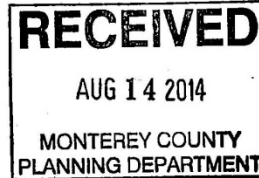


Letter RD-1

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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August 14, 2014

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 RECIRCULATED DRAFT EIR

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments. Attached with this letter is our correspondence dated November 15, 2012. While the Recirculated Draft EIR (RDEIR) reorganized many of the original alternatives, the overall message contained in the previous letter still represents the Caltrans position. Other considerations include:

1. Transportation Concept. While not making value assessments from one alternative to another, Caltrans retains the position that access to State Route (SR) 68 will only be allowed when it is accompanied by signalization, appropriate widening, and realignment of Torero Drive. This complement of improvements shall be in place prior to any traffic using the new access point. Alternatives in the document that show emergency access only to Highway 68 with a developed road will not be granted.
2. Scenic Highway. Given the visual sensitivity of the SR 68 corridor and the project's potential effect on State Scenic Highway status, Caltrans was anticipating the REIR to prepare and include a revised Aesthetic section and technical report appendices, as opposed to short statements for each alternative.

RD-1-1

Mitigation Berm – A comment regarding the validity of identifying a “landscaped berm” as visual mitigation was provided in Caltrans letter attached. This concern was not addressed in the REIR.

RD-1-2

The DEIR and REIR identify potential visual impacts to SR 68 related to critical and sensitive viewsheds and change of character. Proposed berms are 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 landscaping of the berm, its effectiveness as a visual screen cannot be determined. The specific methodology used to determine the required physical dimensions of berms and ensure their effectiveness should be included. An improperly designed berm can create an unnatural-appearing landform, block views of scenic vistas and other effects which could result in secondary visual impacts. A mitigation measure should be added which requires that prior to project approval, validation of the berms

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Letter RD-1 Continued

Ferrini Ranch Recirculated DEIR
August 14, 2014
Page 2

effectiveness and natural appearance be conducted, certified, and if the effectiveness cannot be verified, other mitigation measures or project alternatives should be developed.

State Scenic Highway Designation – Although some of the presented alternatives reduce visual impacts compared to the original project, they all would result in visual impacts including visible grading for building pad, access road development, and inherent alteration from open space to a rural residential and commercial subdivision. A signalized intersection, paved formalized entry roads and monuments, increased signage and night lighting, fencing, and artificial berms would all contribute to a loss of open space and degradation of visual character. State highways are Officially Designated as Scenic in part because of the lack of visual encroachment along the corridor.

The REIR does not provide sufficient information or evidence that the new alternatives to the project would reduce visual impacts, nor does it adequately disclose the visual effects of the alternatives. Without supplemental information such as photo-simulations, sight-line studies or other data to confirm claims of minimal visibility and noticeability, the reader must rely solely on the personal opinion of the author to compare and contrast between alternatives and the original project proposal. Without the ability to assess the validity and methodology of the visual analysis findings and related mitigation measures, Caltrans is unable to determine if the project would be consistent with the scenic quality standards of the State Scenic Highway program.

Lastly, the REIR does not discuss how the project alternatives are or are not consistent with applicable existing Monterey County visual and related policies and ordinances, and as a result if any Statement of Overriding Considerations would be required for project approval. This information is critical in making determinations regarding State Scenic Highway status.

3. Wildlife Connectivity. The proposed project location has the potential to be a significant landscape block for maintaining habitat crucial to maintaining wildlife connectivity in the region including California tiger salamanders. The El Toro Creek Bridge underpass and the surrounding landscape are critical components needed to ensure that wildlife continue to use the undercrossing rather than crossing over SR 68 at other locations. The following are some considerations to preserve the habitat on the project site and could be incorporated into Alternative 5:

~Remove parcel 1a and 15a from development and incorporate them into Open Space 2A. Parcel 1a is a highly degraded area and 15a currently has a residence and out buildings. Both lots could be re-vegetated to provide a larger vegetative buffer between the proposed development and El Toro Creek Bridge undercrossing.

~The proposed bike and pedestrian path that crosses Open Space A2 could further impact the movement of wildlife through this area by increasing human activity at El Toro Creek and Harper Creek. To reduce potential impacts, re-align the bike and pedestrian path by pulling it close to the end of Lot #16 and hugging the boundary of school where there is already a foot path through the trees.

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RD-1-2
cont.

RD-1-3

Letter RD-1 Continued

Ferrini Ranch Recirculated DEIR
August 14, 2014
Page 3

~Relocate parcel 27, 28, 30a, and 30b by clustering them with other proposed blocks of development to the east.

Regarding Page 3.3-30; 1st paragraph; the last sentence states: "The undercrossing is in close proximity to the Ferrini Ranch House etc., has been occupied by a family and several large dogs, suggesting that despite current human use, wildlife use this undercrossing." Although this statement may be accurate, there is a difference between a single family dwelling and the proposed project. The increase in the number of dwellings would result in a substantial increase in human presence, the number of potential human/pet/wildlife interactions, increase in lighting and noise effect that would influence the current pattern of use by both humans, and wildlife at the El Toro Creek Bridge undercrossing.

Regarding Page 3.3-30; 3rd paragraph; the 3rd sentence states: "An open corridor with a minimum width of 328 feet is met under the proposed project design (it is actually closer to 1,000 feet) etc." There is no standard minimum width and this number is taken out of context with the literature cited (Hennings and Soll, 2010) on Page 3.3-6 Wildlife Corridors, 4th paragraph, last sentence. The information in this source is based on a literature review that includes various recommendations depending on species and habitats in the States where the studies were conducted as noted in Appendix 1. Most of the studies are based on the needs of insects, amphibians, reptiles, small mammals, and birds. In particular the distance needed to protect nesting sites for birds can range up to over 1,200 feet. One study quoted 328 feet for mule deer, however, this was related to a study focused on determining the minimum distance wildlife will tolerate dogs on a trail and not the width required for an adequate wildlife corridor.

Regarding Page 3.3-66, Impact 3.3.8, 3rd paragraph, the 2nd sentence states: "Existing corridors for wildlife are limited to El Toro Creek, the Portola Drive overpass, and possibly culverts that run beneath SR 68." The configuration of the Portola Drive overpass would not be considered a wildlife corridor. Wildlife is very unlikely to use the road that connects Ollason to Portola Drive to cross the highway. Instead they are more likely to cross through the patches of habitat between the local roads to cross SR 68 at grade.

Based on the Caltrans culvert database, the majority of the culverts in the project area are too small to provide wildlife passage for most animals, especially large to medium size mammals. Most of the culverts range from less than 2 feet to 3.5 feet in diameter. There is a single 4-foot diameter culvert in the project area.

Regarding Impact 3.3.8, page 3.3-66, 5th paragraph, the 1st sentence states: "The proposed project would dedicate approximately 600 acres as permanent open space." Although the project will preserve 600 acres of permanent open space, the configuration of the open space and the development will permanently fragment the existing wildlife corridor and animals will no longer be able to move freely across the landscape towards the El Toro Creek Bridge underpass.

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**RD-1-3
cont.**

Letter RD-1 Continued

Ferrini Ranch Recirculated DEIR
August 14, 2014
Page 4

Regarding Impact 3.3.8, page 3.3-67, this discussion only covers temporary noise impacts. There should be a discussion on the permanent noise impacts from the residential development that will occur in the wildlife corridor, particularly the proposed developments near the El Toro Creek Bridge undercrossing.

RD-1-3
cont.

4. Biological Resources. Page 3.3-1; 3rd paragraph; 2nd to last sentence states: "An application for an Incidental Take Permit (ITP) was submitted to CA Department of Fish and Wildlife (CDFW) in July 2010 etc., however, if it is determined that take does not occur based on mitigation as proposed, an ITP will not be needed." Regardless of any mitigation measures proposed, there would still be potential for take with any ground disturbance activities proposed on the property including the work in the State right-of-way for the transportation improvements that affect the State highway system.

During the Caltrans encroachment permit process for the work required on SR 68 prior to constructing the development, Caltrans would require that the developer have all of the appropriate regulatory permits related to that work. This would include a copy of an ITP or letter from CDFW confirming a Consistency Determination for the Section 7 consultation with the USFWS or a letter from CDFW that an ITP or Consistency Determination was not required. The encroachment permit would also require an environmental document specifically for the proposed highway work.

RD-1-4

Regarding Page 3.3-34; Toro Area Plan it states: "There are no known rare or endangered wildlife species on the project site." This seems to contradict that the California tiger salamander, which is a federal and state listed species, occurs on site adjacent to the right-of-way on SR 68.

Lastly, the document should address the cumulative impacts to wildlife corridors in the region.

5. Prior to issuing any Caltrans encroachment permit, detailed detention basin plans and calculations will need to be reviewed and approved by Caltrans. Scenic Highway and Biological issues will need to be resolved as well.

RD-1-5

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

Attachment

"Caltrans improves mobility across California"

Letter RD-1 Continued

Ferrini Ranch Recirculated DEIR
August 14, 2014
Page 5

cc: Brandy Rider (D5)
Orchid Monroy (D5)
Bob Carr (D5 Landscape)
Lyn Wickham (D5 Hydraulics)
Nancy Siepel (D5 Environmental)
Mike Zeller (TAMC)

"Caltrans improves mobility across California"

Letter RD-1 Continued

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

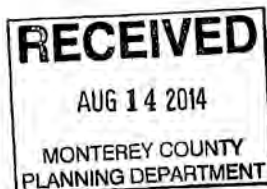
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ATTACHMENT

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.

I. 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.

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Letter RD-1 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.

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.

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"

Letter RD-1 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.)

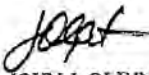
Further, there appears to be the assumption that only the riparian area along El Toro Creek is important as a wildlife corridor. Under current conditions, crossings are unimpeded on the entire ranch. Reconfigured open spaces in Parcel A, proposed CC&Rs regarding the type of fencing allowed, and the size 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"

Letter RD-1 Continued

Ferrini Ranch Subdivision
November 15, 2012
Page 4

cc: Brandy Rider (D5)
Mark McCumsey (D5)
Bob Carr (D5 Landscape)
Lyn Wickham (D5 Hydraulics)
Nancy Siepel (D5 Environmental)
Mike Zellar (TAMC)

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3.0 RESPONSE TO COMMENTS ON RDEIR

RESPONSE TO LETTER RD-1 – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Response to Comment RD-1-1

Transportation Concept. The County understands Caltrans' position that direct access to State Route (SR) 68 will only be allowed when it is accompanied by signalization, appropriate widening, and realignment of Torero Drive. Those improvements are consistent with Alternatives 3B and 5. The portions of the project that access River Road or the Portola interchange could be constructed and occupied prior to the installation of the new at-grade intersection.

Response to Comment RD-1-2

Scenic Highway. Please see responses to Letter D, which address several issues raised by Caltrans, including treatment of berms and augmented mitigation. DEIR Section 3.1, Aesthetics and Visual Sensitivity, did not warrant recirculation because the DEIR section provided sufficient detail and analysis to determine the significance of visual impacts and aesthetic changes, using CEQA thresholds. Impacts to SR 68 as a designated State Scenic Highway are documented in Impacts 3.1-1 and 3.1-4. The County recognizes the potential for significant impacts along the scenic highway and within County-designated critical viewshed areas, and provides mitigation to address those impacts (DEIR page 3.1-21). However, it is also recognized that the project as proposed would result in unavoidable impacts due to its unique location within Toro Park, along the highway and within critical viewshed. As identified on DEIR page 3.1-47, construction of Ferrini Ranch Road, a linear feature within 100 feet of the scenic highway, would cause a significant and unavoidable impact "if unable to be relocated through design or through an acceptable alternative." Alternatives 3B and 5 provide that alternative.

