

1.1 PURPOSE OF THE EIR PROCESS

This Final Environmental Impact Report (FEIR) is an informational document prepared by the County of Monterey to evaluate the potential environmental impacts of the proposed Harper Canyon (Encina Hills) Subdivision. The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision makers and the public about a project's potential significant environmental effects, identify possible ways to minimize significant effects and consider reasonable alternatives to the project. This EIR has been prepared with assistance from Monterey County's planning and environmental consultant, PMC, and reviewed by County staff for completeness and adequacy in accordance with Public Resources Code (PRC) Sections 21000-21177 and the State CEQA Guidelines.

As prescribed by the State CEQA Guidelines Sections 15088 and 15132, the Lead Agency, the County of Monterey, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and prepare written responses to those comments. This document, together with the DEIR and RDEIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150) will comprise the Final Environmental Impact Report (FEIR) for this project. Pursuant to the requirements of the CEQA, the County of Monterey must certify the FEIR as complete and adequate prior to approval of the project.

This FEIR contains individual responses to each written and verbal comment received during the public review period for the DEIR, as well as two "master responses" that address recurring comments submitted by more than one person. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of significant environmental issues raised. The County and its consultants have provided a good faith effort to respond in detail to all significant environmental issues raised by the comments.

1.2 BACKGROUND

The application for the proposed project was deemed complete by the Planning Department on November 22, 2002. An Initial Study/Mitigated Negative Declaration was prepared for the project in July 2003. The Planning Commission considered the project on January 12, 2005, and directed staff to prepare an Environmental Impact Report for the project. The project applicant appealed the decision by the Planning Commission to the Board of Supervisors; however, prior to the Board of Supervisors hearing, the applicant withdrew their request for a hearing on the matter and acknowledged the Planning Commission's direction to cause an EIR to be prepared.

1.0 INTRODUCTION

Draft EIR (DEIR)

The Draft Environmental Impact Report (DEIR) for the proposed project was prepared and circulated in October 2008, which evaluated the potential for impacts to land use, geology and soils, biology, cultural resources, transportation and circulation, air quality, noise, groundwater resources and hydrogeology, surface hydrology and water quality, aesthetics and visual sensitivity, and public services and utilities. Upon completion of the DEIR, the County filed a Notice of Completion (NOC) with the State Office of Planning and Research, in accordance with Section 155085 of the CEQA Guidelines. This began a 45-day public review period (Public Resources Code, Section 21161) for the DEIR, which ended on December 5, 2008. Following the end of the public review period for the DEIR, the County of Monterey determined that significant new information existed and decided to address traffic issues raised during the public review period by recirculating relevant portions of the DEIR pursuant to Section 15088.5 of the CEQA Guidelines.

Recirculated Draft EIR (RDEIR)

To address the issues raised during the public review period of the DEIR, a Recirculated Draft EIR (RDEIR) was prepared. The purpose of the RDEIR was to disclose what the County considered significant new information related to traffic issues and mitigation measures as raised during the public review period for the DEIR, pursuant to Section 15088.5 of the CEQA Guidelines. These changes were specifically limited to **Section 3.10, Transportation and Circulation**. Only this technical section (and supporting traffic impact analysis) was included in the RDEIR. Significant new information addressed by the RDEIR includes, but is not limited to, the adoption of the Regional Development Impact Fee by the Transportation Agency of Monterey County (TAMC) and the language of traffic mitigation measures.

The 45-day public review period for the RDEIR ended on February 1, 2010. Written comments received on the RDEIR (related to the revised traffic section) are also responded to within this Final EIR (FEIR).

Final EIR (FEIR)

The FEIR consists of the DEIR (2008), RDEIR (2010), comments received during public review of those documents, responses to comments on both the DEIR and RDEIR, and any resulting text changes, clarifications or amplifications necessary to address those comments in the course of the County's review of the proposal.

The Harper Canyon/Encina Hills Subdivision project and all related environmental documents, including the DEIR, RDEIR and FEIR (prepared in June 2010) were scheduled for review and presented to the Monterey County Planning Commission on June 30, 2010. No recommendations were made and the hearing was subsequently continued to August

25, 2010. In the fall of 2010, several other factors (including a formal complaint to the Public Utilities Commission [PUC] regarding the ability of Cal-Am to expand the service area served by the Ambler Park water treatment system) caused the project to be put on hold until the PUC proceeding concluded.

From late 2010 and through 2011, other projects along the Highway 68 corridor have been heard, reviewed and considered by the County. In addition, the PUC has since dismissed the complaint against Cal-Am regarding the Ambler Park water treatment system. The Board of Supervisors also held a hearing to address water supply to the Oaks subdivision during this timeframe. These recent actions affected and necessitated an update to several of the County's previous responses to comments as documented in the 2010 FEIR. Consequently, the County has updated this Final EIR document (December 2013) from the June 2010 version.

As the previous FEIR (June 2010) was not certified, modification of the previous draft FEIR at this juncture is permissible under CEQA. The revisions to the FEIR serve to update responses to comments and setting information related to groundwater and hydrogeology. Section 3.6, Groundwater Resources and Hydrogeology, has also been included in its entirety in tracked changes format. Changes to Section 3.6 do not result in or document any new significant environmental impacts; do not increase or document the severity of an environment impact; nor do the changes result in project alternatives or mitigation measures that are considerably different than those previously analyzed in the DEIR. The revisions and information in the FEIR serve to clarify, amplify or otherwise result in insignificant modifications to the DEIR. For these reasons, recirculation is not required pursuant to CEQA Guidelines section 15088.5(b). The FEIR will be made available for review at least 10 days prior to the public hearing before the final decision-making body, at which time the certification of the Final EIR will be considered.

Applicable General Plan

Based on the project application being deemed complete on November 22, 2002, the proposed project is subject to the 1982 Monterey County General Plan, which was the adopted policy document at that time. However, as of October 2010, Monterey County adopted the 2010 Monterey County General Plan, under which the proposed project would be implemented if approved.

1.3 EIR CERTIFICATION PROCESS AND PROJECT APPROVAL

In accordance with the requirements of CEQA, the County must certify the FEIR as complete and adequate prior to taking action to approve the proposed Harper Canyon (Encina Hills) Subdivision. Once the EIR is certified and all information considered, using its independent judgment, the County can take action to approve the proposed subdivision, make changes, or select an alternative to the proposed subdivision. While the information

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in the EIR does not control the County's ultimate decision, the County must respond to each significant effect and mitigation measure identified in the EIR by making findings supporting project approval. The County may also choose not to certify the EIR, and may decide not to approve the project or project alternatives.

In the case of an inland subdivision, the Planning Commission is the body designated under Monterey County Code Titles 19 and 21 to certify the FEIR, to make CEQA findings, and to act on the project, unless the Planning Commission decision is appealed to the Board of Supervisors, in which case the Board of Supervisors will decide de novo on certification and whether or not to approve the project.