane of travel, and thus suffers congestion in the PM peak hour far worse than the northbound direction in the AM peak hour for a similar level of volume. The climbing lane also has provided an additional lane between Carmel Valley Road and Ocean Avenue which helps with peak hour queuing and transition, particularly turning right from Carmel Valley Road.

The adopted Regional Transportation Plan (RTP) includes RTP Project CT008, SR1 – Carmel Operational Improvement. This project would construct an extended northbound lane from Rio Road to Carmel Valley Road and provide intersection improvements at both Carmel Valley Road and Rio Road. Caltrans is the lead agency and has prepared a Project Study Report (PSR) for the project. Monterey County is the supporting agency. The completion of a continuous climbing lane from Rio Road to Ocean Avenue will provide additional benefits for northbound travel in this reach of SR1.

Even with the climbing lane improvements between Rio Road and Ocean Avenue, there will remain failing conditions for southbound travel along SR1. The Recirculated Portion of the DEIR for the CVTIP includes a description of potential mitigation for the impacts along SR1. The project would widen the southbound segment of SR1 between Ocean Avenue and Rio Road to two lanes in the southbound direction. The estimated cost for this project is $13.3 million, not including environmental analysis and mitigation. Based on the traffic analysis of SR1 conditions completed as part of the Partial Revision of the

EIR for the CVTIP (Monterey County 2009), in 2030 future development will only contribute up to 22 percent of the cumulative roadway volumes between Rio Road and Carmel Valley Road (of which 11 percent originate or end in Carmel Valley) and 7 percent between Carmel Valley Road and Ocean Avenue (of which 4 percent originate or end in Carmel Valley).

State law does not allow a jurisdiction to require new development to pay more than its fair share of mitigation for an impact. Given that SR1 is predominantly an existing problem, caused to a great extent by traffic other than that generated from Carmel Valley, new development can only be required to pay impact fees proportionate to its contribution to worsening traffic conditions or approximately 20% of the cost. Without other sources of funds, the amount that could be collected from new development in the CVMP or other locations would be insufficient to fund widening of southbound SR1 in order to alleviate traffic congestion. At this time, there is no apparent source of other funding for this improvement. Consequently, the DEIR discloses the traffic impact on this segment as significant and unavoidable (see page 4.6-73). Ultimately, resolution of SR1 traffic issues will depend on whether external sources of funding, which could include a transportation sales tax measure, or state or federal funds, can be identified to implement the improvements.

Regarding Carmel Valley Village, as described on page 49 of the CVIP Traffic Study (Appendix F of the DSEIR, Monterey County 2007b), several improvement measures were investigated for Segment 3 of Carmel Valley Road. An extended left-turn pocket lane and medians in the Village would affect average speed, but would not affect LOS because LOS is based on roadway volumes and changes in roadway capacity. These roadway changes would not expand capacity and thus would not remedy the problem. Passing lanes would improve the LOS to LOS B; however current policy restricts the introduction of passing lanes in the Village. Further, passing lanes could have significant safety issues in an area with pedestrian crossings and access. A four-lane facility would also improve LOS; however a four-lane facility would also speed traffic and would significantly change the character of the Village in a way that would be inconsistent with the rural village character at present, which would be inconsistent with CVMP policy. Traffic could be routed along Via Contenta and/or Holman Road/Ford Road to bypass the village by increasing speed limits and replacing signage. This would route local and regional traffic through residential neighborhoods which would change the character of these neighborhoods that would also be inconsistent with CVMP policy.

Given the impacts of the alternatives that would either speed up traffic through the Village, substantially change the character of the Village, or route traffic away from the Village that would change the character of the surrounding neighborhoods, no feasible alternative was identified that would be consistent with CVMP policy regarding retaining rural character. Further, many of these alternatives would also be likely to affect local businesses by degrading the aesthetics and character of the Village and/or encouraging traffic to bypass or pass quickly through the Village.

While lowering the LOS standard to LOS D as proposed in the DSEIR would slow traffic in the Village which would delay travel into and out of the Village, it would not change the character of the Village nor introduce potential safety issues. Thus a slowing of traffic to LOS D is not likely to affect businesses in the Village. LOS D, while less

desirable than LOS C, is not a level of traffic (like LOS E or F) that would be more likely to result in greater impediments to accessing the Village.

The 2007 General Plan DEIR discloses, on page 4.6-73, that feasible mitigation consistent with the rural character of Carmel Valley to maintain LOS C is not available.

Given the current infeasibility to complete transportation improvements to SR1 near Carmel and on Carmel Valley Road within the Village to reduce impacts to a less than significant level, the General Plan DEIR proposes two policy changes. The first is elimination of the policy that requires completion of improvements to SR1 before any development can occur. The second is the lowering of the LOS to D in the Carmel Valley Village. These modifications will allow the identified amount of development in the CVMP to occur while maintaining consistency with other CVMP policies. Whether the Board of Supervisors desires to limit growth in CVMP in consideration of the traffic conditions along SR1 or Carmel Valley Road is a matter of policy, not a matter concerning the DEIR adequacy in regards to traffic impacts.

## 5.6 Resolution 02-024 and Future Subdivision Approval

A number of commenters asserted that the Board resolution establishing a policy to defer subdivisions pending certain conditions (Resolution 02-024) should be retained and made permanent in order to address traffic impacts in Carmel Valley and maintain the goals and principles of the CVMP. Comments recommend that a permanent subdivision ban in Carmel Valley should be enacted to prevent traffic conditions from deteriorating.

Whether to make permanent the provisions of Resolution 02-024 is a policy decision for the Board of Supervisors, as would be a permanent subdivision ban or lot of record restriction. Such a decision carries with it legal considerations that the DEIR does not assess. The DEIR has identified certain mitigation measures that address traffic impacts consistent with the policies in the General Plan and CVMP, but the General Plan and CVMP do not include the Resolution as policy.

The CVMP land use designations and zoning allow for further development in Carmel Valley that will result in increases in traffic. Continuation of the subdivision approval deferral will not prevent all further increases in traffic, as shown in the results of the CVTIP traffic study for the No Project scenario, due to the influence of traffic from outside the CVMP. The proposed circulation policies in the 2007 General Plan CVMP will not facilitate new development that would otherwise not be allowed by the CVMP land use designations and zoning. Instead, the circulation policies are designed as a series of mitigations to maintain traffic within the allowable LOS standards.

As to what level of growth should be allowed in the CVMP, this is a policy matter for the Board of Supervisors, not an issue concerning the adequacy of the EIR.

## 5.7 Feasibility of Mitigating Traffic Impacts through Impact Fees and the Impact of Fee-Based Funding on Growth Inducement

Comments question whether the impact fees proposed are adequate to address traffic impacts. Comments also state that the use of impact fees as mitigation is growth-inducing because it relies on future development for funding of road improvements.

Since 1992, traffic improvements have been funded through fees for new development and thus the 2007 General Plan does not change the funding basis. The parallel CVTIP process doesn't change the funding basis either, just the fee amount and the list of improvements. Impact fees have been used to fund roadway improvement in CVMP for many years. The CVTIP DSEIR (Monterey County 2007b) presents a funding program and schedule of improvements based on the identified impact fee levels. The purpose of the schedule is to have adequate funding available before projected future traffic impacts cross identified LOS standards, where feasible. The funding scheme in the CVTIP is based on the amount of previously approved development (for which building permits have not yet been issued), as well as the potential new development allowed by the CVMP over time. Although fee programs in other parts of the County may only address some of the identified traffic impacts, this is not material to the conclusions for the CVMP area where a specific fee program has been in place and for which specific evidence of financial feasibility is provided in the CVTIP DSEIR.

As discussed above, the mitigation in the 2007 General Plan DEIR includes lowering of the LOS standard along one segment of Carmel Valley Road and deletion of the linkage of development to prior completion of traffic improvements along SR1. These measures would allow development to proceed within the CVMP as proposed in the 2007 General Plan. This is a removal of a potential constraint to growth, but would not allow more development than is called for in the land use designations and zoning in the CVMP overall.

Please refer also to Master Response 10, *Level of Detail for a General Plan and General Plan Programmatic EIR*. The discussion in section 10.5 addresses the use of mitigation fees.

## 5.8 Processing of Future Development

Several commenters assert that the new CVMP circulation policies would allow for development to occur in spite of significant traffic impacts, noting that the existing CVMP better requires deferral of development approval and completion of an EIR for projects that would significantly impact roads in the CVMP area that are at level of service (LOS) C or below. Comments also assert that mitigation measures to address traffic impacts in the CVMP should be built before new traffic is added.

However, it should be noted that the current CVMP Policy 39.3.2.1 does not require deferral of development when traffic conditions drop below LOS of C. Instead 39.3.2.1

requires that development that will result in traffic that degrades conditions along a segment of Carmel Valley Road to a lower level of service grade than existed in 1986 (where the level of service is LOS C or worse) cannot be approved until an EIR is completed and appropriate findings are made. The policy specifically allows for the adoption of a statement of overriding conditions, thus recognizing that after study of potential mitigation measures, the Board of Supervisors may find that there are overriding considerations in certain circumstances to approve projects that would result in significant unavoidable traffic impacts.

The 2007 General Plan Policy CV-2.18, as amended by Mitigation Measure TRAN-2B, would require prior construction of project-level mitigation (e.g. beyond the CVTIP programmed improvements) if the CVTIP alone is insufficient to maintain traffic standards. The revised policy, like the existing policies, does provide that if mitigation is insufficient to maintain traffic standards, then an EIR can be prepared and a statement of overriding considerations could be adopted. It should be noted that the Board of Supervisors can, at their discretion, also deny project approval due to the existence of significant and unavoidable impacts identified in an EIR.

Thus, the mitigation in the 2007 General Plan DEIR provides for continued processing of development permit applications and the application of traffic standards, similar to that extant at present with the exception of the change in policy relative to SR1 and Carmel Valley Village where no feasible mitigation has been identified to address current or future traffic impacts. It should also be noted that the acceptable level of service is raised from LOS E to LOS D in segment 7 under the revised Policy CV 2.18 as compared to the current standard for that segment.

## 5.9 Impacts of Traffic Policies on the Rural Character of the CVMP

Comments assert that the changes in circulation policies, by allowing continued traffic growth, will degrade the rural character of the CVMP area. Comments also assert that LOS D is appropriate only to urban, not rural traffic conditions and thus is not consistent with CVMP goals including “to preserve the rural character of Carmel Valley.”

The existing CVMP clearly allows for a development level beyond what currently exists in Carmel Valley and what currently has been approved. While some commenters appear to be of the opinion that any new subdivisions are inconsistent with rural character, the existing CVMP allows for development up to the growth limits as long as traffic conditions are maintained within the established standards.

The CVMP LOS standards previously established by CVMP Policy 39.3.2.1 (d) already include LOS levels of D and E as “acceptable levels” for various segments on Carmel Valley Road. The DEIR does not dispute that the dominant CVMP character is rural. Ultimately, as to whether LOS D is an “acceptable” level of service for Segments 3, 4, 5, 6 and 7 and whether and when development should occur in the CVMP area, are policy matters for the Board of Supervisors. The DEIR provides the information about the

environmental and traffic implications of growth and potential traffic improvements to inform that decision.

## 5.10 Safety and Emergency Access

Comments raised questions as to whether the proposed CVMP policy changes in Mitigation Measure TRAN-2B would only address traffic congestion and not address traffic safety and emergency access issues.

It is incorrect to assert that the traffic policies in the 2007 General Plan, as amended by proposed mitigation measures, are only concerned with moving traffic swiftly. While the policies are appropriately concerned with traffic operations, they are also concerned with traffic safety, access, and facilities for pedestrians and bicyclists. This is why the County requires assessment of traffic operations, safety, and access during project CEQA review. Further, the CVTIP includes improvements that are not strictly necessary to improve traffic operations including bicycle lanes along Carmel Valley Road (which helps with safety and with use of alternative modes of travel), sight distance improvements (safety improvement), left-turn channelization (which improves safety while also helping operations), spot realignments for curves (for safety), and shoulder improvements (also safety).

Regarding emergency access and egress, where traffic is managed, as feasible through a long-term program of improvements, then emergency access and egress can be implemented better than if no improvements are conducted. As to Carmel Valley Road, the CVTIP identified feasible means to maintain traffic at the proposed standards. Further, as defined in the CVTIP traffic study, traffic will increase along Carmel Valley with or without the new subdivisions in the CVMP (that are allowed within the growth limits in the current CVMP). Given that fact, the CVTIP proposes feasible means to implement certain improvements which will help operations, safety, access, and alternative modes of travel. In some locations, these improvements will also help with emergency access or egress.

# Master Response 6: Traffic Mitigation

The County received comments on DEIR Section 4.6, *Transportation* that questioned the significance conclusions reached in the DEIR with respect to vehicle traffic resulting from implementation of the 2007 Draft General Plan. Commenters also asked for clarification regarding how proposed policies C-1.1 through C-11 would achieve an acceptable level of service. This included requesting further clarification of the distinction among traffic tiers as defined the General Plan glossary and applied in Circulation Element policies.

In addition, the County received comments regarding the adequacy of the proposed traffic mitigation measures. Commenters contended that the collection of traffic mitigation fees was both a deferral of mitigation and inadequate mitigation for addressing traffic impacts.

A number of comments were received relating specifically to the Carmel Valley Master Plan traffic analysis and mitigation measures. These are discussed in Master Response 5, *Carmel Valley Traffic Issues*.

This master response will focus on the following:

6.1 Changes in policies related to circulation issues after release of the DEIR

6.2 Traffic Tiers

6.3 Adequacy of Traffic Impact Fees

## 6.1 Changes in Policies Related to Circulation Issues after Release of the DEIR

In response to comments and in consideration of the issues raised, the County has identified a number of changes to the 2007 General Plan policies to provide the clarification requested. These changes are set forth below. The text changes include an explanation of the proposed modifications.

C-1.1 The acceptable level of service for County roads and intersections shall be Level of Service (LOS) D, except as follows:

a. Acceptable level of service for County roads in Community Areas may be reduced below LOS D through the Community Plan process.

b. County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further except in Community Areas where a lower LOS may be approved through the Community Plan process.

c. Area Plans ~~and Lands Use Plans~~ prepared for County Planning Areas may establish an acceptable level of service for County roads other than LOS D. The benefits

which justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.

Staff recommended clarification in response to comments on the DEIR.

C-1.2 The standard for the acceptable level of service (LOS) as noted in *Policy C-1.1* is to be achieved by 2027. That LOS standard is to be achieved through the development and adoption of Traffic Impact Fees (TIFs) as part of Capital Improvement and Financing Plans (CIFPs) ~~and implementing ordinances~~ that:

~~a. Define benefit areas to be included in the CIFP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole~~

a. Identify and prioritize ~~the~~ traffic related improvements to be completed in the benefit areas over the life of the General Plan.

~~b. Estimate the cost of the improvements over the life of the General Plan.~~

~~c. Identify the funding sources and mechanisms for the CIFP to include, but not limited to, a Traffic Impact Fee (TIF).~~

~~d. Provide an anticipated schedule for completion of the improvements.~~

b. Coordinate with ~~TAMC's regional fee program~~ all adopted transportation improvement programs within the County of Monterey including but not limited to TAMC, FORA, and cities.

c. ~~A TIF shall be implemented to~~ Ensure a funding mechanism for transportation improvements to county facilities in accordance with *Policy C-1.8*.

d. Categorize transportation projects as "high," "medium," or "low" priority.

CIFPs shall be developed pursuant to Policy PS-1.1. Construction costs and land values shall be adjusted annually and the CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the LOS standard for County roads. Road segments or intersections identified to be ~~approaching or~~ below LOS D shall be a high priority for funding.

Staff recommended clarification to retain focus of this section to traffic related maters. General CIFP language for all infrastructure moved to PS-1.1.

C-1.~~4~~3 ~~Direct on-site and direct off-site c~~Circulation improvements that mitigate Traffic Tier 1 direct on-site and off-site project impacts shall be constructed concurrently with new development. Off-site circulation improvements ~~which~~ that mitigate Traffic Tier 2 or Traffic Tier 3 ~~cumulative~~ impacts either shall be constructed concurrently with new development or a fair share payment pursuant to *Policies C-1.8 and C-1.11* shall be made at the discretion of the County. Support collection of ~~regional~~ impact fees with all development projects to address impacts to County roads plus regional roads and highways.

Staff recommended clarification that C-1.4 precedes C-1.3 (now C-1.4) as the general approach to circulation concurrency.

C-1.~~3~~4 In order to achieve a countywide LOS D, or the applicable LOS per *Policy C-1.1(c)*~~, in conjunction to~~ and *Policy C-1.2*, projects that are found to result in reducing a County road below the applicable minimum LOS standard ~~LOS D~~ shall

not be allowed to proceed without a phasing program where development is concurrent with improvements that maintain ~~a~~ the applicable minimum ~~of~~ LOS ~~D~~ for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIFP as a ~~top~~ high priority, *Policy C-1.~~4~~3* shall apply. ~~This policy does not apply to the following~~ The following shall only be required to pay a fair share fee pursuant to *Policies C-1.8* and *C-1.11*:

a. first single family dwelling on a lot of record;

b. allowable non-habitable accessory structures on an existing lot of record;

c. accessory units consistent with other policies and State Second Unit Housing law; and

d. Non-discretionary use for commercially designated properties.

Staff recommended clarification that C-1.3 follow C-1.4 (now C-1.3) as being more specific than the general rule.

C-1.8 Development proposed in cities and ~~surrounding jurisdictions~~ adjacent counties shall be carefully reviewed to assess the proposed development's impact on the County's circulation system. The County, in consultation with TAMC and Monterey County cities shall, within 18 months of adoption of the General Plan, develop a County Traffic Impact Fee that addresses Traffic Tier 2 impacts of development in cities and unincorporated areas ~~on major County roads~~. From the time of adoption of the General Plan until the time of adoption of a County Traffic Impact Fee, the County shall impose an ad hoc fee on its applicants based upon a fair share traffic impact fee study.

Staff recommended clarification in response to comments on the DEIR. Errata proposed for Policy C-1.8 (September 2008) was made in error as there is not a County fee program in place at this time. An erratum was meant to be made to C-1.11 representing completion of TAMC Regional Fee Program.

C-1.11 In addition to the Countywide Traffic Impact Fee established in *Policy C-1.8*, the County shall require new development to pay a Regional Traffic Impact fee developed collaboratively between TAMC, the County, and other local and state agencies to ensure a funding mechanism for regional transportation improvements mitigating Traffic Tier 3 impacts. ~~The County shall adopt the Regional Traffic Impact Fee, the goal of which shall be to achieve LOS D on the regional roadway system. From the time of adoption of the General Plan until the time of adoption TAMC fee by the County, the County shall impose an ad hoc fee based upon the regional transportation fee developed by TAMC through its 2004 Nexus Study or as subsequently amended or replaced.~~

~~If the Regional Traffic Impact Fee program is not adopted by the County within one year of its adoption by TAMC, then the County shall not approve any development that would degrade the LOS on regional roads below LOS D, or contribute to the further degradation of regional roads already operating at LOS E or LOS F until the TAMC fee is adopted.~~

Updated due to completion of TAMC Regional Fee Program.

C-1.12 The roadway segments exceeding LOS standards are two-lane rural roads that provide left turn lanes at some intersections. These segments include County Road G14 between US 101 and San Lucas Road, and Spreckels Boulevard between SR-68 and Harkins Road. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Corridor by the Public Works Department. These improvements would be implemented when:

1. A proposed development's project-specific assessment identifies a direct impact to the facility in terms of either LOS or safety.
2. A proposed development gains access from an intersection within the segment.
3. A corridor-wide nexus study prepared for the required Capital Improvement and Financing Plan identifies the level of development that can occur before triggering the improvements.

To maintain the rural character of the area, there are no plans to widen these roadways to four lane facilities. Therefore, the capacity of these segments will be increased by:

1. Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or
2. Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or
3. Constructing passing lanes as determined in the Capital Improvement and Financing Plan.

Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a "fair share" payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.

Mitigation Measure TRANS-5A adds this new policy

PS-1.1 Adequate Public Facilities and Services (APFS) requirements shall:

a. Ensure that APFS needed to support new development are available to meet or exceed the level of service of "Infrastructure and Service Standards" (*Table PS-1*, next page) concurrent with the impacts of such development;

b. Encourage development in infill areas where APFS are available, while acknowledging the rights of property owners to economically viable use of existing legal lots of record throughout the county; and

c. Seek to achieve acceptable level of service (LOS) standards through improvements funded by fair share impact fees and planned capital improvements (CIFP).

d. APFS is to be achieved through the development and adoption of Capital Improvement and Financing Plans (CIFPs) and implementing ordinances that:

1) Define benefit areas (geographical or functional) to be included in a CIFP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole, as well as, functional areas such as roadway improvements or other APFS infrastructure.

2) Identify and prioritize the improvements to be completed in the benefit areas over the life of the General Plan. (also see *Policies LU-2.30, C-1.2, PS-3.9*).

3) Estimate the cost of the improvements over the life of the General Plan.

4) Identify the funding sources and mechanisms for the CIFP.

5) Provide an anticipated schedule for completion of the improvements.

CIFPs may refer to and incorporate Plans and fee programs existing as of the date of the adoption of the General Plan. Construction costs and land values shall be adjusted annually and the CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the infrastructure needs. A CIFP shall be completed within 18 months from the adoption of the TIF (*Policy C-1.2*).

Staff recommended edit for cross reference and to address general CIFP language from C-1.1.

**TABLE PS-1 - Footnotes**

[3] Level of service standards should be flexible within Community Areas so as not to hinder infill development and transit friendly and walkable community design (See Policy C-1.1(a)).

Staff recommended change for cross reference.

[4] ~~Level of service standards should be flexible for rural roads directly serving Community Areas and Rural Centers (see *Policy C-1.1*) so as not to hinder efforts to achieve the County's regional housing allocation.~~ Except as provided by policy C-1.1(c), with respect to Rural Centers, flexibility is necessary so as not to hinder efforts to achieve the County's regional housing allocation. Therefore, ~~Community Area~~ development in Rural Centers may proceed even if the operating level of service is lower than LOS D on adjacent ~~rural~~ roads. ~~Community Area~~ Development will be required to participate in any applicable regional or local road impact fee program once adopted.

Staff recommended clarification in response to comments on DEIR.

# 6.2 Traffic Tiers

A number of commenters requested that the County distinguish among terms used in the DEIR that describe different types of traffic impacts.

This response clarifies the terms used in the DEIR and in particular clarifies the three levels (or tiers) of impacts evaluated in the DEIR. The terminology used in the traffic analysis are terms used in traffic engineering and are not to be confused with terms used in a CEQA analysis. To clarify the terminology used in the DEIR and avoid confusion with CEQA-related terms the term "project-specific" used in the DEIR means "development-specific". Additionally, the term "tier" means "traffic tier."

- *Tier 1* means impacts that are direct impacts on site, or off-site, but in the immediate vicinity of the project.
- *Tier 2* means direct or cumulative impacts to county roadways not in the immediate vicinity of development.
- *Tier 3* means impacts to regional roadways and highways identified in the TAMC Regional Development Impact Fee Program.

Each level of impact is described in greater detail below.

## Development-Specific Impacts (Traffic Tier 1)

As stated on DEIR page 4.6-31, "project (development)-specific impacts of new development are localized impacts that affect the immediate surrounding transportation system, including access and circulation necessary for the development to function properly and safely. Development-specific impacts occur where new development needs to gain access to County roadways and/or where traffic generated by new development causes development-specific deficiencies in roadway or intersection operations in the immediate proximity of the development."

For purposes of the DEIR, Traffic Tier 1 development-specific impacts are defined as:

- On-site facilities necessary to provide vehicular, pedestrian, bicycle, freight and emergency access and circulation to the project.
- On-site or off-site connections and/or access between the project's on-site circulation and public roadways.

It is County's policy to require concurrent mitigation of development-specific impacts (Traffic Tier 1).

## Impacts to County Roads (Traffic Tier 2)

County roads include 175 segments representing all major country roadways. Traffic Tier 2 impacts refer to the impact of project traffic to the county roadways that are not Traffic Tier 1 impacts. These impacts are typically further away from the project site, and would include off-site project specific contributions to existing traffic at an intersection or on a road segment (direct impact) and project contributions at an intersection or on a road segment in combination with anticipated future projects that may or may not be developed as yet (cumulative impact). Mitigation for Traffic Tier 2 impacts (direct and cumulative) includes payment of fees in connection with the TIF portion of the Countywide CIFP (see Policies C-1.2 and C-1.8), or the TIF portion of CIFPs for other benefit areas (see Policy PS-1.1). Until such time as these fee programs are adopted, new development shall pay its fair share towards the impacts identified (see Policy C-1.4).

### Impacts to Regional Roadways (Traffic Tier 3)

Traffic Tier 3 refers to the impacts of project traffic to a road in the state highway system which includes 103 segments representing all state highways and major roads in cities in Monterey County. These are mitigated through payment of the TAMC regional fee (See Policy C-1.11)

## 6.3 Adequacy of Traffic Impact Fees

Commenters have questioned whether proposed mitigation for traffic impacts in the DEIR is adequate, and have specifically asked whether the fees collected in connection with Traffic Tiers 2 and 3 impacts are appropriate for mitigating the impacts of development. They suggest that development should not proceed until the road improvements are completed.