The analysis of Alternative 5 (RDEIR pages 4.0-57 through -58) acknowledges that a new at-grade intersection would be visibly located along the highway. Compared to the project as proposed, however, degree of impact would be significantly lessened by removing a long stretch of new roadway within the 100-foot scenic route setback. As an alternative to the project, the RDEIR provides a level of detail appropriate for the comparative analysis of the concept. Figure 4-1D provides a schematic of the new interchange concept and widening. The level of detail requested by Caltrans for each alternative, including visual simulations and other studies, is more appropriate for a NEPA document (or Caltrans CEQA clearance document), as may be required during the detailed design phase of any improvements along the state highway.

SR 68 is subject to local protections as set forth by County zoning and design requirements. This facility is also considered "scenic with minor issues" according to the California Scenic Highway Program Survey and Assessment Project (Foothill Associates 2001). This designation recognizes that visual intrusions—residential and commercial buildings, power poles, etc.—are present along the corridor. In the immediate area of the proposed new intersection, the visual character is dominated by the existing Toro Park Estates neighborhood to the north, and grassland/grazing land with mature oaks and sycamore trees to the south. The project is primarily set back from the highway and, although visible from some locations along the highway, would be consistent with the type and density of residential development found elsewhere along the corridor.

Alternative 5 would be consistent with County visual and related policies and ordinances, as development of building sites would either be located outside of the critical viewshed or otherwise mitigated by the project's mitigation measures. As noted on DEIR page 3.1-19, other projects over time have constructed roads and/or access points along SR 68 within the critical viewshed without causing significant impacts. Ferrini Ranch Road was considered to have

unique characteristics that would have caused such an impact. The alternative access avoids those unique conditions on the property—specifically, placement of a roadway parallel and adjacent to the scenic highway.

Response to Comment RD-1-3

Wildlife Connectivity. See Master Response 3.

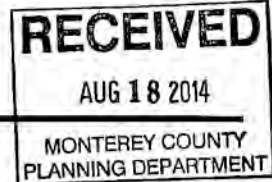
Response to Comment RD-1-4

Biological Resources. Please see responses to letter RD-2.

Response to Comment RD-1-5

Detention Basin Plans. The County understands that detailed basin plans and calculations will require Caltrans review for facilities within the state right of way.

Letter RD-2



Gonzales, Eva x5186

From: Yoshioka, Janice@Wildlife [Janice.Yoshioka@wildlife.ca.gov]
Sent: Monday, August 18, 2014 4:58 PM
To: ceqacommments; Ford, John H. x5158; Mack, David x5096
Cc: josselyn@wra-ca.com; Jake Martin (jacob_martin@fws.gov); Bailey, Craig@Wildlife; Hillyard, Deborah@Wildlife; Sanderson, Brandon@Wildlife
Subject: Recirculated DEIR for Ferrini Ranch Subdivision Project, SCH 2005091055
Attachments: RDEIR Ferrini Ranch, SCH 2005091055.pdf

Messrs. Ford and Mack:

Please see the attached letter. Hard copy to follow by mail.

If you have any questions, please contact Brandon Sanderson, Environmental Scientist, at (805) 594 6141 or brandon.sanderson@wildlife.ca.gov.

Janice Yoshioka
Staff Services Analyst
California Department of Fish and Wildlife
Region 4
1234 East Shaw Avenue
Fresno, California 93710

Letter RD-2 Continued



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



August 18, 2014

John Ford
 David Mack
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, California 93901
ceqacommments@co.monterey.ca.us

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

Dear Messrs. Ford and Mack:

The California Department of Fish and Wildlife (CDFW) has reviewed the Recirculated Draft Environmental Impact Report (RDEIR) for the Ferrini Ranch Subdivision Project (Project). The RDEIR discloses revisions made to the Draft Environmental Impact Report (DEIR) prepared for the Project in August 2012. Please note that CDFW provided comments on the original DEIR dated October 2012, and our previous comments are enclosed and incorporated by reference. The Project description has not changed in the RDEIR, but the document specifically includes changes to the Air Quality; Biological Resources; Greenhouse Gas Emissions; and Alternatives sections of the DEIR. 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 RDEIR identifies that the Project will likely impact special-status species including the California tiger salamander (*Ambystoma californiense*, CTS), which is listed as threatened pursuant to the California Endangered Species Act (CESA) and federal Endangered Species Act (ESA), the Pacific Grove clover (*Trifolium polyodon*), which is listed as rare pursuant to the Native Plant Protection Act, and multiple California Species of Special Concern (CSSC). The Project, as described, would have a significant effect on the environment, according to the RDEIR; and therefore mitigation measures have been proposed to minimize and mitigate impacts to biological resources. CDFW does not concur that all impacts to sensitive resources have been sufficiently described or disclosed to determine appropriate mitigation measures to reduce potential impacts to less than significant. We cannot concur that measures in the RDEIR proposed to avoid, minimize, or mitigate impacts to a level of less-than-significant without additional information. In addition, some of the mitigation measures which have been identified in the document may add unmitigated impacts to sensitive resources as noted in our detailed comments below. Due to the potential for Project-related "take" of CTS and Pacific Grove clover, acquisition of an Incidental Take Permit (ITP) from CDFW prior to Project

RD-2-1

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 2

implementation is warranted to comply with CESA. Please note that regulations are in the process of being adopted by the California Fish and Game Commission to provide CDFW with a mechanism to authorize take of State Rare plants, such as the Pacific Grove clover. However, if such regulations are not in place at the time of Project construction, CDFW will not have the ability to issue take authorization for Pacific Grove clover, and all potential impacts to this species would therefore have to be fully avoided.

Department General Comments

Document Sufficiency: The Project RDEIR does not provide sufficient information or analysis for CDFW to adequately understand the Project and its impacts to biological resources, and assess the efficacy of proposed mitigation measures pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA Guidelines (Section 15126.4) stipulate that the environmental document must disclose environmental effects of a project, as well as any measures which would lessen potential project effects. Additionally, the courts have repeatedly not supported conclusions that impacts are mitigated to less than significant when essential studies, and subsequent impact assessments, are incomplete (Sundstrom v. City of Mendocino (1988) 202 Cal. App. 3d. 296; Gentry v. City of Murrietta (1995) 36 Cal. App. 4th 1359; Endangered Habitat League, Inc. v. County of Orange (2005) 131 Cal. App. 4th 777). It is unclear how findings could be made that all potential impacts to biological resources would be mitigated to a level of less-than-significant and adopted in the absence of accurate identification of the type and extent of sensitive resources potentially impacted, as well as potential effects on those resources.

The RDEIR fails to provide a Project description that includes Project redesign elements required by various mitigation measures; and further, fails to identify whether mitigation measures are feasible, since redesign to address one impact may not be consistent with redesign to avoid or minimize another impact. Additionally, the CEQA Guidelines specify that development of suitable mitigation measures should not be deferred until after approval of the project. Several mitigation measures proposed in the RDEIR rely on future studies, the outcome of which are not known, and which defer mitigation and Project design to a later time. Impacts to special-status species from mitigation measures themselves has not been evaluated, and CDFW is concerned that some of the mitigation measures may have a negative effect on sensitive resources rather than reducing impacts to less-than-significant. CDFW cannot concur that the proposed mitigation measures properly reduce Project impacts to less than significant without a final design plan and appropriate biological resource surveys. In addition, if proposed mitigation measures required in the RDEIR increase impacts to biological resources, they may increase requirements and/or complicate issuance of any ITP or Streambed Alteration Agreement (SAA) by CDFW. CDFW recommends the County revise the CEQA document based on comments provided here and in our previous letter; and submit the document for recirculation.

Again, CDFW recommends the County revise the CEQA document based on comments provided here and in our previous letter; and submit the document for recirculation.

RD-2-1
cont.

RD-2-2

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 3

Fuel Modification: The RDEIR acknowledges that the Project site is in a high fire risk zone; however, there is no description of potential impacts to special-status species or other biological resources resulting from defensible space and fuel modification requirements or analysis of the potential impacts. CDFW recommends that potential impacts to sensitive biological resources from fuel modification be disclosed and analyzed in the RDEIR. Absent this information, CDFW can't evaluate impacts and appropriate mitigation measures to reduce potential impacts to less than significant.

RD-2-3

Feasibility: The RDEIR states that some of the proposed mitigation measures would only be implemented if the measure(s) are determined to be feasible. The RDEIR doesn't define how feasibility will be determined or what impacts may increase in significance if some mitigation measures are determined to not to be feasible. CDFW cannot evaluate mitigation measures without a clear understanding of what mitigation measures will be implemented. In addition, uncertainty about mitigation measure implementation and associated impacts may affect CDFW's ITP and SAA issuance criteria.

RD-2-4

Cumulative Impacts: The RDEIR does not provide sufficient analysis for CDFW to concur that cumulative Project impacts would be less than significant and that no additional mitigation measures to reduce cumulative impacts are warranted.

RD-2-5

Department Specific Comments and Recommendations

Sensitive Plants (Pacific Grove Clover and Congdon's Tarplant): CDFW does not concur that impacts to Pacific Grove clover and Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) have been accurately portrayed; and we do not concur that the mitigation measures proposed will mitigate impacts to a level of less-than-significant. Additionally, the RDEIR incorrectly characterizes the authority of CDFW in regards to Section 1900-1913 with regard to Pacific Grove clover. As noted above, it is not clear if the Fish and Game Commission will adopt regulations to allow CDFW to authorize take of the clover. If the Fish and Game Commission does not adopt new regulations, then impacts to Pacific Grove clover must be completely avoided.

Under **Impact 3.3-1**, the RDEIR identifies that implementation of the proposed Project would result in temporary disturbance and direct impact on two special-status plant species: Congdon's tarplant and Pacific Grove clover. The RDEIR states that construction activities on specific lots and roadway improvements would directly impact Pacific Grove clover based on "current" population distributions. Plant surveys were last conducted in 2007 and may not reflect current distribution of either special-status plant species on the Project site. **MM.3.3-1a** and **3.3-1b** require "pre-construction" surveys only in areas where the species were previously detected during the 2007 surveys. These surveys would not detect special-status plant species if their distribution at the Project site has expanded. CDFW recommends that appropriately timed floristic surveys be conducted **for the entire Project site** to determine the current distribution of these species on the Project site. We recommend the guidelines developed by CDFW (DFG, 2009, available on line at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>) and the United States Fish and Wildlife Service (USFWS) (USFWS, 2000, available on line at:

RD-2-6

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 4

http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/botanicalinventories.pdf). CDFW recommends repeated floristic surveys be conducted by a qualified botanist multiple times during the appropriate floristic period(s) in order to adequately assess the potential Project-related impacts to rare plant species. In addition, CDFW recommends that reference sites visited be documented and be in the same vicinity of the proposed Project site and contain known populations of all the special-status species that have the potential to occur on the Project site. In the absence of appropriately timed botanical surveys, CDFW cannot adequately characterize potential impacts or analyze mitigation measures intended to avoid, minimize, or mitigate impacts to a level of less-than-significant.

MM 3.3-1a(1) and 3.3-1b(1) state, "In locations where proposed improvements conflict with Congdon's Tarplant and Pacific Grove clover, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance." The RDEIR doesn't provide objective criteria to determine when it's feasible to relocate improvements. Without a clear understanding of feasibility and what conditions will prevent relocation of Project improvements, mitigation measures proposed to reduce impacts to less than significant cannot be adequately evaluated by CDFW.

MM3.3-1a(4)a and MM3.3-1b(4)a require that a Rare Plant Restoration and Management Plan be developed as part of the Open Space Management Plan, and the latter plan is not required until prior to recordation of the final map. CDFW cannot evaluate the effectiveness of these mitigation measures without the plans to review. Details in these plans are critical to CDFW analysis of whether measures to mitigate the potential effects are feasible. CDFW recommends that these plans be provided with the RDEIR. If it's not feasible to provide these plans prior to recordation of the final map, then CDFW recommends that specific measurable objectives and success criteria for each plan be listed in the RDEIR.

