

Comment Letter A



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 19, 2012

David Mack
County of Monterey Resource Management Agency
168 W. Alisal Street, Second Floor
Salinas, CA 93907

Subject: Ferrini Ranch Subdivision
SCH#: 2005091055

Dear David Mack:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 16, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

A-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comment Letter A Continued

Document Details Report State Clearinghouse Data Base

SCH# 2005091055
Project Title Ferrini Ranch Subdivision
Lead Agency Monterey County

Type EIR Draft EIR
Description Note: Extended Review

Subdivide nine irregularly shaped parcels totaling approximately 870 acres to allow for the following: approximately 192 acres of low-density residential land uses providing a total of 212 residential units consisting of 146 market-rate residential lots; 23 market-rate clustered housing units; and 43 inclusionary units; approximately 600 acres of open space on three parcels (Parcels A, B, and C); approximately 35 acres of agricultural/industrial land uses on one parcel (Parcel D); and approximately 43 acres of roadways.

Lead Agency Contact

Name David Mack
Agency County of Monterey Resource Management Agency
Phone 831 755 5096 **Fax**
email
Address 168 W. Alisal Street, Second Floor
City Salinas **State** CA **Zip** 93907

Project Location

County Monterey
City Salinas
Region
Lat / Long 36° 35' 5.16" N / 121° 41' 47.4" W
Cross Streets Hwy 68 between San Benancio Road and River Road
Parcel No. 161-011-019, -030, -039, -057, -058*
Township 15S **Range** 2E **Section** 36 **Base** MDB&M

Proximity to:

Highways Hwy 68
Airports Salinas Municipal
Railways
Waterways Salinas River, Toro Creek
Schools San Benancio, Toro
Land Use Use: Primarily Grazing Land/Zoning: Unzoned, LDR(2-VS), LDR(1-D),PQP/GP Des.: Low Density Res. (2.5 acres/unit).

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 5; Department of Housing and Community Development; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 08/27/2012 **Start of Review** 08/27/2012 **End of Review** 11/16/2012

RESPONSE TO LETTER A – GOVERNOR’S OFFICE OF PLANNING AND RESEARCH (OPR)

Response to Comment A-1

OPR confirmed that the DEIR was submitted to select state agencies for review. In response, comments were received from two agencies before the end of the review period: the Department of Toxic Substances Control and the Department of Fish and Game. OPR acknowledges that the County of Monterey has complied with the State Clearinghouse review requirements pursuant to CEQA.

The letters noted as received by OPR were also received by the lead agency and are addressed below under Response to Comment Letter B and Letter C.

Comment Letter B



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
<http://www.dfg.ca.gov>

EDMUND G. BROWN Jr., Governor
CHARLTON H. BONHAM, Director



October 19, 2012

David Mack
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, California 93901
mackd@co.monterey.ca.us

**Subject: Draft Environmental Impact Report for the Ferrini Ranch Subdivision Project.
SCH No. 2005091055. PLN040758.**

Dear Mr. Mack:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the Ferrini Ranch Subdivision Project (Project). Project approval would allow for subdivision of approximately 870 acres into 212 residential lots, approximately 600 acres of open space, a 34.7-acre parcel for future development of a winery, and four private parcels totaling 43.1 acres located south of Highway 68 between River Road and San Benancio Road in Monterey County. Project approval would also allow for removal of approximately 921 oak trees and development on areas with slopes greater than 30 percent.

The DEIR, biological assessment (BA) conducted by WRA Environmental Consultants (2007), and protocol surveys conducted by Denise Duffy and Associates (2008), identify that the Project will likely impact State- and federally listed species including the State and federally threatened California tiger salamander (*Ambystoma californiense*, CTS), and State rare Pacific Grove clover (*Trifolium polyodon*), along with other California Species of Special Concern (CSSC). The Project as described identifies that it would have a significant effect on the environment and therefore has proposed mitigation measures to minimize impacts to biological resources. Please note that the Department does not have a mechanism to authorize "take" of Pacific Grove clover due to its State listing as "rare", and all potential impacts to this species will have to be avoided. Due to the potential for Project-related "take" of CTS, acquisition of an Incidental Take Permit (ITP) from the Department prior to Project implementation is warranted. The Department also recommends that preconstruction survey protocols be followed for burrowing owl (*Athene cunicularia*) and that avoidance and minimization measures be considered for this species. In addition, the Department recommends biodegradable erosion control materials be used to reduce the potential for impacts to wildlife.

The Department finds that the Project DEIR does not properly address significant impacts to CTS and Pacific Grove clover among other sensitive species. Proposed mitigation measures do not properly reduce Project impacts to less than significant, especially for CTS and Pacific Grove clover. The Department recommends the County revise the California Environmental Quality Act (CEQA) document based on comments provided below and submit the document for recirculation.

B-1

Conserving California's Wildlife Since 1870

Comment Letter B Continued

David Mack
October 19, 2012
Page 2

Department Jurisdiction

Trustee Agency Role: The Department is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Role: The Department is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from the Department, such as an ITP, pursuant to the California Endangered Species Act (CESA), or a Lake and/or Streambed Alteration Agreement (LSAA) issued under Fish and Game Code sections 1600 *et seq.*

The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, or designated as a candidate for listing, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species pursuant to CESA, the Department may need to issue an ITP for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines sections 15380, 15064, 15065). Significant impacts must be avoided or "fully mitigated" in order for "take" authorization to be issued by the Department, and while the CEQA Lead Agency may make a supported Statement of Overriding Considerations (SOC), the Department cannot issue a "take" authorization unless all impacts have been "minimized and fully mitigated" (Fish and Game Code Section 2081).

The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with CESA. In other words, compliance with CESA does not automatically occur based on local agency project approvals or CEQA compliance; consultation with the Department is warranted to ensure that Project implementation does not result in unauthorized "take" of a State-listed species.

Incidental "take" authority is required prior to engaging in lawful "take" of any plant or animal species listed under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act. No direct or indirect disturbance, including translocation, may legally occur to State-listed species prior to the applicant obtaining incidental "take" authority in the form of an ITP; as noted above, no "take" authorization can be provided for state listed rare plant species.

Permit Streamlining: Issuance of an LSAA and/or an ITP by the Department is considered a "project" (CEQA Guidelines Section 15378) and is subject to CEQA. The Department typically relies on the Lead Agency's CEQA compliance to make our own findings. For the Lead Agency's CEQA document to suffice for permit/agreement issuance, it must commit to fully

B-1
cont'd

Comment Letter B Continued

David Mack
October 19, 2012
Page 3

describing the potential Project-related impacts to stream/riparian resources and listed species, as well as measures to avoid, minimize, and mitigate impacts to these resources. Impacts to State-listed species must be "fully mitigated" in order to comply with CESA (California Fish and Game Code Section 2081(b)(2)). If the CEQA document issued by the County for this Project does not adequately analyze impacts to resources that that require permits issued by the Department, the Department may need to act as a Lead CEQA Agency and complete a subsequent CEQA document. This could significantly delay permit issuance and, subsequently, Project implementation. For that reason, it is very important that the Environmental Impact Report (EIR) reflect suitable avoidance, minimization, and compensatory mitigation, such that we are able to make findings per CEQA necessary for ITP issuance. In addition, CEQA grants Responsible Agencies authority to require changes in a Project to lessen or avoid effects of that part of the Project which the Responsible Agency will be called on to approve (CEQA Guidelines Section 15041).

