The following pages provide a summary record or all proposed text amendments to both the Draft EIR and Recirculated Draft EIR. Most amendments are the result of comments received during the public review periods, and directly respond to those comments.

These amendments serve as clarifications and amplifications on the content of the EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines section 15088.5. The amendments serve to clarify and strengthen the content of the EIR, but do not introduce significant new information.

AMENDMENTS TO THE DRAFT EIR

DEIR page 3.1-21:

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

DEIR Page 3.1-69:

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative impacts to aesthetics and visual sensitivity were analyzed based on the list of projects in Table 5-1 (Section 5.0, Cumulative Impact Summary) that are located in unincorporated Monterey County within the State Route 68 corridor between Laureles Grade Road and River Road. These projects would include the Corral de Tierra Shopping Center (now approved and also referred to as the Omni project), the Harper Canyon/Encina Hills subdivision, and to a lesser extent, the Wang subdivision.

The third paragraph on page 3.4-8 of the DEIR has been revised as follows:

As of March 1, 2005, Senate Bill 18 (Gov. Code, Sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The provisions of SB 18 ~~do not~~ apply to the current project.

DEIR page 3.5-30:

MM 3.5-2a Prior to issuance of building permits, all recommendations provided in the Soil Systems geotechnical investigation shall be incorporated into the design and construction of the project in accordance with Policy 15.1.11 of the Monterey County General Plan. Debris flow walls upslope of Lot #23 and the small clustered lots are required. A qualified professional shall evaluate final building site locations to determine if debris flow walls are required for Lots #23, #27, #28, #48, #103–105, #138, #139, #141, and #142. Within these lots, native vegetation shall be retained beyond what is needed for the immediate usable yard, and grading that would destabilize slopes within the rear yard of these lots shall be prohibited. These specific requirements shall be recorded as deed restrictions on the noted lots and/or noted on the final subdivision map.

DEIR page 3.5-32:

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.

DEIR page 3.8-11:

MM 3.8-1a Prior to issuance of a grading permit for the areas involving the debris pile~~,~~ and construction yard sites, the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns. ~~Subsequent soil sampling below the debris pile and construction yard may be necessary.~~ Prior to removal, a Phase II ESA shall be conducted at these locations. If soil samples from the Phase II investigation identify remnant contamination or hazardous materials, the project applicant shall have contaminated soil and/or materials removed, transported, disposed of at an authorized landfill, or otherwise abated and remediated by a certified professional in accordance with local, state, and federal regulations. Any contaminated materials will be removed by hand (due to archaeological sensitivity), removal will be conducted by an environmental specialist, and all findings will be catalogued. Any remediation will be conducted pursuant to the Department of Toxic Substances Control's Proven Technologies and Remedies (PT&R) for the identified contaminant. A post-cleanup report will be provided to the County documenting the materials found, and how they were disposed. The presence of the archaeologist is due to the proximity of known cultural resources in this general location.

DEIR page 3.10-1:

Fire Protection Services

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

The MCRFPD staff consists of 54~~35~~ full-time employees and 22~~15~~ volunteer firefighters (Urquides 2008; Priolo 2012). The full-time firefighters are trained to a minimum level as emergency medical technicians, and the volunteer firefighters are trained to a minimum level as first responders. Additionally, 18

of the full-time firefighters also hold paramedic ("EMT-P") licenses (Urquides 2008; Priolo 2012). All personnel receive specific training on wildland fire control.

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

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

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

DEIR page 3.10-8:

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

DEIR page 3.12-36:

Although 13 segments would operate at unacceptable levels of service under Background Plus Project Conditions, the deficient operations at only seven eight of the 13 intersections segments would be the result of trips generated by the proposed project, while the other six five roadway segments would continue to operate at the same deficient LOS as identified under Background Conditions.