MM 3.3-1a(4) and MM3.3-1b(4) state, "For any impacts to Congdon's tarplant and Pacific Grove clover identified in the preconstruction survey that cannot be avoided" plants shall be transplanted or habitat restored and/or created. These species are restricted to a specific micro-habitat that is suitable for their establishment and persistence. Pacific Grove clover and Congdon's tarplant occur in wetland and mesic areas within grassland habitats as identified in the Projects previous botanical surveys. Translocating sensitive plant species outside of this existing habitat will likely not be successful; and translocation into habitat which already occupied by these species may be detrimental to the existing population. Recreation of suitable habitat for these plant species requires appropriate hydrology. CDFW is unaware of any data that demonstrates creation of this type of hydrology, particularly in the absence of underlying hardpan that is typical at occupied sites, or successful translocation of either of these species. Although CDFW is supportive of attempts to salvage special-status plants, we do not think habitat restoration and translocation alone is sufficient to reduce impacts to special-status plants, particularly Pacific Grove clover, to less than significant. Therefore, CDFW recommends the Project be designed to minimize impacts to special-status plants as well as the permanent protection and management of occupied habitat at a minimum ratio of two acres conserved for every one acre impacted in addition to habitat restoration and species translocation. CDFW also recommends preparation of a remediation plan for habitat restoration and plant translocation. A

RD-2-6
cont.

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 5

remediation plan describes remediation actions that will occur if plant translocation and habitat restoration fail to meet performance criteria.

MM 3.3-1a(4)d and 3.3-1b(4)b state, "Success will be assessed when 80 percent of the restored/created population is viable for five consecutive years." CDFW is not aware of any data that indicates this success criteria can be achieved. Studies which followed the success or failure of permits issued by CDFW for various plant species have shown that success (including partial success) is less than 15 percent overall. Success for annual plant species is even lower over the long term. With no information regarding the potential for success of translocation of the Pacific Grove clover, reliance on translocation as the primary measure which would mitigate for the impact of the take of the populations on the Project site would not meet our permit issuance criteria (should they be adopted by the Fish and Game Commission). If permanent protection and management of occupied habitat is not feasible, CDFW recommends that success criteria be revised to state that restoration success would be determined by the restored population having greater than the number of individuals of the impacted population(s), in an area greater than or equal to the size of the impacted population(s), for at least 3 consecutive years without irrigation, weeding, or other manipulation of the restoration site.

RD2-6
cont.

California Tiger Salamander: CDFW does not concur that the proposed mitigation measures will mitigate Project impacts to less-than-significant. In addition, CDFW is concerned that some of the mitigation measures may have their own significant impacts on CTS, which have not been described. CDFW recommends that mitigation measures that increase impacts to CTS be removed from the RDEIR.

Impact 3.3-2 in the RDEIR identifies that Project implementation would result in temporary disturbance and permanent alteration of the Project site. On-site and nearby aquatic features are known to be, or have the potential to be, breeding habitat for CTS and CTS moving to and from these aquatic features are known to traverse the Project property. CTS are known to travel up to 1.3 miles between breeding and upland refugia habitat. Per CDFW's previous comments, potential and known breeding habitat features within 1.3 miles of the Project have been identified for analysis in the RDEIR. Analysis conducted as part of the RDEIR to determine upland habitat impacts of the proposed Project was conducted using dispersal distances from known and potential breeding ponds based on scientific literature by Searcy and Shaffer (2011). These distances analyzed were 562 meters (representing 50 percent of dispersing CTS adults), 1,677 meters (representing 95 percent of the dispersing CTS), and 1.2 miles (representing the maximum distance adults have been found to move from a breeding site). Please note that the second zone of dispersal as represented in Searcy and Shaffer (2011) is documented as 1,867 meters which would include a significant amount of additional habitat within this zone that should be analyzed for CTS upland habitat impacts compared to the 1,677 meters analyzed as part of the RDEIR. CDFW recommends that the analysis is revised using the correct distance of 1,867 meters for the second zone of dispersal distance.

RD-2-7

In addition, it was assumed that for zones of dispersal from individual ponds where the distances overlapped that the distance to the closest pond was used to calculate development impacts. Conversely, this approach does not consider greater saturation of the upland habitat where dispersal distances overlap requiring more upland habitat availability for CTS beyond suggested dispersal zones for individual ponds. Furthermore, this analysis as provided in Figure

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 6

3.3-5 and Table 3.3-2 does not consider areas proposed as open space as impacted by the Project, but which are no longer available for CTS dispersal due to barriers resulting from Project development.

**RD-2-7
cont.**

CDFW does not concur with the statement included in the RDEIR first paragraph on page 3.3-45 that states, "Given the porous and low density nature of the proposed development, undeveloped lands within the project site are considered open space and potential CTS habitat. Movement between these areas will be aided through the appropriate curb and gutter design as well as under road crossings suitable for CTS use. Barrier fencing will be installed to prohibit CTS movement into areas of human occupation and CTS permeable fencing will be installed to allow CTS movement into habitat areas. See Figure 3.3-6 illustrating how fencing will be used to enhance and control CTS movement in and around Pond 18." CTS are known to travel in straight lines with little to no navigation skills around barriers. Allaback and Laabs (2003) demonstrated that salamanders will not follow hundreds of feet of fencing to an undercrossing or culvert corridor. Fencing, roadway curbs, and building structures are all barriers to CTS movement, increase CTS exposure, and render individuals more vulnerable to predation and desiccation. Habitat fragmentation has been shown to negatively affect long-term viability of animal populations from reduction in total habitat area and redistribution of the remaining area into disjunct fragments which lead to extinctions (Westerman et al. 2003, Wilcove et al. 1986). Studies have shown that when the upland habitat buffer around a CTS breeding pond is less than 630 m the probability of long-term viability declines rapidly (Trenham and Shaffer 2005). Habitat fragmentation can also impact gene flow among remaining interbreeding populations, putting genetic vigor and therefore viability of the entire species ultimately at risk (CDFG 2010). Project development further fragments the available upland habitat for CTS already fragmented from existing development, greatly reducing the survivorship of the population in the area and possibly endangering the existing breeding population to the point of extirpation (local extinction). For example, the open space habitat identified to the east of Lots #131 through #137 is no longer available for CTS dispersal from pond 18 due to construction of barrier fencing and housing development. The same would be true for other open space areas beyond development foot prints that would be located in direct line with other potential CTS breeding ponds. CDFW recommends these impacts be considered in the RDEIR for both the Project and its cumulative impacts to the CTS population with other development projects. In addition, it is not clear whether the wildlife permeable fencing proposed in Figure 3.3-6 would be permeable for CTS based on the information provided in the RDEIR. CDFW recommends that RDEIR include a fence monitoring program to determine if the wildlife permeable fence provides accessibility for CTS as well remediation measures if it's determined that CTS cannot move through the fence. Alternatively, CDFW recommends considering the wildlife fences permanent barriers for the impact analysis if monitoring and remediation plans are not feasible.

RD-2-8

Protocol-level surveys were initiated at Pond 18 on the Project site, and CTS were subsequently observed in the pond. The protocol survey was terminated with the observation prior to the installation of Project perimeter drift fence to determine movement on and off the Project site, as recommended in the CTS survey protocol guidance. CTS surveys and/or a hydrologic analysis have not been performed in the eastern portion of the Project on Pond 1 within the Project's proposed parcel D identified as Feature 1 on Figure 3.3-3A.

RD-2-9

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 7

CDFW previously requested an explanation of why this aquatic feature has not been included in protocol-level surveys for CTS, impacts analysis, or at a minimum, performance of a hydrologic analysis. The RDEIR states, "An additional seasonal wetland area referred to as Pond 1 on the project site is not suitable breeding habitat for CTS as it is shallow (less than 1 foot in depth) and, during years when ponded, dries by March. The lack of consistent and long-term water through the spring breeding season is because it is a shallow depression that does not have a sufficient water source other than direct precipitation. This wetland is consistently and heavily grazed by cattle each winter and spring, and vegetation does not get established." However, no hydrologic analysis is provided in the RDEIR or additional data explaining why this information wasn't necessary.

The RDEIR states that, "Under the proposed project, the Ferrini Ranch entrance road runs adjacent to Pond 18 and the shoulder will have a direct impact on the breeding pond. In addition, within approximately 2,200 feet of Pond 18, the proposed project would result in development of Lots #81 through #85 and Lots #92 through #136; Roads F, G, H, I, and J; two detention basins; an emergency access road to State Route 68; and a booster pump. Ferrini Ranch Road would directly affect the existing dimensions of Pond 18 and may result in fill to this breeding habitat. Proposed improvements and development would further disturb or impact approximately 43.6 acres of upland aestivation area within 2,200 feet of Pond 18." However, there is no mention that a conservation easement for CTS currently exists within Toro County Park, adjacent to the proposed road, as mitigation for an unrelated Monterey County Project. The conservation easement assumes the presence of quality upland habitat that relies on the protection of Pond 18 and the long-term viability of the existing CTS population. CDFW recommends that the CTS habitat impact analysis and proposed mitigation measures must not consider both upland habitat and aquatic breeding habitat impacts, as well as potential impacts to the Toro County Park CTS conservation easement from the loss or degradation of Pond 18.

RD-2-9

MM 3.3-2a(1) states that, "The design of the subdivision shall be modified to avoid direct effects to Pond 18." It is not clear whether this measure requires changes be made to the design of the project, specifically the Ferrini Ranch entrance road that runs adjacent to Pond 18 in which the shoulder will have a direct impact on the breeding pond, as currently proposed. If the road will be rerouted, CDFW recommends that the RDEIR revise the above described impact to clarify that no direct impacts will occur to Pond 18. In addition, CDFW recommends that the CTS impact analysis consider direct impacts to the upland habitat surrounding Pond 18, because upland habitat features utilized by CTS for the majority of their life stage. To avoid incurring direct impacts to the CTS population utilizing Pond 18 for breeding, CDFW recommends that development not occur within 1,867 meters of Pond 18 (representing 95 percent of the dispersing CTS according to Searcy and Shaffer 2011) as analyzed in the RDEIR. CDFW also recommends a "no disturbance" buffer should be maintained within 562 meters (representing 50 percent of dispersing CTS adults) of Pond 18 to minimize direct impacts to CTS. CDFW recommends that no development occur on Lots #103 through #137 as currently proposed. For the southwestern portion of the Project, CDFW recommends that to avoid incurring direct impacts to the CTS population utilizing upland habitat on the Project site surrounding Pond 9, and the created pond as proposed in the RDEIR, no development should occur on Lots #1a through #30 as currently proposed. This change in development design would also reduce impacts to the wildlife corridor currently being utilized by wildlife moving from the Fort Ord lands

RD-2-10

Letter RD-2 Continued

John Ford
 David Mack
 August 18, 2014
 Page 8

in the northwest to the Santa Lucia mountain range to the southeast as further discussed below. Development proposed in these areas could be redirected to the center of Parcel A between Lots #40 through #93 or to Parcels D, E, and possibly B on the eastern section of the Project as previously recommended by CDFW.

RD-2-10
cont.

MM 3.3-2a(1) goes on to state that the successful use of the created pond, "shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for at least two out of five years." CDFW does not concur that the proposed success criteria meets the needs of a successful and sustainable breeding CTS population. An annual monitoring program should be developed to analyze the success of the created pond. CDFW recommends that success of the created pond be determined by demonstrating that CTS larva complete metamorphosis during average or below average rainfall seasons. CDFW recommends annual monitoring, with the objective of detecting sufficient numbers of metamorphs to provide for a sustainable population of CTS from the created pond should be identified and implemented, with appropriate success criteria utilized during the analysis of data from survey events. The survey methodology could include successive weeks of sampling in the pond, sufficient to identify metamorphs successfully exiting the pond and/or drift fence arrays be installed adjacent to the created pond to identify surviving metamorphs dispersing into the surrounding upland habitat.