B-1
cont'd

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

B-2

The Department recommends that construction activities (especially vegetation removal) take place outside of the nesting bird season (typically February through mid-September). The Department also recommends a minimum no-disturbance nest buffer distance of 250 feet for passerines and 500 feet or greater for raptors until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Department Specific Comments and Recommendations

California Tiger Salamander (CTS): The DEIR identifies that the State and federally threatened CTS occurs on the Project site and that the Project will likely impact CTS. The California Natural Diversity Database (CNDDDB) identifies multiple occurrences of CTS on and near the Project site. CTS are known to travel up to 1.3 miles between breeding and upland refugia habitat. On-site and nearby aquatic features have the potential to be breeding habitat for CTS and CTS moving to and from these aquatic features may traverse the Project property. All potential breeding habitat features within 1.3 miles of the Project have not been properly identified for analysis in the DEIR. These features should be identified and analyzed further to understand the full potential impacts the Project may have on CTS. The Department acknowledges that protocol level surveys were conducted around Pond 18 on the Project site; however, we are concerned that surveys were not also performed in the area of Pond 1 on the eastern portion of the Project. The Department requests an explanation of why Pond 1 was not included in protocol level surveys for CTS.

B-3

Comment Letter B Continued

David Mack
October 19, 2012
Page 4

With the known occurrences of CTS on the Project site, as well as aquatic features occurring on and adjacent to the Project site, the Department finds that "take" authorization from the Department in the form of an ITP, pursuant to Fish and Game Code Section 2081(b), would be warranted prior to Project implementation. Included in the ITP would be measures required to avoid and/or minimize direct "take" of CTS on the Project site, as well as measures to fully mitigate the impact of the "take." All impacts related to the permitted taking of CTS must be either avoided or minimized and fully mitigated. Minimization measures would likely include, construction restrictions during and after rainfall events and on conducting night work, development of a relocation plan for ground disturbance areas, and exclusion fencing installation during the construction phase; and development of standards which would minimize impacts to CTS which remain in the vicinity after construction, such as addressing potential CTS movement, and standards for curbs and lighting.

The Department believes that the mitigation measures proposed in the DEIR are not adequate to reduce significant impacts to CTS to less than significant level, do not fully support the future existence of the species, and do not meet the fully mitigated standard as provided in Section 783.2 of the California Code of Regulations.

Mitigation measure MM 3.3-2a states that prior to ground disturbance on specified lots, roads, and any detention ponds near Pond 18 (identified CTS breeding pond), the County will require the Project applicant to consult with a qualified biologist to prepare and implement a habitat impact assessment. Due to the location of Pond 18 and other un-surveyed ponds on and adjacent to the Project, the entire Project site has the potential to be occupied by CTS and therefore potentially impact CTS. As previously stated, CTS are known to disperse up to 1.3 miles from aquatic breeding habitat. The Department recommends that a habitat impact assessment be completed for the entire Project area prior to issuance of grading permits. A habitat impact assessment is required by the Department prior to submitting an application for an ITP, to properly identify avoidance, minimization and mitigation requirements for Project impacts to CTS so that the State regulation for fully mitigating impacts is met within an ITP.

Mitigation measure MM 3.3-2b proposes compensatory mitigation land for permanent impacts at a 2:1 ratio of preserved habitat acreage to impacted acreage. To properly evaluate that compensatory land will reduce impacts to CTS to fully mitigate the "take," suitable compensatory mitigation lands should be identified prior to EIR certification and must demonstrate that the compensatory mitigation lands currently support CTS populations. The Department does not agree that the proposed mitigation ratio at 2:1 would provide sufficient compensation for impacts to CTS. The proposed ratio would result in a 33 percent net loss of upland habitat, therefore impacting the future existence of CTS. The Department will consider the appropriateness of any proposed compensation in consideration of the total conservation strategy, including size and location of proposed mitigation lands, which would include conservation of existing CTS habitat in combination with habitat restoration and enhancement to support CTS populations.

Mitigation measure MM 3.3-2b also states that if a mitigation bank is not available prior to construction the County shall require the applicant to establish habitat mitigation on-site and/or

**B-3
cont'd**

Comment Letter B Continued

David Mack
October 19, 2012
Page 5

off-site with the development of a long-term management and monitoring plan in order to establish success criteria for the mitigation area. Please note that as part of the ITP process the Department will require that habitat mitigation be identified prior to ITP issuance (which is required prior to any ground-disturbing activities); in addition to the identification of appropriate lands to be protected which will serve as compensatory mitigation, the applicant will also need to provide a long-term management and monitoring plan as well as sufficient financial assurances.

B-3
cont'd

Pacific Grove Clover: The DEIR identifies that the State-listed rare Pacific Grove Clover occurs on the Project site. The DEIR also identifies that the Project will likely impact the State listed rare Pacific Grove Clover. As previously stated, the Department does not have a mechanism to authorize "take" of Pacific Grove clover due to its State listing as "rare". The Department recommends that the Project be reconfigured to avoid all occurrences of the species. Mitigation Measure MM 3.3-1 states that prior to grading activities areas should be surveyed by a biologist to identify the presence and distribution of Pacific Grove clover. Surveys for the species should be done in the appropriate season, according to DFG survey guidelines (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>). We **do not** recommend that surveys be performed **after the Project has been approved**, as should the species be detected on the Project site, the Project will need to be revised to avoid the population(s). In addition to delays which may be attributed to redesign, the Project revision could result in additional impacts to other resources and may require recirculation of the environmental document. "Take" of Pacific Grove clover without authorization would be a violation of Fish and Game Code; and approval of a project by the County which results in unauthorized "take" may also make the County a party to the violation.

B-4

Burrowing Owl: The Project site may be occupied by burrowing owls. The Department recommends following the preconstruction survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993) (<http://www.dfg.ca.gov/wildlife/nongame/docs/boconsortium.pdf>) if the site contains burrows that could be used by burrowing owls. If nesting burrowing owls are found on or adjacent to the Project site, the Department's Staff Report on Burrowing Owl Mitigation (DFG, 2012) (<http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 200 meters, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. Impacts of this nature are violations of Fish and Game Code sections 3503, 3503.5, 3513, and the Federal Migratory Bird Treaty Act.

B-5

If the Project proposes to evict burrowing owls that may be present, the Department recommends passive relocation during the non-breeding season. The CEQA document prepared for this Project should describe methods that would be used to evict owls from

Comment Letter B Continued

David Mack
October 19, 2012
Page 6

burrows, including a monitoring program to ensure that evicted individuals are using a relocation site.

Avoidable Wildlife Impacts from Erosion Control Mesh Products: Due to this Project site's extensive wildlife habitat interface, the Department requests that erosion control and landscaping specifications allow only natural-fiber, biodegradable meshes and coir rolls. "Photodegradable" and other plastic mesh products have been found to persist in the environment, ensnaring and killing terrestrial wildlife. Reptile and amphibian deaths resulting from the use of plastic mesh products are well-documented. Plastic mesh erosion control products would likely cause unanticipated, avoidable impacts including "take" of special status species. We believe requiring the use of biodegradable products would be a feasible mitigation measure to reduce impacts to wildlife species.