Table 3.12-11 on DEIR page 3.12-36 has been modified as follows:

TABLE 3.12-11
SUMMARY OF ROADWAY SEGMENT THRESHOLDS OF SIGNIFICANCE EXCEEDED UNDER BACKGROUND PLUS PROJECT CONDITIONS

ROADWAY SEGMENT	DIRECTION	PEAK HOUR SIGNIFICANCE THRESHOLD EXCEEDED	
		DEGRADE LOS	ADD 1 TRIP OR MORE TO LOS F
1. State Route 68 between Josselyn Canyon Road and Olmsted Road	EB WB		A.M./P.M. A.M./P.M.
2. State Route 68 between Olmsted Road and State Route 218	EB WB		 P.M.
5. State Route 68 between York Road and Pasadera Drive	EB WB	A.M.	P.M.
6. State Route 68 between Pasadera Drive and Laureles Grade Road	EB WB		P.M.
7. State Route 68 between Laureles Grade Road and Corral de Tierra Road	EB WB		P.M.
8. State Route 68 between Corral de Tierra Road and San Benancio Road	EB WB		P.M. P.M.
9. State Route 68 between San Benancio Road and Torero Drive	Two Way	P.M.	
10. Torero Dr and Begin/End Fwy	Two Way	P.M.	

AMENDMENTS TO THE RECIRCULATED DRAFT EIR

RDEIR page 3.2-4:

> As shown in **Table 3.2-2**, Summary of Ambient Air Quality Data, ambient air quality has exceeded the state PM_{10} standard at the Salinas monitoring station during the past three years of available data. No other exceedances of state or federal ambient air quality standards (AAQS) for other pollutants have been measured at the Salinas monitoring station over the past three years of available data. Ozone concentrations within the basin are generally decreasing. In the past, most ozone within the basin was the result of pollutant transport from the San Francisco Bay Area. With local growth, ozone air pollution from local sources is increasing.

RDEIR page 3.2-6:

> At the local level, air districts have the authority over stationary or industrial sources. Projects that require air quality permits from the MBUAPCD are evaluated for TAC emissions. The MBUAPCD limits emissions and public exposure to TACs through a number of programs. The MBUAPCD prioritizes TAC-emitting stationary sources, based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors. The MBUAPCD requires a comprehensive health risk assessment for facilities that are classified in the significant-risk category, pursuant to AB 2588. Stationary sources regulated by AB 2588 include industries such as aerospace, auto refurbishing, chrome plating, degreasing and dry cleaners.

RDEIR page 3.2-14:

> The MBUAPCD has provided guidance on the subject of cumulative impacts. In accordance with MBUAPCD CEQA Air Quality Guidelines (2008), project emissions which are not consistent with the AQMP would be considered to have a cumulative regional air quality impact. Consistency of ~~population-related~~ projects with the AQMP is assessed by comparing the projected population growth associated with the project to population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). In addition, projects that would result in a significant regional air quality impact at the project level would also be considered to have a cumulative air quality impact.

RDEIR page 3.2-15.

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

RDEIR page 3.2-23:

Impact 3.2-5 Project-related, diesel particulate matter generated during construction would not be expected to create conditions where the probability of contracting cancer increases by greater than 10 in one million for nearby sensitive receptors, nor would acute health effects be anticipated. The proposed project would increase traffic along State Route 68, which may result in the generation of TACs, including diesel-exhaust PM emissions. Exposure to TACs, particularly mobile source TACs, however, ~~may~~ will not exceed MBUAPCD significance thresholds. ~~However, the~~ The proposed project would not result in the installation of any major stationary sources of TACs and no major sources of TACs have been identified in the project vicinity. Therefore, this would be considered a less than significant impact.

RDEIR Pages 3.3-29 and -30

WILDLIFE CORRIDORS

Wildlife corridors refer to established migration routes commonly used by resident and migratory species for passage from one home range to another. A home range refers to the territories established by individuals for breeding and foraging. Corridors link home ranges and are present in a variety of habitats. Maintaining the continuity of established wildlife corridors is important to sustain species with specific foraging requirements, preserve a species' distribution potential, and retain diversity among many wildlife populations. Therefore, resource agencies consider wildlife corridors to be a sensitive resource. ~~In 2009,~~ In a 2010 publication, Connectivity for Wildlife ~~(2009)~~ prepared the Central Coast Connectivity Project, Northern Monterey County Linkages: Report on the Mount Toro to Fort Ord Reserve Study 2008-2009, for the Big Sur Land Trust.