RD-2-11

MM 3.3-2a(2) states "The project will employ permanent barrier fences specifically designed to exclude CTS at Lots #131 through #137... Fencing on Lots #100 through #130 shall allow for the passage of CTS to open space areas surrounding and within the undeveloped portions of the lots." As previously stated, CDFW does not consider the open space areas accessible for CTS dispersal due to Project development. Project features like exclusion fencing and permeable fencing make CTS further exposed and more vulnerable to predation and desiccation. CDFW recommends a fence monitoring plan, as discussed above, to determine if the proposed mitigation measures is effective at reducing impacts to less than significant, and a remediation plan in case the fence is determined to be non-permeable for CTS.

RD-2-12

MM 3.3-2a(3) states, "The project's main access roads will be made permeable for CTS dispersal through the use of undercrossings combined with vertical curbs and/or fences (see Figure 3.3-7)... Cattle fencing that will be installed adjacent to the main access roads will be designed with amphibian barrier fencing at the bottom of the fence to direct animals to the location of the culverts." CDFW is uncertain if the proposed fence design will be effective at minimizing disruption of CTS movement based on the information provided in the RDEIR. As stated above, CTS are known to travel in straight lines with little to no navigation skills around barriers. Studies have shown that such directional fencing and culvert/undercrossings have not been successful for directing amphibian dispersal in the upland habitat to and from breeding ponds (Allaback and Laabs 2003). It appears that directional fencing and culvert undercrossings as proposed would concentrate animals to reduced habitat areas. Individual CTS that disperse from the breeding pond through culvert undercrossings likely would not be able to navigate their way back through the undercrossing the following breeding season, making them susceptible to predation and desiccation, and would result in a general decline of reproductive success. CDFW cannot analyze effectiveness of the proposed mitigation measure without a baseline CTS movement patterns on and off the project site or data that supports a particular fence design's

RD-2-13

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 9

effectiveness at re-routing CTS dispersal. Without this information, the proposed fence may contribute to habitat fragmentation. CDFW is available to consult with the Project applicant and discuss the necessary information to develop an effective mitigation measure.

**RD-2-13
cont.**

MM 3.3-2b proposes that a new breeding pond will be constructed with suitable upland habitat preserved and managed within a conservation easement. It also requires that "development of Lots #131 through #137 shall be contingent on the successful use of the created pond by CTS." This implies a nexus and rough proportionality between Lots #131 through #137, and construction of a new breeding pond as mitigation; further, it implies a nexus and rough proportionality between all other development and mitigation measures proposed with the exception of the created pond. Neither of these is supported by any analysis of the projected impacts or the proposed benefits of identified mitigation measures, including the constructed pool. CDFW does not concur with the implied partitioning of impacts and mitigation measures. CDFW recommends the RDEIR revise its analysis based on the partitioning of impacts and mitigation measures, which would be needed to support a phasing of the project and project mitigations.

RD-2-14

CDFW recommends that construction of a new pool for CTS breeding should be based on the requirement that that appropriate success criteria for a created pool includes sufficient adjacent upland habitat and/or habitat connectivity to support the CTS population's use of the new breeding pond. CDFW recommends that the criteria include our previously stated concerns about habitat fragmentation and movement barriers. CDFW cannot fully analyze the effectiveness of the new breeding pond without knowing its location relevant to Project development and other CTS habitat. MM 3.3-2b goes on to state, "The determination of the acreage of aestivation habitat to be included in the conservation areas shall be based on providing 2:1 mitigation for any potential aestivation habitat impacted by roads or development for the proposed project within 562 meters of known or potential breeding ponds and 1:1 mitigation for potential aestivation habitat between 562 meters and 2,092 meters."

CDFW does not concur that the proposed mitigation ratio at 2:1 would provide sufficient compensation for impacts to a known breeding population of CTS in the aquatic and upland habitat as well as dispersal from other offsite breeding ponds to the Projects upland habitat. The determination of upland habitat to be conserved is also predicated on future studies which defers the mitigation after final map approval and impacts/mitigation assessed. The created pond is also not evaluated for appropriate upland habitat necessary for a breeding population of CTS to occupy the site. Currently, as proposed upland habitat within 1,867 meters (representing 95 percent of the dispersing CTS) and even 562 meters (representing 50 percent of dispersing CTS adults) of the created pond is slated for development limiting the amount of upland habitat available surrounding the new pond. This approach would not afford an appropriate evaluation under CEQA as currently proposed. The proposed ratio would result in a 33 percent net loss of upland habitat, along with further fragmentation of upland habitat as a result of the proposed development, therefore, jeopardizing the future existence of the CTS population on the Project site and surrounding area. As previously stated in our letter dated October 19, 2012, to properly evaluate that compensatory land will reduce impacts to a known breeding population of CTS to fully mitigate the take, suitable compensatory mitigation lands should be identified prior to Environmental Impact Report (EIR) certification and must demonstrate that the compensatory

RD-2-15

Letter RD-2 Continued

John Ford
 David Mack
 August 18, 2014
 Page 10

mitigation lands currently support CTS populations. CDFW 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 on- and off-site in combination with habitat restoration and enhancement to support CTS populations. At this point an open space plan or conservation plan has not been presented to make such a determination and has been deferred till after approval of the proposed project and adoption of the CEQA document. ***Please be advised that the current configuration of the Project includes many barriers to movement of CTS throughout the site, which renders a good portion of the site as unsuitable for consideration as mitigation for impacts to CTS upland habitat. The revised RDEIR or Final EIR should also include information regarding where off-site compensatory mitigation may occur to mitigate for all direct, indirect and cumulative impacts to CTS upland habitat.*** MM3.3-2b states that, "Alternatively, the applicant may elect to purchase equivalent habitat credits within an approved CTS mitigation bank subject to approval by CDFW and USFWS"; currently, there are no conservation banks proposed or approved for sale of CTS credits with a service area which includes the proposed project.

RD-2-15
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Mitigation measure MM 3.3-2b goes on to state, "the applicant will transfer any CTS that are collected during preconstruction monitoring to the new breeding pond per MM 3.3-2a [6]." The capture and movement of any species listed under CESA would require an Incidental Take Permit from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86. The collection of CTS would entail a violation of the Fish and Game Code (CESA) without an Incidental Take Permit. Therefore, CDFW recommends that the mitigation measure require the Project applicant to consult with CDFW prior to any CTS capture or relocation to obtain an ITP.

RD-2-16

Mitigation measure MM 3.3-2b states, "...the applicant shall submit the final open space area management plan that includes the conservation area design and the conservation area plan to the County for approval prior to construction." Without the final designs and plan proposals, CDFW cannot evaluate this mitigation measure to determine if it reduces impacts to less-than-significant.

RD-2-17

Special-Status Animal Species

Special-Status Bats: The RDEIR identifies that impacts to individuals and roosting habitat for special-status species of bats from removal of mature oak trees would be considered a potentially significant impact. However, the mitigation measures presented to reduce impacts to roosting habitat for special-status species of bats to a less than significant level only address roosting sites maintained within preserved open space areas of the Project, but do not address impacts to bat roosting habitat that will be lost as part of oak tree removal (maximum of 921 coast live oak trees) on the Project site. The RDEIR goes on to state, "For impacts that cannot be avoided through design, replacement roosting sites shall be provided..." However, there is no information provided on the implementation of providing replacement roosting sites. CDFW recommends that the RDEIR describe how replacement roosts will be implemented, including the proposed design, location, and number or ratio of replacement roosts to be provided.

RD-2-18

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 11

Special-Status Mammals: The RDEIR identifies that there will be direct impacts to riparian nesting habitat for Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*) and grassland denning habitat for American badger (*Taxidea taxus*). It also identifies that increased development will result in indirect impacts from introduction of domestic pets, nighttime lighting, and increased noise and traffic levels all resulting in potentially significant impacts. However, the mitigation measures presented to reduce impacts to nesting habitat for Monterey dusky-footed woodrat that cannot be avoided due to engineering and site constraints do not address habitat destruction but instead suggest nest removal. CDFW is unclear how this addresses impacts to nesting habitat. Also, mitigation measures presented to reduce impacts to denning habitat for American badger do not address permanent removal of the grassland habitat but only present temporary protective buffers for identified natal dens. Again, CDFW finds that such measures as proposed would not reduce impacts to less than significant.

RD-2-19

The RDEIR goes on to state, "Implementation of the above mitigation measures would require avoidance, preservation, and protection of nesting habitat for special-status bat and mammal species as feasible." Again, it is unclear to CDFW how feasibility for this measure is being evaluated. Without a clear understanding of feasibility, measures proposed to reduce impacts to less than significant cannot be properly evaluated by CDFW.

Riparian Habitat: MM 3.3-4a(2) states, "During construction, avoided riparian habitat shall be protected using construction fencing, providing a minimum 100-foot buffer from areas of disturbance where feasible." This measure is not consistent with MM 3.3-8a which states "No new development or improvements, including fencing, shall occur within 200 feet of the riparian edge or Highway 68 undercrossing." CDFW recommends that a minimum 200-foot no-disturbance buffer from riparian habitat be maintained for the Project.

MM 3.3-4a(4) goes on to state, "Impacted habitat shall be replaced through restoration activities... Should mitigation consist of restoration, a riparian mitigation and monitoring plan shall be prepared, submitted to the County for review, and implemented during construction." However, performance-based success criteria for restoration of riparian habitat are not provided to evaluate, under CEQA, whether implementation of mitigation measures as proposed reduce impacts to less than significant. CDFW requests that a riparian mitigation and monitoring plan also be submitted to CDFW for review prior to Project construction. Please note that if the Project disturbs riparian habitat, an SAA Notification may also be warranted. CDFW recommends with us prior to any riparian habitat disturbance.

RD-2-20

Wetland Habitat: MM 3.3-4b(1) states, "Where feasible, the site plan/improvement plans shall be modified to relocate individual lots or improvements in order to avoid wetland habitat..." MM 3.3-4b goes on to state, "Implementation of the above mitigation measures would require avoidance, preservation, and protection of riparian and wetland habitats as feasible." Again, it is unclear to CDFW how feasibility for this measure is being evaluated. Without a clear understanding of feasibility, measures proposed to reduce impacts to less than significant cannot be properly evaluated by CDFW. In addition, modifications to site plans are being deferred after CEQA circulation and therefore cannot be evaluated to determine if new site plans reduce impacts to less than significant and whether new site plans create additional impacts of concern not previously disclosed or evaluated. Fish and Game Commission policy is

RD-2-21

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 12

that Project impacts to wetlands be mitigated with no net loss of wetland habitat acreage or values. CDFW requests that a wetland mitigation and management plan also be submitted to CDFW for review prior to Project construction.

RD-2-21
cont.

Avian Species Habitat: MM 3.3-7 states, "Surveys shall be conducted no more than 30 days prior to ground disturbance..." MM 3.3-7(1) goes on to state, "For construction activities proposed near active nests of other migratory birds, buffer/exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around the nest) shall be established or the construction schedule altered. The buffer zones shall remain in place until the nests are abandoned or the biologist deems disturbance potential to be minimal. No action is necessary if construction will occur during the non-breeding season (between August 1 and November 1)." CDFW is concerned that nesting birds may move into the Project area undetected if surveys are conducted 30 days prior to ground disturbance. We're also concerned that 100 feet may not be a sufficient distance from Project activities to prevent disturbance to bird nests. CDFW recommends that surveys be conducted no more than 10 days prior to the start of the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and CDFW consulted for additional avoidance and minimization measures.