USFWS Consultation: The Department recommends consultation with the USFWS prior to any site development and ground disturbance related to this Project due to potential impacts to federally listed species. "Take" under the Federal Endangered Species Act (FESA) is more stringently defined than under CESA; "take" under FESA may also include significant habitat modification or degradation that could result in death or injury to a listed species, by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

Thank you for the opportunity to comment on the DEIR for the Ferrini Ranch Subdivision Project. If you have any questions regarding these comments, please contact Brandon Sanderson, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 594-6141, or by email at bsanderson@dfg.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

ec: See Page Seven

B-5
cont'd

B-6

B-7

Comment Letter B Continued

David Mack
October 19, 2012
Page 7

ec: Monterey County Resources Management Agency
Planning Department
ceqacomment@co.monterey.ca.us

Mike Josselyn
WRA Inc.
josselyn@wra-ca.com

Jacob Martin
United States Fish and Wildlife Service
Jacob_Martin@fws.gov

State Clearinghouse
Office of Research and Planning
state.clearinghouse@opr.ca.gov

Annee Ferranti
Deborah Hillyard
Brandon Sanderson
Department of Fish and Game

RESPONSE TO LETTER B – CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

The County acknowledges that the Department's name has since been changed to the California Department of Fish and Wildlife (CDFW). As a general response, please see responses to Letter RD-2 as submitted on the RDEIR.

Response to Comment B-1

The CDFG provides a project summary, identifies the role of trustee and responsible agencies, recommends revisions to the EIR, and summarizes CDFG CEQA implications for permit issuance.

No response is necessary as these comments are statements regarding the project and legal framework for agency review. Section 3.3 of the EIR has been revised. Please see Recirculated Draft EIR (RDEIR) Section 3.3.

Response to Comment B-2

CDFG cites jurisdiction under the Fish and Game Code, and recommends setback distances during construction.

Recommendations are noted for the record. MM 3.3-7 of the RDEIR addresses burrowing owl, nesting raptors and migratory birds. See response to comment 39-9.

Response to Comment B-3

The CDFG makes several comments regarding the assessment for California tiger salamander (CTS) and related mitigation measures.

Comments have been noted for the record and addressed in the RDEIR. See responses to Letter RD-2.

Response to Comment B-4

Mitigation for Pacific Grove clover.

Please see the RDEIR regarding this issue and response to Letter RD-2.

Response to Comment B-5

Recommendations for burrowing owl mitigation.

Comments have been noted for the record and addressed in the RDEIR and response to comment 39-9.

Response to Comment B-6

Wildlife impacts from erosion control mesh products.

Comments have been noted for the record. Please see response to Letter RD-2 for specific changes to mitigation.

2.0 RESPONSE TO COMMENTS

Response to Comment B-7

CDFG recommends USFWS consultation.

Comments have been noted for the record and addressed in the RDEIR. See response to Letter RD-2.

Comment Letter C



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

September 20, 2012

Mr. David J.R. Mack
Monterey County Resources Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901
ceqacomment@co.monterey.ca.us

Dear Mr. Mack:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Ferrini Ranch Subdivision Project (PLN040758, SCH# 2005091055). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential responsible agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any investigation and remediation of hazardous substances releases that may be required.

The proposed project is located in Salinas on south side of State Highway 68 between River Road and San Benancio Road in the vicinity of Toro County Park. The project consists of subdivision of an approximately 866-acre property into 212 residential lots including 146 market-rate lots, 23 clustered lots for workforce housing units & 43 lots for inclusionary housing units; one commercial parcel fronting on River Road and 600 acres of open space. It would involve removal of a debris pile located at the existing residence on the project site, follow-up environmental investigation activities associated with debris pile, construction yard sites and fuel tanks/equipment.

The debris pile has not been properly investigated to identify whether it needs to be handled as hazardous waste and to determine the appropriate off-site landfill where the debris should be disposed. The EIR proposes mitigation measures such as soil sampling under the debris pile and at the construction yard. However, the mitigation measures do not identify what criteria will be used for the cleanup if the sampling indicates that hazardous substances are present. If hazardous substances have been released, they will need to be addressed as part of this project. Potential impacts

C-1

Comment Letter C Continued

Mr. David Mack
September 20, 2012
Page 2 of 2

associated with the remediation activities should be addressed by the EIR. For example, if the remediation activities include the need for soil excavation, the EIR should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the remediation activities; and (4) risk of upset should there be an accident during remediation.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact me at (510) 540-3806, if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Jayantha Randeni, P.E.
Senior Hazardous Substances Engineer
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Nancy Ritter
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

RESPONSE TO LETTER C – DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Response to Comment C-1

The DTSC questions the findings and investigation of the “debris pile” and proposed mitigation strategies, and requests clarification on the criteria to be used if cleanup is required.

The debris pile is mentioned within the original Phase I site assessment from 2007, and notes that “one debris pile containing vehicle tires was noted on the residential portion of the property”. The investigator did not note any specific evidence of hazards or hazardous materials, but did recommend removal of the pile under the observation of an environmental professional (Phase I ESA, page 2). The mitigation measure in the EIR is consistent with the investigator’s recommendation. Due to the location and small size of the debris pile site, no significant secondary environmental effects would be expected to occur with its removal. There are no nearby sensitive noise receptors, construction-related dust abatement measures would be applicable to this work, and transportation would be limited and temporary. The nature of the debris—tires, defunct ranch equipment, etc.—is not conducive to the release of hazards or risk of upset. As identified on page 3.8-12 of the DEIR, the “construction area” was actually a Caltrans staging area for improvements at the Highway 68/San Benancio Road intersection and has since been cleared with completion of those improvements.

Please see modified measure below, which clarifies the requirements for removal of the debris pile.

MM 3.8-1a

Prior to issuance of a grading permit for the areas involving the debris pile, and construction yard sites, the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns. ~~Subsequent soil sampling below the debris pile and construction yard may be necessary.~~ Prior to removal, a Phase II ESA shall be conducted at these locations. If soil samples from the Phase II investigation identify remnant contamination or hazardous materials, the project applicant shall have contaminated soil and/or materials removed, transported, disposed of at an authorized landfill, or otherwise abated and remediated by a certified professional in accordance with local, state, and federal regulations. Any contaminated materials will be removed by hand (due to archaeological sensitivity), removal will be conducted by an environmental specialist, and all findings will be catalogued. Any remediation will be conducted pursuant to the Department of Toxic Substances Control’s Proven Technologies and Remedies (PT&R) for the identified contaminant. A post-cleanup report will be

2.0 RESPONSE TO COMMENTS

provided to the County documenting the materials found, and how they were disposed. The presence of the archaeologist is due to the proximity of known cultural resources in this general location.

Comment Letter D

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

November 15, 2012

MON-68-17.19
SCH# 2005091055

David Mack
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93907

Dear Mr. Mack:

COMMENTS TO FERRINI RANCH SUBDIVISION DRAFT EIR

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

1. Transportation Concept

With the initial conditions as outlined in this letter, Caltrans conceptually agrees with the Alternative 3B that includes a new signalized intersection on Highway 68 (Ferrini Ranch Road). The mitigation for this new connection includes, but is not limited to:

- ~ Widening Highway 68 to four lanes from the existing four-lane section (approximately PM 15.38) through the new intersection and up to roughly PM 14.2 (prior to Toro Place Café).
- ~ Closing the existing Torero Drive connection from Portola to Highway 68, and reconnecting to Portola from the new Ferrini Ranch Road.
- ~ Emergency access will not be allowed in the Parcel A open space area as depicted on the Figure 4-1c site plan. A locked/non-actuated “crash gate” for emergency access should be considered at the existing western driveway (near Parcel C and serving existing homes). Driveway improvements will be reviewed through the Caltrans encroachment permit process.
- ~ Highway 68 improvements will follow the Caltrans project-development and review processes; these include design, access control/relinquishment, biological, landscaping, phasing, etc.
- ~ All Highway 68 improvements relative to this project must be in place prior to construction of the development.