A recent study by Diamond et al. (~~2013~~ 2010) confirms the importance of the undercrossing at El Toro Creek for wildlife crossing of State Route 68. Between October 2008 and October 2009, 404 individual animal detections were recorded via remote sensor cameras beneath State Route 68. The majority of detections were bobcat, deer, and wild pig, but also included coyote and raccoon. Several individual animals and their offspring were observed multiple times. ~~However, most of the observations were identified as the same individual using the underpass on numerous occasions.~~ For example, of the 404 detections, ~~a female~~ as many as seven different bobcat (including two adults and two different litters of kittens) ~~was~~ were recorded making 97 trips over ~~a 110-day~~ the two-year monitoring period. According to Diamond et al. (~~2011~~ 2010), ~~this~~ the adult female was using the eastern side of the crossing as its natal range, as she was documented traveling with her kittens, which were also recorded multiple times. The area beneath the bridge and on either side was being used as a home range by this individual bobcat. ~~as opposed to a wildlife corridor between home ranges.~~ In addition, dusky-footed woodrats, a

species of special concern, were also detected using the underpass and on either side of the underpass there are existing dusky footed woodrat nests. One mountain lion was detected.

Wildlife movement at the bridge may be facilitated by the protection and cover provided by riparian habitat along Harper Creek. All of the detections were made within the creek bottom, and it is not known if the species observed continue to use the Harper Cr.5eek riparian corridor and traverse underneath San Benancio Road farther upstream or leave the riparian corridor and move through the project site. Diamond et al. (~~2011~~ 2010) concluded that a portion of the project site southeast of State Route 68 is critical in facilitating movement of animals seeking access to and from the habitats within the Fort Ord Reserve. The undercrossing is in close proximity to the Ferrini Ranch House, associated outbuildings, and garden area, which, during the time of the survey and for most of its history, has been occupied by a family and several large dogs, suggesting that despite current human use, wildlife use this undercrossing.

RDEIR page 3.3-39:

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. ~~Success will be assessed when 80 percent of the restored/created population is viable for five consecutive years.~~ 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. 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.

RDEIR page 3.3-40:

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) 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 open~~s~~ 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.

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 #~~131~~ 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.

DEIR page 3.3-52, MM 3.3-2b, second paragraph:

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]).

RDEIR page 3.3-57:

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 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.

RDEIR page 3.3-58:

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 butters 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.

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 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 ~~100~~ 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.

RDEIR page 3.3-64:

MM 3.3-6a Prior to issuance of grading permits, improvement plans shall be reviewed by a certified arborist and County planning staff. Plans shall be field verified and modified as feasible and practicable considering engineering constraints to preserve as many healthy trees as possible and to minimize impacts on trees to be retained. Design and construction recommendations provided in the Forest Management Plan and Supplemental Forester's Report, prepared by Staub Forestry and Environmental Consulting in September 2006 and March 2010, respectively, shall be implemented during the final design of the roadways, trails, utilities, and individual building envelopes. Tree removal and replacement plans shall be prepared by a qualified professional forester or arborist and shall be subject to review and approval by the County of Monterey Planning Department. The Monterey Agricultural Commissioner's Office shall be contacted prior to removing any oak tree in order to comply with current Sudden Oak Death quarantine requirements.

The tree removal and replacement plan shall address removal of trees within any acre of land with a 5-inch dbh or greater native oak species consistent with Section 21083.4(b) of the Public Resources Code. The mitigation measures required by the County of Monterey include the following:

1) Replant on-site an appropriate number of trees for 100 percent of the direct impact at a 1:1 ratio (currently estimated at 921 trees). Maintenance and monitoring of plantings shall be kept in place by the project applicant and/or property owners association (POA) for seven years. Replanting as required by this measure may be used to restore former oak woodlands, and

replanting shall be located in areas that will not be compromised by excessive tree density.

2) The project applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. Payment into the Oak Woodlands Conservation Fund mitigates 50% of the project's impact to this resource, or ~~This measure shall apply to the 50 percent of impact, equivalent to~~ approximately 7 acres of oak woodland removal.

All protected coast live oak (*Quercus agrifolia*) trees with diameters at breast height less than 24 inches that are proposed for removal shall be replaced on a 1:1 basis in accordance with Section 21.64.260 of the Monterey County Zoning Code. Frequently, replanting at a 3:1 ratio is recommended in order to achieve a successful replacement ratio of 1:1. However, grassland habitat on the project site is considered to be at least as ecologically valuable as the oak woodland habitats. Therefore, replanting of coast live oaks at a 1:1 ratio is recommended on the project site in order to ensure there is no excessive loss of grassland habitat. Additional mitigation will be provided through a contribution to the Oaks Woodlands Conservation Fund.