RD2-22

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW also recommends a minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of unlisted raptors. Variance from these non-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended CDFW be notified in advance of implementation of a no-disturbance buffer variance.

It is not clear to CDFW what is meant by, "The buffer zones shall remain in place until the nests are abandoned..." Abandonment as presented here could mean, as a result of construction activities, which would be in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections. CDFW recommends that this sentence be revised to say, "buffer zones shall remain in place 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." In addition, CDFW generally considers the non-breeding season to be between September 15 and February 1. We recommend revising the non-breeding season to these dates to minimize impacts to nesting birds.

MM 3.3-7(3) states, "...the project applicant shall contract with a qualified biologist to relocate the owls through the use of one-way doors over burrows as approved by CDFW during the non-

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 13

nesting season (March through August)." The non-nesting season for burrowing owl is September 1 through February 1. Please correct these dates in the RDEIR.

RD-2-22
cont.

Wildlife Corridors: Impact 3.3-8, "Implementation of the proposed project would result in disturbance and construction activity in the vicinity of the State Route 68/El Toro Creek Bridge undercrossing, which is considered to be a significant route of safe passage for both small and large mammals, amphibians, and reptiles moving between Fort Ord lands and the Sierra de Salinas or Santa Lucia ranges. This would be considered a potentially significant impact. Proposed Lots #1 through #5 and Lots #13 through #15 are located adjacent to the El Toro Creek undercrossing, which has been shown to be a significant wildlife corridor for mammals moving between Fort Ord lands and the project site (Diamond et al. 2011). Development on Lots #1 through #5 and #13 through #15 may discourage, interrupt, or otherwise impact the use of this wildlife corridor." The wildlife corridor present in this area has already been impacted by surrounding development that narrows the corridor down to a small area between Toro Park Estates, State Route 68, and additional development to the southwest. Further development within the corridor as proposed further degrades this habitat which will significantly impact the wildlife species that utilize this corridor for dispersal and migration. CDFW recommends that proposed Lots #1-39 be relocated or eliminated to continue to allow open movement of wildlife within this key wildlife corridor.

MM 3.3-8b states, "CC&Rs shall be established for the subdivision that limit the use and installation of solid barrier fencing beyond future building envelopes and yard areas." Solid barrier fencing extending beyond building envelopes into yard areas further fragments the available habitat to many special species, including CTS, as well as other small reptiles and amphibians, because it reduces their ability to disperse through the Project site. Additionally, CDFW has concerns regarding the enforceability of CC&Rs. Although we support this requirement's inclusion in the CC&R's to inform home owners, CDFW recommends an additional standalone requirement that can be enforced by the County.

RD-2-23

MM 3.3-8c states, "Prior to recordation of the final map, Monterey County RMA-Planning shall require the project applicant to submit for review and approval an open space management plan (OSMP)." Details in the open space management plan are pertinent to CDFW's evaluation of project impacts, as well as the evaluation of how the plan may contribute to proposed mitigation measures. As stated above, CDFW cannot evaluate if all significant impacts have been mitigated and if mitigation reduces impacts to less than significant without this information.

MM 3.3-8d states, "Where appropriate to direct tiger salamander to road undercrossings, barriers along the bottom of the fence will be included to direct amphibians and small mammals to such undercrossings." Barriers along the bottom of the fence further fragment the available habitat because they limit dispersal through the Project area. In addition, CDFW is not aware of any data or scientific research that indicates directional fencing and undercrossing are effective methods to direct CTS and other small reptiles and amphibians through fragmented habitat. CDFW recommends that impact analysis for CTS movement as well as other small reptiles and amphibians be revised to consider the fences impassable barriers.

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 14

Avoidable Wildlife Impacts from Erosion Control Mesh Products: As previously requested, due to this Project site's extensive wildlife habitat interface, CDFW recommends that erosion control and landscaping specifications allow only natural-fiber, biodegradable meshes and coir rolls as a feasible mitigation measure to reduce impacts to special-status species. "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 (Barton and Kinkead 2005, Walley et al. 2005, Washington State Department of Transportation 2005). Plastic mesh erosion control products would likely cause unanticipated, avoidable impacts including take of special status species.

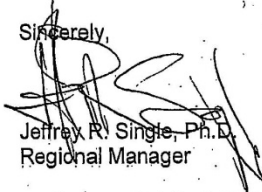
RD-2-24

Cumulative Impacts: This section simply does not address and/or analyze the significant impacts on biological resources that will likely result from implementation of this project along with the list of past, present, and probable future projects producing related or cumulative impacts as required by CEQA (CEQA Guidelines Sections 15130 & 15355). CDFW recommends the RDEIR analyze the fragmentation that the Project along with surrounding development (e.g. Toro Estates) and future proposed development (e.g., Harper Canyon) will have on habitat for listed wildlife species (e.g., CTS and Pacific Grove clover) and other non-listed wildlife species (e.g. wildlife corridors) in the area. CDFW also recommends the analysis consider any Project impacts on the existing CTS conservation easement within Toro County Park. As previously stated the upland habitat conserved as part of the Toro Park CTS easement relies on the breeding function of Pond 18 and the long-term viability of the existing CTS population. We recommend the cumulative analysis specifically consider connectivity between Pond 18 and the Toro Park CTS easement as well as an evaluation of the local CTS population.

RD-2-25

Thank you for the opportunity to comment on the RDEIR 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 brandon.sanderson@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

Enclosure: October, 2012, letter CDFW to Monterey County

ec: See Page Fifteen

Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 15

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Letter RD-2 Continued

John Ford
David Mack
August 18, 2014
Page 16

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SANDERSON/BAILEY/VANCE/SINGLE:jy

Letter RD-2 Continued



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October 19, 2012

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**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.

Conserving California's Wildlife Since 1870

Letter RD-2 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

Letter RD-2 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 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).

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).

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 (CNDDB) 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.

Letter RD-2 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

Letter RD-2 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.

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.

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.

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

Letter RD-2 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,



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ec: See Page Seven

Letter RD-2 Continued

David Mack
October 19, 2012
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3.0 RESPONSE TO COMMENTS ON RDEIR

RESPONSE TO LETTER RD-2 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)

Response to Comment RD-2-1

General Comments. The letter from CDFW provides an overview of the RDEIR and summarizes their detailed comments, addressed below. Regarding the general statement that the RDEIR does not provide sufficient information or analysis to understand the project and its impacts to biological resources, the commenter is directed to RDEIR Section 3.3, the entire supporting record regarding biological resources and mitigation strategies contained within Technical Appendix C, as well as the following detailed responses to comments.

Response to Comment RD-2-2

Project Description/Subdivision Design Modifications. Please see responses to Letter RD-14 regarding feasibility and effectiveness of mitigation measures. The RDEIR includes mitigation measures designed to substantially reduce and/or avoid impacts to biological resources. The RDEIR likewise examines alternatives designed to accomplish the same CEQA objective. Site plans for these alternatives are included in the RDEIR Section 4.0 and demonstrate the location of the proposed development compared to the location of the Open Space area designed to, among others, provide suitable habitat for sensitive species. Five alternatives, including the no project alternative, were evaluated in the RDEIR. Alternatives were selected to remove or adjust lot locations and move roads as identified in the mitigation measures. Alternative 5 reduces the project's unit count, increases the amount of open space, and avoids or reduces impacts in the areas of biological resources, visual resources and aesthetics, public services, cultural resources, land use (loss of parkland and land use compatibility) and traffic when compared to the proposed project. For these reasons, Alternative 5 is considered the environmentally superior option.

Mitigation measures have been proposed that contain performance standards (consistent with CEQA Guidelines Section 15126.4[a][1][b]) that must be met as a condition of the project and do not constitute deferral. Surveys have been conducted on the property for sensitive resources sufficient for evaluating impacts and developing mitigation measures. Pre-construction surveys for species that may have annual variation in habitat use are included and is a typical method to determine mitigation actions in relation to those findings.

Response to Comment RD-2-3

Fuel Modification. Please see Response to Comment 36-35 regarding this issue.

Response to Comment RD-2-4

Mitigation Feasibility. Please see responses to Letter RD-14 regarding this issue.

Response to Comment RD-2-5

Cumulative Biological Impacts. General comments are noted. Please see response to comment RD-14-22 and later responses to this letter.

Response to Comment RD-2-6

Sensitive Plants (Pacific Grove Clover and Congdon's Tarplant) and Related Mitigation Measures. The project proponent will need to follow the Fish and Game Code regulations in

effect at the time of construction. Under current regulations, plants listed as “rare” are covered under the Native Plant Protection Act (NPPA) that was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. The proposed project would be a change in land use. The mitigation measures provided for transplantation and the performance standards are consistent with practices approved by the Department for other plants listed as “rare” (see Final Environmental Impact Statement/Environmental Impact Report for Willits Bypass, Mendocino County, October 2006).

Plant surveys as reported and summarized in the EIR have been conducted in accordance with standard survey protocols using California Native Plant Survey protocols as recommended by the Department and have located areas occupied by Congdon’s tarplant and Pacific Grove clover. Congdon’s tarplant were restricted to seasonally wet areas on both the northern and southern portions of the project area. At these locations Congdon’s tarplant was found to be “sparsely vegetated”. Pacific Grove clover were restricted to areas on the southern parcel within the upper reaches of seasonal drainages. Avoidance actions are proposed based on these suitable habitats. Project alternatives were also prepared and evaluated to avoid and minimize impacts to these locations. The purpose of the proposed pre-construction surveys is to assure that mitigation measures are undertaken in relation to the impact at the time of construction within the various phases. For those areas where these species occur within the open space, no impacts are expected. Management activities of the open space including long term grazing will continue and these species have benefited from that grazing activity.

Once a project alternative is selected, a final subdivision map will be prepared in accordance with all mitigation measures contained in the Final EIR. Locations for the proposed mitigation and the performance standards to be achieved are described in Mitigation Measure 3.3-1(a) (4) and Mitigation Measure 3.3-1(b)(4). Should impacts to either species occur, the detail plans will be provided in the Rare Plant Restoration and Management Plan.

The Rare Plant Restoration and Management Plan will be prepared should there be impacts to either Congdon’s tarplant or Pacific Grove clover. Avoidance and minimization measures are required under Mitigation Measures 3.3-1a(1),(2) and (3) and 3.3-1b(1), (2) and (3). Specific actions and performance criteria have been set by the mitigation measures including planting of additional plants at a specified ratio and creating suitable replacement habitat if necessary, as specified under Mitigation Measure 3.3-1a(4) and 3.3-1b(4). For Pacific Grove clover, pending regulations at the Fish and Game Commission may require additional permitting by the CDFW. No impermissible deferral will occur where a regulatory agency is expected to impose mitigation requirements independent of CEQA and the EIR includes both performance standards and a commitment to mitigate.

Mitigation Measures 3.3-1a and 3.3-1b require avoidance and minimization of impacts to these species and the project has been designed to minimize impacts as recommended by the Department. Transplanting using seed has been shown to be successful for the Congdon’s tarplant (see 2005 Mitigation Monitoring Report; Cisco Site 6, Alviso, CA, prepared by Zander Associates).

The Department recommends that the Project conserve the avoided habitat at a 2:1 ratio to that impacted. MM 3.3-1 has been amplified as specified below to address these concerns.