D-1

“Caltrans improves mobility across California”

Comment Letter D Continued

Ferrini Ranch Subdivision
November 15, 2012
Page 2

2. Aesthetics and Visual Sensitivity

Caltrans concurs that the construction of Ferrini Ranch Road adjacent to Highway 68 would result in a Significant and Unavoidable (Class I) visual impact. Page 19 3.1-22.

D-2

This impact would be created in part by the project's inconsistency with County of Monterey visual policies. This inconsistency, in combination with the inherent reduction of rural character with building Ferrini Ranch Road, jeopardizes the officially designated State Scenic Highway status for Highway 68. To help address these issues:

~ Photo-Simulations. Additional photo-simulations should be included from eastbound Highway 68 for the purpose of showing maximum visibility of Ferrini Ranch Road. The simulation should include one or more vehicles on the frontage road and if applicable, the proposed adjacent bicycle/pedestrian path. This disclosure is important since views of Ferrini Ranch Road from Highway 68 were determined to result in a Class I visual impact.

~ Figure 3.1.6b Viewpoint #4. The photo-simulation should show Ferrini Ranch Road in the mid-ground. Page 3.1-31.

~ Landscaping Berm. Paragraph 3 identifies the potential visual impacts to Highway 68 related to the visibility of Lots #20 through #22 and Lots #24 through #28. A proposed berm is referenced as providing sufficient mitigation to reduce the impact to a less-than-significant level. Since no information is provided regarding the specific dimensions, form, or "landscap(ing)" of the berm, its effectiveness as a visual screen cannot be determined. An improperly designed berm can create an unnatural-appearing landform which could result in secondary visual impacts. A mitigation measure should be added similar to MM 3.1-6 which requires validation of the berms effectiveness and natural appearance. If the effectiveness cannot be verified, other mitigation measures or project alternatives should be considered. Page 3.1-45.

3. Hydraulics

Caltrans has concerns about the impacts of increased impervious area to the drainage systems on Highway 68, as well as the potential flooding and erosion problems. The project states that detention basins will be used to reduce post-development peak flows, but the drainage calculations in Appendix E underestimate the flows getting to the highway.

D-3

Specifically, the Kleinfelder report uses a time of concentration of 24 hours which is unacceptably high and should not be considered. The Whitson report uses a reasonable time of concentration, but the associated intensities are much lower than what is found using the Caltrans standard guidance. More realistic values should be used for the final design of the detention storage.

Runoff intensities should be determined in accordance with the Caltrans HDM Chapter 810 and NOAA Atlas 14. When more detailed plans and calculations are available, they should be

"Caltrans improves mobility across California"

Comment Letter D Continued

Ferrini Ranch Subdivision
November 15, 2012
Page 3

provided to Caltrans for immediate review. These should confirm that the 100-year flow does not increase to Highway 68.

4. Biology/Wildlife Corridors

The transportation improvements as discussed in Alternative 3B have the potential to increase vehicle speeds through the project area. The increased speeds, in combination with highway widening, create a barrier effect and could potentially increase the number of animal-vehicle collisions. Because this area is known to have a high concentration of wildlife crossings, part of the widening design should include upgrading existing culverts through the project area to address this impact. This, in conjunction with wildlife fencing, could help offset the potential safety concern created. (The fencing component has been proven effective in other areas, but in this location will need to be studied further so as to prevent a visual impact.)

Further, there appears to be the assumption that only the riparian area along El Toro Creek is important as a wildlife corridor. Under current conditions, crossings are unimpeded on the entire ranch. Reconfigured open spaces in Parcel A, proposed CC&Rs regarding the type of fencing allowed, and the size of the lots at the western end of the development reduce permeability for wildlife. The presence of homes, pets, lighting, etc., all alter the wildlife movement patterns.

Page 3.3-56, 2nd paragraph (Impact 3.38) states the need for a 300-400 foot wide wildlife corridor. Caltrans is requesting details to show this sizing is adequate. Further, Mitigation Measure 3.3-8c needs to explain in more detail how the open space is going to be maintained to ensure animals continue utilizing the undercrossing.

In summary, given the potential impacts to this area as a result of the development, Caltrans support for the new connection to Highway 68 is conceptual. To ensure continued support, adequate resolution to the concerns as outlined above will need to occur. In this environmentally-sensitive area, there are numerous issues that need further study. We request official notification of all public hearings related to this development.

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

Sincerely,



JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

"Caltrans improves mobility across California"

**D-3
cont'd**

D-4

2.0 RESPONSE TO COMMENTS

RESPONSE TO LETTER D – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Response to Comment D-1

Conditional Support for Alternative Transportation and Access Concept.

Caltrans District 5 has commented and conceptually agrees with Alternative 3B that includes a new signalized intersection on Highway 68 at Ferrini Ranch Road. This conceptual support is based on a series of design conditions, including widening of a portion of State Route 68. A supplemental travel time corridor analysis of this alternative (Wood Rodgers, February 2012) has been reviewed by the County of Monterey and is included as an attachment to this Final EIR.

Caltrans comments also address timing of mitigation which would be applicable to Alternative 3B (or any alternative with a similar access configuration). Since the project as proposed shows primary access through Toro County Park, mitigation measure MM 3.12-1a as written provides adequate mitigation for the project's impact to facilities along the State Route 68 corridor.

If a project alternative is approved by the County that involves a new intersection at a realigned Torero Drive and associated widening of State Route 68, then the County agrees that any such improvements must be in place prior to construction of the project.

The following condition will be applied to any such alternative:

State Route 68 Traffic Mitigation: Prior to issuance of building and/or grading permits for individual lot development within the subdivision, the project applicant(s) shall, in coordination with Caltrans and the Bureau of Land Management, construct a portion of the "State Route 68 Commuter Improvements" project from the four-lane section of State Route 68 to a point 2,200 feet westward, together with final project access as approved by the Board of Supervisors and Caltrans. Regardless of whether the applicant implements these improvements alone or provides fair-share funding as calculated by the County, the improvements shall be in place prior to construction of homes. Although these improvements will improve conditions locally, project impacts elsewhere along the corridor remain **significant and unavoidable**. Emergency access shall be provided via locked/non-actuated "crash gates" at locations acceptable to the County, Caltrans and the Monterey County Regional Fire District. State Route 68 improvements will follow Caltrans project-development and review processes.

Response to Comment D-2

Caltrans concurs that construction of Ferrini Ranch Road adjacent to State Route 68 would result in a significant and unavoidable impact and that the construction of Ferrini Ranch Road jeopardizes the State Scenic Highway designation. Caltrans suggests additional visual simulations and modifications to mitigation to ensure the validation of the effectiveness of the proposed berm and its natural appearance.