Tree replacement shall be the same species as removed and should be local native stock. Existing volunteer seedlings on the project site may be transplanted to provide suitable replacement planting stock of known local origin. If replanting stock is not transplanted from on-site sources, the replanting stock shall be grown from local native seed stock in sizes no greater than 5 gallons, with 1-gallon, D40 Treepot size or smaller preferred to ensure the highest replanting success rate. Trees removed shall be replanted on the same lot(s) outside areas subject to development. Trees removed due to infrastructure improvements (i.e., roadways) shall be replanted on designated open space parcels or easements.

RDEIR page 3.3-65:

MM 3.3-7 The project applicant shall conduct all construction, vegetation removal or tree removal outside the active nesting seasons (typically February 1 through August 31) to the extent feasible and practicable. In areas where construction will occur during the active nesting season, the project applicant shall retain a qualified biologist to conduct a focused survey for the presence or absence of burrowing owls and active nests of raptors and migratory birds within and in the vicinity of the construction area. Surveys shall be conducted no more than 30 days prior to ground disturbance and provided to Monterey County RMA-Planning for verification of condition compliance.

If burrowing owls or other active bird nests are located during preconstruction surveys, the following mitigation steps shall be taken:

1) During construction, exclusion fencing shall be maintained, providing a minimum ~~3~~500-foot buffer from areas where burrowing owls have been identified. Buffers will be established by qualified biologists under the guidance of CDFW. For construction activities proposed near active nests of raptors or 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 naturally abandoned and birds have fledged, or the biologist deems disturbance potential to be minimal. No nest avoidance ~~action~~ activities are ~~is~~ necessary if construction will occur during the non-breeding season (between September 15 and February 1 ~~August 1 and November 1~~).

2) Signage shall be provided identifying areas of buffers to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.

3) ~~For impacts to burrowing owls that cannot be avoided due to engineering and site constraints,~~ Burrowing owl preconstruction surveys shall be conducted no more than 10 days prior to any construction startup, irrespective of season. Should burrowing owls be determined to occupy the construction site, exclusion fencing shall be maintained, providing a minimum 300-foot buffer from areas where burrowing owls have

been identified. tThe project applicant ~~shall contract~~ may have ~~with~~ a qualified biologist ~~to~~ relocate the owls through the use of one-way doors over burrows ~~as~~ upon approval~~ed~~ by the CDFW during the non-nesting season (September 1 through February 1 ~~March through August~~). ~~For active nests that cannot be avoided, the USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented.~~

RDEIR page 3.3-68 clarified:

Impact 3.3-9 Buildout of the proposed project, combined with buildout of reasonably foreseeable development in the vicinity of the project site, would result in disturbance to special-status species and sensitive habitats throughout the region. However, implementation of mitigation measures presented in this section, MM 3.3-1 through MM 3.3-8d, would reduce the overall contribution to cumulative biological resource impacts resulting from buildout of the proposed project to a less than cumulatively considerable level. Therefore, this would be considered a less than significant cumulative impact.

RDEIR page 3.13-26

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.

RDEIR page 4.0-7:

> As shown in **Table 4-1**, relocating development to the flatland would allow development of approximately 33 to ~~162~~ 161 residential units on approximately 162 acres. This alternative would reduce housing opportunities on the project site by approximately 51 to 179 residential units compared to the proposed project. This alternative assumes that there is no development of the winery parcel.

RDEIR page 4.0-51 is clarified as follows:

> ~~This section analyzes modifications under this alternative; Figures 4-3a and 4.3-b to illustrate Alternative 5 and include the optional landscaped berm and median highway improvement configurations and the Alternative 5 Parcel E Option B site plan in Attachment 4.~~
>
> Figures 4-3a and 4.3b illustrate the Alternative 5 site plan. The site plan shows the graded berms on Parcel D, the 12- and 36-foot median widths on SR 68, and the Parcel E Option A site plan (provided in detail within Attachment 4 to Section 4.0).

Regarding comments on page 4.0-63, air quality information is appropriately included to support the conclusions of the qualitative greenhouse gas analysis on this page.

CONDITIONS TO BE APPLIED TO ANY ADOPTED ALTERNATIVE

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

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