As noted above, development must mitigate its Traffic Tier 1 impacts concurrently. This means that prior to occupancy the improvements necessary to address circulation, emergency access, and connections to the proposed development (as defined under Traffic Tier 1 impacts) are completed.

The DEIR acknowledges that even with the adoption and implementation of the various traffic impact fee programs identified in the General Plan, the proposed General Plan will have a significant and unavoidable impact on County roads and regional roads

However, under CEQA, paying a fee is permissible as effective mitigation if the fees are "part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; *Save Our Peninsula Comm. v. Monterey County Board of Supervisors* (2001) 81 Cal.App.4th 99, 141) The fee-based mitigation mechanisms in the DEIR and General Plan are legal and environmentally sufficient mitigation as part of a comprehensive mitigation strategy and are reasonably expected to mitigate project impacts.

For additional discussion of the mitigation fees and mitigation fee programs, please refer to Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

# Master Response 7: New Urban Development Outside Focused Growth Areas

This master response contains the following subsections:

7.1 Assumptions Regarding the 80%/20% Allocation of New Growth

7.2 General Plan Policies.

7.3 Mitigation Measures in the DEIR.

7.4 Revised Mitigation Measures.

7.5 Conclusion.

Commenters questioned the assumptions utilized in the DEIR impact analysis that allocated 80% of new growth to focused growth areas and 20% to areas outside of focused growth areas. Commenters also questioned whether the General Plan policies that are intended to direct new urban growth to focused growth areas ( i.e. Community Areas, Rural Centers, Affordable Housing Overlays and areas in close proximity to these communities or to cities) will be effective in limiting growth. They contend that that the General Plan does not guarantee development will be compact and contiguous to existing urban development and therefore General Plan implementation would result in growth that has not been analyzed in the DEIR.

This Master Response will discuss outline the assumptions underlying the 80%/20% growth allocation, and assess the policies in the General Plan and DEIR mitigation measures that directly address comments regarding unanticipated urban growth. The discussion will focus on growth to 2030, but generally applies to General Plan buildout as well.

Commenters also have contended that the Agricultural Winery Corridor Plan (AWCP) will induce additional commercial growth in response to the development of the corridor, and will permit residential growth that has not been estimated or considered in the DEIR.

For responses to the comments pertaining to the AWCP, refer to Master Response 2, *Growth Assumptions Utilized in the General Plan* and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies.*

## 7.1 Assumptions Regarding the 80%/20% Allocation of New Growth

The discussion below is also provided in Master Response 2, *Growth Assumptions Utilized in the General Plan*. It is provided again in this Master Response in order to comprehensively fully respond to comments questioning how much urban growth is likely to occur outside of focused growth area. The DEIR analysis of future impacts from

new development assumed that 80% of the growth between 2006 and 2030 would occur in areas designated in the General Plan for focused growth and 20% would occur outside of focused development areas. This would equate to 8,012 units in focused growth areas and 2,003 new units outside of focused growth areas.

This assumption is based upon several factors: 1) population distribution trends and projections; 2) trends in population composition and preferences; 3) directives and incentives in General Plan policies; and 4) state regulatory mandates (i.e., Regional Housing Needs Assessment).

1. Population distribution. The 2004 AMBAG forecast (DEIR Table 3-3) indicates that by 2030, 78% of the population in the County will reside in cities and 22% will reside in the unincorporated area. This split between the cities and unincorporated area is the continuation of a trend that has characterized population changes since 1980. In 1980, 71% of the population lived in the cities versus 29% in the unincorporated area. In 2006, the estimated population division between cities and the unincorporated area was 76% versus 24%.

   Based upon this historic trend, and the regional projections, it was reasonable to conclude that this trend would be mirrored in the allocation of future growth within the unincorporated County. This was the primary factor considered in deriving the 80%/20% assumption for the DEIR impact analysis.

2. Trends in population composition. The State Department of Finance estimates that 1 in 5 people in California will be over 65 by 2030. (California Department of Finance 2007b). This change in the age of the population is also characteristic of Monterey County. Family size in the unincorporated area is also decreasing, in part because of the aging of the population. In 2005, the average number of persons per dwelling unit in the unincorporated County was 3.19/unit. The AMBAG 2004 forecast (DEIR Table 3-5- note e) indicates that the number of persons per unit in the unincorporated County shall decrease to 2.78 person/unit by 2030.

   The March 11, 2008 Annual Housing Report presented to the Monterey County Board of Supervisors noted that the affordable housing crisis was likely to continue with more families seeking rental housing. With the ongoing mortgage crisis and economic downturn, less rental housing was being constructed than was needed thus exacerbating the problem.

   County staff recognized that urbanized areas provide more housing choices for smaller families and lower income families. The higher densities that are required to achieve affordability are best accommodated in areas of compact urban development. In addition, urbanized areas provide increased employment opportunities for working families and access to services, transportation, and entertainment.

   There are 4,629 lots of record in the unincorporated area. Based on projected population composition, economic factors and consumer preferences, the County assumed that development on these lots would be spaced over time, i.e. that the supply would not be exhausted during the life of the General Plan. Given the cost of building a single family dwelling and the constraints on creating new subdivisions outside of focused growth areas, the 20% of total projection of 2003 units seemed a reasonable assumption for the purposes of analysis.

These indices -- increase in the age of the population, growing need for affordable housing and rental housing and preferences for access to services and transportation support the assumption that future growth in the unincorporated area would be directed towards the focused growth areas.

3. Directives and incentives in the General Plan. There are numerous policies in the General Plan that direct growth to the cities and focused growth areas in the unincorporated area. The policies include strict provisions that limit development outside focused growth areas based on the need to provide services, protect agricultural land and natural resources. Policies LU-1.4(designation of new growth areas) and LU-1.8 (transfer of development rights) address directing new development where there are adequate services and facilities. Policy LU-1.19 indicates "that Community Areas, Rural Center and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County". LU-1.19 establishes a development evaluation system consistent with this policy. LU-2.12 establishes a program for affordable and work force housing that includes a number of incentives for future developers. Policies LU-2.21 through LU-2.33 prescribe the location and criteria for Community Areas and Rural Centers and set priorities for completion of Community and Rural Center plans. Policies PS-1.1 through PS-1.6 provide criteria for "Adequate Public Services and Facilities" that must accompany new development that must be met for a project to be approved. In addition, funding for focused growth areas is established as a high priority in the General Plan (Policies LU-2.30, C-1.2, and PS-1.1). These policies among others set the future direction of new growth to existing and planned focused growth areas and constrain growth outside of these areas.

   Both the requirements to provide Adequate Public Facilities and Services and the cost of providing these to new development are strong factors in the DEIR assumptions regarding the allocation of new growth. The stringency of new requirements from federal and state agencies with respect to water quality and wastewater disposal suggests that it will become even more difficult for the single family home builder and small project developer to comply. These requirements in concert with the General Plan policies are likely to constrain growth outside of the focused growth areas identified in the General Plan.

4. Regional Housing Needs Assessment (RHNA). By law, the General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code Section 65580, et seq.). The State Housing and Community Development Department (HCD) assigns housing targets for each region in the State, including targets for affordable housing. These targets are then allocated to individual jurisdictions by the regional agencies such as AMBAG. These housing allocations (based on 5-7 year planning cycles) must be accommodated in the Housing Element for that jurisdiction (Government Code Section 65583). Housing Elements are required to be submitted to HCD for review and, if found to comply with the requirements of Housing Element Law, certification of adequacy. If a Housing Element cannot be certified because it does not designate sufficient land to accommodate affordable housing, the jurisdiction may lose eligibility for housing grants. To accommodate the housing target, the jurisdiction must demonstrate that it has sufficient housing that will be zoning at a high density (20+ units per acre) to meet the allocation.

The 2007 General Plan was drafted with the intent of ensuring consistency with these requirements and accommodating several RHNA cycles. The Community Areas, Rural Centers and AHOs were selected and designed to address the RHNA requirement and community needs by accommodating the projected RHNA growth.

The initial housing allocation assigned to the unincorporated area, based on the 2004 Growth Projections, was 2,500 units (2006-2013).[8] This would equate to 10,000 units over four planning cycles. The RHNA for the current cycle required that 60%, or 6,000, of these units be in very low-, low-, and moderate-income housing categories. The remaining were assumed to be in higher price categories. These calculations were factored into the DEIR assumptions regarding the likely distribution of new growth. As indicated above, the County assumed that the difference (4,000 units) would not be accommodated by building single family dwellings on all remaining existing lots of record.

Table 3-9 indicates that there would be sufficient capacity in the Community Areas, Rural Centers and AHOs through the year 2030 to accommodate the RHNA.

In summary, the assumption utilized in the DEIR impact analysis (80% of new growth would occur in focused growth areas; 20% outside of these areas) was derived from each of the factors described above, individually and collectively. Population distribution trends were the primary factor in deriving these assumptions. The remaining factors were applied to confirm whether the assumption was realistic. The combination of population distribution and composition trends, changes in community preferences over time, key principles and constraints in General Plan policies and State regulatory requirements for affordable housing suggest development between 2006 and 2030 will occur primarily in the Community Areas, Rural Centers and AHOs. These land use designations established in the General Plan are most able to provide affordable housing, employment, services and transportation options.

## 7.2 General Plan Policies

As noted in 7.1 above, General Plan policies have been drafted specifically to limit growth outside focused growth areas. The Draft General Plan Land Use Element includes numerous policies that direct new growth in the unincorporated area to Community Areas( LU-2.21 through 2.26), Rural Centers ( LU-2.27 through LU-2.33) Affordable Housing Overlay Zones (LU-2.12) and to properties in proximity to these areas that also have the infrastructure and services that could support new intensive growth (LU-1.4 and PS-1.1 through PS-1.6). The General Plan also limits growth to lots of record in North County, and portions of the Greater Salinas and Toro Areas. New subdivisions in the Carmel Valley Master Plan Area are limited to a total of 266 new lots (CV-1.6). There are also policies that identify Special Treatment Areas that specify the intensity of new growth that would be allowed. Further, Policies LU-2.15 through 2.20 encourage city-centered growth. They call for the establishment of Urban Reserves in the areas most

[8] The RHNA allocation was subsequently adjusted by AMBAG in April 2008, but since the DEIR analysis is based on the 2004 forecast, not the 2008 reduced forecast, the lower RHNA allocation was not taken into consideration in the DEIR.

likely to be annexed to cities in the future and provide for cooperation between the County and the cities.

The General Plan establishes Community Areas as the highest priority for growth; Rural Centers are a second tier priority (Policies LU-1.19, 2.21, and 2.30). This prioritization also ensures that capital expenditures for new infrastructure will be directed at serving high priority areas. In accordance with Policy LU-2.33, expansion of the boundaries of a Rural Center may only occur if the property owner is willing to provide the infrastructure and improvements needed for build-out of the Rural Center, and the Capital Improvement and Financing Plan for the Rural Center has identified a feasible financing mechanism. This policy further assures that growth will be constrained unless services are provided.

Nevertheless, the DEIR analysis did assume that, even with implementation of these polices, a certain amount of growth would still occur outside focused growth areas. The EIR analysis is based on the assumption of the 10,015 new residential units by 2030, 80% would occur within Community Areas, Rural Centers and AHOs, and 20% would occur outside these focused growth areas. (see Table 3-9 New Growth by Type, 2006-2030 and Buildout) This table is based upon a proportional distribution of growth based on potential full buildout (consistent with zoning and General Plan policies in each of the Planning Areas).

A number of General Plan policies will help assure that growth outside focused growth areas would not exceed DEIR assumptions. LU-1.19 establishes a "Development Evaluation System" that would provide for the quantitative evaluation of proposed development with 5 or more lots or units. This system includes minimum requirements for affordable housing before a project can be considered. The evaluation system will includes eight specific criteria and will establish a minimum passing score. Proximity to a City, Community Area, or Rural Center is a key criterion that must be considered. Policy LU-1.20 further limits development to area build-out and establishes a tracking system with results presented annually to the Planning Commission.

There are numerous additional policies that would make additional new development other than what is projected in the DEIR very difficult. The policies in the Public Services Element under GOAL PS-1 define Adequate Public Facility and Services (APFS) requirements, and require consistency with these policy requirements for approval (Policies PS-1.1 through 1.6). Policy PS-3.1 requires that any new development subject to a discretionary permit, except for single family homes and non-habitable structures on lots of record, must provide proof of a long-term, sustainable water supply. Policy PS-4.9 requires the adequate provision of new or expanded wastewater treatment facilities prior to the approval of new residential subdivision maps or zone changes. These are only a few examples of the policies that are intended to further restrict new development outside of focused growth areas.

These policies individually and collectively establish rigorous requirements for approval and a clear process for determining whether a proposal meets General Plan policy. By placing a priority on focused growth areas, by imposing an evaluation system for development outside these focused growth areas with minimum affordability requirements as well as other stringent criteria, and by requiring that new growth be

adjacent to existing growth that has adequate services, growth outside focused growth areas would be extremely unlikely to exceed DEIR assumptions.

## 7.3 Mitigation Measures in the DEIR

The DEIR proposes a series of mitigation measures to address climate change (Section 4.16.5.3). These measures are designed to reduce greenhouse gas emission levels consistent with the goals of AB 32, The Global Warming Solutions Act of 2006. Although these measures do not specifically mandate compliance with compact development standards, achievement of the goals of AB-32 would require that future development in the unincorporated area comply with these principles. The components of a "Greenhouse Gas Reduction Plan (Mitigation Measure CC-1a) and a "Climate Change Preparedness Plan" (Mitigation Measure CC-13) would by necessity rely on strategies that focus growth. The Climate Change Preparedness Plan would include provisions for limited growth in areas that could be more severely impacted by wildfire, sea level rise, and flooding. These requirements would further reduce the likelihood that new development, especially sprawl in the more remote areas of the County, would be supported.

Research indicates that there is a direct correlation between greenhouse gas emissions from vehicles and vehicle miles travelled (VMT) annually. A common strategy for reducing VMT is to locate new growth compactly. As a result, the Greenhouse Reduction Plan will undoubtedly consider compact growth as a means of reducing greenhouse gas emissions. (Urban Land Institute 2008)

## 7.4 Revised Mitigation Measures

Mitigation Measures BIO-1.4 and BIO 1.5 were revised to track actual growth against what was projected in the DEIR and make policy adjustments if current expectations are not met. These policies were revised to ensure that before growth in excess of the AMBAG 2004 growth projections for residential and commercial development occurs, the County will consider the expansion of focused growth areas or designation of new focused growth areas. These expanded or focused growth areas would be designed to keep the 80%/20% split between compact growth in cities and focused growth areas and growth outside focused areas. These revised mitigation measures are provided in FEIR Chapter 4, Text Revisions.

## 7.5 Conclusion

General Plan policies have been drafted specifically to limit growth outside focused growth areas. Commenters have not provided any evidence that the policies in the General Plan that restrict growth will not be followed other than conjecture about future policy decisions that could be made contrary to General Plan policies. By focusing growth through the development of community plans, infrastructure and finance plans,

and imposing requirements for significant amounts of affordable housing as a prerequisite to approval of subdivisions outside of these areas, it is reasonable to expect that future growth will focus in compact development patterns near cities or in focused growth areas.

Nevertheless, the DEIR analysis did assume that, even with implementation of these policies, a certain amount of growth (20% of new growth) would still occur outside focused growth areas. A number of General Plan policies and EIR mitigation measures will help assure that growth outside focused growth areas would not exceed DEIR assumptions. Therefore, the DEIR conclusions regarding the impacts from growth outside of Community Areas, Rural Centers and AHOs are reasonable and justified.

# Master Response 8: Biological Resources

This Master Response addresses comments provided on the DEIR regarding impacts to biological resources with a focus on the following issues:

8.1 changes in biological resource policies and mitigation measures after release of the DEIR;

8.2 specificity of the EIR impact analysis and mitigation;

8.3 deferral of mitigation, especially for the post-2030 period;

8.4 the definition of "special-status species" and how the General Plan and the EIR addresses impacts to such species;

8.5 adequacy of the impact analysis on plant and wildlife species and habitat, including the range of species analyzed, impacts of discretionary development, non-discretionary development on lots of record, and impacts of agricultural expansion;

8.6 adequacy of the protection afforded in the EIR for certain specific biological resources

8.7 adequacy of the analysis of impacts on wildlife movement corridors.

## 8.1 Changes in Biological Resource Policies and Mitigation Measures

In response to comments and in consideration of the issues of concern, the County has identified a number of changes to 2007 General Plan policies and biological mitigation measures from the DEIR that are now proposed. In order for the subsequent responses to be presented in light of these policy and mitigation measures, these changes are presented first.

These revisions are consistent with CEQA Guidelines Section 15146(b), ensure consistency with CEQA terminology, and provide equal or better protection for biological resources than the DEIR's mitigation measures and draft 2007 General Plan policies. These proposed policies, in concert with the review requirements of CEQA, will ensure that future development projects address the potential presence of species and habitats, undertake project-specific and site-specific biological surveys, and identify feasible mitigation to reduce impacts to less than significant levels. These provisions will avoid or substantially reduce significant impacts on species and habitats.

The following revision has been made to Policy OS-3.9 to establish a date certain for when the program will be adopted and to clarify requirements:

> OS-3.9 The County will develop a Program that will address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The Program will be designed to ~~address~~ avoid or minimize

a) off-site soil erosion,

b) increased runoff-related stream stability impacts, and/or

c) potential violation of adopted water quality standards.

The County ~~should~~ will convene a committee comprised of county staff, technical experts (including staff of the Natural Resources Conservation Service), and stakeholders to develop the Program, including implementation recommendations.

This program shall be adopted within 5 years of adoption of the General Plan.

Draft General Plan Policies OS-5.1 through OS-5.4 are revised to clarify the treatment of listed species pursuant to the General Plan. Taken together, the revisions to Policies OS-5.1 through OS-5.4 provide for the mapping of critical habitat and habitat for listed species, as wells as actions to mitigate effects on listed species. Development that may affect listed species would be subject to consultation with the USFWS and CDFG.

OS-5.1 The extent and acreages of ~~the designated~~ critical habitat ~~of Federal and State listed threatened or endangered plants or wildlife species~~ shall be inventoried to the extent feasible and mapped in GIS. Conservation of ~~these threatened and endangered plants~~ listed species shall be promoted.

OS-5.2 The extent and acreages of the potentially suitable habitat for ~~special status plant and wildlife species~~ listed species shall be inventoried to the extent feasible and mapped in GIS. Conservation of ~~special status~~ species shall be promoted as provided in the Area Plans.

OS-5.3 Development shall be carefully planned to provide for the conservation and maintenance of ~~designated~~ critical habitat. ~~of plant and animal species listed by federal agencies as threatened or endangered.~~

OS-5.4 Development shall avoid, minimize, and mitigate impacts to ~~State and federally listed plant and animal species and designated critical habitat for federally~~ listed species and critical habitat to the extent feasible. Measures may include but are not limited to:

a. clustering lots for development to avoid ~~designated~~ critical habitat areas,

b. dedications of permanent conservation easements; or

c. other appropriate means.

~~Where development cannot avoid critical habitat,~~ If development may affect listed species, consultation with United States Fish and Wildlife Services (USFWS) and California Department of Fish and Game (CDFG) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined ~~by USFWS~~ as required by law.

The following modifications to OS-5.16 clarify the species and habitat that will be addressed by the policy (essentially encompassing the same range of species and habitats described in CEQA Guidelines Section 15065 – Mandatory Findings of Significance), as well as the process and criteria for determining potential impacts. These modifications

are responsive to comments from the public and Planning Commission regarding the applicability of several General Plan biological resource policies. In addition, revised Policy OS-5.16 clarifies the criteria that trigger the requirement to conduct biological studies and biological reports. The following new text replaces OS-5.16 in the November 2007 Draft General Plan in its entirety:

> OS-5.16 A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species.
>
> An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include a field reconnaissance performed at the appropriate time of year. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate the habitats or species that are potentially impacted.

The following revision is made to the AWCP to require biological surveys and subsequent action for artisan wineries and ancillary uses if they will affect biological resources:

> AGRICULTURAL WINE CORRIDOR
>
> This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan. Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits.
>
> A biological study (as defined in Policy OS-5.16) shall be required for permanent facilities with the potential to affect biological resources. If the biological study indicates a potential for a significant impact on a biological resource, then an administrative permit shall be required.

The following definition in the General Plan Glossary has been modified as follows:

> **LISTED SPECIES** means ~~Threatened, Endangered and Rare species as defined in this Glossary. *See definitions for* THREATENED AND ENDANGERED SPECIES, *and for* RARE SPECIES.~~ those species that have been listed as:
>
> a) Threatened or endangered pursuant to the federal Endangered Species Act of 1973 as amended, or
>
> b) Rare, Threatened, or Endangered pursuant to the California Endangered Species Act of 1984 as amended.

The following definitions are deleted from the General Plan Glossary:

~~**SPECIAL STATUS SPECIES** means those species that are listed as:~~

~~a) Threatened or endangered pursuant to the federal Endangered Species Act of 1973 as amended, or~~

~~b) Rare, Threatened, or Endangered pursuant to the California Endangered Species Act.~~

~~**THREATENED AND ENDANGERED SPECIES** means those plant and animal species that have been listed as threatened or endangered species pursuant to the federal endangered Species Act of 11973, as amended or the California Endangered Species Act.~~

~~**ENDANGERED SPECIES** (See THREATENED SPECIES)~~

~~**RARE SPECIES** means a species of plant that is listed as rare pursuant to the California Endangered Species Act.~~

Mitigation Measure BIO-1.1 has been deleted in its entirety:

~~**Mitigation Measure BIO-1.1: Baseline Inventory of Landcover, CEQA-Defined Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County**~~

~~The County shall expand the inventory of listed species suitable and critical habitat required by Policy OS-5.1 and OS-5.2 to include an updated vegetation land cover map, identification of suitable habitat for CEQA-defined special status species (as defined in this document), sensitive natural communities, and riparian habitat in Monterey County. The inventory shall include wetlands inventory as feasible based on existing data sources and aerial interpretation. This inventory should be updated at a minimum of ten-year intervals. The inventory can exclude areas that are not under the control of Monterey County (e.g., cities, state and federal lands).~~

Mitigation Measure BIO-1.1 in the DEIR required preparation of a baseline inventory of landcover, "CEQA-Defined" special status species habitat, sensitive natural communities, riparian habitat, and wetlands in Monterey County. The nominal purpose of such an inventory would be to inform project-level evaluations of impacts to biological resources under CEQA. However, project-level evaluation of biological resources under CEQA, including evaluation of cumulative impacts, can be adequately completed using existing available data on species, communities, habitat, and wetlands and biological resources in general combined with project-specific biological evaluations required pursuance to revised policy OS-5.16 (provided above). Thus, this mitigation measure was not required to address significant impacts to biological resources resulting from development allowed under the General Plan and the resultant biological impacts without this mitigation measure would not be greater than that disclosed in the DEIR.

The following revisions are made to Mitigation Measure BIO-1.2 to clarify that a conservation strategy, as opposed to a formal Habitat Conservation Plan (HCP) is the intended outcome of the measure:

**BIO-1.2 Salinas Valley Conservation Strategy ~~Plan~~ to preserve habitat for the San Joaquin kit fox in the Salinas Valley**

The County shall, in concert with the ~~USFWS~~ U.S. Fish and Wildlife Service, ~~CDFG~~ California Department of Fish and Game, cities in the Salinas Valley, and stakeholders develop a conservation ~~plan~~ strategy for the Salinas Valley to provide for the preservation of adequate habitat to sustain the San Joaquin kit fox population. The general focus area of the plan shall be the Salinas Valley south of the community of Chualar. The conservation ~~plan~~ strategy, at a minimum, shall be adopted by Monterey County and shall be applied to all discretionary approvals (and their associated CEQA documents) with potential to affect the San Joaquin kit fox within the conservation ~~plan~~ strategy area. The County shall complete the conservation strategy within 4 years of General Plan adoption. The conservation strategy funding program shall be developed and shall ~~include~~ consider a mitigation fee program for which development projects will be assessed a fee based on a proportional basis of impact to the San Joaquin kit fox as one of the options**.** The compensation ~~plan~~ strategy shall be developed and implemented in coordination with the appropriate state or federal agency and may provide mechanisms to mitigate impacts of an individual project through one or more of the following means: identifying an agency-approved mitigation bank or other compensation site (on- or off-site); and/or preserving habitat; monitoring the compensation site; and funding the management of the compensation site.

Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.

Mitigation Measure BIO-1.3 been deleted in favor of revisions to Draft General Plan Policy OS-5.16 that will perform the same function as the mitigation measure.