3.0 RESPONSE TO COMMENTS ON RDEIR

MM 3.3-1a

Prior to grading activities on or near Lot #29, the grading area in this vicinity shall be surveyed by a qualified biologist to document the presence and distribution of Congdon's tarplant (*Centromadia = Hemizonia parryi ssp. congdonii*). If the plant is identified within or near these construction areas, the following mitigation and management steps shall be taken to reduce the loss of individual plants, avoid disturbance or removal of special-status plant species, and create or preserve additional habitat:

- 1) In locations where proposed improvements conflict with Congdon's tarplant, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.
- 2) Disturbance of Congdon's tarplant during construction of the project shall be avoided by such means as rerouting the construction roads and/or prohibiting use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.
- 3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and open space users as to the presence of Congdon's tarplant so that inadvertent disturbance by individual persons traversing the project site will also be avoided.
- 4) For any impacts to Congdon's tarplant identified in the preconstruction survey that are not avoided through implementation of the above avoidance strategy, the project shall:
 - a. Allocate a portion of the southern quadrant of the eastern parcel as a Congdon's tarplant preserve. The preserve area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).
 - b. Relocate any tarplant that could not be avoided to this preserve; and
 - c. Plant additional tarplants in the preserve at a ratio of 1:1 for every relocated tarplant.
 - d. The transplantation/creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail

location, methods, and plant success criteria that will be utilized to restore and maintain populations of Congdon's tarplant within the protected open space or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance, and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Success will be assessed when 80 percent of the restored/created population is viable for five consecutive years. Annual monitoring reports shall be submitted to the County of Monterey and the CDFW, if necessary.

- e. The applicant shall be responsible for obtaining approvals from the resource agencies as necessary to implement the above mitigation measures. The applicant shall be responsible for implementing any additional measures resulting from these approvals.

MM 3.3-1b

Prior to grading activities near Lots #30, #65, ~~#71, #74~~, #81, #82, #83, ~~#95~~, #105, #113, and #114 and in roadway development areas near Lots #29, #30, #65, #81, #82, and #83 and scheduled to correspond to the time of year most appropriate for identification of individual Pacific Grove clover (*Trifolium tridentatum* var. *polyodon*, syn. *Trifolium polyodon*), a preconstruction survey will be conducted to determine the extent and distribution of plants in the vicinity of the project. The survey will follow the protocols for rare plant surveys as recommended by the CDFW.

- 1) In locations where proposed improvements conflict with Pacific Grove clover, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.
- 2) ~~Disturbance~~ of Pacific Grove clover plants during construction of the project shall be avoided by such means as rerouting the construction roads and/or prohibiting use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.

3.0 RESPONSE TO COMMENTS ON RDEIR

- 3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and recreationalists as to the presence of Pacific Grove clover so that inadvertent disturbance by individual persons traversing the project site will also be avoided.
- 4) For impacts to Pacific Grove clover identified in the preconstruction survey that cannot be avoided through implementation of the above mitigation measures, the project shall:
 - a. Restore or create suitable habitat where Pacific Grove clover can be established, ~~in an amount at least equal to the clover population area disturbed or impacted.~~ The habitat preservation area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).
 - b. The creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail location, methods, and plant success criteria that will be utilized to restore and maintain populations' within the protected opens space or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Success will be assessed when 80 percent of the restored/created population is viable for five consecutive years. Annual monitoring reports shall be submitted to the County of Monterey and CDFW, if necessary.

Response to Comment RD-2-7

California Tiger Salamander (CTS). CDFW does not concur that the proposed mitigation measures will mitigate impacts to a less than significant level. CDFW recommends that any mitigation measures that increase impacts to CTS be removed from the RDEIR.

Regarding dispersal distance, and as noted in the RDEIR, the referenced 1,867 meters zone of dispersal is the value that Searcy and Shaffer (2011) calculated using the multiple regression model that they developed from data collected at the Jepson Prairie near Davis, CA. When they applied their predictive model to data collected by Trenham and Shaffer (2005) that studied the California tiger salamander (CTS) closest to the project site in Monterey County (Hastings Preserve), the model predicted a distance of 1,677 meters for 95% of dispersing CTS. They noted that there were differences between the habitat types in the area that they studied compared to the topography and oak woodlands present in Monterey County. The 1,677 meter figure thus represents the best available scientific data for CTS in the vicinity of the project.

With respect to overlapping CTS dispersal zones, there is no scientific information that overlapping aestivation areas would result in greater density of CTS. The presence of CTS is dependent upon a number of factors including the size of the breeding population associated with a particular breeding pond, and the type of vegetative habitat present around the pond, and the number and density of burrowing animals (see Pittman 2005 Trans West. Sec. Wildlife Soc.). The overlap that the Department refers to relates to those distances where CTS are further from the breeding pond and where their density is lower. In addition, a particular condition affecting use of the project site by CTS from ponds off-site is the presence of the highly traveled Highway 68 which acts to substantially reduce the success of animals reaching the project site. CDFW has documented the highways as a major constraint to CTS movement in their proposed listing of CTS under CESA (DFG. 2010. *A status review of the California tiger salamander*). Any CTS using Ponds 8, 9, and 13 must not only cross Highway 68, but also move through existing developments that do not have any specific measures to promote CTS movement. As a result, a significant portion of animals that may move onto the site from off-site ponds is substantially reduced and the impact is the most conservative in assuming that no barriers exist. All open space after project completion would still be considered aestivation habitat as specific mitigation measures are proposed to assure movement throughout the project.

Response to Comment RD-2-8

Barriers to CTS Movement and Permeable Fencing. The Department believes that the proposed project will present barriers to the movement of CTS. As described in the RDEIR, however, the project contains many features including open space preserves around Pond 18, wildlife permeable fencing, and undercrossings beneath the road system where there is open space on either side of the road. CTS barrier fencing is only proposed on those lots closest to Pond 18 to allow for CTS to move around these lots (Figure 3.3-6). All other fencing will be permeable to CTS movement as there will be no solid fencing on the bottom.

As noted in the RDEIR, most CTS use land in close proximity to their natal ponds. However, for those individuals that may move a greater distance, undercrossings have proven effective. Stanford University constructed a tunnel system to help decrease road-kill mortality of migrating CTS on campus (<http://news.stanford.edu/pr/03/wetlands910.html>).

The use of tunnel undercrossings was approved by the US Fish and Wildlife Service recently for the Stanford University's Habitat Conservation Plan. The use of an amphibian tunnel system is also being explored at the Stony Point Road site (Cook in litt. 2008) and preliminary results indicate that fencing can direct CTS to suitable undercrossings.

According to a study published in 2014 by the IUCN Amphibian Specialist Group (<http://www.amphibians.org/wp-content/uploads/2013/09/froglog109.pdf>), thirty-two studies investigated the effectiveness of installing culverts or tunnels as road crossings for amphibians. Six of seven studies cited in the above reference, including three replicated studies, in Canada,

3.0 RESPONSE TO COMMENTS ON RDEIR

Europe and the USA found that installing culverts or tunnels decreased amphibian road deaths. One found no effect on road deaths. Fifteen of 24 studies, including one review, in Australia, Canada, Europe and the USA found that tunnels were used by amphibians. Four found mixed effects depending on species, site or culvert type. Five found that culverts were not used or were used by less than 10% of amphibians. Six studies, including one replicated, controlled study, in Canada, Europe and the USA investigated the use of culverts with flowing water. Two found that they were used by amphibians. Three found that they were rarely or not used. Certain culvert designs were found not to be suitable for amphibians.

As a result, the project does provide sufficient permeability for CTS movement through preservation of open space and incorporation of project design features that allow for CTS to move across lots and roads.

Wildlife permeable fencing (four wire fencing) is meant to allow for small amphibians and reptiles to move freely beneath the fence, unless otherwise stated in the mitigation measures to direct amphibians to specific safe road crossings. Such a design will also allow small mammals to move beneath the fencing. It is similar to standard cattle fencing; however, the top wire and bottom wires are smooth and the two middle wires are barbed. The bottom smooth wire is at least 16 inches off the ground.

These specific features have been clarified in MM 3.3-2a 2) is amplified as follows:

RDEIR page 3.3-46:

MM 3.3-2a The County of Monterey shall require the implementation of the following mitigation measures:

Design:

- 1) The design of the subdivision shall be modified to avoid direct effects to Pond 18. Pond 18, the area adjacent to Pond 18, and the undeveloped open space area contiguous with Pond 18 shall be protected during construction by installation of temporary exclusion fencing and by providing an appropriate buffer (to be determined by a qualified biologist) from areas of disturbance. As per MM 3.3-2b, the development of Lots #~~134~~ 130 through #137 (or as numbered in an approved alternative) shall be contingent on the successful use of the created breeding pond as identified in MM 3.3-2b by CTS. Successful use shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for at least two consecutive years out of five years. Monitoring, sampling and reporting shall occur annually. The survey methodology shall include successive weeks of sampling in the pond, sufficient to identify metamorphs successfully exiting the pond and/or installation of drift fence arrays adjacent to the created pond to identify surviving metamorphs dispersing into the surrounding upland habitat. The final map for lots 130 through 137 shall not be recorded and no subdivision improvements ~~No development with the exception of~~

~~underground utilities~~ shall be completed in the area of Lots #~~131~~ 130 through #137 until these performance criteria are met. Upon completion of the mitigation monitoring the final map can be recorded, and subdivision improvements installed.

- 2) The project will employ permanent barrier fences specifically designed to exclude CTS at Lots #131 through #137. These fences will be incorporated into Lots #131 through #137 facing Pond 18 to exclude CTS from these areas and direct them to open space areas or undercrossings. Fencing on Lots #100 through #130 shall allow for the passage of CTS to open space areas surrounding and within the undeveloped portions of the lots. All wildlife permeable fencing will consist of four-wire fencing, with the top and bottom wires smooth and only the middle wires barbed the bottom smooth wire shall be at least 16 inches off the ground.

Response to Comment RD-2-9

Isolated Pond Feature (Pond 1). Regarding the isolated pond feature identified in Figure 3.3-3A, the RDEIR page 3.3-17 notes that this feature is too shallow and only contains water for a short period of time and therefore is not suitable for CTS breeding habitat. Based on multi-year studies in Monterey and Solano counties, most breeding occurs in early January, and metamorphosis usually occurs from May to July, with a peak in June (Trenham et al. 2000). This feature does not contain water sufficiently long to provide for CTS breeding and larval development.

With respect to Pond 18 and the recently established Conservation Easement, the project as proposed with access through Toro Park would have conflicts due to the existence of the easement. The access road could not go through this easement. However, the alternatives which do not use the park for access would not conflict with the easement. The ability of CTS to move into the conservation easement area with these alternatives would not be significantly affected. The easement is adjacent to Pond 18 with no improvements proposed between the pond and the easement. CTS movement would most likely occur in areas of flatter topography and away from the nearest lots. There is development proposed uphill from Pond 18 but it is located up a very steep slope (Lots 133-136). For CTS to move toward these lots would require them to travel up slopes in excess for 40%, which would be prohibitive.

Response to Comment RD-2-10

Avoidance of Pond 18. Regarding avoidance of Pond 18 as required by MM 3.2-2a(1), the RDEIR does consider alternatives to the proposed Project including altering the project to remove the entrance road adjacent to Pond 18. Specifically, Alternatives 3B and 5 provide for additional open space adjacent to Pond 18, reduce the number of lots, and increase the acreage of open space. The primary migration corridors for CTS are expected to be the water course features extending up the hills. These are proposed to remain in their natural state with the exception of road crossings which will include the installation of under crossings for CTS. Some of the comments made to do not seem to reflect an understanding of the topography of the site. The lower elevations and water courses emanating out and away from Pond 18 would not be

3.0 RESPONSE TO COMMENTS ON RDEIR

developed. The CDFW recommendation to place additional development and density within areas already proposed for development would require development on very steep slopes.

Response to Comment RD-2-11

Proposed Alternative CTS Pond Success Criteria. The Department has proposed alternative success criteria for the created breeding pond; however, even the currently existing Pond 18 does not meet the criteria of having complete larval metamorphosis in below average rainfall seasons. There is insufficient surface water flow to meet this requirement and CTS have adapted to the conditions that exist during dry years and remain as aestivating individuals in their upland burrows. The Department does recommend specific methods for sampling and monitoring that is now reflected in MM 3.3-2a.