As shown on pages 3.1-46 and -47 of the DEIR, the improvements necessary for construction of Ferrini Ranch Road are identified as significant and unavoidable. Additional visual simulations will not change the conclusions of the analysis or support an alternative finding. For these reasons, no additional visual simulations have been prepared.

Regarding the proposed landscape berm along State Route 68 near proposed Lots #20–#22 and #24–#28, please see Figure 3.1-13. This figure provides an example of a contoured berm with native grasses similar to the existing condition, providing a subtle rise in topography to screen homes in the background. The impact is addressed by mitigation measure MM 3.1-1a, which has been augmented to address this specific location:

MM 3.1-1a ~~Prior to final map approval, the~~ The project applicant shall reconfigure the lot and development pattern to relocate building sites for residential lots outside of the critical viewshed areas and 100-foot scenic roadway setback. Buildings on lots where building sites cannot be fully located outside the critical viewshed must not be visible from scenic roadways (SR 68, River Road, or San Benancio Road). The applicant shall demonstrate to the County that lots can be built upon meeting this visual criteria prior to recording the final subdivision map. Where berms are currently proposed for screening and view protection along the State Route 68 Scenic Corridor, the applicant shall provide sufficient detail in the improvement plans with the final map to allow verification by the County of berm appearance and effectiveness as a screen.

Response to Comment D-3

Caltrans expresses concerns regarding runoff and flooding potential, as well as assumptions for runoff intensities and drainage facilities.

As noted on page 3.7-18 of the DEIR, the detention basin design is schematic at this time, based upon a preliminary drainage report. Final facility design is subject to review and approval by the Monterey County Water Resources Agency (MCWRA) once final improvement plans are submitted for review. Any drainage facilities that affect or are located within the state right-of-way are subject to review by Caltrans.

It should be noted that the County has recently updated post-project drainage, retention and water quality requirements in response to new State standards. The project will be subject to those requirements, as specified by Monterey County Environmental Services. The preliminary drainage study for Alternative 5 (Whitson Engineering, 2014), as part of this RDEIR, incorporates the new requirements.

Response to Comment D-4

Caltrans expresses concerns regarding wildlife corridor crossings and fencing associated with Alternative 3B. Details of the proposed wildlife corridor and confirmation of open space maintenance is requested.

Comments regarding wildlife have been noted for the record. Please see revised Section 3.3 and Alternative 5 in the RDEIR. Please also see responses to Letter RD-2 and Master Response 3 regarding this issue.

Comment Letter E



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

November 16, 2012

David J. R. Mack
Monterey County Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

SUBJECT: Comments on the Draft Environmental Impact Report for Ferrini Ranch

Dear Mr. Mack:

The Transportation Agency for Monterey County is the Regional Transportation Planning and Congestion Management Agency for Monterey County, and agency staff has reviewed the draft Environmental Impact Report for the Ferrini Ranch Subdivision. The proposed development consists of approximately 870 acres of land south of Highway 68 between River Road and San Benancio Road that includes 212 residential lots, three open space parcels, and four private parcels for future development.

The Transportation Agency offers the following comments:

Impacts to Regional Roads & Highways

1. Our agency supports and appreciates the County's intent to collect Regional Development Impact Fees as mitigation for cumulative impacts for this development proposal. However, mitigation measures MM 3.12-1A and 3.12-1c call for the payment of the Regional Development Impact Fee as mitigation for project-specific impacts. The regional fee, as designed, is adequate mitigation only for cumulative impacts.

By definition, a project-specific impact entails a level of significance in excess of a cumulative impact. Since the regional fee funds are spread across 17 regionally-significant improvement projects to satisfy a development's cumulative impacts throughout the county, not solely for direct impacts within the vicinity of the development, payment of regional fees would be less than what would be expected for adequate mitigation of project-specific impacts. Additional project-specific impacts would still need to be addressed through another mechanism, such as direct fair-share payments towards the planned improvements at the impacted facilities.

E-1

Comment Letter E Continued

Letter to Mr. David J. R. Mack
Page 2 of 3

November 16, 2012

2. The development, as analyzed, would generate 2,392 daily trips, which the report states would contribute to unacceptable levels of service at eleven intersections and seven roadway segments. Of those areas studied, the following have been designated as significant and unavoidable since they “are not currently included in any fee program”:

- State Route 68 / Olmsted Road
- State Route 68 / York Road
- State Route 68 / Pasadera Drive – Boots Road
- State Route 68 / Laureles Grade Road
- State Route 68 / Blanco Road
- State Route 68 between Josselyn Canyon Road and Olmsted Road
- State Route 68 between Olmsted Road and State Route 218
- State Route 68 between York Road and Pasadera Drive
- State Route 68 between Pasadera Drive and Laureles Grade
- State Route 68 between Laureles Grade and Corral de Tierra

E-2

Whether a roadway segment or intersection is included in a fee program does not relieve the project applicant of the responsibility to mitigate the impacts from the development. With the scope and size of this development, along with other proposed developments along State Route 68 (such as the Corral de Tierra Shopping Center, Harper Canyon, and a winery discussed in this environmental report), adequately mitigating project-specific impacts via fair-share payments is an imperative to the operations of State Route 68. Proper mitigations for these impacts should be identified and included in the conditions of approval for the project.

3. Any modification of access to State Route 68 from the development should be coordinated with the Bureau of Land Management and Caltrans. Existing park and open space access to trail heads and vehicle lots should be preserved, particularly since access to the development is being considered through Toro County Park.

E-3

Bicycle, Pedestrian, & Transit Impacts

4. After receiving a presentation on the development proposal from the project applicant, the Transportation Agency’s Bicycle and Pedestrian Committee provided the following comments:

- Provide connections to the trail from SR 68 so commuters can choose to use the path instead of riding on the shoulders.
- Consider installing crosswalks at the trail entrances so residents in the neighborhood can easily access the facility.
- Consider the installation of a roundabout at the new intersection at SR 68 proposed by the project sponsor.

E-4

Comment Letter E Continued

Letter to Mr. David J. R. Mack
Page 3 of 3

November 16, 2012

- Designate an agency to provide trail maintenance.
5. The environmental impact report states the following: *"As a rural area of the county, there is not a significant amount of foot-traffic in the vicinity of the project site and therefore sidewalks are not provided along State Route 68, River Road, or San Benancio Road."*

Considering the proximity of the San Benancio Middle School, the Toro Café, the Corral de Tierra Shopping Center, and other open spaces, safe and accessible bicycle and pedestrian access to these areas from the development site should be a priority. The Transportation Agency supports that the project applicant will construct a multipurpose trail parallel to State Route 68 to increase alternative transportation options, and recommends the following:

- A premium should be placed on safe and accessible pedestrian access to development sites from intersections and crosswalks, sidewalks, and bicycle facilities. New pedestrian facilities should be required to be designed with American Disability Act-compliant sidewalks that connect to external facilities and provide access to transit stops. This should include providing connections to existing facilities where there are gaps in coverage.
- New roadways constructed for interior circulation of the development site should include sufficient room for sidewalks and bicycle facilities that connect to external facilities.
- In addition, The Transportation Agency recommends the installation of public bicycle racks and lockers. Adequate lighting at these locations to improve safety and visibility should be provided by the development.

E-5

Thank you for the opportunity to comment on the reassessment process. If you have any questions, please contact Michael Zeller of my staff at 831-775-0903.

Sincerely,



Debra L. Hale
Executive Director

CC: Brandy Rider, California Department of Transportation (Caltrans) District 5
Paul Greenway, Monterey County Department of Public Works
Carl Sedoryk, Monterey-Salinas Transit
Maura Twomey, Association of Monterey Bay Area Governments
Richard Stedman, Monterey Bay Unified Air Pollution Control District

RESPONSE TO LETTER E – TRANSPORTATION AGENCY OF MONTEREY COUNTY (TAMC)

Response to Comment E-1

Payment of Regional Development Impact Fees for project-specific and cumulative impacts.

Please see response to comment D-1. Project-specific mitigation has been provided for any alternative that will result in a new intersection and widening of State Route 68. The EIR recognizes that the payment of fees will not fully mitigate project-level impacts, and concludes that impacts to specific intersections and segments will remain significant and unavoidable.

Response to Comment E-2

TAMC states that whether or not an impacted intersection is included in a fee program does not relieve the applicant from mitigating the impacts as a result of development. Proper mitigations for these impacts should be identified and fair-share payments would be imperative.

The facilities (intersections and roadway segments) identified in the comment reflect the summary of conclusions on page 3.12-40 of the DEIR. As noted on pages 3.12-23 and -37 of the DEIR, the widening of State Route 68 to four lanes, plus the associated intersection improvements, would improve operations along the State Route 68 corridor to acceptable levels of service under Background Plus Project conditions. However, no funding is available for these improvements or the South Fort Ord Bypass, nor have these improvements been included in the Regional Transportation Plan. Beyond the funding issue, there are political and environmental constraints to these major capacity-based improvements. For these reasons, there is no “fair-share” calculation for these improvements that are unfunded and unlikely to occur. Therefore, these improvements are not considered feasible mitigation under CEQA. The project therefore has no ability to mitigate for these specific impacts. By CEQA standards, if an impact cannot be mitigated through feasible measures or alternatives, the impact must be considered an unavoidable consequence of the proposal. Such impacts require findings by the approving agency documenting the agency’s overriding considerations for such impacts.

Response to Comment E-3

TAMC requests that any modification of access to State Route 68 should be coordinated with Caltrans and the Bureau of Land Management.

Comment noted for the record. This comment has been addressed in Response to Comment D-1.

Response to Comment E-4

TAMC provides several comments regarding bicycle, pedestrian, and transit impacts, which include the following requests: provide connection to the trail from State Route 68 so commuters may chose to use the path instead of the shoulder; consider installation of crosswalks at the trail entrances and a roundabout at the new intersection; and designate an agency to provide trail maintenance.

Suggestions are noted. The multipurpose trail as originally proposed would be accessed via San Benancio Road at the intersection of San Benancio Road/State Route 68 and via River Road near the intersection of River Road and State Route 68. As noted on page 3.10-19 of the DEIR,

2.0 RESPONSE TO COMMENTS

the Monterey County Parks Department would be the responsible agency for trail maintenance. Considering that a California tiger salamander mitigation area has been established within Toro Park as mitigation for another unrelated project, final trail alignment could be influenced by this constraint in order to avoid disturbance.

Response to Comment E-5

TAMC states that bicycle and pedestrian access to the nearby school, services, and parks should be a priority, and provide several recommendations for non-motorized mobility.

Specific suggestions regarding facilities are noted for the record. A multimodal path for pedestrian and bicycle users was proposed along Highway 68 between San Benancio and River Road; however, due to the location of, and potential impact to, California Tiger Salamander this is not a feasible component. Any multimodal components related to Highway 68 improvements will need to be approved by CalTrans. The proposed bicycle and pedestrian improvements within the project site would be subject to County Code requirements, which would include compliance with ADA standards and provisions for bicycle racks. With the grade of the proposed roadways being greater than 30 percent in some areas, the provision for bicycle facilities along the internal roadways would not be considered feasible. The proposed roads within the project site will be lightly traveled and bicycle traffic on these roads will not conflict with motorized traffic.

Comment Letter F

Page 1 of 1

Calderon, Vanessa A. x5186

From: Amy Clymo [AClymo@mbuapcd.org]
Sent: Friday, November 16, 2012 11:02 AM
To: ceqacommments
Cc: David Craft; Richard Stedman
Subject: Comments on Ferrini Ranch Subdivision Project DEIR (PLN040758)
Attachments: MBUAPCD_Comments_Ferrini Ranch_PLN040758 (11-16-12).pdf

Attached are the Monterey Bay Unified Air Pollution Control District's comments on the Draft Environmental Impact Report for the Ferrini Ranch Subdivision Project (PLN040758).

Thank you for the opportunity to review the document,
Amy

Amy Clymo
Supervising Air Quality Planner
Monterey Bay Unified Air Pollution Control District
24580 Silver Cloud Court, Monterey, California, 93940
Ph: (831) 647-9418 x227
Fx: (831) 647-8501
www.mbuapcd.org

11/16/2012

Comment Letter F Continued



MBUAPCD
Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8601

November 16, 2012

County of Monterey
Resource Management Agency - Planning Department
Attn: David Mack, Associate Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901

SUBJECT: Ferrini Ranch Subdivision Project (SCH#2005091055, PLN040758)
Draft Environmental Impact Report (DEIR)

Dear Mr. Mack:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments.

Section 3.2 Air Quality

Tables 3.2-2, 3.2-3, and 3.2-5

The information contained in Tables 3.2-2, 3.2-3, and 3.2-5 is outdated. For example, update the monitoring data in Table 3.2-2 to report the years 2009, 2010, and 2011 to correctly reflect the text which states, "Table 3.2-2 Summary of Ambient Air Quality Data summarizes the last three years of published data." In Table 3.2-5, the federal 1-hour NO₂ standard is missing.

Short-term Construction Emissions (pages 3.2-18 through 3.2-21)

The reduction in fugitive dust emissions with mitigation is overestimated and the impact should be reported as significant and unavoidable. For example, Table 3.2-6 reports maximum PM₁₀ emissions equal 662.01 pounds per day for Phase 1. Upon review of the URBEMI2007 output sheets contained in Appendix B, 653.6 pounds PM₁₀ per day is generated from disturbing 32.68 acres per day (calculation: 32.68 acres per day x 20 lbs PM₁₀/acre/day = 653.6 lbs PM₁₀/day). Only two of the mitigation measures in URBEMIS2007 should apply to reducing emissions from disturbance, 55 percent from watering 2x per day and 5 percent from replacing ground cover, for a total of 60 percent reduction. Please provide the calculations to show how measures such as reducing speeds on unpaved roads to 15 mph or managing haul road dust would additionally reduce emissions by 44 percent and 55 percent, respectively, for the total reduction shown in Table 3.2-7 of 92 percent. Measures that reduce emissions for equipment loading/unloading should not be counted because emissions from this source were not estimated. For Phase 1, the mitigated PM₁₀ emissions from daily disturbed acres should be much higher than the Air District's 82 lbs/day threshold and the impact should be reported as significant and unavoidable.

F-1

Comment Letter F Continued

Sensitive Receptors (page 3.2-26)

The proposed project will bring additional mobile source emissions in close proximity to sensitive receptors at San Benancio Middle School. The DEIR should include a discussion of both the construction and operation emissions in relation to the sensitive receptors at the school.

F-1
cont'd

Section 3.12 Transportation and Circulation

Mitigation Measure 3.12-1a (page 3.12-37)

Transportation sources are one of the primary contributors to ozone concentrations in our air basin. Motor vehicles generate the ozone precursor emissions, nitrogen oxides (NO_x) and volatile organic compounds (VOC). Approximately 50 percent of the NO_x emissions and 25 percent of the VOC emissions in our air basin come from motor vehicle emissions. Therefore, the Air District recommends implementing additional mitigation measures to address the project-specific degradation of the existing, unacceptable level of service along Highway 68 road segments and intersections.

According to the Transportation Agency of Monterey County's (TAMC) *Strategic Expenditure Plan* for regional development impact fees (RDIF), the "State Route 68 Commuter Improvements" project is a Tier 3 project with a timeframe of 2025-2030. The timeline for the project is not clearly stated in the project description, the air quality section or the transportation and circulation section. In the absence of a timeline for the proposed project in the DEIR, the Air District does not agree that implementing the "State Route 68 Commuter Improvements" project in 2025-2030 would mitigate project-level impacts to less than significant. Furthermore, the RDIF only covers a portion (~25 percent) of the estimated \$24 million cost of the State Route 68 project so there is uncertainty as to whether this project would actually be completed. Therefore, additional mitigation measures are required to reduce the project-specific impacts on the surrounding transportation infrastructure to less than significant (Intersection 8, Intersection 9, Intersection 12, Segment 8, Segment 9, and Segment 10).

F-2

For additional mitigation measures, TAMC has developed a list of alternative transportation measures that may help reduce both transportation impacts and greenhouse gas emissions impacts for the proposed project. These measures can be found at:

http://www.tamcmonterey.org/programs/envrev/alternate_measures.html. Examples that may apply to the proposed project include:

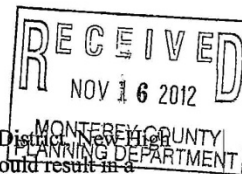
- Provide ridesharing, public transportation, and nearby licensed child care facility information to tenants/buyers as part of move-in materials.
- Park-and-ride facilities.
- Implement a rideshare program.

Section 3.13 Greenhouse Gas Emissions

The proposed project's greenhouse gas emissions exceed various significance thresholds established by other air pollution control districts throughout the State. For example, the San Luis Obispo County Air Pollution Control District has a significance threshold of 1,150 metric tons

F-3

Comment Letter F Continued



CO₂e per year. Also, another local project EIR, Salinas Union High School District, New High School No. 5, concluded 1,305 metric tons CO₂e per year with mitigation would result in a significant and unavoidable impact. Table 3.13-11 reports mitigated emissions as 5,258 metric tons per year with a 3.3 percent reduction from mitigation. For these reasons, the Air District does not agree that greenhouse gas emissions from the proposed project would have a less than significant impact on the environment with mitigation. The Air District recommends implementing additional mitigation measures to reduce greenhouse gas measures.

Motor vehicle emissions are reported to be 63 percent of the predicted annual project emissions yet the motor vehicle emission reductions shown in Table 3.13-11 are only 0.1 percent. The Air District recommends including additional mitigation measures such as, the measures developed by TAMC listed above, to reduce greenhouse gas emissions impacts.

Mitigation Measure 3.13-1 (page 3.13-26)

The Air District supports the mitigation measure to prohibit wood-burning fireplaces and stoves as this will also benefit reductions in PM_{2.5} emissions.

Please review the mitigation measures listed for operation of the proposed project as some differ from what was reported in Appendix B. For example, the seventh bullet, compliance with Title 24 standards should not be listed as a mitigation measure as the proposed project is required to comply with these standards. However, the Air District found that the mitigation measure listed in Appendix B states, "exceed Title 24 requirement by a minimum of 20 percent..." If this is the case, that residences will be designed to exceed Title 24 standards, then the additional measures can be listed as mitigation, and the text of the mitigation measure needs to be revised.

Best regards,

A handwritten signature in cursive script, appearing to read "Amy Clymo".

Amy Clymo
Supervising Air Quality Planner
(831) 647-9418 ext. 227 or aclymo@mbuapcd.org

cc: Richard Stedman, Air Pollution Control Officer
David Craft, MBUAPCD Air Quality Engineer/Planner

F-3
cont'd

RESPONSE TO LETTER F – MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (MBUAPCD)

Response to Comment F-1

The MBUAPCD makes several comments regarding Section 3.2, Air Quality. These comments primarily focus on Tables 3.2-2, 3.2-3, and 3.2-5; short-term construction emissions; and sensitive receptors.

Comments regarding Section 3.2, Air Quality, are noted for the record. Please see revised Section 3.2 contained within the RDEIR.

Response to Comment F-2

The MBUAPCD provides comments regarding Section 3.12, Transportation and Circulation. These comments address the timing of mitigation measure MM 3.12-1a and recommend additional mitigation measures to help reduce both transportation and greenhouse gas emission impacts.

Please see revisions to Section 3.2 within the RDEIR. See also Response to Comment D-1 regarding the timing of mitigation and facility improvements.

Response to Comment F-3

The MBUAPCD provides comments regarding Section 3.13, Greenhouse Gas Emissions. These comments primarily focus on exceeding thresholds of significance, support for mitigation measure MM 3.13-1, and other recommended mitigation measures.

Please see revised Section 3.13 of the RDEIR. The greenhouse gas assessment methodology has been modified.

Comment Letter G

MONTEREY COUNTY REGIONAL FIRE DISTRICT

19900 Portola Drive, Salinas, California 93908

(831) 455-1828 Fax (831) 455-0646

www.mcrfd.org

Michael B. Urquides, Fire Chief

David J. Sargent, Division Chief/Administration

Ron L. Lemos, Division Chief/Operations

Miles J. Schuler, Division Chief/Fire Prevention

October 22, 2012

David J. R. Mack
Monterey County Resource Management Agency
Planning department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: Comments Regarding the Draft Environmental Impact Report
Ferrini Ranch Subdivision
PLN040758

Dear Mr. Mack

This letter is sent in response to the Notice of Availability of the Draft Environmental Impact Report ("DEIR") for the proposed Ferrini Ranch Subdivision located off Highway 68 between River Road and San Benancio Road. The comments represent the input regarding the response to emergencies in this development by the Monterey County Regional Fire Protection District ("MCRFPD") as well as fire safety features proposed in the subdivision. I will address the comments based on the section of the DEIR where the matter is contained.

Section 3.10.1 Environmental Setting

PUBLIC SERVICES

Fire Protection Services

The fire district's makeup has changed since the publishing of the first environmental document in 2008. Shown below is the proposed text of the Fire Protection Services subsection:

Fire Protection Services

Fire protection service at the project site would be provided by the Monterey County Regional Fire Protection District (MCRFPD). The MCRFPD provides firefighting, rescue, and emergency medical service to approximately 40,000 residents district wide. The MCRFPD service consists of approximately 350 square miles of predominantly rural and agricultural lands, in addition to a portion of the community of Spreckels. In 2011, the MCRFPD responded to 2,546 incidents, 62.0 percent of which were associated with medical emergencies (Urquides 2012)

G-1



Serving the Northern Salinas Valley, Highway 68 Corridor, Community of Chualar,
Carmel Valley, Mid Carmel Valley & Santa Lucia Preserve

Comment Letter G Continued

Mr. Mack
Re: DEIR - Ferrini Ranch PLN040758
October 22, 2012
Page 2

The MCRFPD staff consists of 54 full-time employees, and 22 volunteer firefighters (Urquides 2008, Priolo 2012). The full-time firefighters are trained to a minimum level as emergency medical technicians, and the volunteer firefighters are trained to a minimum level as first responders. Additionally, 18 of the full-time firefighters also hold paramedic ("EMT-P") licenses (Urquides 2008; Priolo 2012). All personnel receive specific training on wildland fire control.

The MCRFPD consists of six fire stations: the Toro Station (Station #1) located at 19900 Portola Drive, Salinas; the Chualar Station (Station #2) located at 24281 Washington Street, Chualar; the Laureles Station (Station #3) located at 31 Laureles Grade Road, Salinas; the Village Station (Station #4) located at 26 Via Contenta, Carmel Valley; the Mid Valley Station (Station #5) located 8455 Carmel Valley Road, Carmel; and the Santa Lucia Preserve Station (Station #6) located on Rancho San Carlos Road, Carmel. The administrative office is located next to the Toro Station at 19900 Portola Drive in the Serra Village/Toro Park area, Salinas.

Stations 1 and 3 would serve the project site. For emergencies requiring only one engine to respond, Station 1 would serve portion of the development accessed from the Toro Park entrance; Station 3 would respond to the parcels off San Benancio Road. Both stations would respond to all locations within this development for emergencies designated by the district receive two-engine response.

The response area for Station #1 includes Toro Park, Serra Village, Toro Hills, Indian Springs, The Bluffs, and Las Palmas subdivisions. Station #1 has an engine company staffed by a captain, a lieutenant and two full-time firefighters on duty each day. According to the Monterey County Regional Fire District, the average response time from both Station #1 and Station #3 to the project site would be approximately 3-4 minutes (Urquides 2008; Priolo 2012).

Section 3.10.1 Environmental Setting

UTILITIES

Potable Water

The potable water supply system proposed to be supplied by the California Water Service will also provide water for fire protection. Fire hydrants serving the areas with one- and two-family dwellings will be required to provide 500 gallons per minute ("GPM") with a residual pressure of 20 pounds per square inch ("psi"). Fire hydrants serving areas with individual residential buildings that have three or more dwelling units and with commercial buildings shall be required to provide fire flow pursuant to the California Fire Code based on the size of the structure and type of construction.

Potable Water Treatment and Distribution Facilities - Impact 3.10-7

- Please include an estimate of the size of the proposed water tanks.

G-1
cont'd

G-2

Comment Letter G Continued

Mr. Mack
Re: DEIR - Ferrini Ranch PLN040758
October 22, 2012
Page 3

Fire Protection Service and Police Protection Service - Impact 3.10-1
Information regarding the fire protection service should be updated as follows:

“The Monterey County Sheriff’s Office Central Station as well as Stations #1 and #3 of the Monterey County Regional Fire Protection District would provide police and fire protection service to the project site...” (balance of paragraph to remain the same)

If you have any questions regarding this information, please contact me at (831) 455-1828.

Sincerely,

DOROTHY PRIOLO
Deputy Fire Marshal



For: MICHAEL B. URQUIDES
Fire Chief

G-3

RESPONSE TO LETTER G – MONTEREY COUNTY REGIONAL FIRE DISTRICT (MCRFD)

Response to Comment G-1

The MCRFD provided updated information regarding their fire protection services.

Comments are noted for the record. The description of fire protection services on page 3.10-1 has been revised as follows:

3.10.1 ENVIRONMENTAL SETTING

Public Services

Fire Protection Services

Fire protection service at the project site would be provided by the Monterey County Regional Fire Protection District (MCRFPD). The MCRFPD provides firefighting, rescue, and emergency medical service to approximately ~~40,000~~24,000 residents district-wide. The MCRFPD service area consists of approximately ~~350~~250 square miles of predominantly rural and agricultural land uses, in addition to the community of Spreckels. In ~~2011~~2007, the MCRFPD responded to ~~2,546~~1,373 incidents, ~~62.0~~42.0 percent of which were associated with medical emergencies (Urquides ~~2012~~2008).

The MCRFPD staff consists of ~~543~~5 full-time employees and ~~224~~5 volunteer firefighters (Urquides 2008; Priolo 2012). The full-time firefighters are trained to a minimum level as emergency medical technicians, and the volunteer firefighters are trained to a minimum level as first responders. Additionally, 18 of the full-time firefighters also hold paramedic ("EMT-P") licenses (Urquides 2008; Priolo 2012). All personnel receive specific training on wildland fire control.

The MCRFPD consists of ~~six~~three fire stations: the Toro Station (Station #1) located at 19900 Portola Drive, Salinas; the Chualar Station (Station #2) located at 24281 Washington Street, Chualar; ~~and the Laureles Station (Station #3) located at 31 Laureles Grade, Salinas; the Village State (Station #4) located at 26 Via Contenta, Carmel Valley Road, Carmel Valley; the Mid Valley Station (Station #5) located at 8455 Carmel Valley Road, Carmel Valley; and the Santa Lucia Preserve Station (Station #6) located on Rancho San Carlos Road, Carmel.~~ The administrative office is located next to the Toro Station at 1990 Portola Drive in the Serra Village/Toro Park area, Salinas ~~at 201 Monterey Salinas Highway/State Route 68 in Monterey.~~

Stations #1 and #3 would serve the project site. For emergencies requiring only one engine to respond, Station #1 would serve the portion of the development accessed from the Toro Park Entrance; and Station 3 would respond to the parcels accessed off of San Benancio Road. Both stations would respond to all locations within the development for emergencies designated by the district to receive two-engine response.

2.0 RESPONSE TO COMMENTS

The response area for Station #1 includes the Toro Park, Serra Village, Toro Hills, Indian Springs, The Bluffs, and Las Palmas subdivisions. Station #1 has an engine company staffed with a captain, a lieutenant, and two full-time firefighters on duty each day. According to the Monterey County Regional Fire Protection District, the average response time from both Station #1 and Station #3 to the project site would be approximately 3–4 minutes (Urquides 2008; Priolo 2012).

Response to Comment G-2

The MCRFD states that residences will require 500 gallons per minute with a residual pressure of 20 pounds per square inch, and fire hydrants serving the three or more dwelling units or commercial buildings shall be required to provide fire flow pursuant to the California Fire Code.

Comments noted. All fire flow requirements will be met through standard conditions of approval. The size of the proposed storage tanks will be determined based upon [approval of] final residential unit count and in conformance with Monterey County and California Water Service standards.

Response to Comment G-3

The MCRFD provides updated information regarding their fire protection services and police protection service as discussed in Impact 3.10-1.

Comment noted. The second to last paragraph on page 3.10-8, under Impact 3.10-1, has been revised as follows:

The Monterey County Sheriff's Office Central Station ~~and~~ as well as Stations #1 and #3 of the Monterey County Regional Fire Protection District would provide police and fire protection service to the project site. According to the Monterey County Sheriff's Office, the response time to the project site is too speculative due to the location of the officer on the beat and the size of the patrol area. However, an estimated time would be 20 to 25 minutes (Crozier 2008). According to the Monterey County Regional Fire Protection District, the average response time to the project site would be approximately 3 to 4 minutes (Urquides 2008).