~~**Mitigation Measure BIO-1.3: Project Level Biological Survey and Avoidance, Minimization, and Compensation for Impacts to CEQA-defined Special-Status Species and Sensitive Natural communities.**~~

~~The County shall require that any development project that could potentially impact a CEQA-defined special status species or sensitive natural community shall be required to conduct a biological survey of the site. If CEQA-defined special-status species or sensitive natural communities are found on the site, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts to CEQA-defined special-status species and sensitive natural communities. An ordinance establishing minimum standards for a biological report shall be enacted. This policy shall only apply to the following:~~

- ~~Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays~~
- ~~Development requiring a discretionary permit~~
- ~~Large scale wineries in the AWCP.~~

In order to assure that mitigation programs would be in place before 2030 growth thresholds are exceeded, Mitigation Measures BIO-1.4 and BIO-1.5 have been revised as follows:

**Mitigation Measure BIO-1.4: ~~By 2030,~~ When growth thresholds are exceeded, prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County.**

At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of uncultivated land converted to agriculture) then the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. ~~The County shall update the County General Plan by no later than January 1, 2030 and shall consider the potential to expand focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas.~~ The purpose of such expanded/new focused growth areas would be to reduce the loss ~~of CEQA-defined special status species and their habitat~~ species and habitat addressed by Policy OS-5.16 due to continued urban growth ~~after 2030~~. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to ~~CEQA-defined special-status species~~ the species and habitat addressed by Policy OS-5.16.

**Mitigation Measure BIO-1.5: ~~By 2030,~~ When growth thresholds are exceeded, prepare a ~~Comprehensive County Natural Communities~~ Conservation Strategy ~~Plan~~.**

At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of land converted to agriculture), then the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to projected development.

The County shall complete the preparation of a ~~NCCP for all incorporated areas in Monterey County by no later than January 1, 2030 to address all state and federal listed species and all CEQA-defined special-status species~~ conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species ~~up to buildout of the County~~ due to development**.** The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans and other stakeholders. The ~~NCCP~~conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms ~~including~~ such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent**.**

Mitigation Measure BIO-2.1 has been revised to specifically clarify the purpose of the stream setback ordinance and its timing.

**Mitigation Measure BIO-2.1: Stream Setback Ordinance**

~~The~~ In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors, and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a ~~county-wide~~ Stream Setback Ordinance. The ordinance shall ~~to~~ establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River, Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The ~~purpose of the~~ ordinance ~~will be to preserve riparian habitat and reduce sediment and other water quality impacts of new development.~~ shall identify appropriate uses within the setback area that would not cause removal of riparian habitat, compromise riparian wildlife corridors, or compromise water quality of the relevant stream.

The Stream Setback Ordinance shall apply to all discretionary development, County public projects,~~within the County~~ and to conversion of previously uncultivated ~~agricultural~~ land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within 3 years of adoption of the General Plan.

In response to comments regarding the mitigation measure for oak woodland impacts, the County has revised Mitigation Measure BIO-2.2 to clarify that it will be undertaken consistent with CEQA's options for oak woodland mitigation and to further specify the acceptable methods of mitigation. The revised measure, with changes show in strikeout and underline, is as follows:

**Mitigation Measure BIO-2.2: Oak Woodlands Mitigation Program.**

The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands. Consistent with California Public Resources Code Section 21083.4, the ~~The~~ program will ~~would include~~ identify a combination ~~one or more~~ of the following mitigation alternatives:

a) ratios for replacement,

b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and

c) conservation easements.

The program would identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program would allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented, consistent with Public Resources Code Section 21083.4(b), projects shall pay ~~payment of~~ a fee ~~may be made~~ to the state Oak Woodlands Conservation ~~Program~~ Fund (OWCF). Replacement of oak woodlands shall ~~be on~~ provide for equivalent acreage and

ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan.

The following revisions are made to Mitigation Measure BIO-3.1 to identify several useful sources of information on wildlife movement corridors:

**Mitigation Measure BIO-3.1: Project-Level Wildlife Movement Considerations.**

The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. The County shall require that expansion of ~~consider the need for wildlife movement in designing and expanding major~~ its roadways and public infrastructure projects ~~to~~ provide movement opportunities for terrestrial wildlife and ~~to~~ ensure that existing stream channels and riparian corridors continue to provide opportunities for wildlife movement and access. Among others, sources of information about wildlife corridors in Monterey County can be found in the following references:

- California Wilderness Coalition. 2001. Missing Linkages: Restoring Connectivity to the California Landscape.
- The Nature Conservancy. 2006. California Central Coast Ecoregional Plan Update, October.

The following revisions to Mitigation Measure BIO-3.2 are made to clarify the methods of implementation of the measure:

**Mitigation Measure BIO-3.2: Remove Vegetation during the Nonbreeding Season and Avoid Disturbance of Nesting Migratory Birds, Including Raptors, as Appropriate (generally ~~September 16 to January 31~~February 1 to September 15).**

~~Vegetation removed in the course of development will be removed only during the nonbreeding season ( generally September 16 to January 31).~~ Occupied nests of statutorily protected migratory birds, ~~including~~ and raptors ~~will be avoided during this period~~shall not be disturbed during the breeding season (generally February 1 to September 15). The county shall consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to:

(1) determine whether work is proposed during nesting season for migratory birds or raptors,

(2) determine whether site vegetation is suitable to nesting migratory birds or raptors,

(3) identify any regulatory requirements for setbacks or other avoidance measures for migratory birds and raptors which could nest on the site, and

(4) establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of disruption of nesting birds. The county shall require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways:

1) preconstruction surveys can be conducted to identify active nests and if found, adequate buffers shall be provided to avoid active nest disruption until after the young have fledged; or

(2) vegetation removal can be conducted during the non-breeding season (generally September 16 to January 31); however, removal of vegetation along waterways shall require approval of all appropriate local, state, and federal agencies.

This policy would not apply in the case of an emergency fire event requiring tree removal. This policy would apply for tree removal that addresses fire safety planning, since removal can be scheduled to reduce impacts to migratory birds and raptors.

## 8.2 Specificity of the Impact Analysis and Mitigation Measures

Commenters have asserted that the Biological Resources section of the DEIR lacks specificity in analyzing impacts and in providing mitigation.

As discussed more fully in Master Response 10 (Programmatic Analysis), the General Plan EIR is a Program EIR, and the 2007 General Plan is a broad statement of policies. As such, the EIR does not need to provide the same level of detail as an EIR on specific construction projects. The EIR provides a comprehensive overview of the County's biological resources, including habitats and special status species; assesses the potential impacts resulting from implementation of the General Plan policies; and provides mitigation measures intended to reduce or avoid significant effects. Quantification of project-level impacts are neither necessary nor appropriate for a General Plan EIR for a County with the size and diversity of Monterey County.

Since the General Plan EIR is a Program EIR, much of the analysis is habitat-based. That is, rather than examining site-by-site impacts to species – which would be speculative given the lack of site-specific development proposals and infeasible given the size and diversity of the area being assessed – the analysis is based on expected changes to the habitats that support species within the County as a result of development under the General Plan. The EIR also provides a general analysis of General Plan policies on species and habitat, consistent with a Program EIR level of detail.

While the DEIR examines impacts to these species at a general level, it does not provide site-or parcel-specific analyses. That level of analysis is neither practical nor feasible at the scale of the General Plan Update, which is setting out the general pattern of land uses and not detailed site-specific development plans. This is consistent with the direction provided in CEQA Guidelines Section 15146(b), which provides that an EIR on a general plan should focus on the secondary effects that can be expected following adoption, but the general plan EIR need not be as detailed as an EIR on a specific construction project that may follow.

Comments also assert a similar lack of detail in General Plan policies and the EIR mitigation measures that would avoid or reduce significant impacts to biological

resources. However, General Plan policies are statements of general principles to guide future actions. They are not regulatory programs or project-specific mitigation measures. Consistent with the general level of detail of the biological impact analysis, the EIR sets forth programmatic mitigation measures that would apply to future projects and site-specific actions. As discussed in Master Response MR-10 (Programmatic Analysis), a Program EIR is permitted to set forth generalized mitigation measures, and General Plan EIR mitigation measures must be flexible enough to address long-term impacts of development in a County with a large land area and broad diversity of habitats.

## 8.3 Deferral of Mitigation

Commenters questioned the adequacy of the mitigation measures for impacts post-2030, arguing that it is inappropriate to defer these to a subsequent process into the future and that they need to be described in the DEIR. The topic of deferred mitigation is also discussed in the Master Response 10.

Mitigation Measures BIO-1.4 and BIO-1.5 were originally proposed to address potential impacts from growth beyond 2030 based upon regionally adopted growth projections. The proposed revisions to these mitigation measures (described above) address comments regarding the potentially uncertain timeframe for attaining the adopted growth projections in the next two decades. These would ensure that potential impacts are anticipated and mitigated as required by CEQA. These revisions also address comments regarding the potential increase in the footprint of development beyond what is projected in the DEIR for urban, commercial/industrial and commercial agriculture through 2030 by establishing an ongoing review of actual growth against projected growth.

## 8.4 Addressing Special Status Species

Comments questioned which species were included as “CEQA-defined special status species” in proposed mitigation measures and whether species other than state and federally-listed species should be addressed by General Plan policies or by mitigation in the DEIR. In response, the County, based upon input from Planning Commission workshops (June-August, 2009), revised a number of draft General Plan policies and proposed mitigation measures to clarify how listed species and non-listed species are addressed.

DEIR Chapter 4.9, Biological Resources, considered the approach set out in Section 15065 of the CEQA Guidelines for the purpose of analyzing plant and wildlife species (and their habitats) that are found in Monterey County. The analysis (see page 4.9-22) included federal and state listed species, “CEQA-defined special-status species” which were defined as “plants and animals that are not listed under CESA or FESA but which meet the CEQA definition of a rare, threatened, or endangered species (State CEQA Guidelines Section 15380). Non-listed special-status species included as CEQA-defined special-status species included the following: candidate species under the FESA, plants listed as rate under the California Native Plant Protection Act, plants considered by the CNPS to be “rare, threatened or endangered in California”, species of special concern

identified by DFG, fully-protected animals in California, and species that otherwise meet the definition of rate or endangered based on substantial evidence (per CEQA Guidelines Section 15380).

There were a number of comments questioning the DEIR's use of the term "CEQA – defined special status species" in the impact analysis and asking why the DEIR definition of special status species was different from the definition in the 2007 General Plan glossary (which was limited to listed species only). In order to address these comments, the County modified the language in a number of polices (cited above), including OS-5.16 which now incorporates the language in CEQA Guidelines Section 15065, and also to the biological mitigation measures.

Pursuant to these changes, the General Plan definition of special-status species has been deleted, Policies OS-5.1 through OS-5.4 have been clarified to refer to federal and state-listed species and Policy OS-5.16 refers to all species requiring assessment pursuant to CEQA Guidelines Section 15065. Under Policy OS-5.16, project-level review will be required to assess species similar to how the EIR assesses "special-status species" to the extent necessary to meet CEQA Guidelines Section 15065.

These changes do not change the species considered in the EIR analysis. The EIR analysis continues to consider all special-status species in the impact analysis as described on page 4.9-22.

# 8.5 Adequacy of Analysis of Impacts on Special Status Species and Habitat

There were a number of comments on the DEIR regarding whether the DEIR adequately analyzed potential impacts to listed and non-listed special-status species (as defined in the DEIR on page 4.9-22). This included references to General Plan policies that commenters did not feel were either sufficiently specific to cover species other than federal and state listed species and were limited in their applicability. Comments also referenced several additional species that the commenters believe should be considered.

## 8.5.1 Specificity of General Plan Policies

The comments on General Plan policies question the effectiveness of the policies in avoiding or reducing impacts, request details on how the policies will be implemented or enforced, and/or request clarification of the wording or meaning of policies. These comments are often based on an assumption that the General Plan is a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability required of regulations or project-specific mitigation measures. The assumption is incorrect, for the reasons stated below.

As explained in Master Response 10, a General Plan is a long term comprehensive plan for the physical development of the County. (See Government Code § 65300) The General Plan consists of a statement of development policies and includes diagrams and

text setting forth objectives, principles, standards, and plan proposals. (See Government Code § 65302) These policies and objectives are implemented through various other actions, such as specific plans and zoning, which are more detailed and specific. (See Government Code §§ 65359, 65400, 65455, and 65860).

The comments on General Plan policies generally treat each General Plan policy as though it were a regulatory action or mitigation measure which must meet the standards of specificity and enforceability required of regulatory programs or project-specific mitigation measures. In reality, the General Plan policies are general statements of principles that will guide later implementing actions to be undertaken during General Plan implementation. Therefore, the General Plan is not a regulatory program, and General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific.

General Plan policies should not be considered in isolation when determining whether a particular policy will avoid or reduce environmental impacts because:

- The General Plan policies affecting each resource will operate collectively and in some cases synergistically to avoid or reduce impacts.
- Mitigation measures identified in the EIR for many affected resources will further avoid or reduce impacts.
- Ongoing environmental regulatory programs of the County and other regulatory agencies, independent of the General Plan, will further avoid or reduce impacts.

Therefore, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together. The DEIR uses this approach.

The County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board will consider these comments in deliberations on adoption of the final General Plan. Responses are provided to individual comments on the policies focusing on their value in protecting biological resources and in contributing to reduction of significant impacts on biological resources. However, as most of the comments on policies concern the General Plan Policies and not CEQA adequacy, only some of the comments are responded to (CEQA does not require responses to comments that do not specifically concern CEQA adequacy).

## 8.5.2 Adequacy of Species and Habitats Assessed in the DEIR

Certain comments criticized the assessment of species impacts as insufficiently detailed and requested a species by species assessment and greater detail in the impact assessment.

Contrary to these assertions, Chapter 4.9, *Biological Resources* contains an extensive inventory of the special status species that would potentially be affected by planned

development under the General Plan Update (see Tables 4.9-4, Special Status Plant Species, and 4.9-5, Special Status Wildlife Species). For each of the plant species listed, the DEIR discloses the species' federal, state, or California Native Plant Society listing (as applicable); its distribution in California; the habitats in which it occurs; and it's blooming period. For each of the fish and wildlife species listed, the DEIR discloses the species' federal and state listing (as applicable); its geographic distribution; and its habitat requirements. As seen from the listings in the tables, the species are not limited to those that are federally and state listed or eligible for listing.

The DEIR provides a habitat-based analysis of potential impacts on these species. Exhibits 4.9-1 through 4.9-9 provide an overview of habitat within the County. The following describes the content and purpose of these exhibits.

| Exhibit | Subject | Purpose |
|---|---|---|
| 4.9-1 | Countywide vegetation cover, by vegetation and habitats | Illustrates the existing vegetation within Monterey County. |
| 4.9-2 | Plan areas and habitats within the plan areas of the northern portion of Monterey County | Illustrates existing habitat types within the boundaries of the proposed Community Areas, Rural Centers, AHOs, and Wine Corridor. |
| 4.9-3 | Plan areas and habitats, Salinas Valley North | Illustrates existing habitat types within the boundaries of the proposed Wine Corridor located in the central inland portion of the County. This focuses on the Salinas Valley from a point north of Chualar to a point south of Greenfield. This covers the Arroyo Seco/River Road and Metz Road segments of the proposed Wine Corridor. |
| 4.9-4 | Plan areas and habitats, Salinas Valley South | Illustrates existing habitat types within the boundaries of the proposed Community Areas, Rural Centers, AHOs, and Wine Corridor in the southern portion of the Salinas Valley. This includes the Rural Centers at Bradley, Lockwood, Pine Canyon, Pleyto, San Lucas, and San Ardo, as well as the Jolon Road segment of the Wine Corridor. |
| 4.9-5 | Critical habitat, Countywide | Illustrates the designated "critical habitat" for seven federally-listed species: Santa Cruz tarplant, purple anole (plant, not lizard), Monterey spineflower, California red-legged frog, California tiger salamander, South Central California Coast steelhead, and western snowy plover. |
| 4.9-6 | Land use conversion 1982-2006, Countywide | Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This is a Countywide map. |
| 4.9-7 | Land use conversion 1982-2006, North County | Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the northern portion of the county. |
| 4.9-8 | Land use conversion 1982-2006, Salinas Valley North | Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the central inland portion of the county, from a point north of Chualar to a point south of Greenfield, focusing on the Salinas Valley. |
| 4.9-9 | Land use conversion 1982-2006, Salinas Valley South | Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the central inland portion of the county, focusing on the southern Salinas Valley. |

One comment stated that two species (California condor and California sea otter) should also be considered in the DEIR. These species have been added to Table 4.9-5 (bringing the total to 49 fish and wildlife species), but as described in response below, impacts to these two species from the General Plan are expected to be less than significant with implementation of General Plan policies and previously identified mitigation measures.

## 8.5.3 Adequacy of Analysis of Specific Impacts of Discretionary Development on Species and Habitats

Certain comments assert that the DEIR does not adequately analyze impacts on species and habitat from discretionary development because it does not disclose the specific locations of impacts in the DEIR and does not make separate conclusions for each species.

As noted above, the DEIR uses a broad habitat-based analysis to assess impacts to biological resources. The DEIR discloses impacts by development area – proposed Community Areas, Rural Centers, and AHOs (see the discussion beginning on page 4.9-56), as well as for unincorporated areas outside the focused development areas (see the discussion beginning on page 4.9-61). Figure 4.9-1 shows the habitats throughout the County. Figures 4.9-2 through 4.9-4 show the habitats present in the focused growth areas. Table 4.9-7 of the DEIR describes the estimated impacts of General Plan implementation on natural vegetation communities from development in the unincorporated County. The habitats of different special-status species are listed in tables 4.9-4 and 4.9-5. Thus the DEIR approach is to assess habitat impacts broadly and use that impact analysis to disclose potential impacts to different species. Impact mechanisms are also qualitatively disclosed. This is considered an adequate approach to a programmatic EIR for a General Plan.

## 8.5.4 Adequacy of Analysis impacts from the Ministerial Development of Lots of Record of Species and Habitat

Commenters asserted that development on lots of record in the unincorporated area had either not been included in the biological resource analysis or those impacts had been under-estimated.

The DEIR based its analysis on the assumption that 80 percent of future growth under the General Plan policies through 2030 would occur in focused growth areas (community Areas, Rural Centers) and 20 percent would occur outside the focused growth areas (on lots of record and in subdivisions permitted through the Development Evaluation System). See further discussion of why the County thinks this is reasonably representative of the future growth in Master Response 7.

The DEIR (Table 3-8) indicates that there are approximately 4,629 vacant residential lots in the unincorporated area of the County, of which approximately 3,734 are in areas outside the focused growth areas. These are fairly evenly distributed throughout the inland area of the County (approximately 1.8 million acres) as indicate in Tables 3.8 and

3.9 in the DEIR. Based upon the AMBAG 2004 growth projections, the total number of likely new residential units outside focused growth areas by 2030 would be approximately 2,003 (20 percent of 10,015), some of which will be on lots of record under ministerial permits, some of which will be on lots of record under discretionary permits, and some of which will be in new subdivisions.

The provisions of County Code Section 21.66.020 (Standards for Environmentally Sensitive Habitats) apply to areas known by available information to contain environmentally sensitive habitats (defined as habitat for listed species), including lots of record. Thus, for example, applicants who are applying for permits in the area of the County within the known range of the kit fox are required to retain a consultant to prepare a biological survey pursuant to existing code requirements. New home construction in this area of the County is required to obtain an Administrative Permit (which is a discretionary permit). In addition, Mitigation Measure BIO-1.2 (conservation strategy for the kit fox**)** would apply to all future development in the kit fox range, including lots of record. Further, the federal and state endangered species acts restrict and regulate take of listed species provide additional protections for listed species.

The DEIR assumes that based on the number of potential units that would be built, the distribution of lots of record throughout the unincorporated area, and the distribution of species and habitats throughout the unincorporated area, there are unlikely to be impacts as a result of development on legal lots done pursuant to ministerial permits that would reduce the habitat of a specific species, cause a specific species to drop below self-sustain levels, threaten to eliminate a plant or animal community or substantially reduce the number or range of an endangered, rare or threatened species (see page 4.9-76 in the DEIR). This analysis is based on a conservative assumption that likely overestimates the amount of development that would occur on areas outside of focused growth areas, i.e., - that all 2,003 units are built by 2030. This is not a likely scenario, given the downward change in growth projections that was estimated in the AMBAG 2008 Growth Forecast from the 2004 Forecast utilized by the County for the DEIR analysis. Moreover, it does not take into consideration units outside focused growth areas that would be subject to a discretionary permit and therefore would require consideration of biological impacts (e.g. residential development in Design or Scenic Zoning districts; high archaeological zones, or development on slopes over 25 percent).

Regarding erosion and indirect impacts to fish habitat and species, development on lots of record on slopes over 25 percent is prohibited pursuant to modified Policy OS-3.5 unless there is no alternative that would allow development to occur on slopes less than 25 percent or the development better achieves resource objectives and policies of the County. Under this exception, a discretionary permit would be required. For development on slopes less than 25 percent, the County requires that a grading permit be obtained for any earth movement greater than 50 cubic yards (Monterey County Code, Title 16, Ch. 16.08). The County's grading and erosion control ordinances (Monterey County Code, Title 16, Ch. 16.08 and 16.12) includes strict provisions for erosion control both during construction and as part of final site design.

In conclusion, site-specific analysis of the biological impacts of development on lots of records is required when it occurs within listed species habitat or when a discretionary permit is required. For those remaining permits that will be subject to a ministerial

permit, the overall scale of effects on biological resources from development is limited and dispersed. Based upon the factors cited above, development on lots of record would not create new or worse significant biological impacts beyond those evaluated in the DEIR.

Please refer also to revised Mitigation Measures BIO-1.4 and BIO-1.5, described above. These mitigation measures require the County to consider the addition and/or expansion of focused growth areas as actual growth reaches certain target levels to reduce sprawl, and to develop a conservation strategy to address biological resources with the potential to become listed species due to development.

## 8.5.5 Adequacy of Analysis of Impacts from Agricultural Development on Species and Habitat (Please also refer to Master Response 3)

Regarding agriculture impacts on species and habitats, a number of comments assert a vastly different and large amount of agricultural conversion would occur under the General Plan. For example, comments submitted by Landwatch (comment O-11g) included an Exhibit A (prepared by The Nature Conservancy) that shows large expanses of area west and east of the Salinas Valley as being subject to agricultural conversion simply because the land is designated for farming, resource conservation, or grazing in the land use map. Landwatch Exhibit B identifies that there are 1.04 million acres shown in Exhibit A with intact natural vegetation subject to agricultural conversion, of which about 600,000 acres are on slopes less than 25 percent and the remaining 400,000 acres are on slopes more than 25 percent.

These numbers are much higher than the current amount of County important farmland, which totals around 236,142 acres (see Table 4.2-5 in the DEIR), and the total of all County agricultural areas of 254,491 acres (see Table 4.9-1 in the DEIR). Given limited growth rates for agricultural development under the General Plan starting with this baseline, a very small percentage of the 1.04 million acres would likely be converted to agricultural uses.

As shown in Figure 4.9-1 in the DEIR, nearly all of the extant farmland is within and immediately adjacent to the Salinas Valley, whereas Landwatch Exhibit A shows areas extending 10 miles west and up to 15 miles east of the Salinas Valley as potentially being converted. If all of the areas shown in Landwatch Exhibit A were converted from their natural land cover, such a massive expansion of agriculture would indeed have dramatic impact on species and habitat. However, such an expansion is highly unrealistic as it would represent a nearly five-fold increase in the existing amount of County agricultural land, would involve beginning new agricultural activity on sub-optimal soils found outside of river valley bottoms, and would involve substantial water constraints to obtain water outside the productive alluvial aquifers along the Salinas River.

Most of the areas of intact vegetation shown as subject to conversion in Landwatch Exhibit A are outside Zone 2C for the Salinas Valley Water Project. Zone 2C is the defined benefit assessment area for the operation and maintenance of Nacimiento and San

Antonio Reservoirs and the Salinas Valley Water Project. Agricultural areas outside of Zone 2C would thus be reliant on water supplies not derived from the Salinas Valley alluvial groundwater aquifer. As these water supplies would be derived from fractured zones, which in general are far less productive than alluvial aquifers, they are considered less reliable and less supportive of agricultural expansion.

Please also see Master Response 3, regarding the level of future agricultural growth in the County. As explained therein, the assertions in certain comments on the DEIR (including those submitted by Landwatch) that there will be hundreds of thousands of acres of agricultural conversion of natural land covers are contradicted by evidence considered by the County. These considerations include the historic pace of agricultural growth in Monterey County, physical constraints relative to soil capability, access, and water that act to limit the location and extent of future agricultural conversions. As explained in MR-3, the County finds that the EIR's revised estimate of approximately 10,253 acres of agricultural conversions between 2006 and 2030 are reasonable and up to 39,148 acres of agricultural conversion by 2092 are based on substantial evidence.

Based on comments received on the DEIR and in accordance with discussions at workshops conducted by the Planning Commission on possible modifications to policies and mitigation measures, the County also modified Policy OS-3.5 (slope). The changes to this policy require that cultivation of previously uncultivated land on slopes exceeding 15 percent but not exceeding 25 percent (or on slopes that exceed 10 percent if on highly erodible soils) would be subject to a discretionary permit which would require protection of important vegetation and wildlife habitats consistent with revised OS-5.16 described above. Further, there is a cap on conversion on slopes over 25 percent with a limited exception. Permits issued consistent with this exception would require approval of management plans for discretionary permits. Similarly, a requirement was added to the AWCP that would require a biological study per OS-5.16 for proposed artisan wineries and ancillary uses. Please refer to Master Response 3 for a more detailed discussion of these issues pertaining to agricultural development and policy modifications.