Response to Comment RD-2-12

MM 3.3-2a/Barrier Fencing. With respect to barrier fencing, the purpose of the barrier fencing along Lots #130 through 137 (MM3.3-2a 2) is to direct CTS that may be moving from Pond 18 to areas on either side of this lot complex to find suitable movement locations other than within the lots. Otherwise, all fencing will be permeable to small amphibians (see clarified measure). The location of the fencing and specific type of fencing may be adjusted based on scientific information on CTS movement and conditions set in resource agency permits.

Response to Comment RD-2-13

MM 3.3-2a/Effectiveness of Undercrossings. Regarding MM 3.3-2a (3), please see response to comment RD-2-8 which identifies studies that have shown that undercrossings as proposed for mitigation of Project impacts have been found to be successful in other locations. Such undercrossings have been found to be successful in Sonoma County for CTS (<http://www.pressdemocrat.com/news/2209795-181/salamanders-tunnel-to-cotati-breeding>). Undercrossings have been proposed in Santa Barbara County by the US Fish and Wildlife Service in a Biological Opinion issued to Caltrans (<http://www.dot.ca.gov/dist05/projects/lompoc246/biopinion.pdf>). Therefore, this form of mitigation is accepted and has been proven to be successful.

Response to Comment RD-2-14

MM 3.3-2b. Regarding MM 3.3-2b, lots #131-#137 are the closest to Pond 18 and therefore, if there is an impact to migrating CTS, these lots would most likely have the greatest impact to those individuals. Therefore, based on this higher probability, these lots would not be constructed until such time that an additional breeding pond was constructed and successfully occupied by CTS. The additional pond will provide an additional location for CTS to reproduce and also expand aestivation habitat another portion of the Project site and therefore build on the existing population that is currently limited to a single suitable breeding pond.

Two alternative locations for the breeding pond are shown in the RDEIR (Figure 3.3-8). Both are found within the known migration distances for CTS as defined by the Department as shown in Figure 3.3-5.

Response to Comment RD-2-15

Mitigation Ratios. With respect to mitigation ratios, the proposed mitigation ratios are based on other nearby projects. Other recent projects evaluated under CEQA have used 2:1 mitigation

ratios for impacts to aestivation habitat within 630 m (similar to the current mitigation proposal for habitat within 562 m) including the County of Santa Clara's Junipero Serra Boulevard Traffic Calming Project approved by Santa Clara County in August 2012 and for the Gavilan College's Coyote Valley Campus project in 2008.

Response to Comment RD-2-16

Requirements for CTS Collection. If CTS are collected as part of any proposed mitigation program, appropriate permits will be required from the US Fish and Wildlife Service and the Department of Fish and Wildlife.

MM 3.3-2b, second paragraph, RDEIR page 3.3-52, is clarified as follows:

The new breeding pond will have suitable water sources to sustain water within the pond for 3 to 4 months. The pond will be dry or drained during the summer and fall to prevent the establishment of non-native predator species. The applicant, with authorization and necessary permits permission from the CDFW and the USFWS as required under state and federal laws, will transfer any CTS that are collected during preconstruction monitoring to the new breeding pond (MM 3.3-2a [6]).

Response to Comment RD-2-17

Open Space Management Plan. Regarding the open space management plan, the DEIR (August 2012) contains a description of the open space to be permanently retained for open space and conservation. The lands would continue to be utilized as grazing land and would provide access to new hiking trails. These parcels are to be privately maintained by a property owner's association, under the provisions of Covenants, Conditions, and Restrictions (CC&Rs). The mechanism to preserve these parcels as open space will be the application of scenic and conservation easements, applied by the County upon project approval. The lands will continue to be grazed as this long-term management action has also benefited the habitat that supports sensitive plants and animals on the site. The conservation easement will restrict, in perpetuity, any future development actions on the property and will be subject to conditions as set forth in all applicable resource agency permits required for the project. Specific performance criteria for the open space management plan area are set forth in Mitigation Measure 3.3-8c, RDEIR page 3.3-67.

Response to Comment RD-2-18

Special-Status Bats. Regarding MM 3.3-3a, this measure applies to all areas of project development within 100 feet of site disturbance. Replacement roosting sites will consist of artificial bat boxes. Designs of bat boxes can vary depending upon the species and will be installed in the Open Space area, if needed. A minimum of five bat boxes per impacted roost site will be installed in the Project site.

MM 3.3-3a, RDEIR page 3.3-57, is clarified as follows:

MM 3.3-3a Within 30 days prior ~~Prior~~ to removal or disturbance of oak trees, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance. Preconstruction surveys shall occur during the

3.0 RESPONSE TO COMMENTS ON RDEIR

time when bats would be expected to be present and active (i.e., early April) in order to determine whether or not roosting bats are present. If no evidence exists that bats are roosting, no further action is required. Any and all survey results shall be submitted to Monterey County Planning Department to assess and verify condition compliance. If roosting bats are determined to be present, the following mitigation measure shall be implemented:

- 1) Roosting sites maintained within open space areas or that are otherwise avoidable shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.
- 2) Roosting sites that would be directly affected by disturbance (within 100 feet of the roost) shall be mitigated with the installation of artificial bat boxes within the project's open space area. A minimum of five bat boxes per impacted roost site will be installed, with the type of box dependent upon the bat species.
- 3) 2) Signage shall be provided identifying areas of protected habitat to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.

Response to Comment RD-2-19

Special-Status Mammals. As identified on RDEIR page 3.3-56, several mitigation measures work together to provide adequate mitigation for both habitat protection and impacts to specific species and their roosts or dens. This is accomplished primarily through the preservation of extensive open space on the property and mitigation area necessary for CTS. Impacts to habitat types, as a subset of the biological impact analysis, are discussed on RDEIR page 3.3-55. For example, as riparian vegetation provides nesting habitat for Monterey dusky-footed woodrat, mitigation for this species' habitat is mitigated by MM 3.3-4a.

MM 3.3-3b has been clarified as follows:

- MM 3.3-3b** Within 30 days prior ~~Prior~~ to removal or disturbance of riparian and grassland habitat on the project site, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for the presence of the following special-status mammal species and their nesting sites: Monterey dusky-footed woodrat (and their nests) and American badger (and their dens). Preconstruction surveys shall occur during the time when these species would be expected to be present. If no evidence exists that either species is present, no further action is required. If species or nests/dens are determined to be present, the following mitigation steps shall be taken.

- 1) Nesting habitat area maintained within open space areas shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.
- 2) For impacts to nesting habitat for Monterey dusky-footed woodrat that cannot be avoided due to engineering and site constraints, the project applicant shall contract with a qualified biologist to dismantle the nests prior to construction to ensure that no animals are taken during construction. Nest removal will only occur after any woodrat have abandoned the nest, unless otherwise approved by CDFW.
- 3) For impacts to natal habitat for the American badger, temporary protective buffers shall be established by a qualified biologist to avoid direct take of this mammal species.

All survey results and recommendations shall be submitted to Monterey County to assess and verify condition compliance.

Implementation of the above mitigation measures would require avoidance, preservation, and protection of nesting habitat for special-status bat and mammal species as feasible. Preconstruction surveys for potential roost sites for special-status bat species, nest sites for Monterey dusky-footed woodrat, and den sites for American badger shall be conducted by a qualified biologist, with results submitted to Monterey County RMA-Planning. For impacts that cannot be avoided through design, replacement roosting sites shall be provided, Monterey dusky-footed woodrat nests shall be dismantled by a qualified biologist only after nest abandonment and prior to construction, and protective buffers shall be established to avoid direct take of the American badger. Impacts to riparian woodrat habitat are further mitigated by MM 3.3-4a. Impacts to American badger grassland habitats and their protection on the site are further addressed by MM 3.3-2a and 3.3-2b. Implementation of the above measures would reduce the impact to nesting habitat for special-status bat and mammal species to a **less than significant** level.

Response to Comment RD-2-20

Riparian Habitat. Regarding buffer widths from riparian areas, MM 3.3-4a(2) has been clarified below. Should there be impacts to riparian habitat, the project proponent will submit a Streambed Alteration Agreement including a riparian mitigation plan to the Department. The responsibility and regulation for the Streambed Alteration Agreement is referred to in the RDEIR. The performance standard to be achieved is described in Mitigation Measure 3.3-4a as no net loss of riparian habitat.

RDEIR page 3.3-59:

MM 3.3-4a

Existing riparian habitat areas shall be avoided and protected where feasible and otherwise mitigated so that there will be no net loss of riparian habitat. The following performance-based mitigation and management steps

3.0 RESPONSE TO COMMENTS ON RDEIR

shall be taken to avoid disturbance or removal of habitat and associated special-status species (plant and animal) and to create or restore additional habitat if necessary:

- 1) The site plan or final improvement plans shall be modified to relocate Lots #1 through #15 and associated improvements in order to avoid riparian habitat and to include the riparian habitat within open space easements. Any plan modifications are subject to review and approval by Monterey County RMA-Planning.
- 2) During construction, avoided riparian habitat shall be protected using construction fencing, providing a minimum ~~400~~-200 foot buffer from areas of disturbance where feasible. No construction activity shall be allowed beyond exclusionary fence lines, and the exclusionary fences are to be monitored on a daily basis while work is being performed adjacent to these resources.
- 3) Signage shall be provided identifying protected areas to inform construction personnel and recreationalists as to the presence of the protected habitat and the importance of preservation.
- 4) Impacted habitat shall be replaced through restoration activities or mitigation bank credit purchase so that there will be no net loss of riparian habitat. Should mitigation consist of restoration, a riparian mitigation and monitoring plan shall be prepared, submitted to the County for review, and implemented during construction.

Response to Comment RD-2-21

Wetland Habitat/MM 3.3-4b(1). Regarding mitigation feasibility and implementation related to wetlands, please see previous responses to this letter and response to Letter RD-14.

Response to Comment RD-2-22

Avian Species Habitat/MM 3.3-7. Modifications have been made to this measure regarding buffer zones and timing of the non-breeding season. Please see response to comment 39-9.

Response to Comment RD-2-23

Wildlife Corridors. Please see Master Response 3 regarding this issue. In addition, the project alternatives (Alternative 5) replaces lots 1 through 5 with a single lot near San Benancio Road, and reconfigures the lot pattern to provide a large corridor through the western parcel. This alternative is consistent with MM 3.3-8a.

Regarding MM 3.3-8b, please see response to letter RD-15 regarding application and enforceability of CC&Rs. See previous responses regarding the open space management plan.

Regarding MM 3.3-8d, please see previous responses that address examples of use of undercrossings for amphibians.

Response to Comment RD-2-24

Avoidable Wildlife Impacts from Erosion Control Mesh Products. Comments recommending that erosion control and landscaping specifications allow only natural fiber and non-plastic mesh products are noted for the record. MM 3.5-5a has been clarified as follows:

MM 3.5-5a Prior to grading permit issuance for on- and off-site improvements, the project applicant shall contract with a registered engineer to prepare an erosion control plan and a stormwater pollution prevention plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized during site preparation, construction, and post-construction periods. Erosion control and landscaping specifications shall allow only natural fiber, biodegradable meshes and coir rolls to reduce potential impacts to wildlife. The SWPPP shall also address existing conditions and rehabilitate areas that would continue to contribute to the degradation of storm water. The erosion control plan and SWPPP shall incorporate best management practices (BMPs) consistent with the requirements of the National Pollution Discharge Prevention System and Section 16.12 of the Monterey County Code. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff will be in place during the rainy season (November 1 through April 15) and which measures shall be in place year-round. The SWPPP shall require ongoing maintenance of the year round BMPs to ensure peak efficiency. The SWPPP shall be consistent with the Central Coast Regional Water Quality Control Board standards.

Response to Comment RD-2-25

Cumulative Impacts. Please see response to letter RD-14 regarding cumulative biological impacts. Please see previous responses regarding the project's potential effect on the newly established CTS conservation easement in Toro Park.

Letter RD-3



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

August 15, 2014

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

Subject: Ferrini Ranch Subdivision
SCH#: 2005091055

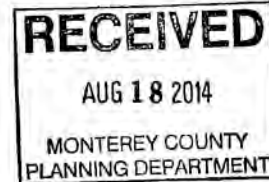
Dear David Mack:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 14, 2014, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

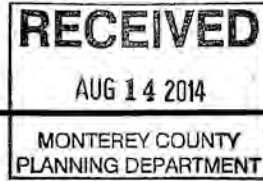


1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO LETTER RD-3 – STATE CLEARINGHOUSE

Statement regarding completion of review requirements is noted.

Letter RD-4



Gonzales, Eva x5186

From: He, Ting [THe@calwater.com]
Sent: Thursday, August 14, 2014 4:40 PM
To: ceqacommments
Cc: Jones, Mike; Bloom, Marc A.; Prasanna, Devi
Subject: Recirculated Draft Environmental Impact Report (RDEIR) for Ferrini Ranch Subdivision (PLN040758, SCH#2005091055) - Cal Water Comments

Cal Water has received the notice of available RDEIR for Ferrini Ranch Subdivision. This RDEIR only covers changes made to four sections: Air Quality, Biological Resources, Greenhouse Gas Emissions, and Alternatives. Cal Water has reviewed the four sections in the RDEIR and has no comment. We support the water conservation effort discussed in the Greenhouse Gas Emissions section. We will work with the developer to build the necessary water facilities to serve the subdivision that are in compliance with all rules and regulations.

Thank you.

Ting He
California Water Service Company
(408) 367-8323

This e-mail and any of its attachments may contain California Water Service Group proprietary information and is confidential. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this e-mail, please notify the sender immediately by replying to this e-mail and then deleting it from your system.

RESPONSE TO LETTER RD-4 – CALIFORNIA WATER SERVICE COMPANY

Comments support water conservation efforts discussed in the RDEIR and acknowledge that Cal Water will work with the developer to build the necessary water facilities to serve the subdivision. No further response is required.

Letter RD-5

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN



Aug 15, 2014

David Mack, Project Planner

**RE: Comments on Recirculated Draft Environmental Impact Report (RDEIR):
Ferrini Ranch Subdivision (FRS), SCH#2005091055, PLN040758**

The Monterey County Health Department, Environmental Health Bureau (EHB) has completed its review of the RDEIR for FRS. The changes in the RDEIR are specifically limited to the following sections **3.2 Air Quality, 3.3 Biological Resources, 3.13 Greenhouse Gas Emissions** and **4.0 Alternatives**. EHB has no comments regarding these changes to these specific sections but would support any Alternative, specifically any that would reduce the number of housing units. This would reduce the impact on environmental sensitive areas of groundwater over use, lessen the flow of wastewater to the wastewater treatment plant and reduce the amount of garbage that would be taken to the landfill.

If you have any question please call me at 755-4763.

Sincerely,

Roger Van Horn, R.E.H.S.
Senior Environmental Specialist

Cc: John Ramirez, Director Environmental Health Bureau
Richard LeWarne, Assistant Director, Environmental Health Bureau
Nicki Silva, Supervisor EHRS

1270 Natividad Rd., Salinas, CA 93906 (831) 755-4507 (831) 796-8680 FAX

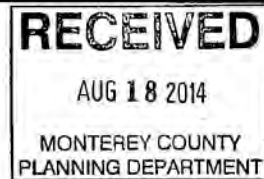
RESPONSE TO LETTER RD-5 – MONTEREY COUNTY DEPARTMENT OF HEALTH

Comments acknowledge that the Monterey County Department of Health, Environmental Health Bureau, is supportive of alternatives that would reduce the number of housing units. No further response is required.

Letter RD-6

Gonzales, Eva x5186

From: Amy Clymo [AClymo@mbuapcd.org]
Sent: Monday, August 18, 2014 12:18 PM
To: ceqacommments
Cc: Richard Stedman; David Craft
Subject: Comments on Ferrini Ranch Subdivision (PLN040758)
Attachments: MBUAPCD_Comments_RDEIR Ferrini Ranch.pdf



Please find the Monterey Bay Unified Air Pollution Control District's comments on the above-referenced project attached.

Thank you for the opportunity to review the document.

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

Letter RD-6 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) 647-8501

August 18, 2014

David Mack
County of Monterey RMA - Public Works
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901



SUBJECT: Ferrini Ranch Subdivision (PLN040758) – Revised Draft Environmental Impact Report

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:

- Please correct the following text on page 3.2-15, "Regional area- and mobile-source emissions were estimated using the URBEMIS2007 (Version 9.2.4)" to state CalEEMod was used to estimate emissions. RD-6-1
- Please review the area source GHG emissions reported in Table 3.13-8 as the mitigated emissions are higher than the unmitigated emissions. The subcategory to double check in the CalEEMod calculations are the assumptions regarding the hearth emissions as this is the category where GHG emissions increase with mitigation. RD-6-2
- The Air District agrees with the conclusion, based on the information provided in the RDEIR, that the proposed project would result in a significant unavoidable cumulative impact from greenhouse gas emissions. The Air District is providing the following additional measures for consideration to further reduce the greenhouse gas emissions. However, implementing any or all of these measures would most likely not result in reducing the impact to less than significant. RD-6-3
 - Designate a portion of the proposed parking lot for park and ride use and provide this information to tenants/buyers as part of move-in materials.
 - Require installation of a 240-volt source of electricity, on its own circuit, in the residential garages for charging electric cars.
 - Purchase GHG offset credits from an established registry such as the Climate Action Reserve or the California Air Pollution Control Officers Association GHG Reduction Exchange.

Please let me know if you have questions, I can be reached at (831)647-9418 ext. 227 or aclymo@mbuapcd.org.

Best regards,

Amy Clymo
Supervising Air Quality Planner

Richard A. Stedman, Air Pollution Control Officer

3.0 RESPONSE TO COMMENTS ON RDEIR

RESPONSE TO LETTER RD-6 – MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

Response to Comment RD-6-1

Page 3.2-15. Text has been modified as follows:

Regional area- and mobile source emissions were estimated using the ~~URBEMIS2007 (Version 9.2.4)~~ ARB-approved CalEEMod computer program for buildout conditions.

Response to Comment RD-6-2

Review of GHG Emissions as Reported in Table 3.13.8. As noted on page 3.13-19 of the Recirculated Draft EIR, approximately 54 percent of the annual GHG emissions are related to vehicle trips associated with development of the proposed project. Table 3.3.8 does show an increase in area source related GHG emissions with incorporation of mitigation measure MM 3.13-1, which prohibits the use of wood burning fireplaces and stoves; however, as shown in Table 3.3.8, area sources represent approximately 20 percent of the GHG emissions. As such, it is unlikely that revising the CalEEMod inputs would result in a substantial change in GHG emissions such that emissions would be reduced to the threshold of 4.9 CO₂e MT/Service Population/Year. The impact would remain significant and unavoidable as identified in the Recirculated Draft EIR.

Response to Comment RD-6-3

Additional GHG Mitigation Measures. The County appreciates additional recommendations for the project to reduce its GHG emissions and concurs that application of additional measures is unlikely to reduce emission to a less than significant level. Although not currently included in the site plan, MM 3.13-1 calls for "bicycle parking facilities and preferential parking for carpooling" at locations such as the winery parcel, with a focus on reducing employee trips. A public park and ride lot is not a mitigation requirement, however, as the space required and/or private property access may not be available pending final improvement plans. The County has also not required the purchase of emission offset credits due to the uncertainty, timing, and verification challenges. The County agrees, however, that having a dedicated line in each garage for electric vehicle charging is a reasonable measure and responsive to growing demand for such vehicles. It should also be noted that the analysis does not account for individual solar applications on homes and/or the winery buildings. Based on current trends and reductions in cost, most homes are anticipated to incorporate solar power into design as a means of reducing utility costs. The analysis is considered conservative, and the project's emissions will likely be lower than predicted, as these features are voluntarily incorporated into individual home sites.

MM 3.13-1 is modified as follows in response to MBUAPCD comments:

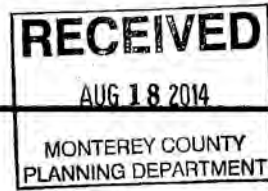
MM 3.13-1 Prior to building permit approval, Monterey County RMA-Planning shall require that project applicant(s) implement the following measures to reduce short-term and long-term emissions of GHGs associated with construction and operation of the proposed project:

Construction

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to the extent practical.
- Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.
- Environmentally preferable and low-emitting materials shall be used for interior finishes and flooring materials of proposed onsite structures.
- CC&Rs for the project shall specify that all newly constructed homes shall be pre-wired with a dedicated 240-volt line to the garage specifically for the purpose of electric vehicle charging.

The remainder of the measure remains unchanged.

Letter RD-7



Gonzales, Eva x5186

From: Michael Zeller [mike@tamcmonterey.org]
Sent: Monday, August 18, 2014 2:00 PM
To: Mack, David x5096; ceqacommments
Subject: PLN040758 - Ferrini Ranch RDEIR Comments
Attachments: Mack - TAMC Comments - Ferrini Ranch RDEIR.pdf

Hi David – please see attached for the Transportation Agency’s comments on the Recirculated Draft Environmental Impact Report for the Ferrini Ranch project. A hard copy of these comments will follow in the mail.

Michael Zeller
Senior Transportation Planner
Transportation Agency for Monterey County
(831) 775-4416

Letter RD-7 Continued



55-B Plaza Circle, Salinas, CA 93901-2902 • Tel: (831) 775-0903 • Website: www.tamcmonterey.org

August 18, 2014

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



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

Dear Mr. Mack:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency for Monterey County, and agency staff has reviewed the Recirculated 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 reviewed and commented on the Draft Environmental Impact Report in a letter dated November 16, 2012. While the Recirculated Draft Environmental Impact Report does not cover new transportation impacts, this letter is to reaffirm our agency's comments on the draft document for transportation issues that should be addressed in the Final Environmental Impact Report, and to provide feedback on the recirculated draft report.

The Transportation Agency offers the following comments:

Impacts to Regional Roads & Highways

1. The Transportation Agency is in agreement with Caltrans that improvements to Highway 68 and local roads in the vicinity of the project area should be completed prior to the development of the proposed project. As recommended by Caltrans, those improvements should include adequate widening and signalization along Highway 68, and improvements to Torero Drive.
2. 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

RD-7-1

Letter RD-7 Continued

Letter to Mr. David J. R. Mack
Page 2 of 4

August 18, 2014

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.

3. 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

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.

4. 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.

**RD-7-1
cont.**

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Letter RD-7 Continued

Letter to Mr. David J. R. Mack
Page 3 of 4

August 18, 2014

Bicycle, Pedestrian, & Transit Impacts

5. 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.
 - Designate an agency to provide trail maintenance.
6. 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.

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.

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**RD-7-1
cont.**

Letter RD-7 Continued

Letter to Mr. David J. R. Mack
Page 4 of 4

August 18, 2014

Sincerely,



for 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

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RESPONSE TO LETTER RD-7 – TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Response to Comment RD-7-1

TAMC's comments reaffirm previous comments made on the Draft EIR. Please see responses to Letter E. The County acknowledges TAMC's agreement with Caltrans, specifically that improvements to State Route 68 and local roads should be completed prior to development of the project.