January 29, 2009

Comments on General Plan Update, Version 5 (GPU5)
Ventana Chapter Sierra Club

Project description is inadequate. According to CEQA guidelines [CEQA Guidelines, sec.15125], a DEIR must include a description of the project vicinity and on-the-ground conditions, from both a local and regional perspective, before project approval. Without a complete description, the DEIR cannot adequately analyze or discuss the consequences of the project.

One of the major shortcomings of DEIR Chapter 4.9, Biological Resources, is that its description of existing conditions is so flimsy and incomplete that any real analysis of the biological impacts resulting from the 2007 General Plan cannot be made. Without an accurate baseline, significance conclusions cannot be drawn and effective mitigations cannot be imposed.

The DEIR uses the introduction to the biological resources chapter to excuse itself from this most basic requirement of CEQA, stating, "The impact analysis is quantitative (where data is reasonably available) and qualitative (otherwise) and is not site-specific because of the wide geographical area covered." The attempt is unavailing. As a result of the inadequate data, the biological impact analysis is inadequate. The DEIR acknowledges Monterey County's biological significance, "Monterey County occurs within one of the richest biological regions in North America (Ricketts et al 1999; Abell et al 2000). Monterey County is especially rich in biological resources, primarily because of the diversity of unique physical characteristics: highly varied terrain, large elevation range, extensive coastline, broad range of microclimates, and diverse substrate materials....For example there are almost 3,000 species of plants that occur in Monterey County according to Calflora (2008), a database of California plants. Of these, 101 plant species are considered to be rare or sensitive by the CNPS and are listed in the CNDDB (2007)." 1

Given the fact that Monterey County has long been known for its rich biological resources, given the fact that many sources of biological information are listed in the DEIR, and given the fact that Monterey County has been in the process of updating its General Plan for almost a decade, please explain why the EIR concludes that data is not "reasonably available" to perform a quantitative analysis of impacts resulting from the 2007 General Plan.

Please describe the efforts the EIR preparer made to obtain data on the baseline and project impacts as to each biological issue, for example,

- each wildlife species
- each plant species
- wildlife corridors
- slope development

As to each biological issue, please explain which sources the EIR preparer used to seek data.

As to each biological issue, please explain what efforts the EIR preparer made to combine biological data from various sources.

Please identify each biological issue for which the EIR preparer determined there was sufficient "reasonably available data" for which to perform a quantitative analysis.

Please identify each biological issue for which the EIR preparer determined there was **not** sufficient "reasonably available data" for which to perform a quantitative analysis.

For each determination as to each biological issue, please explain who made the decision that there was or was not reasonably available data. 1

Please also define "qualitative analysis" and provide a specific example of qualitative biological analysis found in the DEIR .

For each analysis in the biological chapter, please identify which analysis is quantitative and which qualitative. It is not clear to the public which is which. Unless the public has a clear understanding of which analyses were based on hard data (and the extent of the data), and which were based on mere extrapolation and guessing, the public cannot adequately review the EIR discussion.

Vegetation types, critical habitats and sensitive vegetation communities are specific *sites* upon which sensitive plant and animal species depend. Please explain the statement that Monterey County's "wide geographical area" makes site-specific analysis in the General Plan impossible, as the DEIR claims. This claim makes no sense – there are different biological issues throughout the County, each due to existing site-specific conditions and site-specific impacts caused by the proposed General Plan Update. It makes no sense to claim that a site-specific analysis cannot be done.

This DEIR claim is contradicted by the DEIR's support for policies OS-5.1 and OS-5.2. Although these policies are deficient as mitigation, they will provide baseline information.

- OS-5.1 calls for the county to inventory special status species and for the county to map the extent and acreages of their critical habitats;

- OS-5.2 calls for the county to inventory and map suitable habitat for special status plant and animal species and for the county to enter the information in its GIS system.

Obviously, OS-5.1 and OS-5.2 call for the compilation of site-specific information county-wide, which would describe the current baseline – a fundamental step in the analytical process. Because CEQA mitigations must be feasible, the EIR preparer evidently concluded that the actions described in OS-5.1 and OS-5.2 are feasible. This conclusion contradicts the EIR conclusion that such information cannot be gathered due to the county's "wide geographic area." Please respond.

Please explain why the DEIR asserts that establishing a baseline *before* adoption of the General Plan is infeasible. Please provide all analysis and facts that went into that discussion.

Please explain the DEIR conclusion that impacts to sensitive biological resources due to development under the 2007 General Plan are mitigated to a less than significant level, given that no baseline information about those resources was available prior to drawing that conclusion. How can the DEIR draw a conclusion without any data to support it? 1

As mentioned above, policies OS-5.1 and OS-5.2 are deficient as mitigation measures. Neither contains a timeframe in which these inventory and mapping tasks will be completed; neither designates the agency responsible for completing the task; neither policy specifies how the mapped and inventoried information will be used; neither policy specifies activities, programs, or permit constraints that will be implemented to protect these biological resources. Neither is funded. Neither process described public involvement, or the County's accountability in preparing an accurate inventory. And because both measures are after-the-fact, the General Plan Update policies will have already taken effect and caused changes to the biological resources before the inventories are complete, which means that a true pre-project baseline will not be prepared.

Protecting Monterey County's biological resources is urgent. It is not adequate to begin inventorying and mapping these resources at some unknown point in the future. According to The Nature Conservancy's California Central Coast Ecoregional Plan Update, October 2006, page 22,

> "By all accepted measures the California Central Coast emerges as a region of global significance. At the global scale, the ecoregion is considered a Mediterranean habitat type. Limited to five regions worldwide, this habitat type represents only 2% of the earth's surface, yet supports 20% of the world's total floristic richness (Medial and Quezel 1999). In a recent global assessment by The Nature Conservancy, ecoregions within the Mediterranean habitat received one of the highest scores on a conservation risk index, defined as the ratio of habitat loss to habitat protected (Hoekstra et al. 2005). In their global assessments, both the World Wildlife Fund and Conservation International identified the Central Coast

> as a biodiversity hotspot, using various richness, rarity and threat measures (Olson et al. 1998, Myers et al. 2000)."

The Central Coast Ecoregion is significant on a national level, as well. Nationwide, our region is identified as having one of the highest numbers of native taxa while at the same time having one of the highest numbers of species with restricted distributions. This combination of richness and rarity lead NatureServe to categorize the Central Coast as a biodiversity "hot spot." Monterey County sits in the middle of an ecoregion that is "one of the six most significantly imperiled biodiversity hot spots in the nation."

Not only is Monterey County home to numerous sensitive status species requiring protection, the county's biological diversity, in and of itself, is a sensitive biological resource worthy of protection. Please explain why the DEIR does not analyze the project's threats to Monterey County's biodiversity and propose mitigations protecting it.

According to The Nature Conservancy (California Central Coast Ecoregional Update, page 28),

> "Over the last few decades the natural systems of the Central Coast ecoregion have been dramatically impacted by significant changes in land use. Most notable are: suburban and rural-residential (exurban) sprawl associated with nearly every city and town; conversion of thousands of acres of historic rangeland and other natural lands to vineyards; expansion of services such as transportation corridors, groundwater pumping, water diversions and commercial developments; spread of invasive, non-native species and global warming. These trends threaten the integrity of the regional landscape and its unique, heterogeneous biodiversity patterns."

1

At page 31, the Update underscores the urgency of protecting the region's biological resources, "Given the region's scenic qualities, mild climate and economic base, it is a highly desirable place to live and opportunities to achieve portfolio protection in the Central Coast are presumably relatively short-lived."

Despite ample opportunity for the County to have inventoried and mapped sensitive biological resources during the decade spent updating the General Plan; despite the global and national significance of Monterey County's biodiversity; despite accelerating land use trends that threaten it; despite the short-lived opportunity to protect these resources, the DEIR chose to defer all detailed, site-specific biological resource assessments until some unknown time after adoption of the 2007 General Plan. Due to its failure to consider, research, and disclose these resources and impacts, the DEIR is inadequate.

This wholesale deferral is unnecessary. Tools are currently available for use in Monterey County's environmental analysis, tools which can improve mitigation measures and inform policy decisions and land-use designations. Significant inventories and mapping of species and habitats requiring protection in Monterey County have been available since 2006. In October of that year, The Nature Conservancy published

California Central Coast Ecoregional Plan Update. The update is an ecoregional assessment that "provides a dynamic science-based framework for shaping conservation actions across the ecoregion." The update proposes a "portfolio" of conservation areas "ranging from small, isolated single-species areas covering one to several hectares to vast, target-rich areas spanning hundreds of thousand of hectares." Figures 19 and 20 on pages 63 and 64 are maps defining numbered conservation areas. The identification numbers on the map correspond to detailed profiles found in the update's Appendix J. (The California Central Coast Ecoregional Plan Update is attached.)

As stated above, these tools were developed by TNC in order to respond to impacts to biological resources caused by

- suburban and rural-residential (exurban) sprawl associated with nearly every city and town [as proposed here by the General Plan Update's Community Areas, Rural Centers and Affordable Housing Overlays]
- conversion of thousands of acres of historic rangeland and other natural lands to vineyards [as proposed here by the General Plan Update's Agricultural Winery Corridor, Routine and Ongoing Agricultural Activities, new cultivation permitted on slopes greater than 25%]
- expansion of services such as transportation corridors, groundwater pumping, water diversions and commercial developments [at issue here in public services, transportation/circulation, water resources, economic development]
- spread of invasive, non-native species [as will be the unintended consequence of several policies of the General Plan Update]
- global warming. [the General Plan Update will affect climate change, air quality]

1

There is a close correlation between the land-use concerns addressed by TNC and Monterey County's development under the 2007 General Plan. Please explain why the DEIR made no use of such site-specific information in its analysis of the 2007 General Plan impacts. Please explain why the DEIR proposed to defer analysis of these critical issues until after plan adoption.

The DEIR erroneously assumes that subsequent, site-specific environmental review will assure adequate analysis and mitigation in the future. At page 4.9-2, Environmental Setting, the DEIR purports to describe the existing biological setting of Monterey County. This section contains lists of sensitive and common habitats and descriptions of each. However, the DEIR equivocates, "The actual distribution of plant communities is much more detailed than presented in this exhibit. Project-specific environmental reviews that are tiered from this EIR would need to conduct site-specific evaluation to determine presence or absence of sensitive and common plant communities within a specific project area."

2

Unfortunately, there are many land-use activities envisioned in the 2007 General Plan which will proceed with non-discretionary permits and without any further environmental review. Some of the most critical are:

- Development of the Agricultural Winery Corridor, including all of the described commercial and residential buildings, parking lots, and other facilities;
- Development on legal lots of record;
- New cultivation permitted on land with slopes 25% and greater (created by policy OS-3.5);
- Routine and Ongoing Agricultural Activities (created by policy AG-3.1 through AG-3.3 and exempted from policy OS-5.4 which provides protections for special status species and critical habitat).

For the proposed Agricultural Winery Corridor development that would be exempt from further environmental review, the environmental analysis must be done now, but the DEIR fails to provide the required project-level review.

The DEIR should map the potential Agricultural Winery Corridor development under the proposed General Plan policies. The map should show the acreage impacted, and map the worst locations possible for the proposed development, and then analyze the resulting environmental impacts, and propose mitigations. This analysis must happen now, because under the proposed policies there would not be any further environmental review.

Locations of legal lots of record are in possession of the county. The EIR preparer should map the lots, provide the map to the public and use the map to determine total acreage and proximity to sensitive biological resources. It is not adequate to simply conclude, as the DEIR does on page 4.9-76, that "Legal lot development without subdivision would result in conversion of habitat, but would have highly dispersed effects on CEQA-defined special-status species and their habitat that on a landscape level is also considered less than significant." 2

Please provide the complete analysis, including the research performed by the EIR preparer, that led to the conclusion that this type of development would have "highly dispersed effects" when there's no evidence that legal lots of record are, in fact, highly dispersed.

Please also explain the adequacy of this conclusion given the absence of any evidence whatsoever that all legal lots of record can be developed without any significant impact on sensitive resources, including endangered species.

The EIR should map existing legal lots of record and map their proximity to identified sensitive biological resources, and provide that information in a recirculated DEIR. That information is available from County records, for example, through the County GIS system. Without that information presented and analyzed in the DEIR, the public cannot adequately review the DEIR conclusions regarding the lots.

Additionally, previously uncultivated, privately owned land on slopes 25% or greater must be mapped by the EIR preparer, and total acreage calculated. That information

should be available to the County through its GIS system. Those lands' proximity to sensitive biological resources must be determined.

The maps, the acreage calculations, and the location of sensitive biological resources should be presented to the public in a revised DEIR. Without this information, the public cannot adequately review the DEIR conclusions regarding these issues.

Separately, impacts to biological resources caused by Routine and Ongoing Agricultural activities are inadequately disclosed, identified or analyzed. Under the new General Plan policies, new lands may be converted to cultivation. These lands should be identified and mapped, and the map should be included in a recirculated DEIR. The impacts of the new policies as to Routine and Ongoing Agriculture must be quantified, and their locations shown on the map. The impacts should be mitigated. The DEIR fails to disclose or discuss this information.

In this letter, the Sierra Club points out that the generalized text of the current DEIR is inadequate without visual displays of compiled information. The Sierra Club requests that the EIR preparer prepare maps and diagrams as part of the essential impact analysis. All of the maps and diagrams should be prepared at a level to show sufficient detail to communicate the information. For example, maps should be specific enough to identify specific impacts to species, habitat, sites, wildlife corridors, and water resources. The maps should contain clear legends, and clear depictions of the information contained on the maps. The maps and diagrams should not be so general as to hide important information about potential project impacts. The maps and diagrams should be user-friendly and accessible to the public. 2

As appropriate, the maps and diagrams should be prepared on both a small scale and a large scale, in order to present the information in a micro and macro level regarding the impacts of the General Plan policies. Given the regional differences of the County, it is likely that certain policies will cause significant impacts in some regions, and negligible impacts in others. Therefore, it is essential that the maps and diagrams not draw County-wide conclusions as to impacts, because that would dilute and skew the results. Because most impacts will occur in specific areas, the EIR analysis should respect and reflect that fact, and disclose the information in appropriately scaled maps. And where impacts occur over a larger region, the EIR map analysis should also disclose that information in larger scale maps and diagrams, in order to better communicate the information and disclose it for public review.

The DEIR should not assume, as it appears to do, that subsequent environmental reviews will repair the DEIR's inadequacies. The Biological Resources chapter must be revised to include analysis and mitigation of all land-use activities allowed under the 2007 General Plan, especially those activities that will proceed without further environmental review or mitigation.

Furthermore, weak and unenforceable policies will undermine environmental mitigation of future land use activities even when they do require a discretionary permit.

For example, Greater Monterey Peninsula Area policies which claim to fully mitigate impacts to biological resources are inadequate to address future threats to one of its most sensitive and rare plant communities – native stands of Monterey Pine forest. This plant community exists in only five places on earth – the Monterey Peninsula, San Simeon State Park/Cambria, Ano Nuevo/Waddell Creek and 2 islands off the coast of Baja California, Mexico: Guadalupe and Cedros. The Monterey Pine has been listed by the California Native Plant Society as rare, threatened or endangered. It is also considered by the US Fish and Wildlife Service to be a species of special concern. Native stands of Monterey Pine forest are found in non-coastal areas of the Monterey Peninsula, primarily around Jacks Peak (Pacific Meadows and September Ranch), Aguajito, the Old Capitol site and a small portion of Palo Corona.

Given its rarity, the few remaining native stands of Monterey Pine Forest in both the coastal zone and in non-coastal areas deserve protection not found in the 2007 General Plan. These forest stands can be protected as long as they, and adjoining areas, are clearly mapped and placed in overlay districts where land use activities are regulated by clear, enforceable guidelines designed to conserve the forest.

Instead, protection through 2030 for special status species, like the Monterey Pine Forest, hinges upon policies GMP-3.4 through GMP-4.1. 3

- GMP-3.4 states, "Plant materials shall be used to integrate manmade and natural environments, to screen or soften the visual impact of new development and to provide diversity in developed areas." *How does this policy reduce impacts to Monterey Pine Forest to a less than significant level? Since it does not require use of habitat–specific native plants, how can this policy even claim to slightly reduce impacts?*
- GMP-3.5 states, "Development in the Greater Monterey Peninsula area shall be designed to prevent, to the maximum extent feasible, the destruction of native oak, pine, and redwood forest habitat and wetlands in the Greater Monterey Peninsula Area Plan area." *"Maximum extent feasible" is not defined. Please describe the process and the factors that will be considered in determining "maximum extent feasible." If "maximum extent feasible" does not mean that the county may prohibit some projects or may require projects to be substantially modified, how can the DEIR conclude that Monterey Pine forest and other sensitive habitats will be protected against significant impacts?*
- GMP-3.8 states, "Open space areas should include a diversity of habitats with special protection given to ecologically important zones such as areas where one habitat grades into another and areas used by wildlife for access routes to water or feeding grounds." *"Should" is not enforceable. Who will be responsible for enforcing this policy? How will it be enforced and when? Since, as noted above, the 2007 General Plan and its DEIR are not site-specific, will this policy require*

land-use classifications be changed? If not, how will this policy protect open space like the Monterey Pine forest? Please explain how this policy reduces impacts to a less than significant level when there are no standards and no plans for implementation.

- GMP-3.9 states, "Critical habitat areas should be preserved as open space. When an entire parcel cannot be developed because of this policy, a low intensity, clustered development may be approved. However, the development should be located on those portions of the land least biologically significant so that the development will not upset the natural function of the surrounding ecosystem." *Again, "should" and "may" are not enforceable. What criteria will be used and who will determine whether a project would "upset the natural function" of an ecosystem? How is a "low intensity, clustered development" defined? What criteria will be used to identify such a development? Who will develop the criteria and when will the criteria be developed? Since this policy does not require clearly defined, low-intensity, clustered development in the event a project falls entirely within critical habitat, how can it reduce biological impacts, much less reduce them to a level below significance?*
- GMP-4.1 states, "Redwood, pine, and oak forest and chaparral habitat on land exceeding 25 percent slope should remain undisturbed due to potential erosion impacts and loss of visual amenities." *Instead of requiring that they remain undisturbed, the policy states that these lands "should" remain undisturbed. How would this prevent development in these forests on steep slopes? If this policy protects forests in the Greater Monterey Peninsula Area Plan area, why is it not also applied to all pine, redwood and oak forests throughout Monterey County?*

3

Without extensive modification, these 2007 General Plan policies do nothing to protect sensitive biological resources like the Monterey Pine Forest.

The DEIR fails to provide information about expansion of incorporated towns and cities. Nowhere in the biological resources analysis does the DEIR provide any information about the current footprint of any of the county's incorporated towns and cities. Nor does the DEIR provide any mapping, acreage totals or habitat impacts resulting from the likely expansion of these towns and cities as envisioned in their general plans and annexation proceedings. This information is important because while existing towns and cities may contain limited habitat, their expansion areas may encroach on habitat and/or wildlife corridors. Furthermore, this information must be considered cumulatively with the General Plan's proposed Community Areas, Rural Centers, Affordable Housing Overlays, existing lots of record, potential new cultivation on slopes of 25% or greater, and the Agriculture Winery Corridor development.

4

Because the DEIR has provided individual maps for Community Areas, Rural Centers, Affordable Housing Overlays and Winery Corridors and omitted any mapped information about these other land-use activities, the public has no real basis for understanding the total development footprint envisioned in the 2007 General Plan. Therefore, the public

has no realistic basis for determining how growth under the 2007 General Plan will or may impact mapped biological resources. Please provide this information. 4

Escaping further environmental reviews isn't the only problem with the DEIR's analysis of the proposed Winery Corridor. The DEIR's assumptions about trends in land conversion are faulty. The DEIR's assumptions about new winery processing capacity grossly underestimate the incentive to establish new vineyards. This, in turn, skews the DEIR analysis of impacts to biological resources and water resources.

For example, the DEIR arbitrarily calculates winery capacity, stating at page 4.3-120, "40 artisan wineries will be built by 2030, each averaging a production rate of 25,000 cases per year by that time." However, by definition, an artisan winery can produce up to 50,000 cases per year. The DEIR underestimates, by half, total capacity of the artisan wineries, thereby underestimating the potential impacts of that development.

Similarly, the DEIR underestimates the processing capacity of the full-scale wineries. "The full-scale wineries will reflect the following numbers and production rates by 2030: 5 producing 75,000 cases per year; 2 producing 175,000 cases per year; and 1 each producing 375,000, 750,000 and 1.5 million cases yearly." (DEIR page 4.3-120) However, by definition, full-scale wineries can produce up to 2,000,000 cases per year each. The DEIR analysis again underestimates the potential impacts of that development. 5

At full capacity, the artisan wineries in combination with the full-scale wineries would be able to produce 22,000,000 cases of wine per year. This figure is calculated by multiplying the number of artisan wineries by their full capacity of 50,000 cases per year (40 x 50,000 = 2,000,000). To this is added the full capacity of full-scale wineries (10 x 2,000,000 = 20,000,000) for a total capacity of 22,000,000 cases per year.

By comparison, using the DEIR's unsupported assumptions, the DEIR estimates total processing capacity of only 4,350,000 cases – a mere 20% of the capacity that would be allowed by definition. (40 artisan wineries @ 25,000 cases = 1,000,000 cases; 5 full-scale wineries @ 75,000 cases = 375,000 cases; 2 full-scale wineries @ 175,000 cases = 350,000 cases; Total: 1,000,000 + 375,000 + 350,000 + 375,000 + 750,000 + 1,500,000 = 4,350,000) *Again, without any evidence to support it, the DEIR underestimates total winery capacity by 80%.*

Not only is there no evidence to support the DEIR's estimate, the estimate contradicts stated industry objectives. The impetus behind the winery corridor, according to both the DEIR and the Monterey County Vintners and Growers Association, is to increase wine grape processing capacity in Monterey County. According to the industry, they lack processing facilities for 70% to 80% of the grape harvest.

To repeat, according to the DEIR, all the new wineries together will process no more than 4,350,000 cases of wine annually, far below the maximum permitted under the proposed General Plan policies. What do the 4,350,000 cases translate into in terms of tonnage and

acreage? According to the March 27, 2002 Monterey County Environmental Impact Report Public Review Draft, page 5.2-56, Land Use Element, the average yield of wine per ton of wine grapes is 62.5 cases. This yield, under the DEIR analysis, would translate into an increase of 69,600 tons of grapes being processed in Monterey County by 2030 (4,350,000 cases divided by 62.5 cases per ton).

To give this some perspective, existing grape production in Monterey County is well in excess of 69,600 tons. As a matter of fact, according to the 2007 Monterey County Crop Report, Monterey County growers and vintners produced 224,000 tons of wine grapes during 2007. (Monterey County Agricultural Commissioner, Monterey County Crop Report 2007, p. 13, Grape Production) If, as Monterey County Growers and Vintners allege, there is a 70% to 80% shortfall in processing capability, there is an *immediate need* for processing facilities to handle between 157,000 and 179,000 tons of grapes grown in Monterey County.

Given winery capacity and given the stated objectives of the industry, the DEIR's assumption -- that by 2030 wine grape processing in Monterey County will not have expanded enough to even accommodate half of 2007's local grape harvest – is totally unsupported. The DEIR analysis should be revised to address the more likely expansion of the winery facilities to a much greater level, as would be allowed under the proposed General Plan. Given that the General Plan proposes to allow the entire Winery Corridor, with its wineries, hotels, restaurants, residences, gas stations, and other support facilities, to proceed without further environmental review, the analysis in this EIR is particularly critical. 5

The DEIR also fails to analyze how increased processing capacity will create incentives to increase vineyard acreage. How much land would be needed to grow 22,000,000 cases worth of wine grapes? If all of the wineries permitted within the corridor operate at full capacity (22,000,000 cases), they would be able to process grapes harvested from 62,411 acres. This acreage is calculated by dividing 22 million cases by 62.5 cases/ton = 352,000 tons. 352,000 cases divided by 5.64 tons per acre = 62,411 acres. (Source for cases per ton: Monterey County Environmental Impact Report Public Review Draft – March 27, 2002, Land Use Element, page 5.2-56. Source for tons per acre: Monterey County Agricultural Commissioner, Monterey County Crop Report 2007, p. 13, Grape Production.)

The 2007 Monterey Crop Report shows total grape acres at 42,764. Winery capacity within the winery corridor alone would accommodate an additional 20,000 acres of wine grapes in Monterey County. This is a significant incentive to convert more undeveloped land to vineyards, including land of 25% slope or greater, but the DEIR fails to analyze this issue.

Additional incentives to convert land to vineyard acreage would be created by winery development outside of the winery corridor, as proposed by the General Plan. Policy AG-4.4 makes it clear that the AWCP policies are not intended to limit winery development outside the corridor: "These policies do not limit the development of

wineries within or outside of the designated winery corridor. Wineries outside of the designated winery corridors and additional wineries within the corridors beyond those specifically listed are allowed, subject to conformance with all regulations of the underlying zoning district." In other words, it would be "no holds barred" on the development of vineyards in the County, under the new policies of the proposed General Plan. The DEIR fails to disclose, investigate, or analyze this issue or its impacts.

Furthermore, no reason exists to assume that all of the grapes grown in Monterey County will be processed in Monterey County. Even though vintners complain that 70% to 80% of Monterey's grape harvest must be exported for processing, the fact is, exporting grapes must be profitable because Monterey County Vintners have been exporting them for decades. No evidence in the DEIR indicates that exporting grapes will cease being profitable. For this reason and for the reasons stated above, the DEIR should analyze the impacts of converting an additional 62,000 acres of land to vineyard, not just analyzing the impacts of converting an additional 20,000. (This is not far-fetched; it is a reasonable estimate of 82,000 acres. On August 1, 2001, in a Monterey County Herald article, attached, headlined "All signs point to help for wineries," Agricultural Commissioner Eric Lauritzen stated that there is a potential of developing up to 100,000 acres of land for vineyards.)

5

The DEIR, however, estimates agricultural conversion of existing habitat to be a mere 450 acres per year. The DEIR (page 4.9-46, Table 4.9.6) skews the results by taking the average over the 25-year period of 1982 to 2006. It completely ignores the accelerating trend from 1996-2006, a decade in which almost 70% of the total conversion took place. The DEIR's selection of the average rate, instead of the rate from the last ten years, is arbitrary. For a more accurate analysis, the DEIR should recalculate the impacts, using the more recent rate, and disclose and discuss the results in a recirculated DEIR.

Thus, despite more recent trends, despite the huge processing capacity allowed by the AWCP policies, despite the stated objectives of the wine industry, despite the fact that policy OS-3.5 permits new cultivation on slopes of 25% or greater (which was previously prohibited in Monterey County), the DEIR ignores all this information, and severely underestimates agricultural conversion of habitat under the proposed General Plan policies. The DEIR's unrealistic estimate of 450 acres per year, in turn, causes the DEIR to under–assess the impacts of land conversion.

The Agriculture Winery Corridor policies, taken in combination with routine and ongoing agricultural activities and with steep-slope cultivation permitted by OS-3.5, create a triple threat to sensitive habitats and species throughout Monterey County, and especially in the Salinas Valley. We attach to these comments a document entitled "Distribution of Native Vegetation by Slope Categories in Monterey County." This is a table compiled and analyzed by The Nature Conservancy which is based on the following sources: California Natural Diversity Data Base, CALVEG vegetation layers, GAP vegetation layers, USGS species data, CDF Multisource and Cover Data, USFWS species data, NWI wetlands data, Rana Creek Ranch County-wide vegetations mapping, TNC Central Coast Ecoregional Plan Update. The table lists vegetation types on slopes of 25% or greater for

lands that are protected and unprotected. Unprotected lands are privately held non-urban lands without conservation easements. The data reveals that in Monterey County, approximately 44% (932,199 acres) of land is on slopes of 25% or greater. Of that land, approximately 504,830 acres are privately owned and not protected by a conservation easement. This information is absent from the DEIR.

Nowhere in the DEIR is there an analysis of the potential impacts of expanding vineyard acreage or of expanding any other agricultural activity categorized as routine and ongoing onto 504,830 acres. All of that private land would be open to development under the proposed General Plan policies allowing slope development, but the DEIR fails to research, disclose, discuss, or analyze this critical environmental information or the environmental impacts of the Plan on that acreage.

The EIR preparer should prepare a map showing the location of the 504,830 acres. That map should be able to be overlain with the maps of the sensitive species, wildlife corridors, and other biological resources. This information is available to the County, and it is essential that it be identified and disclosed here in a recirculated EIR. Without the information presented in a cognizable fashion, the EIR preparer and the public cannot know the extent or nature of the full range of impacts caused by the project. The Sierra Club has repeatedly raised many concerns about the proposed policy change to allow new cultivation of steep slopes. The DEIR does not adequately address those concerns, and seems to not understand the magnitude or complexity of the impacts of the proposed policy. The DEIR should be revised to include analysis of the following potential significant impacts of the proposed policy that would allow new cultivation of steep slopes: 5

- Water quality degradation from upstream impacts like siltation and slides and degradation of stream-bed quality, as well as pollution from agricultural chemicals.
- General erosion impacts on creeks, streams and rivers, and their fisheries and other aquatic species, as well as impacts on downstream neighbors.
- Watershed infiltration impacts, especially the damage caused by deep ripping for vineyard establishment.
- The impacts caused by deep ripping on biological resources and air resources.
- Water demand for the cultivation, including the quantification of pumping, the water loss from water systems, and the impacts of drilling new wells.
- Water supply impacts, such as de-watering of streams and creeks, resulting from new groundwater pumping and surface diversion.
- Air quality impairment from both air-borne dust and agricultural chemicals.

- Grading impacts such as changing land forms and moving surface drainage underground.

- Interruption of wildlife corridors caused by fencing, new service and access roads, noise, vegetation clearing, elimination of prey species, destruction of water sources, introduction of pest species.

- Habitat impacts.

- Viewshed impacts.

- Listed plant and animal species impacts.

- Locally-important plant and animal species impacts. 5

- Noise impacts resulting from grading, clearing, maintenance, and harvesting operations.

- Incompatible uses. (When steep slopes are opened up in residential or rural residential neighborhoods, incompatibility results. This has been an ongoing problem in Carmel Valley and elsewhere where violations of the existing policies created conflicts of health and safety for neighbors.)

The revised analysis should be included in a revised DEIR and recirculated for public comment. Because the current DEIR lacks the above information and analysis, the public cannot adequately review or comment on it.

Finally, notwithstanding the fundamentally flawed analysis of biological resources, the DEIR significance findings based upon General Plan policies and the DEIR mitigations cannot be supported. On the whole, the DEIR's findings and mitigation measures are infeasible, unfunded, unenforceable and/or improperly deferred.

Additional issue: Rancho San Carlos (aka, "The Preserve"): The Sierra Club and the Carmel Valley Association have previously brought to the County's attention the issue of the GPU's handling of Rancho San Carlos. Specifically, GPU/5 at page 3-31, states that development of Rancho San Carlos shall be based on County "Resolution 93-115".

Please discuss whether Resolution 93-115 was amended or affected by Measure M, a successful November 1996 County-wide referendum, or any other subsequent resolution, ordinance, or ballot measure and, if so, what those changes are and what impact they have on Resolution 93-115. 6

Please discuss what the current legal restrictions are for this site. Did Measure M or any other action taken after Resolution 93-115 was enacted eliminate any specific zoning regulations that had been enacted or permitted as part of Resolution 93-115, such as zoning that would have allowing heavy and light commercial, visitor accommodation,

visitor-serving, professional, and medium density residential development at Rancho San Carlos?

If you conclude that Measure M has no bearing on the effect of Resolution 93-115, please explain your conclusion in detail, and state the specific legal analysis used by you. If you conclude that Resolution 93-115 is fully in effect and has not been amended or limited, please discuss in detail the environmental impacts that the increased commercial and other development activity at this site would create. 6

Thank you,

Gillian Taylor, Conservation Co-Chair
Ventana Chapter Sierra Club

Attachments: Distribution of Native Vegetation on Slopes in Monterey County
Winery Article, The Herald, 8/1/01
Winery Corridor Section and Maps, GPU 2 DEIR March, 2002
California Central Coast Ecoregional Plan Update Oct. 2006

CC: Clerk to the Board of Supervisors