A further consideration are the County's standards for agricultural uses (found in County Code section 21.66.030) which apply to all new conversions in all zoning districts where agricultural uses are allowed. These standards require the preparation of an agricultural management plan, including the identification of agricultural management techniques and proposed development or development alternatives to reduce erosion, protect water quality, and minimize impact to plant and animal habitats. The agricultural management plan is reviewed by the Natural Resource Conservation Service (formerly the Soil Conservation Service), County Agricultural Commissioner, and the Planning and Building Inspection department. While the agricultural management plans would not necessary require preservation of a site in its entirety when environmentally sensitive habitat is present, this review process allows for site modifications to preserve certain site features, including stream areas, aquatic features, and, where feasible, movement areas for wildlife.

Some comments assert that "routine and ongoing" agriculture will result in significant impacts to species and habitats. As explained in the DEIR on page 4.9-76, while "routine and ongoing" agricultural activities would affect CEQA-defined special-status species, these activities will occur primarily on agricultural properties that were previously

converted from natural land and are already committed to crops. In addition, agriculture is subject to the RWQCB's Agricultural Waiver Program, which also concerns water quality protection. Participation in the Permit Coordination Program and compliance with the requirements of the Agricultural Waiver program would minimize indirect off-site effects of agriculture on downstream aquatic habitat that support CEQA-defined special-status species. For these reasons, the impact of "routine and ongoing agriculture", where it does not result in conversion of natural lands, is considered to be less than significant.

Some comments assert that any agricultural conversion of natural land covers should be considered significant (especially where special-status species or particularly sensitive vegetation communities are involved) and thus that mitigation should be applied to all (or most) agricultural conversions. As discussed in the DEIR on page 4.9-6, as shown in the pattern of historic conversion (see Exhibits 4.9.6, 4.9.7, 4.9.8, and 4.9.9), conversion of natural communities would be widely dispersed geographically throughout the ranges of CEQA-defined special-status species addressed in this document. Thus future habitat conversions are expected to dispersed and not concentrated in a way that they would substantially change overall populations of CEQA-defined special-status species. New agricultural development would be subject to the Agricultural Waiver Program concerning water quality protection, which will protect downstream aquatic species habitat that contains CEQA-defined special-status species from indirect water quality effects. For agricultural conversions on slopes greater than 15 percent, revised Policy OS-3.5 requires a discretionary permit that will require project-level of impacts and mitigation. Based on the assumption that conversion of previously uncultivated lands is not anticipated to exceed the previous 24 year trend (1982 – 2006) in the County (approximately 466 acres per year), the sporadic and discontinuous pattern of crop expansion, the extensive geographic distribution of agricultural operations especially within the Salinas Valley, and the application of current regulatory requirements to address off-site water quality impacts, agricultural conversion is not considered to result in a significant impact to CEQA-defined special-status species or their habitat.

## 8.5.6 Conclusion

As shown above, the DEIR evaluated impacts to a full range of special status species, included consideration of impacts related to primary threats, i.e., loss of habitat, habitat fragmentation, and habitat degradation. The General Plan and EIR set forth a number of polices and mitigation measures (as revised) that will avoid or substantially reduce impacts to special status species during General Plan implementation through 2030. Facts and analysis in the DEIR, confirmed by the analysis provided in responses to comments, provide substantial evidence to support the conclusions that impacts to special status species (Impact BIO-1) would be less than significant with mitigation through the horizon year of 2030 [see page 4.9-75 to 4.9-76], and significant and unavoidable through buildout [see page 4.9-78].

# 8.6 Adequacy of Analysis and Mitigation in the EIR for Specific Biological Resources

The County received specific comments questioning the adequacy of the EIR analysis and protection afforded by General Plan policies and DEIR mitigation measures for threatened and endangered fish species, Yadon's piperia, oak woodlands, and Monterey pine forest, California condor, and the southern sea otter. The discussion below provides further clarification and amplification of the protections that are afforded in the General Plan and EIR identified mitigation.

## 8.6.1 Adequacy of Analysis of Impacts on Steelhead

Commenters contend that the analysis does not consider the effects on steelhead in the Salinas River as a result of the SVWP and future development under the General Plan.

Master Response MR-4 addresses the potential impacts of the SVWP and its expansion on steelhead. Table 4.9-5, Special Status Wildlife Species, identifies the South Central California coast steelhead and the tidewater goby as listed fish that occur in Monterey County. Exhibit 4.9-5, the map of critical habitat, identifies those rivers and streams identified as critical habitat for the South Central California coast steelhead. Policy OS-4.1 of the Draft General Plan provides that: "Federal and State designated native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected." Policies OS-5.1 through 5.4 also seek to protect listed species and critical habitat, including steelhead. Per OS-5.16, all discretionary projects will be required to address significant impacts to biological resources. These policies will be implemented through the zoning, subdivision, and other County land use ordinances. Thus, the DEIR adequately discloses potential impacts to steelhead.

## 8.6.2 Adequacy of Analysis of Impacts on Yadon's piperia

Commenters assert that the DEIR did not adequately assess or mitigate the General Plan's impacts on Yadon's piperia. Yadon's piperia is a perennial orchid found in coastal Monterey County that is listed as endangered under the federal Endangered Species Act. It is included in Table 4.9-4 under its common name of "Yadon's rein orchid" and is identified as one of the rare plants that occur in Monterey pine forest habitat (see page 4.9-15). The U.S. Fish and Wildlife Service designated 2,117 acres within Monterey County as critical habitat for this species, effective November 23, 2007. The critical habitat for this species was not illustrated on Exhibit 4.9-5. Maps that illustrate the location of the designated critical habitat (Federal Register 2007) are provided in Chapter 4 of the FEIR.

Although this is new information, it is not significant new information in the context of the CEQA analysis because the information does not show that a new significant environmental impact would result, nor does it show a substantial increase in the severity

of an environmental impact requiring new mitigation measures. All of critical habitat units 1, 6, 7, and 8 and most of unit 2 are in coastal areas governed by local coastal plans (LCPs) that would not be changed by the 2007 General Plan. A small portion of critical habitat unit 2, as well as all of critical habitat unit 3, are in the North County Planning Area wherein development is limited to lots of record. Unit 4 consists of unincorporated land owned by the Pebble Beach Company north of Jack's Peak; development on this land, if proposed would be subject to all requirements for discretionary development as the land is currently unsubdivided (as well as the requirements of the federal endangered species act). Unit 5 consists of land owned by the Pebble Beach Company east of SR1 that is within the City of Monterey city limits and thus not affected by the 2007 General Plan. The absence of these maps from the DEIR does not change either the significance determination, or the mitigation for impacts on this species.

The Monterey Airport/Highway 68 AHO is located just north of critical habitat Unit 4 and near a known location for Yadon's piperia near the Monterey Airport. As the AHO is discretionary development, Policy OS-5.16 will apply as will project-level CEQA review. Although a comprehensive survey of the site has not been conducted, based on available information from the California Natural Diversity Database (2010), if Yadon's piperia is present on the AHO site, it would likely be limited to the portions of the AHO site containing forest or chaparral cover, because this plant does not grow well in open exposed areas and needs some level of overstory in order to thrive. Since the AHO site contains substantial areas of grassland, there are substantial areas that are likely to not contain this species wherein development could be placed without likely affecting this plant. Thus, the potential impacts to Yadon's piperia can be addressed at the project level through consideration of avoidance, minimization, and project-level mitigation.

General Plan protection of endangered species and critical habitat was developed at a programmatic level. It was aimed at protecting all endangered species and critical habitat, including Yadon's piperia, through protection of critical habitat and avoidance/mitigation in specific projects. The General Plan Update includes a number of policies intended to protect critical habitat. These include the following revised policies: OS-4.1 (protection of federally listed species); OS-5.1 (inventory and mapping of critical habitat in GIS); OS-5.3 (development to be planned to conserve and maintain critical habitat); OS-5.4 (development to avoid, minimize, and mitigate impacts on critical habitat to the extent feasible); and OS-5.16 (biological study prior to development). The more precise mapping of critical habitat in the County's GIS database that will result from implementation of Policy OS-5.1 will ensure that future development projects make allowances for protection of the affected species – including Yadon's piperia. The availability of critical habitat maps will simplify the application of these policies and improve their effectiveness. The policies will be implemented through legal requirements for zoning and subdivisions to be consistent with the General Plan.

## 8.6.3 Oak Woodlands

Commenters assert that the DEIR did not adequately assess or mitigate the General Plan's impacts on oak woodlands. The analysis below demonstrates that contrary to these assertions, the DEIR impact analysis and mitigation measures for oak woodlands were adequate and meet CEQA's requirements.

Oak woodlands are a relatively common vegetation type within Monterey County. As illustrated in Exhibit 4.9-1, oak woodland is distributed widely throughout the County, with the exception of the Salinas Valley. Oak woodland, and its habitat value, is discussed beginning on DEIR page 4.9-13.

The estimated impacts of development under the Draft General Plan, in terms of total acreage within County jurisdiction and the acreage estimated to be affected by development, are illustrated in revised Table 4.9-7 (see Chapter 4). Approximately 2,045 acres of oak woodlands and savannah are estimated to be affected by development under the Draft General Plan. As described in the note in revised Table 4.9-7 (see Chapter 4), this number was estimated by overlaying the proposed development designations (residential, commercial, etc.) on the County's GIS vegetation map.

As described in the DEIR, the existing County tree ordinance requires replacement of mature (> 6 inch diameter) oak trees removed by development and the DEIR adds an oak woodland mitigation program as Mitigation Measure BIO-2.2 to require replacement of oak woodlands on a minimum 1:1 basis on an acreage and ecologic function basis. Thus impacts associated with development are identified in the DEIR and feasible mitigation identified for identified significant impacts.

Regarding agricultural conversions of oak woodland, Table 4.9-8 illustrates the estimated amounts of oak woodland (and the similar oak savanna) that could be converted to agricultural use by 2030 and by the 2092 buildout year. This estimate was calculated by extrapolating historic rates of conversion over the period from 1982 to 2006. The 1982 – 2006 period was chosen to provide a reliable historic rate of conversion. Averaging changes over a period of more than 20 years avoids the skewed results that might occur if a single year or shorter period were chosen. Although yearly rates of conversion may be higher or lower than the average, depending on market forces, weather, and other variables, this methodology provides a logical approach to projecting the level of future conversion. Using GIS, the County's 1982 vegetation base map was compared to the 2006 State Farmland Mapping and Monitoring Program maps for Monterey County to determine the amount and general location of oak woodland historically converted to agricultural uses. Using this information, a historic rate of conversion was developed.

The estimated amount of agricultural conversions are listed in Table 4.9-8 (updated in the FEIR, see Chapter 5) as 599 acres of oak woodland and 45 acres of oak savannah by 2030 (compared to 416,786 acres of oak woodland and 201,194 acres of oak savannah estimated extant in 2006 in revised Table 4.9-1). For 2030, the estimated conversions represent approximately 0.1 percent of extant oak woodland and less than 0.1 percent of oak savannah. The DEIR concludes that agriculture conversion of sensitive vegetation communities, including oak woodlands is less than significant for 2030 in consideration of the dispersed nature of agricultural conversion and the overall limited extent of estimated conversion. However, the DEIR concludes that impacts to sensitive vegetation communities beyond 2030 to buildout are significant and unavoidable given the uncertainty about the level of agricultural conversions beyond 2030 (which the EIR estimated as being approximately four times that of 2030) along with other uncertainties about what type of threats might affect sensitive vegetation communities.

## 8.6.4 Monterey Pine Forest

Commenters assert that Monterey pine forest is an important vegetation type, particularly in the coastal portions of the County, and that the DEIR did not adequately assess the impacts of General Plan implementation on Monterey pine forest.

Unlike oak woodlands, native Monterey pine forest has only limited distribution in Monterey (and limited worldwide distribution). As disclosed on Table 4.9-4, Monterey pine (*Pinus radiata*) is also California species of concern and is on the California Native Plant Society's 1B.1 (seriously endangered) list. As Monterey Pine is also a rather common planted tree worldwide, both within and outside of its native range, the significant biological resource is the native forest stand of Monterey Pine within its historic native range. Monterey pine, as a species, is not in any danger of going extinct as it is planted worldwide. What is important, however, is the biodiversity of the native stands of Monterey Pine, most of which are found in Monterey County. Planted Monterey Pines can be part of conservation efforts when grown from local seed and planted into the same stands from which the local seed was collected. However, planted Monterey Pines that are planted outside of their native stands can actually reduce the biodiversity of the forest by artificially changing the genetic balance within the forest. In addition, planted Monterey Pines outside of their historic range do not contribute to the conservation of the native stands and thus are not considered important as a significant biological resource. Thus, the focus of concern is on native stands of Monterey Pine and not on planted Monterey Pines unless specifically part of a planting effort that retains the biodiversity of the forest.

Monterey pine forest occurring within the Coastal Zone is protected by the policies of the County's coastal Land Use Plans (LUPs). The General Plan Update does not revise any of the County's certified Local Coastal Programs, nor does it propose land use changes in the Coastal Zone, therefore, these protections would remain in place. For example, the Del Monte Forest LUP identifies the Monterey pine/Bishop pine association as indicative of a protected Environmentally Sensitive Habitat Area. A policy of this LUP more broadly requires the protection of "rare, endangered, and sensitive native plant and animal habitats which potentially occur in the area…" Further protection of Monterey Pines within the Coastal Zone would be a subject for consideration at the time the County revises the Del Monte Forest LUP.

The Monterey pine forest vegetation community is described on page 4.9-15. Pursuant to a comment on the DEIR, the base vegetation map reflected in Figure 4.9-1 was updated with the most recent map of the current extent of Monterey Pine Forest in Monterey County which was prepared as part of the EIR for the Pebble Beach Company's Del Monte Forest Preservation and Development Plan (Monterey County 2004b). With this estimate, there was approximately 9,400 acres of Monterey pine forest in the County, including the Coastal Zone as of 2004.

With the revised mapping of Monterey pine forest, revised table 4.9-7 now estimates that about 246 acres of Monterey pine forest could be affected by development allowed by the 2007 General Plan in inland areas during the planning horizon. Table 4.9-8 does not include Monterey pine forest in its estimate of future agricultural conversions because

due to its location near the coast and outside of riverine valleys with agricultural soils, agricultural expansion is not expected to substantially affect this vegetation cover.

For areas outside the Coastal Zone, the County already has conducted extensive surveys of Monterey pine habitat and has updated vegetation maps. These provide guidance to staff in their review of permit applications for development that would occur in the Monterey pine range. There are several General Plan policies that will minimize the loss of Monterey pine forest in inland areas. Since Monterey pine is on the CNPS 1B list, development in its habitat will trigger the need for a biological survey under proposed Policy OS-5.16 (see the description above). Proposed Policy OS-5.11 would promote conservation of the inland locations of native Monterey pine habitat. Proposed Policy OS-1.7 would also help to provide a mechanism for preservation on private land by promoting a voluntary, transfer of development rights program.

In summary, the analysis of impacts of General Plan implementation on Monterey pine in the EIR is adequate. The occurrence of Monterey pine is limited outside the coastal zone, and existing programs combined with General Plan policies and project-level review would assure that impacts on Monterey pine and Monterey pine forest would be less than significant in the inland areas.

## 8.6.5 California Condor

Comment was submitted stating that impacts of the 2007 General Plan on the California condor should be addressed in the EIR.

California condors were reintroduced in the Big Sur area (Ventana Wilderness) in the late 1990s and now nesting there, as well as in a remote site in San Benito County (Pinnacles National Monument). In 2009, there were five breeding pairs on the Central Coast. The biggest everyday threats to the species are from the ingesting of lead (spent bullets in dead animals) and trash, and electrocution from power line collisions. (Ventana Wildlife Society 2010 and 2009) The condors are nesting in areas removed from human habitation and within federal lands. As a result of the recovery plan provisions, close watch is kept on the animals. The need to both protect the breeding pairs (to ensure genetic diversity in the species) and ensure the success of their chick rearing, condors will not be allowed to nest outside of these controlled areas. As a result, the 2007 General Plan is unlikely to significantly affect either breeding or nesting of the condors to 2030. Beyond that time, the situation is unknown, but is expected to remain less than significant assuming that the recovery plan or subsequent revision remains in operation.

The occasional loss of condors from accidents and ingestion of toxic or obstructive materials is an ongoing problem, but is not expected to increase as a result of the 2007 General Plan because there is little additional development projected to occur on the coast pursuant to the 2007 General Plan and inland development will be to the north of the areas of greatest condor activity. This impact is considered less than significant.

Table 4.9-5 has been revised to include the California condor. See Chapter 4, Changes to the Text, of the FEIR.

### 8.6.6 Southern Sea Otter

Comment was submitted stating that impacts of the 2007 General Plan on the California sea otter should be addressed in the EIR.

The southern sea otter is a large member of the weasel family that lives in shallow California coastal waters. It is federally-listed as a threatened species and has "fully protected" status under California law. No critical habitat has been designated. Sea otters are well-established in Monterey County and are found along the length of the county coastline, as well as in Elkhorn Slough. The main threats to the species are from habitat degradation, infectious disease/water pollution, and human take. (U.S. Fish and Wildlife Service 2003) Sea otter populations have fluctuated in recent years, with little or no long-term increase in numbers, despite ongoing recovery efforts and protections.

The 2007 General Plan is focusing primarily on inland activities and is not making changes to the County's certified Local Coastal Program. Therefore, it will have little or no direct impact on activities along the coast that may directly affect the sea otter. As described in Section 4.3, Water Resources, of the DEIR, the 2007 General Plan (in recognition of existing regulations, the proposed policies, and DEIR mitigation measures) is expected to have a less than significant effect on water quality (DEIR, pp. 4.3-111 – 4.3-113 and 4.3-168 – 4.3-170). Therefore, it will not have a significant indirect effect on sea otters as a result of increased water pollution in Monterey Bay, Elkhorn Slough, and elsewhere along the Monterey County coast.

Table 4.9-5 has been revised to include the southern sea otter. See Chapter 4, Changes to the Text, of the FEIR.

## 8.7 Impacts to Wildlife Movement Corridors

Comments on the DEIR concerning wildlife movement and corridors raised the following issues:

8.7.1 Identification of Wildlife Corridors and Overall Impact Conclusions

8.7.2 Impacts of Agricultural Growth (in General)

8.7.3 Impacts of the Agricultural Wine Corridor Program

8.7.4 Impacts of Urban Growth (including Lots of Record) and Highways

### 8.7.1 Identification of Wildlife Corridors

Certain comments asserted that the DEIR should have identified a far more detailed and expansive list of wildlife corridors. Please see Master Response MR-10 regarding the level of detail expected of a Program EIR for a general plan.

## DEIR Approach

The DEIR identified six broad wildlife corridors on pages 4.9-42 and 4.9-43 under "Habitat Connectivity/Wildlife Movement." Four of these were based on the Missing Linkages assessment (California Wilderness Coalition, 2001) and the list was supplemented by two broad wildlife corridors identified by the EIR consultant. All six corridors were identified as critical to retaining the viability of local wildlife populations. The DEIR concluded that overall impacts of the 2007 General Plan on these six corridors were significant, but that mitigation measures would reduce these impacts to less than significant levels.

The corridors are described as follows in the DEIR:

- *Santa Cruz Mountains to Gabilan Range*—Due to development and agriculture along the edge of Monterey Bay, wildlife movement between the Gabilan Range to the Santa Cruz Mountains facilitates interaction between populations in these ranges. Key areas of concern relative to maintaining connectedness is development along Highway 101 and Highway 101 itself.
- *Santa Lucia Mountains to Fort Ord*—A north-south corridor exists between the Santa Lucia Mountains and Fort Ord crossing Carmel Valley, the Toro Plan Area and Highway 68. Retaining the connectedness in this area is contingent on managing development along Highway 68 and in Carmel Valley, the Toro Area, and Cachagua as well as managing connections across Highway 68.
- *Salinas Valley (east–west)*—A general east-west corridor exists across Salinas Valley that connects the Gabilan Range to the east with the Santa Lucia Range to the west in the north part of the valley and connects the Fort Hunter Liggett and Camp Roberts Areas to the Diablo Range and Cholame Hills to the east. Without retaining some connectedness across the valley, the habitat blocks between the valley and the coast are subject to isolation from the mountains and prairies of eastern Monterey County.
- *Salinas River (north-south)* —The Salinas River provides a migration corridor from Monterey Bay upstream for steelhead into the Arroyo Seco River (where spawning occurs) as well as a general north-south movement corridor along the river corridor. Wildlife movement also occurs through upland and agricultural areas west and east of the river.
- *Carmel River*—The Carmel River provides a wildlife movement corridor for steelhead, California red-legged frogs, and a variety of other wildlife species in a generally east-west direction in Carmel River. Conditions along the river corridor vary from undeveloped to developed depending on location.
- *Pajaro River*—The Pajaro River is a steelhead migration corridor from Monterey Bay to spawning and nursery habitat in the upper watershed reaches in Santa Clara County and back. Other wildlife moves along the river as well.

## Identification of Specific Wildlife Corridors

In its comments on the DEIR (O-11g), Landwatch submitted a reference to a Nature Conservancy 2006 Report (California Central Coast Ecoregional Plan Update) and

additional data (Landwatch Exhibit A, "TNC Intact Natural Vegetation Designated for Agriculture in Southern Monterey County, 2009" and Landwatch Exhibit C, "the Nature Conservancy, Linkage Summary for the Central Coast, 2009") that Landwatch argues identifies additional wildlife corridors in Monterey County that should have been evaluated in the DEIR in greater detail. Most of the linkages identified by Landwatch fit within the broader wildlife corridors identified in the DEIR. However, a few of the linkages in the Landwatch exhibits were not mentioned in the DEIR.

In addition, CDFG identified a series of wildlife corridors that it was concerned about. All of the wildlife corridors mentioned by CDFG were addressed in the DEIR with the exception of the Monterey Peninsula to Santa Lucia Mountains linkage.

All of the linkages mentioned by Landwatch and CDFG, including those mentioned in the Landwatch exhibits, are included in Table BR-1 below. Table BR-1 describes, in broad terms, the potential development from the 2007 General Plan that may affect wildlife movement. As presented in the table, for the linkages that fit within the broad corridors identified in the DEIR, considering the overall scale of development and agricultural conversions, the effect of 2007 General Plan policies, and the effect of mitigation identified in the DEIR (Mitigation BIO-1.2 and BIO-3.1), the conclusion in the DEIR that impacts can be mitigated to a less than significant level remains unchanged.

For the linkages identified in the Landwatch comments that are not mentioned in the DEIR, five (Linkages 309, 311, 319, 347, 373) would experience minimal-to-no effect from 2007 General Plan implementation because they are outside the non-coastal County or are located in areas with little urban or agricultural development pressure. For three other linkages (Linkages 315, 346, 354, and 376) identified in the comment that are not mentioned in the DEIR, as identified in Table BR-1, the impact of the 2007 General Plan would be potentially significant, but less than significant with implementation of General Plan policies and EIR mitigation measures. Regarding the one linkage mentioned by CDFG (Monterey Peninsula to Santa Lucia Mountains) that was not addressed in the DEIR, as indicated in Table BR-1, the General Plan is not expected to have a significant impact on this corridor after application of General Plan policies and EIR mitigation measures. Thus, with consideration of these specific corridors, the level of overall impact to wildlife corridors would not change from that disclosed in the DEIR.

## Changes to DEIR

Enhancements to three DEIR mitigation measures are proposed to further protect wildlife corridors. BIO-2.1 (Stream Setback Ordinance) has been modified to include conservation of the value of streams and rivers as wildlife corridors in the purpose statement and to include consideration of the use of streams as wildlife corridors in the preparation of the Stream Setback Ordinance. Mitigation Measure BIO-2.2 (Oak Woodlands Mitigation Program) has been modified to prioritize creation of oak woodland conservation areas where they can also be of benefit to preserving wildlife movement corridors, wherever feasible. By doing so, oak woodland conservation efforts can achieve co-benefits for wildlife movement. Mitigation Measure BIO-3.1 (Project Level Wildlife Movement Considerations) has been modified to add reference to existing

sources of information (including those mentioned in the Landwatch comment letter) for consideration when evaluating specific project proposals in terms of their potential effect on wildlife corridors along with other available information. This will serve as a reminder at the project planning phase to consider the identified wildlife corridors during subsequent CEQA evaluations. Please see the early part of this response (Section 8.1) and FEIR Chapter 4 for the specific revisions.

The remainder of this Master Response further supports the above conclusions through specific considering the impacts of agricultural growth, the AWCP, urban development, and new infrastructure on wildlife corridors.

**Table BR-1.** Review of Potential Impacts of the 2007 General Plan on Specific Wildlife Corridors in Monterey County

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| ***Santa Cruz Mountains to Gabilan Range*** | | | |
| Linkage 81: Santa Cruz Mtns. – Gabilan Range | Exhibit A shows corridor from northeastern Monterey County into Santa Cruz County. No description in Exhibit C. | Greater Salinas Planning Area (E side)<br>North County Planning Area<br>Highway 101 Prundale Bypass<br>Limited agricultural conversion potential | The identification of these linkages in the comment letter is consistent with the description of this broad corridor in the EIR.<br>Greater Salinas Planning Area Policies - Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state.<br>North County Planning Area Policies - Policy NC-1.3 states that large acreages in higher elevations and on steeper slopes should be preserved and enhanced for grazing, where grazing is found to be a viable use. Policy NC-1.5 states that development on properties with residential land use designations located within the North County Area Plan shall be limited to the first single family dwelling on a legal lot of record.<br>There is limited development potential in the high elevations of the hills east of Salinas and Prunedale as these areas are mostly designated for grazing. The North County area is limited to legal lots only. No focused growth areas are proposed in this corridor. If a Prundale Bypass is advanced, project level analysis will need to consider effects on widlife corridors. New agricultural conversions in this corridor are expected to be limited in scale.<br>Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Mitigation BIO-2.1 will require setbacks along streams and Mitigation BIO-3.1 will require consideration of corridor issue for discretionary projects, including roadway projects. With mitigation, the impacts of the 2007 General Plan are considered less than significant. |
| Linkage 329: Santa Cruz Mtns. – Gabilan Range | "Broadly defined regional coarse-scale corridor to link major ranges". | | |
| Linkage 340: Gabilan Creek – Aromas Hills | "Links northern Gabilan Range to Santa Cruz Range via hills around Prunedale and Aromas" | | |
| Linkage 305: Santa Cruz – Mt. Hamilton | "Landscape linkage, chokepoint" for "mountain lion, medium-size carnivores" through "mixed coniferous oak woodland, serprentine grassland, chaparral, redwood." | | |
| Linkage 363: Santa Cruz Mtns. – Gabilan Range | "Broadly defined corridor to link major ranges; overlaps with 305, 363, and 329 which are located along different elevations but serve same purpose." | | |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| ***Santa Lucia Mountains to Fort Ord*** | | | |
| Linkage 308: Fort Ord – Ventana | Key species identified as "coyote, bear, bobcat, and mountain lion" through "maritime chaparral, grassland and oak woodlands." | Fort Ord, Toro and Cachagua Planning areas<br>SR 68 Widening | The identification of these linkages in the comment letter is consistent with the description of this broad corridor in the EIR.<br>Fort Ord policies - Biological Resources Policy A-3 requires the County to maintain the habitat values and integrity of the habitat corridor through the western portion of the Recreational Vehicle Park/Youth Camp. Policy A-4 requires the County to protect the habitat corridor in the RV park/youth camp parcel from degradation due to the development in, or use of, adjacent parcels. Policy A-7 requires the County to coordinate with California State University and UCNRS to minimize the potential for HMP species in the habitat conservation and corridor areas adjacent to CSUMB land to be adversely affected by human activity associated with access. Policy B-2 requires County coordination with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas. Policy B-3 requires the County to preserve, enhance, restore and protect vernal ponds, riparian corridors and other wetland areas. Biological Resources Policy E-2 requires the County to monitor activities that affect all undeveloped natural lands, including, but not limited to conservation areas and habitat corridors as specified and assigned in the HMP.<br>Toro Area Plan policies - Policy T-1.7 Development on properties with residential land use designations located within the Toro Area Plan along the Highway 68 corridor shall be limited to the first single family home on a legal lot of record.<br>Cachagua Area Plan policies - Policy CACH-1.4 stipulates that new development adjacent to the Ventana Wilderness not impact the purpose of the wilderness areas. Policy CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.<br>South of Toro County Park, land use designations are for resource conservation and grazing and there is limited agricultural conversion potential due to water constraints, access, and slopes and thus wildlife movement to the Sierra de Salinas/Santa Lucia Mountains from the Toro Area is not expected to be significantly impaired.<br>The Highway 68 corridor is a concern for wildlife movement, as identified in the DEIR due to residential and commercial development and the highway itself. Specific to the wildlife corridors connecting Toro County Park to Fort Ord and to the Salinas River, potential residential development between San Benancio Road and River Road is on large unsubdivided properties and thus Policy 3.1 would require preservation of portions of these properties to maintain extant wildlife movement opportunities. |
| Linkage 322: Highway 68 Western Crossing | "One of only two viable wildlife crossings across Highway 68 between the Santa Lucia Range and Ft. Ord". | Toro Planning Area<br>SR-68 Widening | |
| Linkage 350: Sierra de Salinas – Toro Peak | "Area of unprotected land between Arroyo Seco and parklands to the north" | Toro Planning Area | |
| Linkage 375: Highway 68 – Toro Creek | "Narrow yet essential corridor between lowland wildflower fields along Highway 68 to preserve at west end of subdivision along Toro Creek" | Toro Planning Area<br>SR-68 Widening | |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| | | | Agricultural conversion potential in this corridor is relatively low given the slopes, access, distance from other agricultural areas, and potential water constraints.<br>Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Mitigation BIO-2.1 will require setbacks along streams and Mitigation BIO-3.1 will require consideration of corridor issue for discretionary projects, including roadway projects. With mitigation, the impacts of the 2007 General Plan are considered less than significant. |
| ***Salinas Valley (east–west) and Salinas Valley (north-south)*** | | | |
| Linkage 307: Santa Lucia – Gabilan, Ventana Wilderness | "Choke point" with key species as mountain lion through grassland, scrub and oak woodlands. | Pine Canyon Rural Center<br>Central Salinas Valley Planning Area<br>Agricultural conversion potential along east and west sides of Salinas Valley and along Arroyo Seco | Specifically defined corridors included in broad corridors identifying north-south movement along Salinas Valley and adjacent foothills and east-west across Salinas Valley<br>Greater Salinas Area Plan Policies: Policy GS-1.5 requires that development of commercial land uses designated near Highway 68 and the Salinas River be allowed only if it protects and, where feasible, enhances the riparian habitat along the river. Policy GS-1.8 allows that the land near the town of Spreckels designated as industrial if it is designed to protect, and where feasible, enhance the riparian corridor along the Salinas River. Policy GS-3.1 requires that all vegetation on land exceeding 25 percent slope, particularly chaparral and broad leaf evergreen, remain undisturbed in the Greater Salinas Planning Area. Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state.<br>Central Salinas Valley Area Plan Policies: Policy CVS-5.1 prohibits new development from encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Policy CVS-5.2 stipulates that new recreational uses avoid encroaching on the main channels and floodways of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Southern Salinas Valley (from Chualar south) will be subject of Salinas Valley Conservation Study per Mitigation Measure BIO-1.2. The SVCS is intended to address San Joaquin kit fox; however in order to provide for adequate habitat and connectivity for the kit fox, the |
| Linkage 339: Salinas Valley Floor | "Non-specific corridor - denotes need to maintain permeablility through agricultural lands so wildlife can move between valley, floodplain and adjacent foothills." | Central Salinas Valley Planning Area<br>Central/Arroyo Seco/River Road | |
| Linkage 378: Salinas River - Pinnacles National Monument | "Area along Salinas River where river floodplain has unobstructed connections to foothills of southern Gabilan Range, providing regional connectivity." | Central Salinas Valley Planning Area<br>Metz Road Wine Corridor<br>Agricultural conversion potential along east side of Salinas Valley. | |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| Linkage 338: Sierra de Salinas – Salinas River | "One of only areas where undeveloped benchlands abut high quality river and riparian habitats on the west side of the Valley" | Central Salinas Valley Planning Area<br>Central/Arroyo Seco/River Road Wine Corridor<br>Agricultural conversion potential along west side of Salinas Valley. | conservation strategy will also provide substantial co-benefits for movement of a broad range of species both north and south and east and west through the Salinas Valley. As low foothills are key habitat for kit fox, the assessment of development and agricultural pressure (include that due to the AWCP) will be included in the SVCS assessment.<br>Cachagua Area Plan policies - CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.<br>South County Policies: Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers.<br>Riparian movement corridors (including Salinas Valley, Arroyo Seco, Chalone Creek, Topo Creek and other creeks) will be further protected through Mitigation Measure BIO-2.1 (Stream Setback Ordinance) which will help to preserve wildlife movement along riparian corridors north - south and east-west.<br>Pine Canyon Rural Center and River Road AHO subject to subsequent planning process to specifically examine wildlife corridor effect per Mitigation Measure BIO-3.1.<br>While agricultural conversion will have an effect, given the pattern of conversions (see Figures 4.9-7 through 4.9-9) and pace of expected conversions (~10,000 acres in 24 years) and the expanse of the area (Central Salinas Valley Planning Area = 545,022 acres; South County Planning Area = 820,628 acre), the impairment of corridors will likely be sporadic and disjointed. Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Overall, impairment of wildlife corridors can be reduced to a less than significant level with the implementation of the planning area policies noted above as well as Mitigation Measures BIO-1.2, BIO-2.1 and BIO-3.1. |
| Linkage 353: Southern Sierra de Salinas – Salinas River | "One of few areas in this region where wildlife can move through natural habitat between the Salinas River and southern Sierra de Salinas" | Central Salinas Valley Planning AreaCentral/Arroyo Seco/River Road Wine CorridorAgricultural conversion potential along west side of Salinas Valley. | |
| Linkage 357: Arroyo Seco – Salinas River | "Key steelhead corridor as well as wildlife corridor between Salinas River and Santa Lucia Range. Needs restoration across valley floor." | Cachagua Planning Area<br>Central Salinas Valley Planning Area<br>Central/Arroyo Seco/River Road Wine Corridor<br>Agricultural conversion potential along Arroyo Seco | |
| Linkage 377: Salinas River – Chalone Creek | "Key areas to maintain connectivity between Salinas River, southern Gabilans and San Benito River Valley. Includes Toro (sic) Creek." Reference should be to Topo Creek (not Toro Creek). | Central Salinas Valley Planning Area<br>Metz Road Wine Corridor<br>Agricultural conversion potential along east side of Salinas Valley | |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| Linkage 343: Salinas Valley– Peachtree Valley | "This corridor is generalized in location and is intended to maintain wildlife movement east-west between the Salinas Valley and interior Diablo Range through the San Lorenzo River watershed in the vicinity of lower Peachtree Valley" | Central Salinas Valley Planning Area<br>Agricultural conversion potential along east side of Salinas valley. | |
| Linkage 344: Salinas Valley – San Lorenzo Creek | "This corridor is generalized in location and is intended to maintain wildlife movement east-west between the Salinas Valley and interior Diablo Range through the San Lorenzo River watershed south of the Salinas Valley-Peachtree Valley corridor." | Central Salinas Valley Planning Area<br>Agricultural conversion potential along east side of Salinas Valley. | |
| Linkage 359: Camp Roberts – Stockdale Mountain | "Broad area providing critical permeability between the southern Salinas Valley and the interior in an area of large ranches" | South County Planning Area.<br>Agricultural conversions potential along east side of Salinas Valley. | |
| Linkage 316: Salinas River Riparian Corridor | "Landscape linkage for riparian birds, neotrpocial migrants, steelhead, kit fox through riparian areas and grasslands" | Bradley and San Ardo Rural Centers<br>South County Planning Area. Central Salinas Valley Planning Area<br>Greater Salinas Planning Area<br>Reservation Road AHO<br>Agricultural conversion potential. | |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| Linkage 323: Eastern Salinas Valley Foothills | "Low foothills along the eastern edge of the Salinas Valley provide critical north-south connectivity as well as east-west connections from Salinas Valley to the interior Diablo Ranges. Vineyard are spreading in this important area" | Central Salinas Valley Planning Area<br>Agricultural conversion potential east of Salinas Valley. | |
| ***Carmel River and Pajaro River*** | | | |
| Carmel River | Not specifically mentioned as linkage of concern in Landwatch letter/TNC assessment although mention of TNC Conservation Area 24 in the upper part of the Carmel River watershed. | Carmel Valley Master Plan<br>Cachagua Planning Area<br>Mid-Valley AHO | Specific CVMP policies are protective of Carmel River riparian corridor. Mid-Valley AHO partially developed already. Agricultural expansion likely limited due to water constraints. Before mitigation, impacts to this wildlife corridor is considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Stream Setback Ordinance (Mitigation Measure BIO-2-1) calls for specific setback to be established for Carmel River.AHO planning subject to project level assessment of affects to river corridor per Mitigation Measure BIO-3.1. Overall impact on this corridor expected to be less than significant with mitigation. |
| Linkage 97: Pajaro River | No details provided in Landwatch letter/TNC assessment but Exhibit A show the full extent of the Pajaro River from Monterey Bay into San Benito County. | North County Planning Area<br>Pajaro Community Area. | Pajaro Community area mostly previously disturbed. North County development limited to legal lots only. Areas adjacent to river nearly all in active agricultural already. Before mitigation, impacts to this wildlife corridor is considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Stream Setback Ordinance (Mitigation Measure BIO-2.1) will develop specific setback for Pajaro River. Community area planning subject to project level assessment of affects to river corridor per Mitigation Measure BIO 3.1. With mitigation, impacts of 2007 GP on this corridor will be less than significant. |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| ***Corridors not analyzed in the DEIR*** | | | |
| Linkage 309: Los Padres – Hearst Castle. | "Contiguous habitat, riparian habitat." | Big Sur LUP (Coastal)<br>Coast Planning Area (Coastal)<br>South County Planning Area | Mostly federal land and remote, steep slopes with little to no potential for development or agricultural growth. The 2007 GP will have a less than significant impact on this corridor. |
| Linkage 311: S. Diablo–Carrizo | "Contiguous habitat, riparian habitat." | South County Planning Area | Remote southeast portion of County not subject to development pressure. Limited potential for agricultural growth. Stream Setback Ordinance (Mitigation Measure BIO-2.1) will benefit substantial riparian areas. With mitigation, impacts of 2007 GP on this corridor would be less than significant. |
| Linkage 319: Lower N. Salinas River | "Landscape linkage for riparian birds, neotropical migrants, steelhead, kit fox through valley riparian forest, woodland, and scrub." In San Luis Obispo county (Exhibit A) | In San Luis Obispo County | The 2007 General Plan will not affect this corridor which is located in San Luis Obispo County. |
| Linkage 347: Parkfield - Cottonwood Pass | "Linkage spans area of private ownership in high quality, unprotected habitat in the interior Diablo Ranges" | South County Planning Area | Remote interior mountainous area not subject to development potential with little potential for agricultural growth. Stream setback Ordinance (Mitigation Measure BIO-2.1) will benefit substantial riparian areas. With mitigation, impacts of 2007 GP on this corridor would be less than significant. |
| Linkage 373: Tembladero Slough | "Identified by local experts; one of only connections between Santa Cruz Mts. southward to Elkhorn Slough". Exhibit A shows this as a north-south corridor from Elkhorn Slough southward across Dolan Rd. to an area northeast of Castroville | North County LUP (coastal) | The description provided by TNC in Exhibit A appears to connect one arm of Elkhorn Slough with Moro Cojo Slough through an upland area across Dolan Road, but does not connect Elkhorn Slough to the Santa Cruz Mountains as stated in Exhibit C. This corridor may provide for local wildlife movement between the two sloughs. However the 2007 GP will not affect this corridor which is located within the North County LUP (coastal) which is not being changed with the 2007 GP. If this corridor actually concerns Tembladero Slough, under baseline conditions, this slough is channelized and degraded through much of its length through active agricultural areas and thus, while it may provide a limited corridor of movement, the quality of such a corridor is low and the impacts of the 2007 General Plan would thus be less than significant. |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| Linkage 315: Camp Roberts | Choke-point for "kit fox and tule elk" through "grassland and oak woodlands." | South County Planning Area | Camp Roberts is mostly in San Luis Obispo County and is under federal jurisdiction. The 2007 General Plan will not affect Camp Roberts. The corridor shown on Exhibit A actually extends from Camp Roberts to the east. While Camp Roberts may act as a choke point, the areas to the east of the Salinas Valley do not appear to serve as a choke point as these areas are sparsely developed, steep, and have little to no agriculture at present and unlikely substantial agricultural potential in the future due to access, steep slopes, and water constraints. South County Planning Area Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Salinas River which will help to keep intact the western end of this corridor. Thus, he 2007 General Plan is not expected to have a significant impact on this corridor. |
| Linkage 346: Camp Roberts – Fort Hunter Liggett | "Located between the reservoir and Jolon Hills, this series of low hills and valley need to be maintained to facilitate movement of wildlife between Camp Roberts and Ft. Hunter Ligget" | South County Planning Area<br>Pleyto Rural Center<br>Lockwood Rural Center<br>Jolon Road Wine Corridor<br>Agricultural Conversion potential in Hames Valley and in and around Lockwood but likely north of corridor. | Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the San Antonio River. Most of level land already converted to agriculture in Hames Valley; level land near Lockwood (north of corridor) may be subject to agricultural conversion. Agricultural conversions on steep slopes will require discretionary permit and consideration of wildlife movement. Corridor is mostly located to the south of the Jolon Road Wine corridor which is primarily located along Jolon Road whereas the corridor is identified as along the north side of San Antonio Reservoir. Finally, Fort Hunter Liggett surrounds San Antonia Reservoir and thus the southernmost portion of this corridor is on federal land that would not be affected by the 2007 General Plan and would likely not be developed over time. Before mitigation, impacts due to agricultural conversions and ministerial development on legal lots expected to be less than significant, while impacts due to discretionary development could be significant. Development in the rural centers and discretionary development in the South County Planning Area will be required to consider potential impacts to wildlife movement through Mitigation Measure BIO-3.1. Given that the areas of development and agricultural conversion are likely to be focused further north of the corridor and the corridor has an area closest to the reservoir that is expected to remain intact, with mitigation, the impacts of the 2007 GP are expected to be less than significant to the identified corridor. |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| Linkage 354: Sierra de Salinas – Arroyo Seco | No details provided in Landwatch letter/TNC assessment. Exhibit A shows a corridor from the Cachagua Planning Area to Arroyo Secor | Cachagua Planning Area<br>Central Salinas Valley Planning Area<br>Central/Arroyo Seco/River Road Wine Corridor<br>Agricultural conversion potential along Arroyo Seco. | Presumably this corridor concerns connectivity of the southern portion of the Sierra de Salinas Range to the Arroyo Seco River. Much of this area consists of steep slopes with no development. Development pressure low in the steep sloping area outside Salinas Valley. Agricultural activity conversions may affect slopes along Arroyo Seco Before mitigation. Impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Salinas Valley Conservation Plan (Mitigation Measure BIO 1.2) will have co-benefits to wildlife movement in and along Arroyo Seco corridor as will Stream Setback Ordinance (Mitigation Measure BIO-2.1). Agricultural conversions on steep slopes (> 15 percent) subject to discretionary permit and Mitigation Measure BIO-3.1. Overall, this corridor will have less than significant impacts due to the 2007 General Plan with the mitigation measures noted above and in consideration of the limited potential for new development and agricultural conversions to substantially impair north-south movement from the Sierra de Salinas into the Arroyo Seco corridor. |
| Linkage 376: Toro Peak Foothills – Salinas River | "northernmost viable linkage connecting the northern Santa Lucia Range to the Salinas River northward" | Toro Planning Area<br>River Road AHO<br>Central/Arroyo Seco/River Road Wine corridor | The Highway 68 corridor is a concern for wildlife movement, as identified in the DEIR due to residential and commercial development and the highway itself. Specific to the wildlife corridors connecting Toro County Park to the Salinas River, potential residential development between San Benancio Road and River Road is on large unsubdivided properties and could have significant impacts before mitigation. Mitigation Measure BIO- 3.1 would require preservation of portions of these properties to maintain extant wildlife movement opportunities and would reduce impacts to a less than significant level. |

| Wildlife Corridor/ Linkage | Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise) | Development Areas in 2007 General Plan | Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types) |
|---|---|---|---|
| CDFG: Monterey Peninsula to Santa Lucia Mountains | CDFG provided no description of this corridor. If the comment concerned wildlife movement between Fort Ord and Santa Lucia mountains see discussion above. If comment concerned wildlife movement between remnant natural areas on the Monterey Peninsula property and the Santa Lucia Mountains, then this line discusses this issue | Del Monte LCP (not part of 2007 GP Update)<br>Greater Monterey Peninsula Planning Area<br>Carmel Valley Master Plan<br>Mid-Valley AHO | Given that CDFG provided little detail on what they mean by a wildlife corridor between the Monterey Peninsula and the Santa Lucia Mountains, this response is based on a supposition that the comment referred to linkage of wildlife movement between remnant natural areas on the Monterey Peninsula Proper (defined as west of SR-1 between City of Monterey and the City of Carmel by the Sea) and the Santa Lucia Mountains including the linkage from the Jack's Peak area to the Santa Lucia Mountains. The only extensive intact natural areas west of SR-1 on the peninsula are in the Del Monte Forest, which is in the coastal zone and would be unaffected by the 2007 General Plan and several other areas east of SR-68 in the city of Monterey (which would also not be affected by the 2007 General Plan. East of SR-1, the proposed Greater Monterey Peninsula Area Plan and the Carmel Valley Master Plan allow limited amount of development overall, which may nevertheless affect movement from around the Jack's Peak Area southward to the Santa Lucia Mountains. Scattered legal lot development unlikely to significantly affect wildlife movement overall. However, discretionary development (which could result in larger and more extensive development) could result in significant impacts but would be subject to project-level review per mitigation measure BIO-3.1 and thus impacts to this corridor overall would be less than significant with mitigation. |

## 8.7.2 Impact of Agricultural Growth (in General)

Certain comments assert that the DEIR does not adequately analyze the impacts of agricultural growth on wildlife movement and corridors and/or underestimates the impacts because of the commenter's assertion that the amount of agricultural growth is underestimated.

As discussed in Master Response 3, conversions on slopes greater than 15 percent will be subject to a discretionary permit and CEQA review, and Mitigation Measure BIO-3-1 (which has been strengthened) requires specific consideration of wildlife movement during CEQA review of discretionary projects. Regarding the areas of slope less than 15 percent, as discussed above, the method used in the DEIR to estimate future agricultural conversions provides a more reasonable and realistic basis to assess impacts to wildlife corridors than the assertions of hundreds of thousands of acres of potential agricultural conversions. Although there will be effects on wildlife corridors from non-discretionary agricultural conversions, the effect of approximately 10,253 acres (updated for FEIR) of conversion by 2030 would be expected to have a similar spatial distribution (that is, dispersed) as that which occurred from 1982 to 2006 as shown in Figures 4.9-6 through 4.9-9 in the DEIR, resulting in less-than-significant impacts on wildlife corridors.

The primary agricultural production area in Monterey County is the Salinas Valley. The Salinas Valley is a working landscape. There are limited intact east-to-west natural corridors across the valley other than the tributaries to the Salinas River (this is apparent in the Landwatch Exhibit A map which does not show any areas of intact natural vegetation providing a natural landscape corridor across the Salinas Valley floor between Salinas and San Ardo). This means that the baseline of wildlife movement from east to west is through the working landscape and along the waterways. Since this area has already been extensively converted, future agricultural growth on the Valley Floor would be unlikely to significantly change east-west wildlife movement conditions.

On the uplands east and west of the Salinas Valley floor and along the tributary valleys, there will be some level of conversions, including conversions to vineyards. However, with the large size of the Salinas Valley and the relatively limited extent of conversion, substantial impediments to wildlife movement across and along the Salinas Valley are unlikely. To give an idea of the scale of potential effect, assuming critical uplands along the Valley are within a two-mile swath on either side of the 80-mile section of the Salinas Valley between Salinas and the southern County line, these uplands would cover approximately 102,400 acres. If about two-thirds (~6,839 acres) of the 10,253 acres estimated county-wide agricultural conversions by 2030 were to occur only in these uplands, agricultural growth would disturb about 7 percent of these uplands (corresponding to about 5 miles of valley edge along 80 miles of Valley). Given the historic pattern of agricultural conversions, future conversions are likely be dispersed throughout the Valley, as well as occurring outside the Salinas Valley (for example around the Lockwood area). The relatively small scale of agricultural conversions coupled with their geographic dispersion means that agricultural conversions are unlikely to substantially block wildlife movement north and south along the edges of the Salinas Valley.

A similar conclusion for agricultural conversions (that they would affect wildlife movement, but not at a scale that would substantially block wildlife corridors beyond baseline conditions) would apply to effects on other wildlife corridors such as those along Arroyo Seco, Jolon Road, and other parts of the County.

For these reasons and those cited in Table BR-1 and Master Response 3, after due consideration of the information provided by Landwatch, TNC, CDFG, and other commenters, the conclusion of the DEIR that agricultural conversions of uncultivated land will not result in a significant impact on wildlife movement and corridors (see page 4.9-95) remains unchanged.

## 8.7.3 Impact of the AWCP on Wildlife Corridors

Certain comments assert that the impacts of the AWCP on wildlife movement and corridors are understated in the DEIR because AWCP development will be greater than assumed in the DEIR, and because the AWCP corridor segments are located within and along wildlife corridors.

Regarding the amount of winery and ancillary use growth allowed in the AWCP, please see the discussion in Master Response 3. In this Master Response, facts supporting the assumptions about growth of wineries and ancillary uses are presented; these assumptions provide a reasonable basis to estimate of potential growth in the AWCP.

It should also be noted that although the wine corridors are lengthy, this does not mean that development will occur throughout every portion of the corridors. Given the assumptions about the amount of new winery and ancillary use growth, these facilities will be spread over the many miles of the corridors. Regarding comments that vineyard growth would only be concentrated along the wine corridor, please see responses above about the scale and location of potential agricultural (including vineyard) conversions.

The DEIR evaluated potential wildlife movement impacts associated with the development of the AWCP within the context of the overall working landscape of the Salinas Valley. The AWCP limits the number of new winery and ancillary facilities and provides for adequate geographic distribution of those facilities to accommodate wildlife movement

Wildlife corridor impacts within the ACWP would be limited for the above reasons, and also because the General Plan:

- specifically limits the number of facilities that can be located within each segment of the wine corridor and ensures that facilities would be geographically dispersed;
- specifically limits the number of ancillary facilities (e.g., tasting rooms, bed and breakfasts, restaurants) within the AWCP;
- requires full CEQA review for large scale wineries.
- has proposed modified development standards in the AWCP that would require a biological study for permanent facilities associated with the artisan/boutique wineries

Even though the potential wildlife corridor impacts of growth are limited, they are included in the significant impacts described in the DEIR under Impact BIO-3.1. These impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include:

- The Stream Setback Ordinance (Mitigation Measure BIO-2.1), which would help to preserve riparian movement corridors within the AWCP
- Project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1, which has been strengthened) for all discretionary development, including full-scale wineries

## 8.7.4 Impacts of Urban Growth (Including Legal Lots of Record) and Highways on Wildlife Corridors

Certain comments state that the DEIR underestimates the potential effect of urban growth and infrastructure (particularly highways) on wildlife corridors.

### Urban Growth

As described in the DEIR and Table BR-1, some of the focused growth areas could have significant effects on different wildlife corridors. The Bradley and San Ardo Rural Centers are adjacent to the Salinas River and portions of their development could affect the Salinas River as a north-south wildlife movement corridor. The Pine Canyon and River Road Rural Centers and the Reservation Road/68 AHO could affect north-south movement along the western slopes of the Salinas Valley. The Pleyto and Lockwood Rural Centers could affect east-west movement between Camp Roberts and Fort Hunter Liggett. The Mid-Valley AHO is adjacent to the Carmel River and could affect movement along the riparian corridor. These impacts would be reduced to less than significant levels through mitigation measures for Impact BIO-3.1.

In addition, as described in the DEIR and Table BR-1 development outside the focused growth areas within the planning areas could also have significant impacts on identified wildlife corridors. Some of the key areas of concern include development along SR-68 in the Toro Area Plan near Toro County Park where there are limited wildlife connections from the park to Fort Ord and to the Salinas River, and development east and north of Prunedale that could affect the narrow corridor connecting the Gabilan Mountains to the Santa Cruz Mountains. As described in the DEIR and Table BR-1, some of the policies in the area plans will help to preserve certain wildlife corridors particularly riparian corridors. Also, see Master Response 7 which describes why the County assumed that the amount of urban growth outside the focused growth areas would be limited.

Wildlife corridor impacts of urban growth are included in the significant impacts described in the DEIR under Impact BIO-3.1. These impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include:

- The Stream Setback Ordinance (Mitigation Measure BIO-2.1), which would help to preserve riparian movement corridors within the AWCP
- Project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1) for all discretionary development

## Legal Lots of Record

Regarding development on legal lots of record, such development may occur within wildlife corridors, but effects would not be significant because development on legal lots of record would result in a dispersed development pattern on relatively large parcels, leaving relatively permeable conditions for wildlife. Such scattered development will impair the quality of corridors in certain areas, but would not significantly impede use of the affected wildlife corridors.

## Highways

The DEIR acknowledges that there is a potential for highway expansion to impede movement at discrete points. The three roadways of greatest concern to the wildlife corridors identified in Table BR-1 are Highway 101 near Prunedale, SR-68 between River Road and SR-218, and Highway 101 through the Salinas Valley south of Salinas. The Prunedale Bypass could have significant effects on the wildlife corridor from the Gabilan Mountains to the Santa Cruz Mountains. SR-68 Expansion could affect the remaining corridors from the Santa Lucia Mountains to Fort Ord. Highway 101 serves as an existing impediment to east-west movement in the Salinas Valley south of Salinas, and if widened in locations near the cities or built-up areas could have significant effects on wildlife movement.

Wildlife corridor impacts of highways are included in the significant impacts described in the DEIR under Impact BIO-3.1. For projects under the County's jurisdiction, these impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1, which has been strengthened) for all discretionary development, which would apply both to County roadway projects, and indirectly to projects for which Caltrans is the lead agency. If Caltrans is the lead agency, in order to use Caltrans' CEQA document as a responsible agency, the County will request Caltrans to consider all potential impacts on wildlife corridors in any project-level analysis. Caltrans' Standard Environmental Reference, which guides its environmental analysis work, specifically requires consideration of impacts on migration corridors during the preparation of the requisite "Natural Environment Study" preliminary to preparing any CEQA documents. (The SER discussion of Natural Environment Studies is available on Caltrans' website at: http://www.dot.ca.gov/ser/vol3/chap2.htm.)

Mitigation Measure BIO-2.1 (Stream Setback Ordinance) also serves to mitigate the wildlife corridor impacts of roadway projects.

## 8.7.5 Conclusion

As described above, after consideration of comment, the County has amplified the information in the DEIR concerning wildlife movement corridors, but consideration of comment and the additional information has not changed the conclusion overall that the impacts of the 2007 General Plan can be mitigated to a less than significant level with the identified mitigation in the EIR.

# Master Response 9: Water Quality

This master response addresses the following topics:



## 9.1 Specificity of Water Quality Analysis

Commenters suggest that the DEIR for the General Plan Update must be more specific in its analysis of water quality impacts.

The analysis of water quality is found in Chapter 4.3, *Water Resources* under the discussions of Impacts WR-1 (non-point source pollution from urban runoff -- beginning on page 4.3-90), WR-2 (construction impacts -- beginning on page 4.3-99), WR-3 (sediment and nutrients from resource uses—beginning on page 4.3-107), and WR-8 (violate water quality standards by wastewater disposal – beginning on page 4.3-165). Consistent with the level of detail contained in the General Plan update, the EIR provides a general overview of existing water quality conditions within the County and analyzes the water quality impacts expected to result from development consistent with the proposed General Plan in 2030 and at buildout in 2092. The General Plan Update's level of specificity in analyzing this issue is consistent with the provisions of State CEQA Guidelines Section 15146, which state that "[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." The 2007 General Plan is a broad statement of policies.

Accordingly, this EIR "need not be as detailed as an EIR on … specific construction projects" (CEQA Guidelines Section 15146). As discussed in Chapter 2, *Introduction*, of the DEIR, the County of Monterey contains a gross area of over 3,700 square miles. This includes well-established urban, suburban, and rural communities of varying sizes and development intensity. The County also has an extensive array of agricultural lands, lands devoted to mineral extraction, and recreational areas. There are rugged mountains, flat valley areas, and expansive natural open spaces. Given the large size and complexity of the planning area that the DEIR analyzes, the DEIR's analysis conforms to Section 15151 of the State CEQA Guidelines, which provides:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

In conclusion, the DEIR reflects the level of detail available at the General Plan level about future development and presents a reasonable analysis of potential impacts based on that level of detail. Please see Master Response 10 regarding the level of detail in a program EIR.

# 9.2 Water Quality-Related Policies of the General Plan Update and Proposed Mitigation Measures Contained in the DEIR

## 9.2.1 Water Quality-Related Policies and Proposed Mitigation Measures

Commenters contend that the policies identified in the DEIR will not be implemented. These comments are based on the incorrect assumption that the General Plan is a compilation of specific regulatory actions which must meet the standards of specificity and enforceability required of ordinance-level regulations or project-specific mitigation measures.

A general plan is a long term comprehensive plan for the physical development of the County. (Government Code Section 65300) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, and standards, and plan proposals. (Government Code Section 65302) The General Plan will guide later implementing actions to be undertaken during General Plan implementation, and these other actions must, by law, be consistent with the general plan. (See, e.g., Government Code Sections 65860 [zoning actions], 65402 [property acquisition and disposal], 65454 [specific plans], and 66474 [subdivisions]).

State law and the General Plan itself establish requirements and timeframes for this implementation. Government Code Section 65860 requires conforming revisions to the zoning ordinance to be made "within a reasonable time" of adoption of the General Plan update. Also, policy LU-9.3 of the General Plan provides that subdivision applications that were deemed complete after October 16, 2007 will be subject to the General Plan and the ordinances, policies and standards that are enacted and in effect as a result of the General Plan. Therefore, recent and new subdivision applications will be required to conform to the provisions of the General Plan as soon as it takes effect.

Because discretionary land use entitlements and subdivision approvals must be consistent with the General Plan under California Planning Law (see Government Code Sections 65860 and 66474), the General Plan's policies will also be implemented as development projects come forward for consideration. In addition, Policy LU-9.1 requires the Director of Planning to bring a work program to implement the General Plan to the Board of Supervisors within three months after adoption of the General Plan.

The Draft General Plan includes policies intended to provide a comprehensive set of water quality protections. These policies include protecting water quality from agricultural runoff, as well as protecting groundwater quality. A number of the General Plan policies direct the preparation and adoption of new programs that will protect water quality. For example:

- Pursuant to Policy OS-3.9, a program will be designed to address off-site soil erosion, increased runoff-related stream stability impacts and/or potential violation of adopted water quality standards from the conversion of hillside rangeland areas to cultivated croplands.
- Under Policy PS-4.12, the County Environmental Health Bureau will develop On-site Wastewater Management Plans (OWMP) for areas with high concentrations of development that are served primarily by individual sewage systems

The DEIR also contains Mitigation Measure BIO-2.1 that will further avoid or reduce water quality impacts from development under the proposed General Plan update. The revised measure is as follows:

**Mitigation Measure BIO-2.1: Stream Setback Ordinance**[9]

~~The~~ In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a ~~county-wide~~ Stream Setback Ordinance. The ordinance shall ~~to~~ establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to inland portions of the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River,

[9] This is the text of draft Mitigation Measure BIO-2.1, as proposed to be revised. It is revised from the mitigation measure that appeared in the Draft EIR.

Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. The ~~purpose of the~~ ordinance ~~will be to preserve riparian habitat and reduce sediment and other water quality impacts of new development~~ shall identify appropriate uses within the setback area that would not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream.

The Stream Setback Ordinance shall apply to all discretionary development, County public projects~~within the County~~ and to conversion of previously uncultivated ~~agricultural~~ land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.

Monterey County is proposing to adopt as policies in its General Plan, feasible and fully enforceable measures that will avoid, reduce, minimize, and otherwise mitigate the significant environmental effects identified in the DEIR. All of the mitigation measures identified in the EIR will be adopted as General Plan policies to ensure that they are implemented. This is consistent with (CEQA Guidelines Section 15126.4[a][2]), which states, in part: "In the case of adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design."

## 9.2.2 Cumulative Water Quality Impacts

Some commenters have asserted that the DEIR has not adequately addressed the cumulative impacts of the General Plan Update on water quality.

The Monterey County General Plan establishes long-term development policy. The impact analysis in Section 4.3, *Water Resources*, examines the potential impacts on water quality at the 2030 planning horizon and, to the extent reasonably feasible, at build out in 2092. By the nature of the long-term, future view that is inherent in the General Plan, this is a cumulative impact analysis.

The policies contained in the General Plan (and discussed throughout this master response) are recommended in order to avoid and minimize the potential impacts on water quality of the future cumulative development envisioned in the General Plan. The policies will be applied to development projects on an individual basis within the context of the overall General Plan policies governing the location and design of development. In addition, future development under the General Plan will be subject to County development codes and state/regional water quality regulations (as discussed throughout this master response) specifically intended to protect water quality. Based on the policies of the proposed General Plan, as well as the county and state/regional regulatory scheme, the DEIR has concluded that the contribution of development under the General Plan Update will be less than cumulatively considerable. The conclusion of the DEIR remains correct.

# 9.3 NPDES Phase II

Commenters assert that NPDES Phase II requirements apply primarily to incorporated areas and therefore do not reduce the potential impact of future development under the proposed General Plan.

DEIR Section 4.3.3.1, *Federal Regulations*, discusses the National Pollutant Discharge Elimination System (NPDES) Phase II requirements that apply to Monterey County (see page 4.3-50). Here is additional background information about the applicable NPDES Phase II requirements.

In late 1999, the U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from Small MS4s and from construction sites disturbing between one and five acres of land. A "Small MS4" is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works. (California State Water Resources Control Board 2003)

As discussed in the DEIR, the State Water Resources Control Board (SWRCB) adopted a General Permit regulating storm water discharges from Small MS4s. The MRSWMP applies this permit (and its receiving water limitations and design standards) to all portions of the unincorporated county that are designated as "urbanized areas" by the U.S. Census Bureau, including the following Community Areas and AHOs:

- Boronda, Castroville, and Pajaro Community Areas;
- westerly portion of the proposed Hwy. 68/Airport AHO;
- Carmel Mid-Valley AHO; and
- Hwy. 68/Reservation Road AHO.

It does not apply to any of the proposed Rural Centers. As a signatory to the MRSWMP, Monterey County is required to implement its provisions. Because of the specificity of these requirements and their regulatory nature, the General Plan does not need to repeat them verbatim.

Beyond the requirements of the NPDES Phase II program, the SWRCB has adopted "sustainability" as a core value for its activities and programs. As an outgrowth of this commitment, the Central Coast Regional Water Quality Control Board (Central Coast RWQCB) is recommending that cities and counties adopt requirements for "low impact development" (LID) into their ordinances that will implement the MRSWMP. (Central Coast RWQCB 2009d) The intent of LID is to help retain stormwater on site when feasible, minimize runoff, and provide for non-mechanical cleaning of water that does run off a site. LID practices promoted by the Central Coast RWQCB include: bio-retention areas that collect stormwater in vegetated areas; grass swales and channels to direct runoff; vegetated rooftops to capture and hold stormwater; vegetated filter strips to clean pollutants from runoff; minimization of impermeable surfaces; and permeable pavements to increase the infiltration of stormwater. LID basic principles are reflected in

proposed Policies S-3.1 and S-3.2. Mitigation Measure PS-1 recommends that the County add Policy 3.9 to the General Plan expressing its commitment to LID. In order to further clarify the County's commitment to implementing the LID requirements, added Policy S-3.9 is proposed to be revised as follows:

> Policy S-3.9 Require all future developments to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate ~~the most feasible number of~~ Low Impact Development ~~(LID)~~ techniques ~~into their stormwater management plan~~. BMPs ~~The LID techniques~~ may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box filters, and preserve as much native vegetation as feasible possible on the project site.

The DEIR found that water quality impacts will be less than significant. As demonstrated by the above analysis, NPDES Phase II requirements apply to unincorporated areas planned for urbanization, as well as incorporated areas. Future development in those portions of the County anticipated to be urbanized under the General Plan will be subject to County stormwater standards that in turn are based on the regulatory requirements of the SWRCB and Central Coast RWQCB. These standards and enforceable regulations will ensure that the water quality impacts of stormwater from this new development in unincorporated areas will be less than significant.

# 9.4 Agricultural Runoff

## 9.4.1 Agricultural Runoff

Commenters contend that the DEIR does not adequately consider the effects of agricultural runoff on water quality.

Section 4.3.2.3 of the DEIR examines the topic of water quality. That section begins with a basic discussion of the pollutant constituents present in runoff. The contribution of agricultural runoff to erosion and sedimentation is discussed under Groundwater Quality on page 4.3-20 and to the release of chemicals and nutrients to surface water under Impact WR-3 (sediment and nutrients from resource uses) on page 4.3-107. In addition, Table 4.3-8 of the DEIR (beginning on page 4.3-54) identifies agriculture as the source of a number of the pollutants currently found in impaired water bodies within the County.

To clarify the discussions in the DEIR, other constituents of agricultural runoff include nitrates, phosphates, pesticides, and other organic chemicals that are applied to land in the course of typical agricultural practices. These pollutants affect both surface water and groundwater. Agricultural runoff that is discharged to rivers and streams may eventually find its way to Monterey Bay. Surface water infiltrates into the ground and, over time, contributes to the levels of pollutants, such as nitrates, in groundwater.

Because it is not associated with urbanization, agricultural runoff is not subject to the NPDES Phase II requirements discussed in Section 4.3.3.1, *Federal Regulations*, of the DEIR. However, as discussed in Section 4.3-2, *State Regulations*, the Central Coast

RWQCB administers the 2004 "Conditional Waiver for Irrigated Agriculture" which limits the release of pollutants in agricultural runoff. The conditional waiver was due to expire in July 2009.

Since release of the DEIR, Central Coast RWQCB's staff has been working on a revised conditional waiver (or Waste Discharge Order). On July 10, 2009, the Board extended the existing order without change until July 2010 to provide time for its staff to complete their work. The staff report for the Board's July 10 meeting noted that ongoing monitoring of surface and groundwater continues to show significant amounts of contaminants that are the result of agricultural operations. (Central Coast Regional Water Quality Control Board 2009c)

The 2008 Clean Water Act Sections 305(b) and 303(d) Integrated Report for the Central Coast Region adopted by the Central Coast RWQCB summarizes the work ahead:

> "Specific to agricultural sources of impairment, [Central Coast] Water Board staff is preparing a revised Waste Discharge Order for irrigated agriculture with new requirements for pollutant control. Once adopted (planned for 2010), these requirements will apply to all irrigated agricultural dischargers in impaired watersheds. As the requirements are implemented, staff expects to see and measure pollutant-loading decreases in the shorter term (one to five years) and improved water quality conditions in the longer term (five to twenty years). Water Board staff will focus compliance efforts in the highest priority watersheds where the impairment from agriculture is the most severe. In addition, staff has also identified irrigation efficiency and nutrient management as essential towards addressing multiple pollutants for which several waterbodies are impaired (e.g. sediment, toxicity and nutrients) and is working with stakeholders to initiate implementation of a Central Coast Irrigation and Nutrient Management Program (CCINMP) with an initial focus in the Salinas, Santa Maria, and Pajaro watersheds." (Central Coast Regional Water Quality Control Board 2009b)

The DEIR discloses that agricultural runoff is a potential source of surface and groundwater contamination and finds that the impact is less than significant based on the regulations of the Central Coast RWQCB's conditional waiver program. In the future, a revised and improved conditional waiver program will be enacted by the Central Coast RWQCB to further reduce the impacts of agricultural operations. Further, the Greater Monterey County IRWM plan (see Master Response 4 on Water Supply), currently in the early stages of development, will address comprehensive multi-agency strategies to reduce surface and groundwater contamination, including contamination from agricultural runoff.

The overall amount of land devoted to agriculture is expected to remain essentially the same over the course of the General Plan. As discussed in Master Response 4 on Water Supply, the amount of agricultural land has not increased substantially from 1992 to 2006. Cultivation of new areas is offset by the conversion of agricultural land to urban uses. As discussed in Master Response 4, this trend is expected to continue and, therefore, agricultural runoff is not expected to increase during the course of the General Plan.

For these reasons, the water quality impacts of agricultural runoff during General Plan implementation are considered less than significant; no change in the DEIR's conclusion is necessary.

### 9.4.2 Routine and On-going Agriculture

Commenters have expressed concern that Routine and Ongoing Agricultural activities are exempted from a number of Draft General Plan policies that would protect water quality.

Routine and Ongoing Agriculture would not be exempt from County and regional regulations relating to the control of erosion and protection of water quality. Policy AG-3.3 of the General Plan Update provides, in part: "In lands with a Farmlands, Permanent Grazing, or Rural Grazing land use designation, farming and ranching activities that are 'Routine and Ongoing Agricultural Activities' should be exempted from the General Plan policies listed below to the extent specified in those policies *except for activities that create significant soil erosion impacts or violate adopted water quality standards*" (emphasis added). The Central Coast RWQCB's Conditional Waiver for Irrigated Agriculture will continue to apply.

Cultivation of previously uncultivated slopes over 15% is not Routine and Ongoing Agriculture. So, conversion of uncultivated lands on steep slopes will be subject to the restrictions of Policy OS-3.5, including the requirements for discretionary permits that include a management plan for erosion control and water quality. In addition, Mitigation Measure BIO-2.1, as revised, will require adoption of a county-wide Stream Setback Ordinance that will apply to the conversion of previously uncultivated land on slopes over 15% or on highly erodible soils with slopes over 10%. One purpose of that ordinance will be to "reduce sediment and other water quality impacts of new development." The conversion of slopes below 15% would be subject to Policy AG-3.3 and the Conditional Waiver for Irrigated Agriculture.

The DEIR found that runoff from Routine and Ongoing Agriculture would not have a significant effect on the environment. For the above reasons, that conclusion is unchanged.

## 9.5 Groundwater Quality

### 9.5.1 Surface Water and Groundwater Quality

Commenters contend that the DEIR does not sufficiently address the impacts of surface water pollution on groundwater quality. Groundwater quality, including the potential impacts of surface water pollution on groundwater quality, is discussed at length throughout Chapter 4.3, *Water Resources*. Pollution discharged to surface waters can infiltrate to groundwater aquifers and adversely affect groundwater quality.

The DEIR concluded that this is a less than significant impact. As described earlier in this response, programs such as the MRSWMP and the Conditional Waiver for Irrigated

Agriculture, along with General Plan policies and DEIR Mitigation Measure BIO-2.1, would assure that surface water quality impacts from urban and agricultural runoff during General Plan implementation would be less than significant. Similarly, the groundwater quality impacts of surface water pollution during General Plan implementation, would also be less than significant.

## 9.5.2 Onsite Wastewater Management Plans

Commenters have raised the concern that leakage from inadequate onsite wastewater systems may have a significant effect on the environment. Individual wastewater disposal systems (i.e., septic systems) in rural areas that are not served by sewer service can contribute nitrates to the groundwater through long-term infiltration.

Sewage disposal regulations are discussed on page 4.3-69 of the DEIR. The effect of individual wastewater disposal systems on groundwater is discussed in Impact WR-8 of the DEIR and mitigated by Policy PS-4.8, which will require the county to adopt specific criteria for the creation of new lots to be served by individual sewage disposal systems where connection to a wastewater treatment facility is not feasible, and Policy PS-4.12, which will require the County to prepare On-site Wastewater Management Plans for areas with high concentrations of development that are served primarily by individual septic systems and that will require subdivisions to consolidate their wastewater systems and connect to existing systems where feasible (this last provision will restrict the use of individual systems in new subdivisions).

The sewage disposal regulations administered by the Monterey County Environmental Health Bureau (discussed on page 4.3-70 of the DEIR) must conform to the Central Coast Basin Plan as administered by the RWQCB. (Central Coast RWQCB 2008) The Central Coast RWQCB is also taking an active interest in ensuring that areas with problem systems are adequately regulated and the impacts of failing systems controlled. In 2007, the Central Coast RWQCB – citing its concern over water quality impacts from septic tank systems -- directed Monterey County to conduct an area-wide study of the urbanized part of the Carmel Highlands that has individual sewage disposal systems and to develop an Onsite Wastewater Management Plan (OWMP) to protect water quality. The County responded by adopting an interim ordinance restricting new development with the potential to generate wastewater and to limit the installation of new water wells (Ordinance 5086). The ordinance was subsequently extended twice, expiring in October 2009, while the County prepared the requisite Carmel Highlands Onsite Wastewater Management Study and the Carmel Highlands OWMP.

The County Board of Supervisors considered and adopted the OWMP at its December 15, 2009 meeting. The OWMP has been submitted to the Central Coast RWQCB for approval by its Executive Officer. The Board of Supervisors has directed County staff to bring forward amendments to the County Code to incorporate the recommendations of the OWMP regarding sewage disposal standards; new domestic water well water quality testing; and water well test pumping requirements.

The DEIR discusses AB 885 that requires the SWRCB to adopt regulations for onsite wastewater treatment systems, on page 4.3-70. The SWRCB issued draft regulations to

implement AB 885 in November 2008. In response to public comments on the draft, the Board is re-writing their proposal. There is currently no schedule for the release of a draft of the revised regulations.

The Central Coast RWQCB has adopted an amendment to its Basin Plan (Resolution No. R3-2008-0005) that revises that Plan's provisions for onsite wastewater management plans. The amendment establishes stricter requirements for these onsite systems. That amendment has been submitted to the SWRCB for approval. The Central Coast RWQCB is expected to proceed with its Basin Plan amendment independent of the AB 885 regulations. (Central Coast RWQCB 2008)

In order to ensure that alternative onsite wastewater treatment systems are properly regulated during the period while the AB 885 regulations are being sorted out, Policy PS-4.10 is to be revised as follows:

> PS-4.10 ~~Prior to approval of any new alternative wastewater systems subsequent to adoption of the 2007 General Plan, the County shall develop an alternative wastewater system management program, consistent with the regulations pursuant to AB885 and required Regional Water Quality Control Board requirements, to administer and monitor the use of alternative wastewater systems, pursuant to State law and regulations. Repairs to existing systems are exempt from this requirement~~ Alternative on-site wastewater treatment systems may be considered for repairs to existing systems and existing lots of record if the requirements for a septic system cannot be met per Monterey County Code 15.20. The design and operation of the Alternative wastewater treatment system must conform to Monterey County Code 15.20 and the Central Coast Basin Plan.

The revision removes the specific reference to AB 885 and replaces it with requirements to meet County and Central Coast RWQCB regulations.

The conclusion in the DEIR that this is a less than significant impact remains correct. Ongoing and proposed regulations, as discussed above, ensure that new development dependent upon onsite wastewater systems will not have a significant effect on groundwater and will not make a considerable contribution to existing groundwater problems that are the result of individual onsite systems.

## 9.5.3 Wastewater Treatment Plants in the Agricultural Wine Corridor

Commenters have asserted that the DEIR has underestimated or failed to fully analyze the impacts of future wastewater treatment plants that are expected to be built to serve future wineries and ancillary facilities in the Agricultural Wine Corridor.

At this time, there is no specific information available about the number, location, size, or design of any wastewater disposal facilities associated with new wineries within the Agricultural Wine Corridor. Therefore, the EIR for the General Plan Update cannot reasonably analyze the potential effects of those facilities. However, this does not

prevent the County from making reasonable assumptions regarding the permitting and regulatory restrictions that will apply to future winery wastewater disposal facilities.

The DEIR assumes that wastewater treatment plants will be needed in the future to serve these facilities (see page 4.3-169). The discussion there indicates that septic systems would be subject to County and Central Coast RWQCB regulation in order to avoid the release of waste to groundwater. This is correct with regard to the residences and ancillary facilities that may be associated with the full-scale and artisan wineries. However, because of the greater volume of wastewater that they produce, the wineries themselves will require larger, more complex wastewater disposal facilities. The discussion in the DEIR may have given the impression that the winery facilities are subject only to minimal permitting. That is not correct.

Winery wastewater disposal facilities will be subject to review and permitting by the County Environmental Health Bureau under Title 15 of the County Municipal Code. In addition, wineries are required to obtain a general waiver or approval of Waste Discharge Requirements (WDRs) from the Central Coast RWQCB for their wastewater disposal facilities. (Central Coast RWQCB 2008a) Winery waste is defined as "any byproduct of winemaking operations," including pomace, wash water, tank sediment, and brine. These RWQCB permits involve discretionary review of the design and operation of the specific proposed facility to dispose of winery waste. The Central Coast RWQCB will impose conditions upon its issuance of a general waiver or WDRs requiring that the facility avoid degradation of state waters.

The above regulations will ensure that future winery wastewater disposal facilities will not pollute either surface or groundwater and will not exceed the water quality standards of the County and the Central Coast RWQCB.

## 9.6 Erosion and Sedimentation

Commenters have asserted that the DEIR does not provide adequate baseline information on existing erosion and sedimentation, and the environmental conditions that would be conducive to erosion and sedimentation. In their view, the DEIR should identify by map those areas that would be subject to erosion and sedimentation as a result of development pursuant to the 2007 General Plan.

The DEIR discloses the erosion and sedimentation baseline qualitatively by describing the sources of erosion and sedimentation, the location of erosion hazards (Exhibit 4.4-5), affected resources (e.g. biological resources and other beneficial use of water), the regulatory environment, including streams impaired by sedimentation, and existing regulatory programs (e.g. the Agricultural Waiver Program). As a Programmatic EIR (see Master Response 10), qualitative disclosure on a landscape basis is appropriate. For the impact analysis, the EIR includes implementation of Policy OS.3-9, which requires a program to assess and address cumulative impacts of agricultural conversions of uncultivated areas, including erosion and sedimentation. This policy has been revised to require adoption of the program within five years. Along with all the other relevant General Plan policies, this is considered an adequate level of analysis for a Programmatic EIR concerning this issue.

Erosion and sedimentation are discussed in Impact WR-1 (nonpoint source pollutants), WR-2 (construction-related erosion and sedimentation), and WR-3 (sediment and nutrients from agricultural and resource development), beginning on page 4.3-90 of the DEIR. In addition, Table 4.3-8 identifies those rivers and streams that are listed as "impaired water bodies" because of excess levels of sediment (the discussion under Section 6, *Impaired Water Bodies*, of this master response goes into more detail about the Central Coast RWQCB's recent update to the list of impaired water bodies). Section 4.4.2.4 of the DEIR (beginning on page 4.4-14) discusses erosion hazards and Exhibit 4.4.5 provides a gross overview of soil erosion potential. These describe, on a qualitative basis, the baseline conditions within the County. The DEIR concludes that existing regulations at the County and state/regional level, in conjunction with the proposed policies of the 2007 General Plan will avoid any significant impact.

The 2007 General Plan establishes policies for future development within the inland unincorporated area of the County. More specific information is not necessary in order to understand the baseline conditions regarding erosion and sedimentation. Soil and slope information, although useful for the design of site-specific development projects in order to avoid erosion, is not conclusive evidence that new development or a change in the land use at a particular site would lead to an increase in erosion and related sedimentation. The potential for erosion and sedimentation depends on the type of future land use, how it is designed and implemented, and the regulations or development standards that apply to it. Exhibit 4.4-5 shows the areas of erosion hazards in the County, and Exhibit 3-2 shows the land use designations.

As discussed in the DEIR, beginning on page 4.3-77, Monterey County has a number of existing ordinances that specifically regulate grading, erosion control, development in floodplains, and subdivisions for the purpose of avoiding erosion and related sedimentation. These ordinances apply to all new development. Agricultural lands are subject to the Central Coast RWQCB's Conditional Waiver for Irrigated Agriculture (discussed on page 4.3-59) that restricts, among other things, runoff, erosion, and the release of sediments. Agricultural land is also subject to Section 21.66.030 of the County zoning ordinance that requires approval of an agricultural management plan for new or expanded agricultural uses (this plan must include a soils analysis and provisions for erosion control).

To further ensure that new development under the 2007 General Plan does not result in erosion and sedimentation, the Update includes a number of policies that will directly limit those effects. As discussed under Impacts WR-1 (beginning on page 4.3-90), WR-2 (beginning on page 4.3-99), and WR-3 (beginning on page 4.3-107) in the DEIR, these include Policies OS-3.1 through OS-3.9, and Policy S-3-7. Further, Policy S-1.7 requires the development of a geologic constraints and hazards database in the County's GIS, which will assist in the application and implementation of project-specific development standards on erosive and/or steep soils. In these Impact discussions, the DEIR also details those Area Plan policies being proposed as part of the 2007 General Plan that will similarly provide standards for the avoidance of erosion and sedimentation.

See Master Response 8, Section 8.5.4 for a discussion of the impacts of ministerial development on existing lots of record. Section 8.5.5 of Master Response 8 examines the issue of potential for the conversion of uncultivated slopes to agriculture and the resultant

potential for impact. The potential for conversion is substantially less than asserted by commenters and, as discussed above, conversion would be subject to a number of regulations and policies that will limit the potential for erosion and sedimentation.

In conclusion, the information in the DEIR, as expanded by the updated list of impaired water bodies, provides sufficient information about existing erosion and sedimentation for informed decisionmaking at the General Plan level. See also Master Response 10 for a discussion of the level of detail expected of a General Plan EIR.

## 9.7 Impaired Water Bodies

Commenters have asked whether the list of Total Maximum Daily Loads (TMDLs) in the DEIR is current, and have expressed doubt about the efficacy of the TMDL program. As discussed in DEIR, beginning on page 4.3-53, many of the rivers and streams in Monterey County are listed as "impaired water bodies" by the SWRCB under the Section 303(d) program. The DEIR lists impaired water bodies in Table 4.3-8 on page 4.3-54. Federal law requires the Central Coast RWQCB to establish TMDLs that include programs for removing the impairments as part of the RWQCB's Basin Plan.

At its July 10, 2009 meeting, the Central Coast RWQCB adopted a revised 303(d) list of impaired water bodies for the Central Coast region. Using the 2006 List of Impaired Water Bodies as a starting point, Central Coast RWQCB staff assessed data and information for water bodies using a "weight of evidence" approach to evaluate whether the evidence supported adding or removing waters from the list. At the same time, the staff re-evaluated the 2006 listings.

The total number of listings of water bodies and their impairing pollutants within the Central Coast region increased from 222 to 705 (a single water body may have several entries, depending upon the number of pollutants present). At the same time, 48 water body pollutants were removed from the prior list. (Central Coast RWQCB 2009a) The total number of TMDLs to be prepared has been increased. No additional TMDLs have been completed since release of the DEIR.

The updated list of impaired water bodies supplements the DEIR water quality analysis, but does not constitute new information showing new or worsened water quality impacts of the General Plan. The *Clean Water Act Sections 305(b) and 303(d) Integrated Report for the Central Coast Region* explains that the increased number of listed water bodies does not mean that water quality has become dramatically degraded since the 2006 list was prepared:

> "The number of proposed new listings is likely not indicative of temporal trends in the overall water quality, since many of these waterbodies and pollutants have never been assessed before, and many of the newly identified water quality standards exceedances have likely been occurring for some time before being identified. Formal identification of the water quality problems by placing waters on the 303(d) List of Impaired Waterbodies can be viewed as an early step in bringing waters into attainment of standards through watershed restoration efforts and the Water Boards' programs." (Central Coast RWQCB 2009b.)

Revised Table 4.3-8 summarizes the updated list for Monterey County (including the Pajaro River that forms the boundary with Santa Cruz County). See Chapter 4 of this FEIR for the revised table.

The Central Coast RWQCB and SWRCB are mandated to complete TMDLs for those listed water bodies that currently lack them between 2013 and 2021, as shown above. Therefore, these TMDLs are expected to be in force before the 2030 planning horizon of the General Plan and certainly prior to the projected buildout in 2092. Accordingly, it is reasonable to rely upon the anticipated TMDLs as programs that will reduce the water quality impacts of the General Plan update that would otherwise occur in their absence. Therefore, the expanded list of impaired water bodies, and associated new TMDLs, provide further water quality protections during General Plan implementation; it is not evidence of new or substantially worsened water quality impacts.

## 9.8 Impacts on Monterey Bay Water Quality

Commenters assert that the DEIR does not sufficiently analyze impacts of General Plan implementation on Monterey Bay water quality.

Two of the main river systems of Monterey County – Pajaro and Salinas – feed into Monterey Bay, as do all of the streams north of Pacific Grove to the County line. As a result, the analysis of impacts on Monterey Bay are part of the larger analysis of runoff under Impact WR-1 (non-point source pollution from urban runoff -- beginning on page 4.3-90), Impact WR-2 (construction impacts -- beginning on page 4.3-99), and Impact WR-3 (sediment and nutrients from resource uses—beginning on page 4.3-107). Maintaining and improving the water quality of Monterey Bay is an important concern. As described previously in this Master Response and in DEIR Section 4.3, there are numerous programs either in place or under development for the purpose of reducing the release of pollutants to surface waters that could reach Monterey Bay. These include, but are not limited to, the Central Coast RWQCB's conditional agricultural waiver program, the TMDL program of the Central Coast RWQCB's Basin Plan; the Basin Plan itself; the MRSWMP that comprises the NPDES Phase II small MS4 program for Monterey County; Monterey County's erosion control and grading ordinances (as referenced above); and the water quality related provisions of Title 15, *Public Services*, of the Monterey County Code.

In addition, the DEIR concluded that the following proposed General Plan policies under Goal OS-3 (Prevent Soil Erosion to Conserve Soils and Enhance Water Quality) and Goal OS-4 (Protect and Conserve the Quality of Coastal, Marine, and River Environments, as Applied in Areas not in the Coastal Zone), as well as Mitigation Measure BIO-2.1 (adopt stream setback ordinance) would assure that surface water quality impacts, including impacts on Monterey Bay, during General Plan implementation would be less than significant.

Specifically:

- Policies OS-3.1 through OS-3.4 work to reduce erosion and sedimentation through the application of best management practices for new development.

- Policy OS-3.5, as revised, will require erosion control measures to be included in discretionary permits for conversion of uncultivated lands to agriculture on slopes in excess of 25%.
- Policy OS-3.9, as revised, will require the County to develop a program to avoid or minimize water quality impacts from the conversion of hillside rangeland areas to cultivated croplands.
- Policy OS-4.2 directs the County to ensure that direct and indirect discharge into marine waters, rivers or streams shall not exceed state or federal standards.
- Policy OS-4.3 requires the County to protect, maintain, and preserve estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State designated Areas of Special Biological Significance (ASBS) in accordance with state and federal water quality regulations.
- Policy OS-4.4 encourages the development of marine-related industries that will not degrade the ocean environment or upset the natural balance of native plant and animal communities.
- Mitigation Measure BIO-2.1, as revised, will require establishment of a stream setback ordinance that will explicitly "reduce sediment and other water quality impacts of new development."

With these policies and mitigation measure applied to inland (upstream) areas, the County is improving water quality before it gets to the coastal zone boundary. Therefore, because surface water quality will not be significantly affected by the General Plan Update, the impacts on Monterey Bay water quality from surface waters entering the Bay during General Plan implementation would also be less than significant.

# Master Response 10: Level of Detail for the General Plan and the General Plan's EIR

Comments have suggested that the General Plan and the Program EIR prepared for the 2007 Monterey County General Plan should have provided additional information and a greater level of detail and specificity.

## 10.1 General Plan Requirements

As discussed in DEIR Sections 1.1 and 3.1, the DEIR was prepared to evaluate and disclose the significant environmental impacts associated with implementation of the proposed 2007 Monterey County General Plan (2007 General Plan). The General Plan is a long term comprehensive plan for the physical development of the County. (See Gov. Code § 65300.) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals. (See Gov. Code § 65302.) These policies and objectives are then implemented through various other actions, such as specific plans and zoning which are more detailed and specific. (See Gov. Code §§ 65359, 65400, 65455, and 65860.)

As discussed in the Government Code, the Legislature recognized that the level of detail in the General Plan will vary. "The Legislature recognizes that the capacity of the California cities and counties to respond to state planning laws varies due to the legal differences between cities and counties, both charter and general law, and to differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs…recognizing that each city and county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes. (See Gov. Code § 65300.9; see also Gov. Code § 65301(c).) As further discussed in the Governor's Office of Planning and Research (OPR) General Plan Guidelines, "given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change." (Office of Planning and Research 2003, page 14)

## 10.2 CEQA Requirements: Program EIR versus Project EIR

As discussed in DEIR Sections 2.1.1 and 2.1.2, the County prepared a "program EIR," also referred to as a "first tier" document. CEQA authorizes the preparation of a "program EIR" when the project at hand consists of a program, regulation, or series of related actions that can be characterized as one large project. Typically, such a project involves actions that are closely related either geographically or temporally. Program EIRs are typically prepared for general plans, specific plans, and regulatory programs. Generally

speaking, program EIRs analyze broad environmental effects of the program with the acknowledgment that site-specific environmental review will be required when future development projects are proposed under the approved regulatory program. (CEQA Guidelines § 15168) As discussed by the California Supreme Court "it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the general plan or program, leaving project-level details to subsequent EIR's when specific projects are being considered." (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143) While development, in general is foreseeable under the General Plan, development at any particular parcel is largely speculative. (See *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351.)

In contrast, a "project EIR" analyzes the environmental impacts of a specific development project. The CEQA Guidelines advise that "this type of EIR should focus primarily on the changes in the environment that would result from the development project." (CEQA Guidelines § 15161.) The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan…because the effects of the construction can be predicted with greater accuracy." (CEQA Guidelines § 15146.)

## 10.3 CEQA Requirements: Level of Detail

As discussed under CEQA Guidelines Section 15204(a), "reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors." (See also CEQA Guidelines Section 15151) The CEQA Guidelines define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors. (CEQA Guidelines Section 15364) Furthermore, the Supreme Court has acknowledged that "[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study [] might be helpful does not make it necessary." (*Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California* (1988) 47 Cal.3d 376, 415.)

Similarly, the CEQA Guidelines also provide that "[t]he description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." (CEQA Guidelines Section 15125(a); see also CEQA Guidelines Section 15124(a))

While the County strives to provide as much quantitative detail as possible, not all impacts can be analyzed quantitatively. For example, see DEIR aesthetics analysis in Section 4.14, and buildout methodology discussion in Sections 2.5 and 3.3.1.2. Qualitative analysis is consistent with CEQA; as discussed in CEQA Guidelines Section

15064.7, "Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of the environmental effects. A threshold of significance is a quantitative, *qualitative* or performance level of a particular environmental effect, non-compliance with which means the effects will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (Emphasis added.)

## 10.4 Monterey County 2007 General Plan and EIR

The EIR prepared for the 2007 General Plan for Monterey County is a program EIR. The 2007 General Plan is a broad statement of policies. As such, this EIR "need not be as detailed as an EIR on … specific construction projects" (CEQA Guidelines Section 15146). Further actions or procedures necessary to implementing the 2007 General Plan will include the processing of zoning plans, specific plans, tentative tract maps, site design plans, building permits, and/or grading permits.

As discussed above, the level of detail in the General Plan and the EIR is commensurate with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (Government Code Sections 65300.9 and 65301(c); see also CEQA Guidelines Sections 15143, 15146, 15151, 15204.) All of these factors have played a role in the level of detail provided in the General Plan and the EIR. In particular, the geographic scope of the General Plan has played a substantial role. The Monterey County General Plan contains an area of 2,925 square miles (not including the Coastal Zone), with a horizon year of 2030, and includes a wide variety of ecosystems and land uses, including well-established urban, suburban, and rural communities of varying sizes and development intensity. The County has an extensive array of agricultural lands, lands devoted to mineral extraction, and recreational areas. There are mountains, valley areas, and expansive natural open spaces. In addition, the County contains large areas of Federal and State lands and 12 incorporated cities that are not under the land use authority of the County. The analysis in a General Plan and a program EIR for a county this size is not intended to be site-specific nor specific to a particular development project, but is a broader analysis consistent with the Government Code and CEQA requirements.

## 10.5 Monterey County 2007 General Plan Mitigation Measures and Policies

Some commenters have suggested that the mitigation measures and policies in the DEIR improperly defer mitigation of some impacts and suggest that these mitigation measures and policies should be more specific. Commenters also contend that some policies and mitigation measures are infeasible, unenforceable, unlikely to be carried out, unlikely to be successful, or lack a time frame for implementation.

The proposed 2007 General Plan is a policy document to provide a long term, comprehensive plan for the physical development of the County. It generally describes the type, intensity, and location of development that may occur within the County, and provides policies that will guide the design and provide basic standards for that development. The General Plan itself is not a regulatory act. The General Plan's goals and policies will be realized through the laws and regulations of other agencies, County regulatory ordinances and future County decisions on specific development projects. As discussed in the OPR Guidelines, the General Plan should "be general enough to allow a degree of flexibility in decision-making as times change."

Mitigation Measures are components of the DEIR and are subject to the same requirements regarding their level of detail. (See CEQA Guidelines Section 15126.4; see also CEQA Guidelines Sections 15143, 15146, 15151, 15204) As discussed above, a program EIR is not expected to analyze site-specific impacts. The 2007 General Plan consists of goals and policies that will guide future development decisions. It does not, for the most part, include site-specific development proposals. General Plan policies and mitigation measures should be consistent with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (Government Code Sections 65300.9 and 65301(c); CEQA Guidelines Sections 15143, 15146, 15151, and 15204) It is important for General Plan policies and mitigation measures, which cover such a large and diverse area, to be flexible enough to accommodate the individual environmental and planning needs of each area of the County. Accordingly, this EIR analyzes goals, policies, and mitigation measures at a programmatic level. An attempt to examine impacts on a site-specific basis and to provide mitigation measures for those project level impacts would be speculative given the lack of information about future site-specific development.

While the County strives to provide as much detail as possible in the mitigation measures and policies, some flexibility must be maintained to provide a General Plan capable of covering 2,925 square miles. As also discussed by the Court of Appeal, "a first-tier EIR may contain generalized mitigation criteria and policy-level alternatives." (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29.) CEQA case law has also held that deferral of the specifics of mitigation is permissible where the lead agency commits itself to mitigation and, in the mitigation measure, either describes performance standards to be met in future mitigation or provides a menu of alternative mitigation measures to be selected from in the future. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4$^{th}$ 603 [the details of exactly how the required mitigation and its performance standards will be achieved can be deferred pending completion of a future study]; *Endangered Habitats League Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793 [deferred mitigation acceptable when performance standards are included]; see also, *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448-1450 [a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project's impacts]; *Sacramento Old City Assn. v. City Council of Sacramento*, *supra*, 229 Cal.App.3d at p. 1028-1029 [deferral of agency's selection among several alternatives based on performance criteria was appropriate]) Furthermore, the Government Code and other statutory and regulatory requirements provide mechanisms to implement the goals and policies of the General Plan and to

ensure future projects will be consistent with the General Plan. (See Government Code Sections 65359, 65400, 65455, and 65860.)

In keeping with the general nature of a program EIR's impact analysis, the mitigation measures identified in the DEIR for the 2007General Plan are less specific than those that would typically be a part of a project EIR. This is consistent with CEQA Guidelines Section 15126.4, subsection (a)(1)(B), which provides that "[w]hen several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

The County has committed to mitigation by including mitigating policies in its General Plan and by the adoption of specific mitigation measures to supplement those policies. There are many examples where General Plan policies and mitigation incorporate specific performance standards. Master Response 4, *Water Supply*, describes the ways in which many of the General Plan's water supply policies will be implemented (e.g. Policies PS.3-17, PS.3-18), and which include specific performance measures for implementation. In addition, Mitigation Measure BIO-2.2 calls for a ratio for mitigation of oak woodland losses; and Policy OS.10-11 (as modified by Mitigation Measure CC-1a) calls for a reduction in greenhouse gases by 15% below 2005 levels by 2020. Further, with regards to policies related to zoning ordinance amendments, Government Code Section 65860 requires the zoning ordinance to be consistent with the General Plan and when the General Plan is amended, "the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended."

The ability of the County to implement or maintain mitigation measures in the future is subject to the vagaries of the budget process. The County operates on a single fiscal year budget basis, and cannot contract for debts or liabilities beyond a fiscal year. (Government Code section 25256.) Counties depend heavily upon property tax revenue, which in turn are dependant upon the state of the general economy and real estate market. The County's ability to raise revenue through the imposition of new or increase in taxes and fees is dependent upon a vote of the electorate. (California Constitution, Articles XIIIC and XIIID.) The County is also dependant in its budget on subventions from the state, which in any given year may be reduced or eliminated. (*See generally*, Title 2, Division 4 of the Government Code.) Thus, while the County is committed through the adoption of the General Plan and the certification of the FEIR to policy implementation and mitigation measures, the County cannot guarantee that in any fiscal year sufficient funds will be available for activities not funded through existing taxes and fees.

## 10.6 Fee Based Mitigation

Some commenters have questioned the adequacy of the fee-based mitigation measures in the DEIR and General Plan policies. Under CEQA, paying a fee is permissible as effective mitigation if the fees are "part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; *Save Our Peninsula Comm. v. Monterey*

*County Board of Supervisors* (2001) 81 Cal.App.4th 99, 141.) The fee-based mitigation mechanisms in the DEIR and General Plan are legal and environmentally sufficient mitigation as part of a comprehensive mitigation strategy and are reasonably expected to mitigate project impacts.

The following proposed General Plan Policies include fee-based mechanisms: Open Space Policy OS-5.17; Circulation Policies C-1.2, C-1.8 and C-1.11; Public Services Policies PS-1.1, PS-1.4, PS-7.8 and PS-11.9; Safety Policies S-5.11 and S-6.3; and Agriculture Policy AG-1.12. Additionally, Mitigation Measures TRAN-2B, BIO-1.2, BIO-1.5 and BIO-2.2 include payment of fees as one component of the comprehensive mitigation strategy to reduce impacts TRAN-2B, BIO-1 and BIO-2, respectively. The fee component of these policies and mitigation measures is part of a reasonable strategy to address the impacts of the proposed General Plan Update. In no case does the EIR rely solely on any of these fee-based mechanisms to presumptively establish full mitigation of an impact. See the response to comment O-21k.3 for additional information on the role of fee-based mitigation within the broader strategies proposed for mitigation of impacts.

With respect the fee-based mechanisms included in the General Plan's Circulation Element, the EIR recognizes that even with adoption and implementation of the County Capital Improvement and Financing Plan (CIFP) and Traffic Impact Fee (TIF) (Policies C-1.2 and C-1.8) and the TAMC Regional Traffic Impact Fee (Policy C-1.11) the proposed 2007 General Plan will have a significant and unavoidable impact on County roads and Regional roads both within and external to Monterey County. (DEIR, p. 4.6-45.) This conclusion is not applicable to direct impacts (Impact TRAN-1A) or cumulative impacts from new development projects (Impact TRAN-2A), i.e., localized on-site or off-site impacts to roadways necessary for access to the project, because all new development will be required to concurrently construct circulation improvements that mitigate such impacts pursuant to proposed Policy C-1.4, or pay "fair-share" fee for cumulative impacts until the countywide fee program is adopted.

Once adopted, all impact fee programs will be fully enforceable as policies under the 2007 General Plan and through implementing ordinances. (Public Resources Code Section 21081.6(b); CEQA Guidelines § 15126.4(a)(2)) The County is currently preparing a countywide nexus study for establishing the Countywide traffic impact mitigation fee. (DEIR Section 4.6.3.5) The CIFP, the County TIF, and the Regional TIF will be developed and adopted within 18 months of the adoption of the General plan. (2007 General Plan Policies C-1.2, C-1.8, C-1.11.)

The County is not required to guarantee potential outside funding sources described in the General Plan and EIR and may conclude the impact will remain significant and unavoidable if implementation of the mitigation plan is not reasonably certain. (See *Federation of Hillsides v. City of Los Angeles* (2004) 126 Cal.App.3d 1180.) The County has developed a list of known, proposed traffic improvements to be funded by a Countywide Traffic Impact Fee Program, as described in DEIR Section 4.6.3.5 (see Table 4.6-13) and General Plan Policy C-1.8. In addition, TAMC has adopted a list of capital improvements to be funded by their Regional Traffic Impact Fee. (DEIR Section 4.6.3.5, Table 4.6-12.) These fee programs will fund significant improvements to County and Regional roadway segments beyond existing conditions. However, despite these development contributions to project-specific local impacts (through project-level

mitigation), county impacts (through countywide traffic impact fee), and regional impacts (through regional traffic impact fee), there will not be sufficient funding to cover all the transportation improvements necessary to mitigate impacts to less than significant. (DEIR Section 4.6.3.5.) Therefore, the DEIR concludes that traffic impacts to County and regional roadways will remain significant and unavoidable. Please see Master Response 6, *Traffic Mitigation*, for further discussion of traffic mitigation measures.

# 10.7 General Response – Relying on Compliance with Federal, State, and Local Regulations to Reduce or Avoid Impacts

Monterey County's General Plan does not stand alone from a regulatory or statutory perspective. Development within the County, contemplated under the General Plan, must comply with other federal, state, and local regulatory and statutory requirements. These will shape the way development occurs within the County, in addition to the General Plan.

Furthermore, case law has supported the use of regulatory requirements to avoid significant impacts. (See *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 913, 914 [discussing compliance with Safe School Plan requirements under Education Code Sections 32282 *et seq.* to help avoid hazardous material impacts]; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 ["compliance [with environmental regulations] would indeed avoid significant environmental effects"]; see also CEQA Guidelines Sections 15002(h)(3), 15064(h)(3), and 15130(c.).) The County is entitled to rely on existing County land use and environmental regulations to determine that an impact subject to these regulations is less than significant. A lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations (*Communities for a Better Environment v. Resources Agency* (2002, 103 Cal. App. 4th 98, 111).

General Plan policies do not modify many of the ordinances and regulations referenced in the DEIR. Where the General Plan modifies ordinances and regulations (typically strengthening them), the DEIR analyzes the associated impacts. For example, the General Plan Policy OS.5-23 calls for a regulatory program to account for the loss of oak woodlands, which would modify and strengthen Chapter 16.60 of the Municipal Code. The DEIR analyzed the impact of this program in Section 4.9, *Biological Resources* (Page 4.9-86). In addition, Mitigation Measure BIO-2.1 (see also General Plan Policy OS.5-22) calls for the adoption of a stream setback ordinance which would strengthen County Code sections such as 16.12.050 and 16.12.070.

It is not possible or necessary to identify potential post-GPU5 language in the County Code. Whether future proposed changes in the General Plan or specific ordinances could have significant environmental effects is speculative and the details of such changes are unknown at this time. Additionally, many of the regulations relied upon in the EIR impact analyses are not modified by proposed General Plan policies; impacts of those regulations that would be modified (and typically strengthened) by General Plan policies

are analyzed in the DEIR. – in any case, any such specific changes would require separate CEQA review.

# Master Response 11: Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources

Several comments asked for clarification regarding the relationship between the Local Coastal Program (LCP) and the General Plan Update (GPU5). Comments also asked for a further explanation of impacts to coastal areas as a result of the GPU5.

The master response addresses the following topics:

11.1. Format of the General Plan

11.2. Relationship Between GPU5 and the Local Coastal Land Use Plans

- 11.2.1 The Local Coastal Program
- 11.2.2 Castroville Community Plan

11.3. Clarifications to the Text of GPU5 and the DEIR

- 11.3.1 Clarifications of GPU5
- 11.3.2 Clarifications of the DEIR

11.4. GPU5 Impacts on Coastal Areas

## 11.1 Format of the General Plan

State Planning Law (Government Code Section 65100, et seq.) requires Monterey County to adopt a "comprehensive, long-term general plan for the physical development of the county." (Government Code Section 65300) The general plan must include all lands under county jurisdiction, as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (Government Code Section 65300). The general plan must "comprise an integrated, internally consistent and compatible statement of policies for the adopting agency" (Government Code Section 65300.5)

State Planning Law provides that "the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this [law] in ways that accommodate local conditions and circumstances, while meeting its minimum requirements." (Government Code Section 65300.7) Accordingly, a general plan "may be adopted in any format deemed appropriate or convenient by the legislative body, including the combining of elements." (Government Code Section 65301(a)) The general plan may be adopted as "a group of documents relating to subjects or geographic segments of the planning area." (Government Code section 65301(b))

The California Coastal Act (Public Resources Code Section 30000, et seq.) establishes additional requirements for planning and land use regulations within the Coastal Zone. The California Coastal Commission regulates land use within the Coastal Zone until a

county (or city) adopts a Local Coastal Program (LCP) that reflects the requirements of the Coastal Act and that LCP has been certified by the Commission. Monterey County has adopted and the Coastal Commission has certified four coastal land use plans and related implementation plans that make up the County's Commission-certified LCP. The County's LCP consists of the following Land Use Plans and implementing regulations: the North County Land Use Plan, the Del Monte Forest Land Use Plan, the Carmel Land Use Plan, the Big Sur Coast Land Use Plan and the Monterey County Coastal Implementation Plan (Parts 1 through 6, including Title 20 of the Monterey County Code). See the DEIR at sections 3.4.7 (beginning on page 3-41) and 4.1.2.2 (beginning on page 4.1-3) for discussions of the LCP and coastal planning.

## 11.2 Relationship Between GPU5 and the Coastal Land Use Plans

Some commenters assert that GPU5 will require changes to the LCP and that therefore the DEIR must analyze the impacts of the known or foreseeable LCP changes.

### 11.2.1 The Local Coastal Program

As stated in the draft General Plan itself and the DEIR, the proposed GPU5 does not amend and is not intended to amend the existing Monterey County Local Coastal Program (See GPU5, Introduction, pages vi and viii; DEIR at sections 3.4.7 (beginning on page 3-41) and 4.1.2.2 (beginning on page 4.1-3).) If the LCP were to be amended, proposed amendments to the LCP would need to undergo their own review in accordance with procedures established by law, including appropriate environmental review, noticed public hearings, separate action by the County Board of Supervisors, and submission of major LCP amendments to the Coastal Commission for certification. (Amendments designated as minor or de minimis by the Executive Director of the Coastal Commission are subject to expedited procedures at the Coastal Commission, per Public Resources Code section 30514 and California Code of Regulations, Title 14, section 13554, 13555.)

The LCP does not need to be amended to achieve internal consistency of the general plan. The LCP must be consistent with the General Plan and will meet that requirement as long as it "furthers the objectives and policies of the general plan." (Government Code, § 65300.5; Governor's Office of Planning and Research, 2003 State General Plan Guidelines, pg. 164) Policies in the two plans need not be identical in order to be consistent. Differences in policy in the inland and coastal areas are based on the unique state policies and planning considerations affecting the coastal zone. As set forth in the Coastal Act, the "California coastal zone is a distinct and valuable natural resource." (Public Resources Code section 30001(a).) The Coastal Act establishes standards to protect coastal resources and requires unique procedures for adoption and amendment of the LCP. (Public Resources Code sections 30000, et seq.) As the courts have recognized, the LCP is "not solely a matter of local law, but embod[ies] state policy. (*Charles A. Pratt Construction Co., Inc. v. California Coastal Commission* (2008) 162 Cal. App. 4th 1068, 1075) Local government authority in the coastal zone is an authority delegated by the California Coastal Commission, and the Coastal Commission "has the

ultimate authority to ensure that coastal development conforms to the policies embodied in the state act." (*Ibid.*) Good reason exists for different policies to apply in the coastal zone, as compared to the inland area.

As explained above, the fact that the policies and land use classifications in GPU5 and a coastal LUP are not identical does not mean that they are in conflict or that the GPU5 will automatically require changes to the LCP. The existing coastal LUPs establish more specific policies and coastal land use designations that have been developed to meet the standards of the California Coastal Act and the Coastal Commission. Additionally, the LUPs may include policies related to the Coastal Act requirements, such as shoreline access, that do not have a policy counterpart in the General Plan itself. The LCP also relies on portions of the 1982 General Plan, in particular policies (such as noise policies) that are not otherwise addressed in the LCP because they are not required by the Coastal Act. To the extent the LCP relies on the 1982 General Plan, the GPU5 adoption is not intended to change that reliance. LCP would remain tied to the 1982 General Plan and the 1982 General Plan would remain in effect in the coastal zone until the LCP is amended. This approach, with clearly delineated coastal and inland plans, is authorized by Government Code Section 65301, which allows the county to adopt a general plan in the format it deems appropriate, including having separate documents for different geographic segments of the county. For the reasons just described, these differences do not mean that adoption of GPU5 will of necessity require changes to the LCP.

The Housing Element is a mandatory element of the General Plan. Although it is an element that applies countywide, it is not part of the County's Local Coastal Program, and it is not proposed to be amended as part of this General Plan update.

Because GPU5 does not amend the LCP directly or result in known or foreseeable LCP amendments, CEQA does not require the GPU5 DEIR to analyze the environmental impacts of LCP amendments that are not being proposed. (CEQA Guidelines § 15064 (d) [stating that the lead agency need only consider direct physical changes in the environment and reasonably foreseeable indirect physical changes that may be caused by the project])

## 11.2.2 Castroville Community Plan

Based on the comments received, it is apparent that the policy related to the Castroville Community area has caused confusion about the relationship of GPU5 to the LCP. The County recommends a clarification to the text of GPU5, as explained below, to eliminate any ambiguity.

GPU5 designates the inland unincorporated area of Castroville as a Community Area. Policy LU 2.22.b. contains a sentence intended to acknowledge that the GPU does not change the coastal portion of Castroville, providing: "To the extent that the Castroville Community Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Local Coastal Program certified by the California Coastal Commission as part of the Community Plan process." This sentence was informational only, meant to convey that any change to the portion of the Castroville Community Area in the coastal zone would require actions separate from and in addition to adoption of the

GPU. It accurately reflects the facts concerning adoption of the Castroville Community Plan.

When the County Board of Supervisors adopted the Castroville Community Plan, the Board distinguished between the inland and coastal areas of Castroville. The Board amended the 1982 General Plan and the inland North County Area Plan to incorporate the Castroville Community Plan, as applicable in the inland area of the County. (County Board of Supervisors' Resolution No. 07-102, dated April 10, 2007) The Board took a separate action on the Castroville Community Plan as applied in the coastal zone. The Board adopted a resolution of intent to amend the North County Land Use Plan of the Local Coastal Program to incorporate the Castroville Community Plan, as applicable to the coastal areas, and directed staff to submit the proposed amendment to the Coastal Commission for certification. (County Board of Supervisors' Resolution No. 07-103, dated April 10, 2007)

Because the informational sentence may have created an ambiguity, the County recommends that the above-quoted sentence in LU 2.22 be deleted and replaced with a notation that only the inland portion of Castroville is part of the Community Area. With these changes Policy LU 2.22.b will read as follows:

> b. Castroville (*Figure CA2*) -- (as applicable to the inland area of the County) ~~To the extent that the Castroville Community Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Local Coastal Program certified by the California Coastal Commission as part of the Community Plan process.~~

For the same reason, notes have been added to Figures 4, CA2, LU7, and LU8 of GPU5 clarifying that the General Plan applies only to the Castroville Community Area in the inland unincorporated area of the County, and the proposed coastal portion of the Castroville Community Area is depicted for information only. See Chapter 5 of the FEIR for the text of the General Plan.

The EIR for GPU5 is also not required to analyze the impacts of the LCP amendment for the Castroville Community Plan for several reasons. Concurrent or future actions are required to be analyzed in an EIR only if the action is a reasonably foreseeable consequence of the initial project and the action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) The LCP amendment for the Castroville Community Area is not a foreseeable consequence of adoption of GPU5. The Castroville Community Plan was already subject to its own environmental review (Board of Supervisors' Resolution No. 07-101 certifying the FEIR for the Castroville Community Plan, dated April 10, 2007). When adopting the Castroville Community Plan, the Board found that the Castroville Community Plan could be adopted and implemented in the inland area separate from adoption of the Community Plan as applicable in the coastal zone. (Board of Supervisors' Resolution No. 07-102, finding 3) The LCP amendment has not been adopted by the Coastal Commission. The County submitted the amendment to the Coastal Commission for certification, but County withdrew the proposed amendment prior to the Commission's March 12, 2009 hearing. (California Coastal Commission 2009) Future adoption of the proposed amendment is uncertain. An EIR is not required to address uncertain or speculative

future activities. (CEQA Guidelines § 15064(d)(3)) For all these reasons, the proposed 2007 LCP amendment to incorporate the Castroville Community Plan into the LCP is not a known or foreseeable consequence of the adoption of GPU5, and the DEIR was not required by CEQA to analyze it.

# 11.3 Clarifications to the Text of GPU5 and the DEIR

Commenters have also pointed to certain phrases in the text of the DEIR and GPU5 which could create ambiguity as to whether the GPU5 will require changes to the LCP. This section describes the clarifications that will be made to make clear that GPU5 applies only to the inland unincorporated area of the County.

## 11.3.1 Clarifications of GPU5

Policy S-6.5 should be revised to omit the word "countywide." As revised, Policy S-6.5 would read as follows:

> S-6.5 ~~Countywide s~~Service level goals for fire and ambulance/emergency service are:
>
> a. 8 minutes or less, 90% of the time in urban areas (Community Areas);
>
> b. 12 minutes or less, 90% of the time in suburban areas (Rural Centers);
>
> c. 45 minutes or less, 90% of the time in rural areas (Areas outside designated Community Areas or Rural Centers). (See *Policy S-5.11*)

The deletion of the word "countywide" does not affect the impact analysis in the DEIR because the policy is meant to apply in the inland areas of the County. The Castroville Community Area policy (Policy LU -2.22.b) and figures showing the Castroville Community Area will also be clarified as discussed above.

## 11.3.2 Clarifications of the DEIR

To clear up any ambiguity regarding the independence of the GPU5 and the LCP, any text of the DEIR or proposed mitigation that is characterized as applying "countywide" should be understood to mean the "inland unincorporated" area of the county. As comprehensive a list as possible of these changes is in Chapter 4, *Text Changes to the DEIR*.

# 11.4 GPU5 Impacts to Coastal Areas

Although GPU5 does not propose any changes or amendments to the LCP, the reasonably foreseeable indirect impacts of inland development upon the coastal zone are analyzed in the DEIR in the discussions of water resources, transportation, air quality, noise, and biology in Sections 4.3, 4.6, 4.7, 4.8, and 4.9 of the DEIR, respectively. For example:

- The water resources analysis has a countywide scope because water supply and quality issues are countywide issues, with solutions being pursued in both the coastal and inland regions. Further, the major Salinas River and Pajaro River groundwater basins are located within both the coastal and inland areas. In addition to the North County and Salinas Valley, the analysis includes extensive discussions of water resources in the coastal regions, with emphasis on the Monterey area. (DEIR, Section 4.3.2.)
- Transportation is examined on a countywide basis because the AMBAG traffic model on which the analysis is based evaluates a road system that forms a network linking both coastal and inland areas. Traffic patterns cross the coastal/inland boundary regularly. (DEIR Section 4.6.)
- The air quality analysis is based on an examination of potential impacts of development under GPU5 on the North Central Coast Air Basin, which includes both the coastal and inland areas of Monterey County. (DEIR, Section 4.7.2.) In addition, it is based on the results of the traffic modeling, which has a countywide context. (DEIR, Section 4.7.4.2.)
- The noise analysis is based, in large part, on the noise levels associated with traffic. Because it uses the traffic data from the countywide traffic model, it also has a countywide context. In addition, the noise analysis examined the potential noise impacts from airports in the coastal region on surrounding land uses. (DEIR, Section 4.8.)
- The biological resources analysis is largely based on habitat/vegetation types, considering those fish, wildlife, and plant species that rely on them. This is a countywide analysis that examined species and habitat/vegetation types occur in the coastal and inland regions of the county. The lists of species in Tables 4.9-4 and 4,9-5 include species that are found in the coastal region of the county. The habitat/vegetation types and historic conversions of those resources, as depicted in Exhibits 4.9.1, 4.9.5, 4.9.6, and 4.9.7, include both coastal and inland regions of the county. Certain species, such as deer and central California coast steelhead, regularly move between the regions and they were considered in the biological resources analysis. (DEIR, Section 4.9.3.)

The Monterey County General Plan establishes long-term development policy for the unincorporated inland area of the County. The analyses of impacts on both coastal and inland regions in the above referenced sections of the DEIR address potential impacts at the 2030 planning horizon and, to the extent reasonably feasible, at build out in 2092. The cumulative impact of GPU5 on the coastal zone is adequately addressed in DEIR Section 6.4.

# Master Response 12: Recirculation and Availability of References

## 12.1 Recirculation

Numerous comments contend that the DEIR must be revised and recirculated. CEQA requires an EIR to be recirculated if, following commencement of the public comment period but before certification, "significant new information" is added to the EIR. (Public Resources Code § 21092.1; Guidelines § 15088.5; *Laurel Heights Improvement Associations v. Regents of the University of California* (1993) 6 Cal. 4th 1112) The Guidelines provide that "information" includes "changes in the project or environmental setting as well as additional data or other information." )Guidelines § 15088.5) The Guidelines further provide that any such new information is not *significant* "unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." *Id.*

The CEQA Guidelines codified the decision in *Laurel Heights,* although in so doing it made some revisions to the standards the court had announced. Pursuant to the Guidelines, examples of "significant new information" include:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Guidelines further provide that "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." Finally, a decision not to recirculate must be supported by substantial evidence in the administrative record (Guidelines § 15088.5 (e)), and the more stringent "fair argument" standard is not applicable. (See *Laurel Heights, supra* at 1134-1135.)

Here, any revisions to the DEIR or to the 2007 General Plan, as more specifically discussed in the responses to comments, do not meet the criteria for recirculation as set forth in the Guidelines. Revisions to the 2007 General Plan made either in response to comments or otherwise, may lessen environmental impacts but not in a way that alters the analysis as set forth in the DEIR. Changes to the DEIR, including revisions to the

mitigation measures, information updated since the release of the DEIR, and discussion provided in response to comments, serve to clarify or amplify the analysis in the DEIR, and do not meet the criteria of the Guidelines. No new or substantially more severe impact has been identified in the FEIR. Finally, conclusory comments alleging that the DEIR is so fundamentally flawed that it requires revision and recirculation are not supported by the evidence; the number of very detailed comments by itself shows that the public had a meaningful opportunity to review and comment upon the DEIR. Among the purposes of the EIR public comment process is to allow the public entity the opportunity to consider and respond to comments on significant environmental issues in a manner that more fully provides the decision makers with the information that is at the heart of the CEQA process. Based upon the record, it cannot be said that the process hasn't worked in this instance; the decision makers (the Planning Commission and Board of Supervisors) will have more than substantial information based upon the DEIR, the comments, and the responses to comments, to make an informed decision on the General Plan.

## 12.2 Availability of References

At the time the DEIR was released for public review, the County received a number of comments regarding the availability of reference documents. Some of the comments requested to review every document referenced in the DEIR, whereas other requested to review specific reference documents. This response details the County's efforts at full compliance with CEQA regarding the availability of reference documents.

The public review period for the DEIR initially commenced on September 8, 2008, and was scheduled to conclude on November 18, 2008. Comments from members of the public, that certain of the reference documents for the DEIR were not available, began to arrive shortly after the review period began. While attempting to address the availability of the reference documents, the County extended the public comment period an indefinite time, but to conclude no earlier than December 2, 2008. The public review period ultimately ended on February 2, 2009, providing a 147-day comment period.

More specifically, several comment letters suggested that the comment period could not begin until "all documents referenced" have been made available for review in DEIR Section 11, relying upon Public Resource Code Section 21092(b)(1) and CEQA Guidelines Section 15087(c)(5). Several comments have also requested air quality modeling programs and model runs. Finally, several comments also discussed difficulty in accessing interactive websites, such as database searches.

The DEIR references 211 sources of information, including information from print and electronic mediums, including online interactive databases. During the review period, the County worked to provide specific documents to those parties with specific requests. The County revised the DEIR References Section 11 on December 5, 2008. In this revised section, the County noted in the introduction:

> The following documents listed below can be accessed in one or more of the following ways (the specific availability of each document is noted in the citations below): (a) In hard copy at the Front Counter of the Monterey County Planning

> Department, Salinas Permit Center, 168 W. Alisal St. 2nd Floor Salinas, CA 93901, (831) 755-5025, (b) On CDROM at the Front Counter. (c) On the Internet at the specified internet address noted for the citation below. The Salinas Permit Center is open Monday through Friday, from 7:30 a.m. to 5:00 p.m. For questions regarding these citations, or for assistance, please contact Carl Holm, Deputy Director, RMA-Planning at holmcp@co.monterey.ca.us or 831-755-5103.

The County also set up an internet-enabled computer at the front counter of the Planning Department, located in the Salinas Permit Center at the Monterey County Government Center, to aid parties in reviewing the DEIR and its references. Finally, the County extended the review period, including resubmitting the DEIR to the State Clearinghouse, and provided a 147 day comment period for both the public and agencies.

As discussed by the Court of Appeals, "CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive." (*See El Morro Community Ass'n v. California Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [internal quotations omitted]; see also *Fort Mojave Indian Tribe v. CA Department of Health Services* (1995) 38 Cal.App.4th 1574.) Furthermore, errors are not presumed to be prejudicial (see Public Resources Code Section 21005(b).) While several comments have suggested that CEQA Guidelines Section 15087(c)(5) mandates availability of "all documents referenced," this section must be read in context. As discussed in a leading CEQA treatise, "[t]he requirement that the EIR public review notice indicate the address where copies of the EIR and all 'referenced' documents are available has also led to some confusion. This notice requirement should be read together with 14 Cal. Code Regs. §15150(b), which requires that documents incorporated by reference in an EIR be made available for inspection. See also 14 Cal. Code Regs. §15087(c)(5). This requirement should not be interpreted to apply to documents that are cited in an EIR under 14 Cal. Code Regs. 15148, because there is no requirement that such documents be made available for public inspection." (Kostka & Zischke, Practice Under the California Environmental Quality Act, (2d ed Cal CEB, January 2010 Update), p. 472, § 9.18.)

The DEIR did not incorporate any documents by reference, but included a list of references in Section 11. The County updated its website, revised Section 11, and made available in hard copy at the County Administration Building copies of the reference materials. In addition, the County continued to offer assistance to members of the public regarding the references. Following the release of the revised Section 11, the County restarted the public comment period for the DEIR on December 16, 2008, which concluded on February 2, 2009.

A few of the comments requested that the air quality modeling programs and model runs, used to obtain certain of the data used in the DEIR, be made available. The requested model runs were provided to the requesters. Please see Response to Wolfe Comment O11-g # 57. The Emission Factors (EMFAC) model was used to calculate emission rates from motor vehicles. EMFAC2007 is the most recent version of this model and is not owned by the County. It is available, however, for download on the California Air Resources Board website at http://www.arb.ca.gov/msei/onroad/latest_version.htm. The Association of Monterey Bay Area Governments (AMBAG) model used for forecasting population is proprietary. CEQA Guidelines Section 15120(d) provides that documents defined as trade secrets under Government Code Section 6254 shall not be included in the

DEIR. It is not within the purview of the County to provide other agencies' proprietary models. Government Code Section 6254.9 (a) states that "Computer software developed by a state or local agency is not itself a public record under this chapter. . ." For that reason, the AMBAG model was not provided.

Several comments also faulted the references section, DEIR Section 11, for not providing web links with the specific information referenced in the DEIR. As noted above, the County is not required under CEQA to make all references available for review. Furthermore, in some instances the DEIR relied upon information from interactive databases and websites. Use of these websites and databases requires input of specific information on the part of the user. The County does not have control over these websites and databases and therefore did not have the ability to provide a direct web link to the specific information, therefore links to the websites which contained this information were provided.

Furthermore, several comments also stated that the review period should not begin to run until Appendix C – Traffic Data was made available on the County's website and everyone was informed of the addition to the website, because the public would not have reason to know of the availability of the Appendix. The County made the DEIR available for review online to aid the public in reviewing the document. Appendix C was made available on the County's website on September 8, 2008 at the url: http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/2007_GPU_DEIR_September_2008.htm. This revision was noted in red text as follows: "(Added September 8, 2008)." The availability of this document was also noted in several comment letters (see Open Monterey Project comments O-21a and O-21f). To the extent the public was relying upon the County's website to review the document, the public would have been made aware of this Appendix, as it was discussed in the DEIR and the addition was noted in red on the website. Furthermore, there is no requirement under CEQA for the DEIR to be made available online. (*See also Voices for a Rural Living et al. v. Department of Transportation* (2008) 2008 WL 773152 at page 11 [Unpublished – holding that the failure to make an Appendix available online is not prejudicial error].)

Other comments suggested that the comment period could not begin to run until the DEIR and Appendix C were made available at Monterey Library, Carmel Library, and the Prunedale Library, relying upon CEQA Guidelines Section 15087(g). The DEIR, including Appendix C, was delivered to the State Clearinghouse at the restart of the public comment period in December 2008, and was available at all Monterey County public libraries. As discussed under CEQA Guidelines Section 15087(g), "lead agencies *should* furnish copies of the DEIRs to public library systems serving the area involved." (Emphasis added.) As discussed under CEQA Guidelines Section 15005(b), use of the word "should" is not mandatory language. Furthermore, the Guidelines discuss making the DEIR available to the "public library systems serving the area involved" not to every individual library within the County. As discussed above, the County responded to individuals requesting specific references documents, and extended the comment period for a total of 147 days. Pursuant to these efforts, the County believes it has made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR.