Carmel Valley Association

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Since 1949

March 1, 2008

Jacqueline Onciano
Monterey County Planning Department
168 West Alisal St., Second Floor
Salinas, CA 93901-2487

Comments on Rancho Canada Village Specific Plan DEIR

Dear Ms. Onciano,

Please accept the attached comments on the DEIR for the proposed subdivision at Rancho Canada in Carmel Valley. Established in 1949 and with 900 dues-paying members, the Carmel Valley Association is the oldest and largest civic association in Carmel Valley.

We have read and we concur with the comments made by LandWatch Monterey County and the League of Women Voters on the DEIR. We have attempted to eliminate comments that are duplicative.

We are deeply disturbed by the exceptionally poor quality of this DEIR. Given that the RCV project will dramatically affect Carmel Valley forever, we expected a thorough study of its impacts. Instead, we found the DEIR to be shoddy. In addition to numerous important factual mistakes and omissions, the analysis itself is of poor quality. For example, the DEIR preparer inappropriately relied on a highly flawed traffic report done by the developer, compromising both the accuracy and required independence of the DEIR. Likewise, the critically important section on flooding impacts fails to model flood impacts upstream and downstream of the property, and so misuses the model as to make its limited findings irrelevant. The DEIR's arguments for purported project compatibility with the CVMP are illogical, and include suggesting that any inconsistent project can be made consistent by general plan amendment. By that logic, all zoning and planning become irrelevant and inconsistencies can be fixed politically. The air quality section essentially ignores the threat to children at Carmel Middle School of aspergillus, silica, and acrolein, and does not provide an adequate risk assessment for us to review and comment upon. The significant risks of acrolein and cancer are not addressed as required. Other informational gaps, including those relating to the fill material, the project description, and the full range of the project's proposed activities, are equally troubling.

For each of our comments, we ask that the EIR preparer investigate and discuss the issue, and respond fully, with a description of the investigation undertaken in support of the response to the

comment. We specifically ask that responses to comments made by CVA and others not be conclusory.

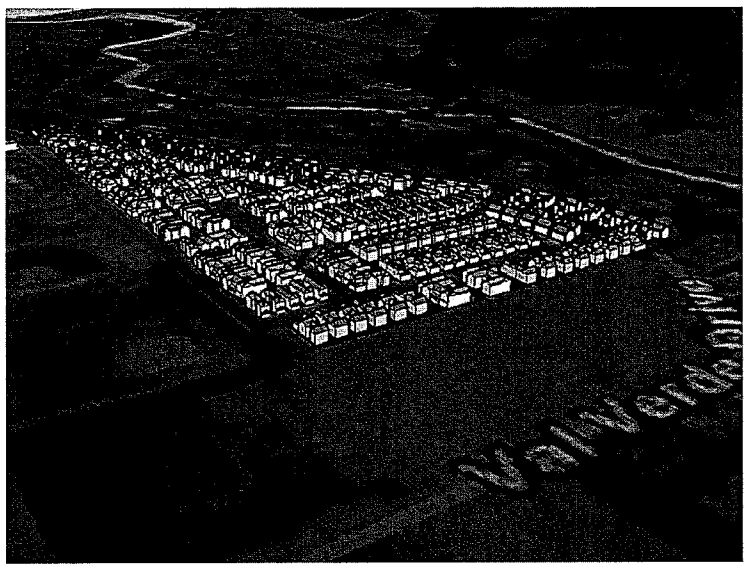
Our tax-dollars and our community have not been well served by this DEIR. We hope and expect that the next iteration of this report will seriously address the totality of the environmental issues that this very large project will engender in Carmel Valley.

Thank you.

Sincerely,

Glenn E. Robinson
President
Carmel Valley Association

CONTENTS:



Rancho Canada Subdivision: 281 or 309 houses?

A. PROJECT DESCRIPTION AND BASIC ASSUMPTIONS.

1. 281 versus 309 units. The entire DEIR is based on the assumption that the application calls for 281 units. However, the application calls for 309 units, when one considers the 28 "carriage units" that are part of the application. This information affects the entire DEIR and its analysis. Please clarify with absolute certainty the exact number and character of housing units for which the applicant has applied and whose impacts are being analyzed in the DEIR. Either the applicant must remove entirely and decisively these extra units from the application, or the DEIR should be entirely redone to reflect additional impacts from these 28 units in conjunction with the other units.

2. Board Resolution No. 02-024. This Resolution is currently in place, and is part of the current on-the-ground conditions. The DEIR should investigate and discuss the possibility that Resolution will stay in place, and the project impacts under that very real scenario.

    a. Please explain in detail why the DEIR assumes Board Resolution No. 02-024 will be lifted. Please list all assumptions and evidence that the resolution will be lifted, including specification of which information was provided by the applicant or the applicant's attorney or agents.

    b. Separately, please explain how the RCV project is consistent with 02-024 given its *prima facie* inconsistency. Outside of a paragraph on page 3.5-13, the DEIR does not mention Resolution No. 02-024 ("the moratorium") nor does it evaluate the project in light of the resolution.

c. The DEIR assumes that the subdivision moratorium will be lifted shortly. The assumption that the moratorium will be lifted affects the DEIR in multiple important discussions, such as on traffic, land use, and best alternatives, among others. However, the DEIR's evidence used to support the contention that the moratorium will be lifted is fallacious. For example:

   i. There have not been "capacity increasing improvements to State Highway 1 between its intersections with Carmel Valley Road and Morse Drive." The so-called 'climbing lane' built in this area was specifically stated not to provide more capacity, as its Initial Study stated plainly: "*The proposed widening project is not considered to have growth inducing impacts. The proposed project is a minor improvement that cannot be expected to provide additional capacity for Highway 1. The proposed project would not provide increased traffic capacity, which would facilitate planned commercial or residential growth in the project area. Rather, the proposed widening project is intended to provide short-term congestion relief on Highway 1 to correct existing operational deficiencies, and to meet the requirement of the Monterey County Congestion Management Plan.*" The CVLUAC minutes from its approval of the climbing lane also reflect that the climbing lane project was presented to the community as "no growth inducing." Indeed, the climbing lane was allowed under CEQA with a mitigated negative declaration rather than an EIR specifically because it was defined as not capacity-increasing. Thus, this condition for lifting the moratorium has not been met. Please rewrite the DEIR accordingly, and recirculate it for public comment in light of the accurate on the ground conditions.

   ii. The construction of left-turn pockets on Segments 6&7 have not been constructed, as required by 02-024.

   iii. A new General Plan has not been adopted, also as required by 02-024. And in any case, the draft GPU5 for Carmel Valley maintains LOS C as the standard for Carmel Valley Road, which is not currently being met in several segments.

   Thus, none of the requirements for lifting 02-024 have been met, nor can reasonably be expected to be met for many years to come.

d. The CVTIP contains no significant capacity-increasing improvements for Carmel Valley Road, only relatively-minor safety improvements. Thus, the CVTIP does not justify lifting the moratorium. Does the EIR analysis rely on the CVTIP to justify lifting the moratorium?

e. The draft EIR on the CVTIP was poorly done in any case, as our detailed letter to the Board of November 27, 2007 made clear (included here by

reference). The Final EIR has not been certified, and the project has not been adopted.

Given these facts, it is improper for the DEIR to assume the moratorium will be lifted, and to base its analysis in several key areas on this unsupported and unreliable assumption. Even if the Board were to choose to make an exception to the moratorium on this RCV project, the RCV EIR should not assume a general lifting of the Resolution as to all of Carmel Valley. The EIR must include the scenario of a continued moratorium throughout the analysis. Please redo the EIR analysis under both scenarios: (1) assuming the Resolution stays in place, and (2) assuming the Resolution is lifted for the RCV project only, and not for the rest of Carmel Valley. In that latter scenario, please explain the basis for concluding that such action is feasible and legal, and please describe the impacts reasonably likely to be caused by the adoption of such an exception or policy.

B. ALTERNATIVES

As the above discussion demonstrates, the DEIR makes a fatal flaw throughout the analysis by assuming that the 281 units proposed for construction at Rancho Canada would be built elsewhere in Carmel Valley. The reality is that 281 units would not be built elsewhere in Carmel Valley. Do you agree? Please provide a full response, including the support for your position.

Given this reality, and given the severe flooding risks noted below, it would be appropriate for the DEIR to analyze as an alternative project a much smaller size subdivision that would be built entirely outside of the floodplain. This alternative would eliminate significant environmental problems associated with the project which arise from a) the health risks from the enormous amount of fill involved in the project, and b) the flood risks from putting 100,000 to 200,000 cubic yards of fill in the Carmel River floodplain, detailed below. The northwest corner of this project site is outside of the 100-year floodplain, according to maps from both the DEIR (Figure 2-5) and the Monterey County Water Resources Agency.[1] It would therefore be appropriate for the DEIR to examine as an alternative a greatly reduced subdivision in this area. Please investigate and discuss the environmental impacts of such a reduced project located outside of the flood plain that would require little or no fill.

Alternatives 1 & 2, "No Project" and "East Golf Course Alternative" are clearly presented.

[1] WRA, Management Section, Map created 1/5/04, revised 9/14/04, and printed 7/19/05.

Alternatives 3-6 appear to be nothing more than minor variations on the proposed project. Do you agree?

At least two additional true alternatives should be considered, specifically based on reduced grading, and using various combinations of high, medium and low density, as follows:

> Alternative 7 -- Minimal Grading Alternative. This alternative would restrict filled areas in the flood plane to 3' or less of fill over the natural slope (not counting past golf course construction), with minimal other disruption of the flood plane area, and gradually replace golf course landscaping with appropriate natural species to ease the transition to more natural habitats.
>
> Alternative 8 -- Optimized Grading Alternative. Without restricting fill depths, this alternative would feature a grading plan with the least possible grading required on the total site and the least possible incursion into the flood plane. Cluster high and medium density structures. Gradually replace golf course landscaping with native plants.

Both alternatives would probably force the high-density units into the northwest corner of the parcel and end with lower total density. They both may require some expansion of pond areas to offset lost floodway volume, but this additional grading should be kept to a minimum. Both would likely result in development more in keeping with the present character of Carmel Valley, have lesser environmental impacts, and have less environmental costs during initial development and in the future. They should be easier to manage in terms of future costs implied by Economic Goal #4, and far superior in meeting all of the Environmental Goals with less mitigation required. Please analyze both alternatives proposed, which involve fewer impacts than the proposed project. If the EIR chooses not to analyze these proposed alternatives, please respond in detail why you made that determination. Please comply with current CEQA case law in discussing alternatives and feasibility.

C. AIR QUALITY

The DEIR significantly underestimates the amount and types of construction equipment needed for the construction phase of the project. The URBEMIS model for construction emissions excluded the following equipment: scrapers; crawler tractors; soil compactors; water pull; excavators; bottom dumpsters; and on-site pickup trucks.

The activity projected for graders and water trucks also appears to be underestimated.

The project description fails to address actual construction activity and time. A project

description that reflects actual construction activity and the construction time frame should be prepared, and a revised air quality analysis undertaken.

The revised air quality analysis should include risk assessments for diesel exhaust and acrolein, aspergillus mold, and a dispersion model for PM10 emissions, including especially silica. The proximity of nearby sensitive receptors such as the Carmel Middle School demand such an analysis to address health and safety concerns. In addition, the source of the fill - and the nature of its contents - need to be addressed. Specifically, where is the fill coming from? How much fill would be imported? Under what circumstances was that fill placed on the donor site? What is the make-up of the fill? Please explain in detail.

Please state the number of days that construction will occur, and that fill will be imported. Please identify the source for those numbers.

D. NOISE

There will be noise pollution at Carmel Middle School because of significant construction activity of the project. Please respond, and provide full support for your response.

The noise analysis concludes implausibly that all the increases in noise will be less than significant or can be reduced to less than significant. The supporting data for these conclusions come primarily from projections, modeling, and field data from other locations, not from the project site. The EIR lacks adequate site-specific information to provide a baseline for the noise impact analysis.

The information source for the chapter is a project noise study prepared by Edward Pack Associates dated July 19, 2007. The only actual noise monitoring in lower Carmel Valley in the report was performed by a traffic consultant during January and March, 2004 for 72 hours. But the purported days of the monitoring in 2004 do not conform to the 2004 calendar. The consultants claim January 26 and 27, 2004 are a Sunday and a Monday. Traffic noise monitoring was done at two locations, the Community Church and the C.U.S.D. corporation yard, for 48 hours. But January 26 and 27, 2004, were a Monday and a Tuesday. On March 4-5, a Thursday and Friday, the same consultant monitored traffic noise for 24 hours at Rio Road near the Riverwood complex only, and not at the first two monitoring sites. Pack Associates never repeated the local field study (see appendix A in Pack Report 2007 and 2004)

The only on-site field measurements listed in the DEIR (page 3.9-10) occurred in 2004. Why is the DEIR only evaluating this stale data, and not using current conditions?

The field study was used to make a traffic noise modeling of existing conditions (Table 3.9-5) and is on page 3.9-10. The traffic noise modeling is the basis for Table 3.9-7 on

page 3.9-16 and that projects future conditions. The modeling of future conditions of traffic noise (3.9-16, lines 3 thru 14) concludes that the impacts are less than significant and no mitigation is required. The confusion in the DEIR about the dates of the monitoring, the limited extent of the monitoring, and the lack of site noise confirmation, all point to the sloppy handling of the very real issue of noise pollution by this project.

Our questions include:

a.. Given the above concerns, how valid is the field study? How much weight can the community and our decision makers give it? Why were all three sites only monitored for a single period? Why were sites not monitored at least twice, and during different seasons, to make the data more reliable? Different times of year can make big differences due to weather (cloud/fog cover) and amounts and types of traffic.

b. Why have the actual calendar days on Tab 3.9-4 (no page number) in the DEIR been misrepresented?.

c. Why has the flawed field study in 2004 becomes the basis for the modeling of existing conditions on site in 2007? What would the data show from additional days of field study?

d. Why does there appear to be no correlation between the modeling numbers and the results of the field study with 2004 values?

e. Why was the project site not monitored at all?

Implausibly, the DEIR predicts that noise from the batting practice area of the baseball field by Carmel Middle School will have significant impact (table 3.9-1 and impacts/mitigation measures page 3.9-14 and 3.1-15). ***Yet, no monitoring of baseball activity during baseball season occurred!*** The DEIR says baseball noise will need mitigation (Noise Impact Summary 3.9-1 and page 3.9-14). The support for this conclusion comes from two noise analyses in other locations done in 1994 and 2003 by Pack Associates. (Appendix A, Pack 2007). The Pack 2007 report specifically targets Noise Impacts from Batting Cages (Pack 2007, page 19). *But if batting cage noise is such a big issue, why hasn't a field study at the RCV site been done? How can the identification of significant noise impact be validated without real numbers?* The DEIR says baseball noise is a problem yet recommends assessment in the mitigation treatment (page 3.9-15, lines 6-10).

Additionally, the DEIR fails to identify, describe and discuss the impacts of the proposed mitigation of "Construction of a solid barrier between the batting practice area and the outdoor use areas." (p. 3.9-15). What would such a barrier look like? Where would it be located? Such a solid barrier would have impacts – such as aesthetic and visual impacts -- and may be out of keeping with Carmel Valley environment and the Master Plan. The impacts of proposed mitigations must be analyzed in the EIR under these circumstances.

The noise impact summary identifies construction noise as POTENTIALLY SIGNIFICANT which will be LESS THAN SIGNIFICANT with MITIGATION (page 3.9-6, lines 16-17). The DEIR says construction noise is predicted to be 56 to 76 dBA at 250 feet from the site and could be in excess of 85 dBA within 50 feet (3.9-16, lines 16-23, 3.9-17, lines 1 and 2). The DEIR asserts that noise reducing construction practices would reduce the impact to less than significant. The mitigation measures listed on page 3.9-17 are use of mufflers, choices of equipment, requiring all equipment to be in good working condition and keeping construction traffic away from Rio Rd. west of the project site. However, the project description implies that access to the site is from Carmel Valley Road. This proposed mitigation would require construction of the Rio Rd. extension in spite of the statement of Alan Williams that "if you don't want it [extension of Rio Road], we won't build it" at the February 2008 Carmel Valley traffic meeting. Please address these inconsistencies between the applicant's representations, the project description, and the DEIR statements and proposed mitigations. Also, please address the impacts of the proposed mitigation.

The DEIR suggests scheduling noisy operations for 7AM to 5PM Monday thru Friday, times which conform to the hours of school operation. This level of noise will significantly impact school operations. No analysis of these issues has been provided. CVA members have had the experience of trying to teach while construction is occurring on the school campus during the school day, and having the educational experience significantly disrupted as a result. All this raises more questions:

a. Who is going to monitor the actual construction noise?
b. Who is going to inspect the equipment?
c. Who is responsible for enforcing the recommended mitigations?
d. If there is non-compliance, what are the penalties?
e. How long is the construction period of all parts of RCV expected to last?
f. Is field data from comparable construction sites available?
g. When is the Rio Road extension, required by the proposed mitigations, planned to be completed?

These issues are important because if a mitigation is not enforceable and quantifiable, and verifiable by the public, it is not an effective mitigation. Please respond, and please provide full support for your response.

E. BIOLOGICAL RESOURCES

The DEIR fails to address on-the-ground conditions at Carmel Middle School.

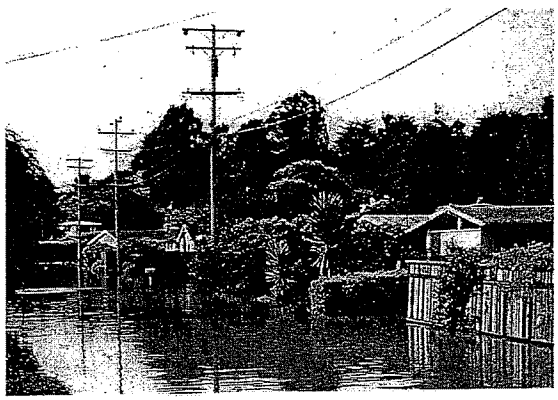
Please investigate and explain in detail the impacts of placing 34 flats/condominiums of 2 and 3 stories next to the Hilton Bialek Biological Sciences Habitat at the Carmel Middle

School, and explain how each of those impacts will be mitigated. According to Craig Hohenberger, Habitat Director, this project placement will destroy a wildlife corridor, wipe out natural wetlands, and remove a 100-plus year old California Sycamore. (Figure 20-1).

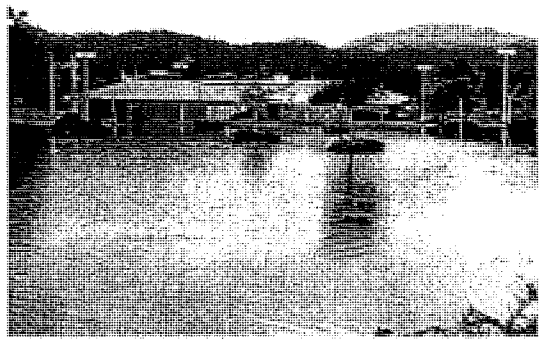
Impacts HYD-2 (river velocity), HYD-5 (ground water), HYD-6 (runoff), HYD-7 (public education), and HYD-9 (redirection of the river) all impose significant short-term costs on the developer and unknown long-term costs that may fall on other property owners or on the public. Please address these costs, which are important because the public should know if a private project impact will affect the public fisc, which may reduce funds available for other purposes, including other environmental protection. Please respond, and please provide full support for your response.

Impacts BIO-1 through 15 may incure potentially large costs – and should be paid exclusively by the developer. Please respond, and please provide full support for your response.

Many of the possible impacts result in irretrievable loss of habitat, or other environmental damage. Proposed mitigations involve potential long-term costs far into the future. How will these future costs be paid? If the mitigations are not fully funded, they will not be implemented, and they will fail. Please state whether you agree or disagree.



1995 - Mission Fields



1995 - Crossroads Shopping Center

F. HYDROLOGY

The DEIR significantly fails to address major flooding problems associated with the project, both in terms of upstream flooding as a result of the virtual earthen dam that is to be created as part of this project, and as a result of the impact of the newly displaced 100,000-200,000 cubic yards of water in a major flood event. The major fatal hydrology flaw in the DEIR is that it fails to analyze in a serious way – or at all – the potential flood impacts from the project on properties upstream and downstream from RCV.

At least two critical sets of impacts arise from the RCV fill plans on hydrology:

- The 100,000 to 200,000 cubic yards of new fill in the flood plain of the Carmel River would displace 100,000 to 200,000 cubic yards of water in a major flood event. Where, exactly, will this water go during a major flood event? The DEIR fails to model or adequately discuss such an event. Please provide a map to support your response, because showing the impact on a map is much easier to understand than a prose description. Please specifically identify impacted properties.

- The 200,000 cubic yards of total fill are proposed to angle from a north-easterly to a south-westerly direction on the site property, ending at a height of at least 11 feet on the north bank of the Carmel River. Immediately across the river, a mountainous ridgeline ends near the south bank of the Carmel River. In effect, ***this will create a chokepoint or funnel running roughly north-south across the floodplain of the Carmel River,*** with only a narrow passage where the river normally flows. The EIR should thoroughly investigate and discuss the impacts of floodwaters.

    - Hacienda Carmel, a retirement community, would be among the most immediately impacted by such a back-up from the flood chokepoint.
        - How will a 100-year flood impact Hacienda Carmel with RCV's construction?
        - Will its small levee likely be breached?
        - Is the single bridge connecting Hacienda Carmel to Carmel Valley Road structurally sound sufficient to withstand these new flood pressures caused by RCV?
        - The EIR should model how many deaths and injuries at Hacienda can be expected in a 100-year flood, given the proposed structural impediment to the smooth flowing of the Carmel River.
        - What floods have occurred in the past on Villa Mallorca where it meets the Hacienda Bridge? Has the County assessed the flood risk at that location, or become aware of overtaxed flood control measures at that location? Has the County been advised that Hacienda Bridge in any way constricts flow? What impacts would the new construction of an earthen dam have upon the properties within 1,000 feet of that Bridge?
        - What impacts would a flood cause on the ability of Cal-Am to pump at its wells? What environmental impacts would a failure of the Cal-Am wells cause, and for what duration?

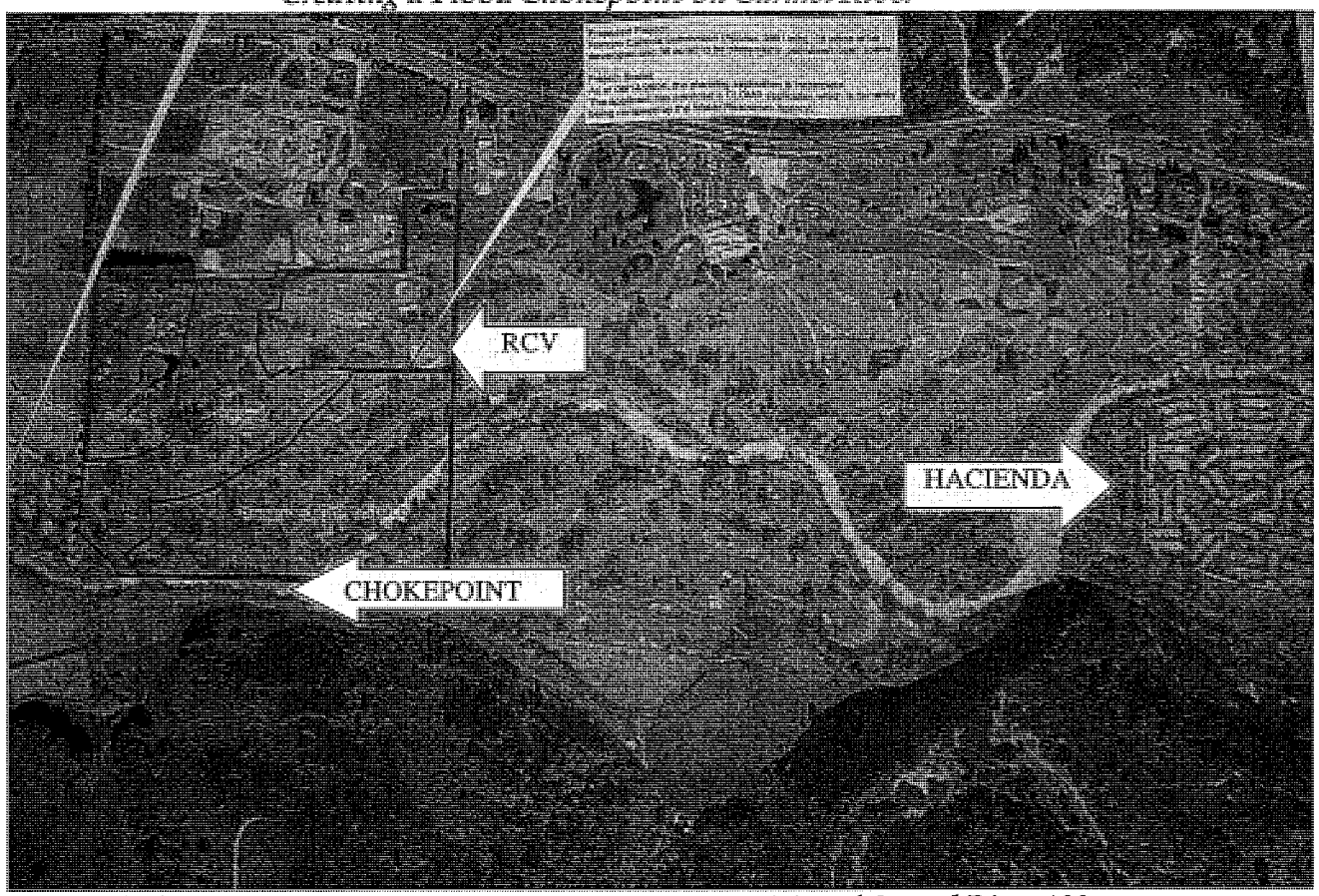
    - How far upstream will the floodwaters back up? Will they reach the Quail Lodge property, including the golf course?

    - Will floodwaters impact the bus yard at Carmel Middle School?

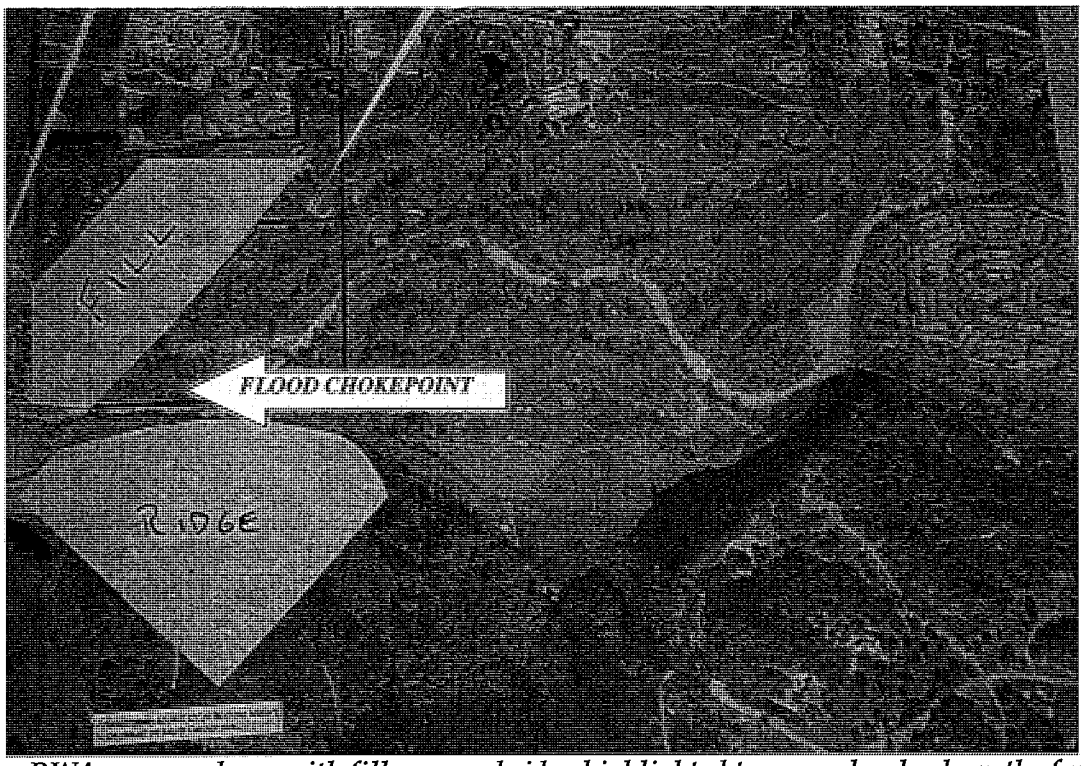
- The so-called "blister" lies downstream on this proposed narrowing of the river, so its removal will have little or no impact on floodwaters backing up behind the chokepoint.

- In its responses to questions and comments, has the DEIR modeled the impacts of the chokepoint? Where is the evidence of that model, and has the model been peer reviewed? We had it peer reviewed by a leading national expert on river flooding (attached) and he found significant omissions and errors in the DEIR. If the DEIR has not analyzed the impacts with an accurate and appropriate model, the DEIR information is not reliable.

Creating a Flood Chokepoint on Carmel River



Detail of Monterey County Water Resources Agency 2005 Map of Carmel River 100-year floodplain (shown in light blue, with Carmel River visible). RCV project shown in red on left, Hacienda Carmel retirement community on right. Yellow arrows added. The funneling of floodwaters between RCV's 200,000 cubic yards of fill on the north bank and the ridge on the south bank of the river will create a chokepoint that backs up floodwaters directly onto Hacienda, creating higher likelihood of death, injury and property damage at Hacienda.



Same RWA map as above with fill area and ridge highlighted to more clearly show the funnel effect and chokepoint that will worsen flooding upstream from the project toward Hacienda.

- Does the County have third party insurance against claims arising from flood events, such as can be anticipated as a result of the proposed project? Our research shows that the County does not have such insurance.

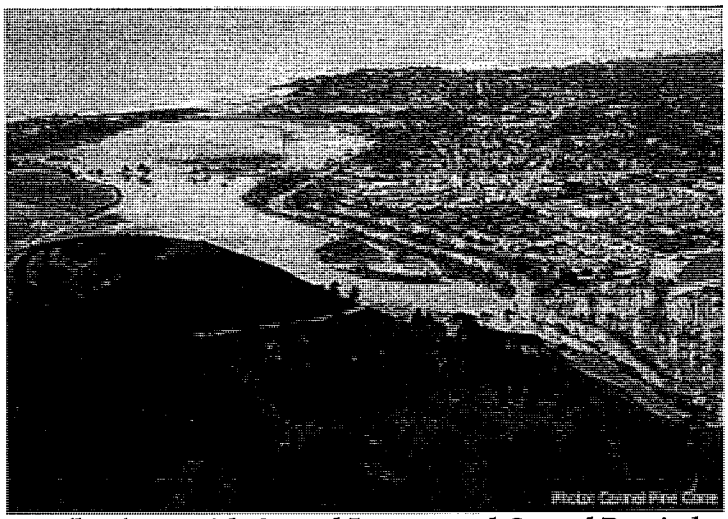
    - How many tax-payer dollars would you estimate the County is at risk of losing in just such a flood event, as a result of liability arising from flooding due to the proposed project? What types and magnitude of damages and losses do you anticipate in the event of such flooding, including loss of life and loss of property? By identifying the types of losses, you would be assisting the public in understanding the changes in the physical environment arising from or related to this project.

    - Please compare your analysis to the same situation to the Pajaro floods a decade ago which cost the taxpayers of Monterey County and their insurers about $15 million. Please do not respond that this is not an environmental impact, because if the County cannot do other environmental projects because it has spent its resources to pay flood damage claims, then there are environmental impacts. Alternatively, if the County cannot fulfill its social or economic duties because its resources are spent in paying flood damage claims, then that would cause social and economic impacts. This scenario is not far-fetched, given the current local

example of the Pajaro Valley Water Management Agency that is now facing bankruptcy for comparable reasons arising from a flood.

- It is expected that climate change will make river flooding in California streams more severe.[2] An increase in severity of flooding would make the current 100-year flood level of the Carmel River insufficient for planning purposes. Please provide a full response, analyzing all climate change factors.

    - Did the DEIR model the impacts of climate change for Carmel River flooding? If so, please provide your data and explain how the climate change information changes the assessment.



Carmel River flooding, with Carmel Lagoon and Carmel Bay in background.

- The urban run-off from the subdivisions on the north side of Carmel Valley, especially the Rancho Rio Vista subdivision, currently flows under Carmel Valley Road via a culvert, proceeds by open ditch, and percolates and disperses onto the golf course. The proposed RCV subdivision would change this process, and eliminate percolation onto the golf course. Runoff would proceed directly into the Carmel River via a 7-foot diameter pipe. This project feature would increase significantly the amount of urban runoff, with its accompanying noxious substances flowing into the Carmel River, the Carmel Lagoon and Carmel Bay. The Carmel Bay is an Area of Special Biological Significance, and the Carmel Bay is part of the National Monterey Bay Marine Sanctuary. Both designations bring with them special protections and concerns from regulatory agencies.

    - The EIR should analyze the on-the-ground conditions, and the project impacts on the river, the bay, and the sanctuary waters. The EIR should also investigate the impacts on the endangered species that make Carmel

[2] See for example *The San Francisco Chronicle*, February 1, 2008.

River their habitat. If the EIR has performed these analyses, please provide the data, analyses, and conclusions for the public to review and comment on.

- In the Balance Hydrology report, the authors assumed that storms in the upper portion of the river and over the RCV site would be 7 hours apart. This assumption allows the RCV storm water to travel downstream before the storm water from the upstream arrives, and prevents flooding. This assumption also keeps the water from rising above the amount allowed by the county standards. This assumption may not happen and should not be assumed.

    - The proper engineering approach is to assume that the storms will coincide.

    - Assumed discharges were used from areas such as 26 and 27 and from upstream entering the RCV project. A complete watershed model should be put together which looks at the rainfall of the surrounding areas and the resulting water that flows down the adjacent hills and subdivisions to the RC site and the river. This way the entire system can be examined for the contribution to river flow.

- The Manning's roughness (n) value is a friction value for overland flow. N is a function of the surface texture or in the case of grass, trees, etc, vegetation density. The n for a concrete lined canal might be .012 to .018. The .05 value suggested might be appropriate for a trimmed golf course grass but 0.1 would likely be more appropriate for longer grass and trees.

    - The value of n will influence the overland velocity, and therefore the time it takes the water to exit. The n will also influence infiltration time. Since the n value affects the velocity of the water flowing, larger n values will cause lower velocities and a slower exit of water. As a result, the stream would back up and the elevation rises.

    - The EIR should redo the calculations to use a more appropriate Manning roughness value, and present that information for the public to review and comment on.

- Why was the model fixed to show the water surface elevation at 33.81 feet? It would have been more appropriate to allow the model to compute its own final elevation, rather than fixing the elevation ahead of time. Please respond in full.

    - The model should also consider the high tide elevation that influences the lagoon area. In its analysis, the EIR investigation should include

evaluating and calculating the backwater affects that will cause higher elevations upstream.

- The model assembled by Balance is limited. A model needs to include all conditions after development of the project. Please state whether you agree or disagree with this statement, and provide full support for your response.

    - Please state whether the model used by Balance included all conditions after development of the project.

    - The RCV development will have impacts on flow upstream and downstream of the project. Therefore, modeling should be performed to examine impacts upstream and downstream. Please state whether you agree or disagree with this statement, and provide support for your response.

    - Please state whether the model used by Balance examined impacts upstream and downstream of the project.

    - Further, modeling should be done using data from a known historic storm, such as 1995.

        - This modeling will serve several purposes. It should firm or infirm the model by using known inputs and known outputs caused by the storm. It should also show the post-project storm impacts. It should aid in answering questions about the FEMA 100 year flood boundary and the impacts of allowing changes thereto. Please state whether you agree or disagree with this statement, and provide support for your response.

- Urban water runoff will flow from the project. This water will pick up debris and other contaminants from the residential subdivision. Subdivisions should clean up after themselves but it does not seem to happen.

    - Will any urban water filters be used anywhere by the project? Please respond in detail.

    - Currently, the County does no storm water monitoring of any kind in Carmel Valley or on the Peninsula. Will any water quality monitoring be done on a temporary or ongoing basis as a result of the project?

    - The EIR should examine the water quality with and without cleanup using known levels of debris generated by a subdivision since this debris will all end up downstream. Has the EIR analyzed this likely eventuality? Please provide your data.

- Another impact would be erosion of the river bed and walls due to the higher velocities caused by the narrowed river bed resulting from this project. Additionally, the increased river velocities would mean that larger suspended bodies can be transported. This will be a water quality issue as all this debris ends up downstream. The EIR has not adequately investigated these impacts. Have you studied the impacts of this debris, sediment, etc.? If so, please provide your data and analysis. If not, please state why not.

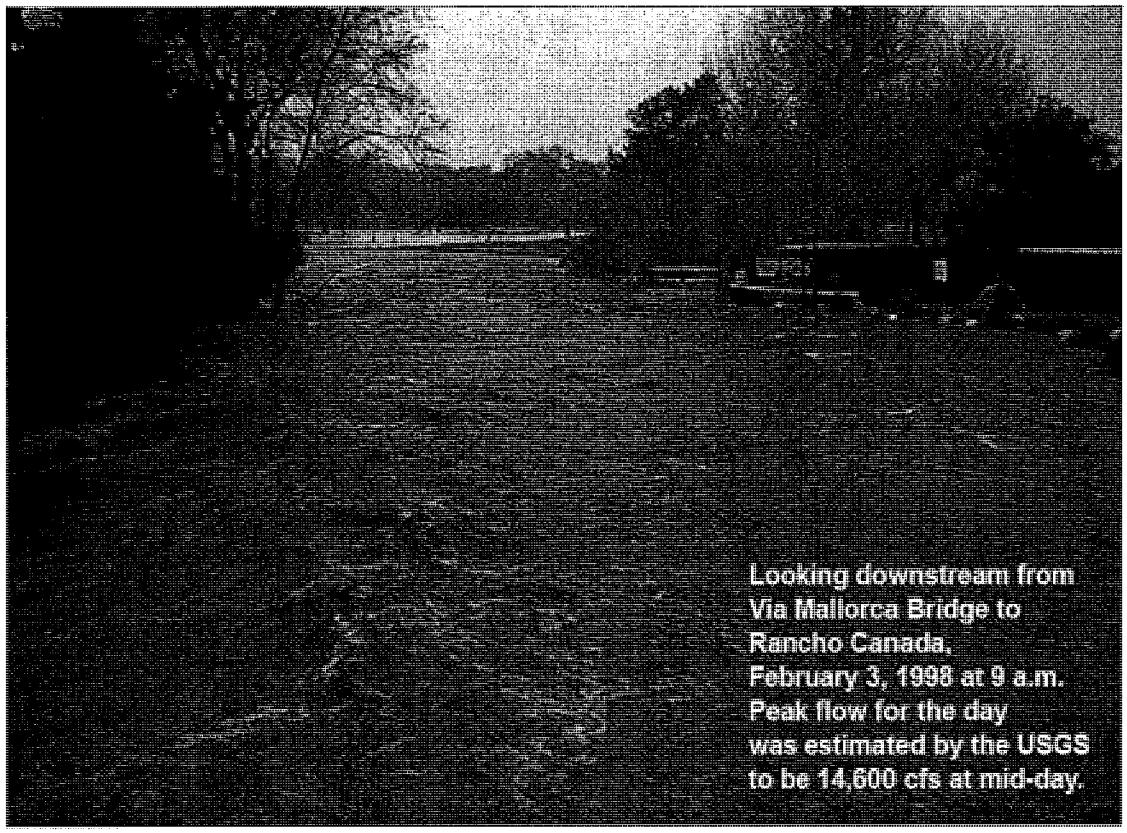
- Because the water would be transported more efficiently as part of the subdivision improvements (piping, etc.), the impact on groundwater recharge should be examined. This analysis has not been done or is inadequate.

    - The site would not provide onsite storage of storm water but instead would improve transport downstream. It is logical that recharge would be reduced, because the water would not stand as long in one place.

    - The EIR should review how this analysis affects the water balance analysis and other water demand calculations for the project.

- The EIR should examine pollutants in the water for impacts on groundwater because the pollutants will infiltrate. This analysis is not adequately done.

CVA consulted a renowned expert on river hydrology, Dr. Billy Johnson, to evaluate the project's likely impacts. Among other findings, Dr. Johnson concludes that the analysis under-reports the potential flood levels ("flood profile") both upstream and downstream from RCV. His conclusions raise serious questions about the legitimacy of the initial DEIR findings, and are included here as an attachment to CVA's comments. Please consider Dr. Johnson's letter an integral part of CVA's letter. Please respond to the technical questions he raises. Thank you.



G. CONSISTENCY WITH CARMEL VALLEY MASTER PLAN

For each and every provision of the Carmel Valley Master Plan, please identify the factors in favor of consistency and against consistency, and fully and fairly investigate them and discuss them. In addition, please evaluate this project in regard to the entirety of the CVMP, and not just the individual policies and provisions contained therein. In other words, please evaluate whether in light of the entire CVMP, this project is consistent with the overall CVMP. In that discussion, please identify and analyze all policies and provisions relating to resource constraints and limits upon development, including water, biologic resources, and traffic.

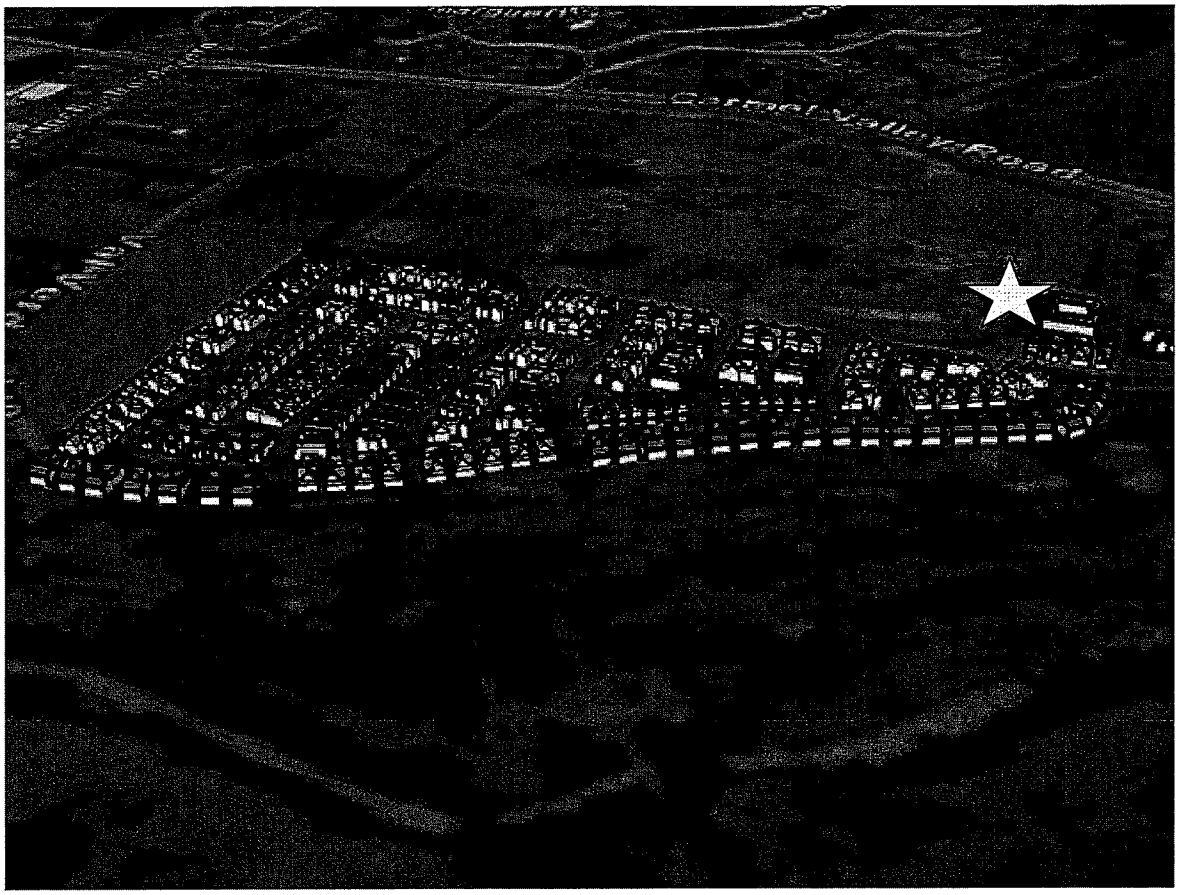
- CVMP Goals.

The Carmel Valley Master Plan has nine goals. The proposed Rancho Canada Village Development Plan is inconsistent with all of the goals. Listed is each goal of the Carmel Valley Master Plan and the resulting impact of the proposed Rancho Canada Village Development Plan. **For each of these nine CVMP goals, please state whether you agree or disagree with our statements, and provide support for your response.**

#1. *To preserve the rural character of Carmel Valley*

The proposed Master Plan map identifies the Rancho Canada Golf Course area as Public – Quasi-public area. Any development in this area would be inconsistent with the

Master Plan goal of preserving the rural character. Adopting a GPA does not make the project consistent with the existing CVMP, it just changes the CVMP instead. How does the RCV project preserve the rural character of Carmel Valley?



Ultra-high density RCV is inconsistent with preserving the rural character of Carmel Valley, and constitutes urban sprawl. Yellow star represents the award-winning Hilton Bialek Habitat at Carmel Middle School, which will be severely impacted by the subdivision.

#2. To maintain both physical and socio-economic diversity.
The proposed development provides for 90% of housing at Market rate or for Work Force 1 and 2 housing which is geared towards families making 110% or more of median income. Only 5% of housing is geared towards families making 80% or less of median income. The housing provided by the development is askew of normal income levels of families looking for housing in Carmel Valley and Monterey County. How does housing skewed to higher income levels enhance (or even maintain) diversity?

#3. To protect natural resources with emphasis on biological communities, agricultural lands, the Carmel River and its riparian corridor, air quality and scenic resources.

The proposed development dramatically alters the Carmel River riparian corridor by filling in 200,000 cubic yards of fill, dramatically impacting the flood plain of the Carmel River. Of that, 100,000 cubic yards may be dug up on site, further harming the riparian corridor and its environment. The present scenic resource of open space would be dramatically negatively altered through the construction of 281/309 homes both through its visual impact as well as the detrimental consequences of water run-off quality, birds and wildlife would be negatively impacted through the loss of open space. Exposure to acrolein, aspergillus mold, and silica during construction will pose a significant risk to kids at CMS and the surrounding community.

- Please explain how the placement of 200,000 cubic yards of fill in the Carmel River floodplain and its paving over with asphalt and concrete protects the riparian corridor and biological communities along the river.
- Please explain how the digging up of 100,000 cubic yards of fill from the Carmel River floodplain protects the riparian corridor, its scenic resources and its biological communities.
- Please explain how building 281/309 homes along the Carmel River protects the river, its riparian corridor, its biological communities and Carmel Valley's scenic resources.
- Please explain how significant exposure by children at CMS and the surrounding community to acrolein, aspergillus mold, and silica protects the air quality of Carmel Valley.

#4. To provide for an appropriate range of land uses, accommodated in a compact, logical pattern.
The density of the project is completely inconsistent with Carmel Valley communities, and is not logical in its layout. The development pattern with streets in front and alleys to the rear of homes results in nearly double the amount of pavement for projects of similar size and density. It leaves no reasonable space for residents to park large cars and trucks, boats, and recreational vehicles – all common occurrences in Carmel Valley and elsewhere in rural Monterey County. Please explain how a development that does not accommodate in its design common social practices constitutes a logical pattern.

#5. In conjunction with countywide goals, to provide the maximum feasible range of housing types.
Similar to CV Plan Goal #2. The socio-economic range of housing is inconsistent with County needs as well as the housing needs of Carmel Valley. The preponderance of market rate and Work Force 1 and 2 housing as provided by the Rancho Canada development plan is inconsistent with the housing needs of the community.

#6. To provide for and maintain an adequate and esthetic circulation system.
The proposed development with extensive paved areas for streets in front and alleys in back which results in nearly twice as much pavement as necessary to accommodate vehicular access to a project of this size is not an esthetic circulation system. The narrow and in many instances right angled alley corners will be impassable by large emergency vehicles such as fire trucks and by service vehicles such as garbage trucks, large

delivery trucks and moving vans. The additional approximately 3,000 daily car trips (a bit more or less depending on whether 281 or 309 units will be built) generated by the project will further congest Rio Road, Carmel Valley Road and Highway One – each already among the most congested roads in Monterey County.

- Please explain how the addition of about 3,000 new daily car trips in an already congested area provides for and maintains the circulation system.
- Please explain how circulation patterns can even be evaluated for the project when the status of the Rio Road entrance has not been settled.

#7. To provide for those public facilities and services necessary to accommodate present and future growth.

The proposed project takes away public facilities specifically with respect to nine of the 36 holes of golf provided currently at Rancho Canada. Opportunities for providing simultaneous play of golf on two courses will be lost and the net result will be as if there is only one 18-hole course of play. Proposed tot-lot and neighborhood parks are minimal of scale and surrounded by roadways as to make them uninviting and dangerous for small children. Access by emergency vehicles is limited unless a 2nd access route is opened up and this cannot be done without jeopardizing neighboring property owners and placing the 2nd access on a precarious earthen dike not suitable for heavy/wide emergency vehicles such as fire trucks.

#8. To promote the public safety with respect to flooding, geologic hazards, excessive exposure to noise and fire hazards.

The proposed development with a planned 200,000 cubic yards of fill will create major flooding potential by dramatically altering the current flood plain affecting both upstream and downstream areas adjacent to the development. Without opening a secondary access on top of an existing earthen dike as referenced above, emergency access is limited and the proposed development is at risk without adequate response times for emergency, particular fire truck response.

- Please explain how the placement of 200,000 cubic yards of fill in the Carmel River floodplain promotes public safety with respect to flooding.
- Please explain how placing Hacienda Carmel in greater harm's way for flooding promotes public safety.
- Please explain why years of construction activity at RCV promotes public safety at Carmel Middle School with respect to excessive exposure to noise.

#9. To recognize that since orderly growth is essential to the success of this plan, all residential development will be evaluated within a managed growth framework.

Managed growth should take into account: does the proposed housing fulfill the socio-economic needs of proposed buyers or renters with respect to fulfilling a range of housing needs for the community? This project is heavily geared towards the upper range of market priced housing with very little housing at median and below median income levels. Thus, it does not meet the needed criteria.

- CVMP Specific Policies

RCV also appears to violate numerous CVMP specific policies. By way of example, we note a number of specific CVMP policies below that this project violates. This is not meant to be a comprehensive list, but only a representative sample. **For each policy noted below, please state whether you agree or disagree with our statements, and provide support for your response.**

1.1.3 *Both small and large open space areas should be created.*

Open space areas are further reduced by the proposed development.

3.1.1.1 *A soils report in accordance with the Monterey County Grading and Erosion control ordinance… This report shall include a discussion of existing or possible future disposition of upslope materials or down slope slippage for each site.*

The proposed development inadequately addresses this issue. Where does the hydrology analysis discuss both upstream and downstream impacts?

3.1.4 *Grading shall be minimized through the use of step and pole foundations where appropriate.*

The proposed development requires an excessive amount of fill to place ¾ of the project out of the floodplain. By raising existing elevations of the property ten to eleven feet so that houses will not be in the flood plain what impact will this have on other areas of the flood plain both upstream and downstream of the project?

3.1.7 *The combination of generally steep slopes and often thin and erosive soils will present a definitive potential for erosion and siltation which may have adverse effects both on and off site. Development shall therefore be carefully located and designed with this hazard in mind. The proposed development does not take this adequately into account.*

By adding excessive amounts of fill to place the project out of the floodplain and with no analysis of how this impact will effect the broader functioning of the extended floodplain how can the project proponents insure that there will be no detrimental impact to other areas of the floodplain either above or below the project site?

3.1.8 *The native vegetative cover must be maintained…*

The proposed development removes some 30 acres of existing vegetation, trees, lawn area and habitat for migrating birds. The proposed development gives no indication as to expected timeline of construction and the impact this would have on native vegetation and the possibility of flooding or damage to the environment due to the excessive soil and vegetation disruption that will take place.

3.1.9 *A condition of approval requiring on-going maintenance of erosion control measures identified in the erosion control plan shall be attached….*

Where does the project proposal define what erosion control measures will be taken? There is insufficient on site capacity to hold water run-off form streets, roofs and other impermeable surfaces.

3.1.10 *In addition to required on-site improvements for development projects, the County shall impose a fee to help finance the improvements and maintenance of drainage facilities identified…*

What is the amount of this fee? The proposed project insufficiently defines the extent of improvement needed, what the project cost would be to operate the needed improvements and what guarantees will be provided should the proposed improvement prove to be inadequate.

3.1.11 *Development of on-site storm water retention an infiltration basins….*

Where does the proposed project identify the necessary on site retention required to hold minimum capacity for a ten year flood occurrence of water run off?

3.1.12 *A comprehensive drainage maintenance program…..*

The proposed project does not provide adequate analysis of and a detailed comprehensive drainage maintenance program. There is no back-up as to how the drainage maintenance will be provided and by whom, and what contingencies will be provided for in case of varying rain and possible flood occurrences.

3.1.14. *Containment structures or other measures shall be required to control the runoff of pollutants…..where chemical storage……*

The project gives no details in this regard and should it not be Required to? The proposed project redefines the amount and extent of golf facilities on the site. The maintenance of golf facilities usually includes numerous chemicals and fertilizers. The adequate handling, storage and dispersal of these should be included in the project proposal.

3.1.15, *An erosion control plan shall be required.*

The project proposal is insufficient with reference to an adequate erosion control plan both with respect to the site of the development as we'll as to the possible impact of properties upstream and downstream, because of excessive amounts of fill the project proposes, inadequate on site runoff containment, and failure to address impact to neighboring properties.

6.1.3. *All beneficial uses of the total water resources……..*

The proposed project claims to save 80 acre feet of water to comply with this plan requirement. However, the proposed project fails to adequately study the difference between watering a golf course and the water that returns to the aquifer through absorption and the impact of replacing this with a large impervious area of streets and roofs where there will be increased run off without opportunity for absorption back into the

ground water. The net savings of water will be considerably less than the projected 80 acre feet and the potential impact of flooding will far outweigh any possible and unlikely net water savings.

6.1.4. *Pumping from the Carmel River aquifer shall be managed…….*

Contrary to the project proposal assertion that there will be a net decrease in water usage, while there may be, the changes in water runoff, re-absorption rates, and possible flooding will create a negative impact on the Carmel River aquifer with a reduction in aquifer size so that the overall impact will be negative despite the possible reduction in water usage.

6.1.5. *The Carmel Valley Master Plan contains policies which encourage development of water reclamation, conservation and new source production……*

The project proposal claims that the project will serve this policy when it fact it does not. The claim of maintaining ecological balance and the rural character are false. Inadequate runoff storage capacity, potential flooding due to excessive fill and impervious development surfaces and considerable construction of buildings and roads that will diminish the rural character of the area results in no water reclamation or conservation as required by the policies of the Master Plan.

7.1.1.1 *Areas of biological significance shall be identified and preserved as open space.*

The project claims to retain and enhance mature riparian forest vegetation. In actuality the project will bulldoze some 35 acres of vegetation removing hundreds of mature trees and moving hundred of thousands of cubic yards of earth. Does not the overall project result in a reduction of open space due to the construction of excessive amounts of roadways, buildings, sidewalks, and alleyways?

7.1.3 Development *shall be cited to protect riparian vegetation, minimize erosion and preserve……..Therefore development shall not occur within the riparian corridor.*

Development does take place within the riparian corridor. Some 35 acres of the riparian corridor are being disrupted. On what basis can the project proponents claim that development is not talking place in the riparian corridor?

7.1.4. *River bed and bank management by private property owners shall preserve the natural state of the Carmel River…..*

The project proposal claims that there will be no alteration to the course of the river. While no construction is slated to take place on the river bed, there is a huge amount of construction taking place on the floodplain adjacent to the river and the overall development proposal with its lack of on site retention capacity and increased runoff and changes to water absorption in and adjacent to the site will have a potentially huge

impact on the river channel indirectly. The project does not adequately address these impacts and does not provide mitigation for them.

7.1.5 *A monitoring program shall be implemented to document changes in the vegetation of the Carmel River riparian corridor…*.....

No monitoring program is identified and one needs to be. There will be extensive impact on the riparian corridor because of substantial construction taking place in the floodplain. What will the monitoring program consist of, and who will pay for it?

15.1.16 *Areas identified as being subject to land sliding, faulting, or other geologic hazards* .....

Considering the extensive amount of fill required to raise the homes out of the floodplain, the project proposal provides insufficient evidence and study of potential impacts should this fill be saturated through water runoff from the hills above the project or impacted by rising floodwaters.

16.2.6.1 *Private or public flood control measures should include restoration of the river banks*.....

The project proposes to construct flood control protective measures consistent with the goals of CSA 45. Where is CSA 45? Do they mean CSA 50? How does the proposed project guarantee that residential and commercial construction downstream of the project will not be adversely affected nor will development upstream of the project not be impacted in changes to the floodplain and floodway?

16.2.13 *New development projects are required to pay fees for construction of downstream drainage improvements to improve overall storm drainage. Fees shall be in proportion to the degree of impact.*

What fees are being paid by the development and how are those fees in proportion to the degree of impact?

17.3.1.1 *For the purposes of fire equipment access to structural fires, the road widths shall be adequate for two lanes of traffic*.....

If the development is served by only by Rio Road off of Carmel Valley Road, then fire department access is limited, length of time to reach a fire or emergency prolonged. If access is open through an alternate route over a levy adjacent to the river, what happens if this route is threatened at a time of high water or flood threat that might undermine the integrity of the levy?

17.4.1.2 *All proposed developments….shall be evaluated by the appropriate fire District. The recommendation of the fire district will be given great weight and should, except for good cause shown, ordinarily be followed.*

Why does the proposed development not take into account the full and complete recommendations of the Cypress Fire Protection District?

22.2.4.1 *Noise generating construction activities should be restricted to the hours of 8:00 AM to 5:00 PM.....Monday through Friday....*

These hours are the same time as the adjacent Carmel Middle School is in full use. What provisions will construction of the development take to minimize excessive noise upon CMS and disruption to normal activity at the school?

26.1.21 *It is intended that Carmel Valley remain rural residential in character....*

How can it be said that a dense development of 281/309 homes on 39 acres at a density of over 7 units/acre is rural? Is the project not an urban scale density? The project will be visible from sections of Carmel Valley Road and it will be highly visible from public viewing areas from residential sections to the north of Carmel Valley Road. How does the project propose to mitigate this visual impact? When will the project be required to provide visual orange netting representing the height and extent of development that will take place? This will clearly show the visual impact of development. Computerized generated photo montages are often misleading and purposely doctored to minimize the true visual impact. Is it not too easy to manipulate the relative size of buildings and trees?

26.1.23 *Open space uses are to be located between the development areas....*

How can the proposed project claim that it is consistent with this policy when in fact the project decreases the amount of open space in the area and actually locates development adjacent to the existing Middle School and Community Church that are currently bordered by open space?

26.1.25 *The visual alteration of natural landforms caused by cutting, filling and grading or vegetation removal shall be minimized.....*

The Project claims there are no natural landforms remaining. While this may be true, the existing setting has been in existence for more than 30 years existing well before the CV Master plan was adopted and for the viewpoint of the plan would it not be considered that the present landform is the natural landform? And disregarding this perspective, how can the project justify moving and altering more than 250,000 cubic yards of fill as not negatively impacting the natural landform and the project not being in conformance with this policy of the Mater Plan?

26.1.26 *Development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance.....*

The project claims that the development "will be visually compatible with the character of the Valley in that nearly all of it will be shielded from public views..." How will the development demonstrate that it will not

be viewable from Carmel Valley Road? It will, in fact, be visible from certain sections of CV Road and from public viewing areas in residential areas to the north. Does the project not provide extensive development of 280 homes in an area of present open space which will dramatically alter the rural perception of the mouth of the valley? How do you define densely compact housing with roads in front and alleyways in the rear versus open space as rural?

26.1.27 *No off-site outdoor advertising is allowed in the Plan area.*

How will the County condition that the development will not be allowed to place promotional advertising signs at the intersection of Carmel Valley and Rio Road and in any other location?

26.1.29 *Design and site control shall be required for all new development*

The Project proposal claims that it will be subject to detailed design and site control, however, how will this be accomplished? There is no indication in the plan how this will be done and the local Land Use Advisory Committee has been left functionless by County Planning Department.

26.1.30 *Publicly used building should be oriented to views of the river.*

The project claims "the homes will be oriented towards views of the river." However, in fact, are not the majority of the homes oriented towards a view of other homes across the street or the alleyway? Only 28 lots or 10% of the units are facing unobstructed views of the open space.

26.1.31 *Materials and colors used in construction shall be selected.....*

Project proponents claim "Architecture will be mixed.....Roof coloring and materials will be regulated to transition the site from its urbanized neighbors to the parkway." What parkway are they talking about? Use of the word "urbanized" corroborates the point that the project proponents have no idea of the rural character of the surrounding area nor of maintaining the rural character because their project is and the believe everything around it is urbanized.

26.1.32 *Development should be located in a manner that minimizes disruption of views from existing homes.....*

Proponents claim that "the site does not disrupt views from existing homes" and "the site is shielded by its relatively low elevation...." Try standing at the residence at the end of Rio Road and the levy and back up this claim. Stand almost anywhere along the back property line of the Carmel Middle School property and justify this claim. The current view of hundreds of nearby homes on the north side of Carmel Valley road is golf course open space, but will be replaced by looking at 281/309 homes and lots of roadways and alleyways.

26.1.33 *The range of land uses allowed.....only those specifically designated by this plan shall be considered consistent as required by law.*

The project site is designated visitor serving commercial. How can the project proponents possibly claim that this project would be consistent with the Master Plan when they are proposing "high density residential?" Is not the proposed project clearly inconsistent with the Master Plan? Are they not asking for an amendment to the plan, because they are inconsistent with the Plan?

27.3.10 *.....development should be permitted to be located on the most appropriate portion of the property.*

Proponents claim "the housing is proposed in the most appropriate location." How can this be justified when in order to build the housing extensive grading and filling must be undertaken and the size and shape of the floodway dramatically altered? Why were not other sites on the golf course property considered for development where extensive grading and filling would not have been required nor significant changes to the floodway? What would constitute a more *inappropriate* location?

28.1.20A *Development should follow a rural architectural theme.....*

The development on narrow small lots with many homes having sidewalls only five feet apart, and with streets in front and alleys in back and with densities exceeding 7 units to the acre, how can this be defined as rural architecture? The development is very urbanized and not in conformance with the Master Plan goal for preserving the rural character of the Valley.

28.1.26 *All further development of visitor accommodations in the area west of Via Mallorca and north of Carmel River shall be limited to....175 units at the Rancho Canada Golf Club.*

Proponents are asking for this to be amended. Why should this amendment be granted when no justification is given for it? The proposed development is not in conformance with the Master Plan.

34.1.1.1 *Clustering of development should be permitted only where.....*

Project proponents claim that, "the project will result in preservation of visible and accessible open space. This is untrue, how can this claim be supported? Instead of seeing a golf course and open space south of the Carmel Middle School, people will now see houses. People living in homes up on the hills north of the site will no longer be looking out at open space and golf course but 281/309 homes instead. Rather than nine holes of golf that are accessible to thousands of players each month the land will be turned into roofs, roadways and alleyways. Applicants also claim "the project will be served by the Carmel Valley Wastewater District therefore the Carmel Valley Wastewater study is inapplicable to this

project. The Project is otherwise in compliance with other applicable policies as amended." How can they claim the Carmel Valley Wastewater study is inapplicable and what other policies is it supposedly in compliance with as amended?

34.1.1.2 *Clustering of development is discouraged except where.....*

Similar to above, the Applicant claims "the clustered project will result in preservation of visible and accessible open space." Again, how can this claim be supported when the project results in taking land out of open space and turning it into dense housing with lots of roadways and alleyways?

34.1.1.3 *Public and private agencies.....may acquire development rights and/or Accept easements and dedications for significant areas of biological, agriculture or other open space land.*

In what way was this policy of the Master plan considered, and if it was not, then why was it not considered? The preservation of open space is too critical to the preservation of the rural character of Carmel Valley that all alternatives should be explored. Failure to explore this option is a failure to consider fairly all options for development or non-development.

34.1.8 *Unless specifically authorized by this plan, no development density is to be transferred within a project from any portion of the site which would not be subject to development because of plan policies.*

Where is the specific authorization within with the CV Master Plan particularly as it relates to this project site to allow for the transfer of density from one location to another." There is none. The proposed project is inconsistent with the CV Master Plan

35.1.3 *Development shall be designed that additional runoff, additional erosion or additional sedimentation will not occur off of the development site.*

The applicant states, "the project will be consistent with these policies." How? There are insufficient on-site retention basins to hold water runoff from all the roofs, roadways and alleyways. There will be direct runoff into the waterway causing possible erosion, sedimentation and/or contamination. How can the project guarantee that this will not occur?

37.4.1 *The County shall encourage overall land use patterns which reduce the need to travel.*

Applicant claims that "a preference will be granted for fifty percent of the project for persons working in Carmel Valley." How can this be guaranteed? What studies have been conducted that indicate that there is an actual need for the housing proposed by this project in this location? A counter claim could easily be made that this housing may attract people with jobs further north or east of the site and that regional traffic will actually increase. Should the claimed affordable housing be built on this site, but due to economic circumstances other affordable housing does not

get built in communities like Marina, families might be forced to live here and travel to jobs elsewhere. How can the applicant prove the project will reduce the need to travel? They cannot support this claim. With 281 homes, with as many as 10 car trips per family per day, there will be a tremendous increase in traffic over the current level of traffic generated by the few additional golfers that would play the additional nine holes of golf. The total number of golf trips may not decrease at all because of a reduction from 36 to 27 holes available for play. And if there is a reduction it would be insignificant compared to the tremendous increase in residential traffic from 281 homes.

38.1.4.1 *Public transit should be explored as an alternative to the use of private Automobiles and to help preserve air quality.....*

The project claims to "be adjacent to existing public transit stops." Currently the nearest bus stop is more than ¼ mile away from the nearest point of the project and ½ to 2/3rds of a mile from distant areas of the development. The bus stop for those heading into town is also across a four-lane divided, very busy Carmel Valley Road with traffic at speeds of 60-miles an hour. Unless a bus stop is located within the project site, the project is not realistically accessible to mass transit. Is there any provision to provide mass transit directly to within the project site? If not, why not?

39.1.6 *Construction of the Hatton Canyon Freeway... If the freeway has not been built, the Board shall limit further development until the freeway is under construction.*

This policy is very clear, precise and unequivocal. The freeway has not been built and the Board "shall limit further development." The Project statement that the "County has constructed an alternative traffic improvement to Highway 1 to relieve traffic congestion, is technically incorrect and completely irrelevant. The County did not construct alternative traffic improvements. Does the Master Plan say that if congestion is partially relieved than it is acceptable to proceed with development? Where does it say this? Has the Master Plan been amended to allow for a relieving of congestion as an alternative to building the Hatton Canyon Freeway? The project is inconsistent with this policy of the Master Plan.

39.1.7 *Fees for offsite major thoroughfares be imposed.....*

What are the amount of the fees to be imposed? How will the relieve regional traffic issues caused by the increase in traffic from this development? What specific improvements will be constructed to Carmel Valley Road?

39.3.1.7 *The County shall consider constructing minor interchanges as an alternative to signalizing the Carmel Valley Road intersection.*

How has the project considered this policy as an alternative improvement to any other possible improvement to Carmel Valley Road? To what degree has the County considered and required such an improvement as the best alternative to providing unimpeded flow of traffic along Carmel valley Road? Just because other traffic lights were installed does not justify that additional traffic lights should be installed because the more traffic lights that are installed, and especially in close proximity to one another will impede the smooth flow of traffic and otherwise create additional delays and air pollution due to stopped cars.

39.3.1.8 *In the event that the State does not build the Hatton Canyon Freeway.. The County shall consider an interchange at Highway One and Carmel Valley Road.*

How can the project be consistent with this policy because a climbing lane has been constructed? A climbing lane is not an interchange. While the climbing lane may provided some temporary relief to traffic congestion at certain times of the day, or at certain times of the year, it may not be sufficient to handle the additional 2800 (or more) car trips that could be generated by the proposed project.

51.2.9 *Existing school facilities should be used.....*

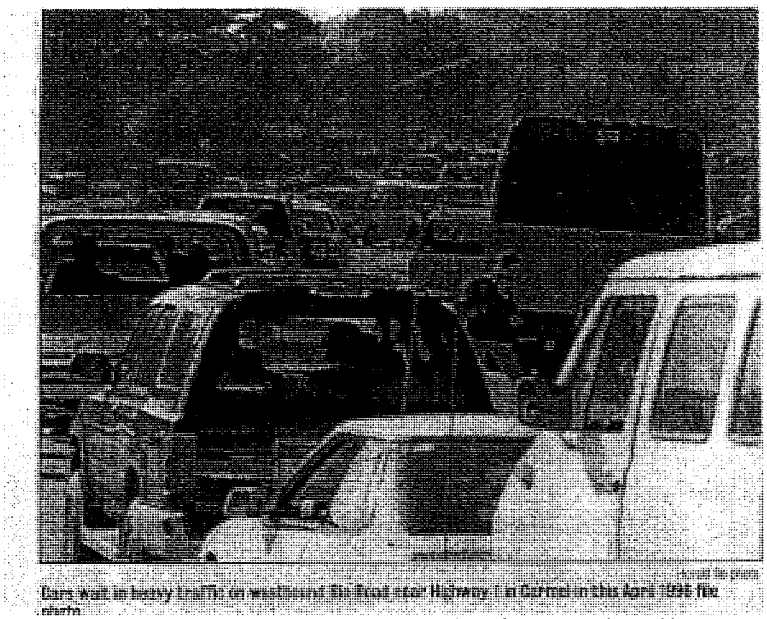
How will the project site gain access to Carmel Middle School? The project emphasizes its proximity to schools and yet there is no direct link between the project and Carmel Middle School without going through neighboring properties. Will the project gain easements to provide a direct connection or will residents be forced to go out to Carmel Valley Road and head westward to the Middle School entrance? Will this create more traffic on Carmel Valley Road?

51.2.11 *Active neighborhood recreation areas should be located.....*

The project claims "the proposed park and open space areas of the project are located within close access to the development area in the lower Carmel Valley. The park, open space, and bike trail areas will serve both the neighborhood and the region." Where will people from the region park to gain access to these facilities? The development plan does not show any parking areas.

51.2.12 *Provisions should be made for more recreation for youth.....*

The applicant states "The project substantially and directly serves this policy by creating publicly accessible and open spaces in close vicinity to the middle school. Additionally on-site facilities for children may include a tot lot." How will middle school kids gain access to the open space if there is no direct link between the project site and the middle school site? And will on-site facilities for children include, or not include a tot lot? To say "may" is ambiguous.



Back to the Future at the mouth of Carmel Valley???

H. TRANSPORTATION AND TRAFFIC

Prefatory Comments:

The chapter on Transportation and Traffic (Chapter 3.7) is incomplete, and the material it does contain is seriously flawed in many respects. It cannot be considered a useful or acceptable examination of the project's potential effects on the environment arising from the increase in traffic and other transportation requirements it would yield.

This chapter resembles far more a plagiarized book report than it does a technically competent and evidence-based investigation of the traffic environment. Not only are its flaws numerous and serious, in large degree they are borrowed (copied would be the more candid term) directly from other flawed sources, which themselves evidently drew upon unreliable, incomplete or uninvestigated sources.

Among the report's defects, which are specified in some detail below, are the following:

- Lack of clear definition of, and continuing apparent changes in, major aspects of the project, including boundaries, access and roadway definitions and scheduling of actions.

- Omission of major intersections and roadway segments very near the project that would receive principal proportions of traffic generated by the project; these highway elements are critical links and nodes in the regional highway network

and involve the principal north-south highway along the central coast, which is a scenic route and experience heavy international as well as national tourist traffic.

- Critical assumptions in the analysis made without acceptably defined evidential support; lack of transparency concerning principal data sources and concerning critical judgments about the data selected and used.

- Logical inconsistency in trip distribution assumptions, given the available road network.

- Failure to manage data accurately and competently; ignoring the effects of uncertainties that could alter conclusions.

- Contradictory definitions of principal quantities in the analysis, producing data tables that do not represent quantities implied in the narrative.

- Numerical results that fly in the face of logic and experience.

- Inadequate investigation of the effects of closely spaced traffic signals under increased traffic pressure, including delays and vehicle "storage".

- Inconsistent reporting of LOS grades; using traffic data from different years to serve as existing traffic volumes, but treating them as the same.

- Poorly and contradictorily defined LOS standards, some apparently having shifted over time even though given time-fixed definition in Plan policy, that then are used as standards of significant impact.

- Failure to report Court amendments to a critical Carmel Valley Master Plan policy that is quoted in the DEIR.

- Failure to meet CEQA Guideline requirements and County assurances as quoted in Court documents.

Please respond to each of these concerns.

These general comments above are supplemented below by detailed descriptions and questions. Its function is to provide a general guide to the comments that follow, and to indicate the reasons why CVA considers this DEIR to be wholly inadequate and to require extensive reworking and recirculation.

Environmental studies of this sort typically consist of three layers:

1. initial qualitative and subjective judgments or assumptions that determine the study's general character, protocols, and input data sources;
2. relatively simple arithmetic and algebraic processing of the quantitative input data, albeit sometimes using extensive or complex models; and

3. qualitative and subjective assessment of the quantitative outcomes of the quantitative data processing.

Tables and figures listing the quantitative results of layer (2) often give the appearance of clarity and objectivity, but the real tests of clarity and objectivity lie in close examination of the qualitative work of layers (1) and (3). Thus each of these layers needs to be approached with high and firm standards for accuracy, competence and objectivity in order for the report as a whole to be meaningful. The middle layer, even when it appears to be routine, often provides clues to contradictory or inauthentic assumptions or conclusions. The DEIR's traffic study has deficiencies in all three layers, some especially debilitating to the credibility of the study. CVA urges you to redo and rethink the traffic study from the ground up.

The list that follows provides examples of many of the significant defects in the study. It is not exhaustive but is sufficient to indicate the need for very substantial revision of the DEIR and for its recirculation.

Omissions.

O1

No full and reasonably fixed definition of the project seems to exist. Why has this DEIR been circulated for this "project," which in many respects is ill defined and still under revision? The DEIR is supposed to be a public administrative document that "will inform public agency decision-makers and the public generally of the significant environmental effect of a project" (CEQA Guidelines § 15121). If the description of the project is ambiguous to a significant degree, as it is here, that service cannot be performed. The indefiniteness in this project includes the following:

- The version of the "project" with two access points (CVR&Rio Rd.) will not be implemented, according to recent public statements by the developer, yet in the DEIR itself this is the only version actually studied. (More about this later.)

- At least part of the proposed levee system would be replacedby a floodwall not discussed in the DEIR, again according to the developer's public comments,.

- Some of the property contained within project boundaries as depicted in descriptions and diagrams in the DEIR, the Hexagon study and the Specific Plan, is neither owned nor controlled by the developer. This property includes areas that are critical to defenses against flooding.

- The definition and use of proposed project roadways, including the "Rio Road extension" remains unclear and is internally contradictory in the DEIR.

- Schedules and timelines for project development, to the extent they exist at all, are so vague the public cannot comment meaningfully on them.

- It is not even clear what other aspects of the project may be in flux.

A "project" that is so loosely defined and indefinite in such major respects cannot possibly be evaluated by a DEIR that can be considered reliable. Please explain how the public and public agencies can comment effectively on the DEIR for a "project" that is a "moving target," such as this one.

Please revise and recirculate the DEIR or explain why the present DEIR is adequate to its task under CEQA and in light of the rights of the public and public agencies to full disclosure of information, and the rights to governmental transparency in environmental decisions.

O2

Please explain why the DEIR and the Hexagon study alike inexplicably omit adequate analysis of project effects at two crucial nearby major intersections - at SR 1 and Ocean Avenue (less than 2 miles from project access) and at SR 1 and Carpenter Street (less than 3 miles from access to the project) -- and the adjacent SR 1 segments. Both of these intersections already operate at "unacceptable levels of service" during peak traffic periods, as does at least one of the SR 1 segments. These intersections were analyzed in the County-certified September Ranch EIR, for a subdivision four miles farther out Carmel Valley Road. They should be analyzed for this subdivision.

Note, for example that:

- On p. 3.7-14 of the DEIR: "Highway 1 near Carmel ... had deficient operations less than LOS D during the PM Peak Hour in 2000: ... between Carmel Valley Road and Ocean Avenue (LOS F)". This statement was included in the DEIR but no further study of the intersection was made nor cited in Chapter 3.7 on Transportation and Traffic. Given the substandard level of service, a study should have been done of the project impacts on the intersection.

- The Ocean Avenue intersection is mentioned on p. 4-10 of Chapter 4, Other CEQA Findings, with similar language as on p. 3.7-14 except that (a) the phrase "had deficient conditions" is replaced with "would have deficient operations with cumulative conditions (as described in the draft DEIR)" and (b) "(LOS F)" is replaced with "(LOS E)."

    - Which statement is accurate? They cannot both be correct, because they are inconsistent. Is it LOS E or LOS F, and is that current conditions of post-project conditions? Please respond in detail.
    - LOS F is considered far more than "deficient." Where does the EIR's use of the word "deficient" come from? The term typically used for LOS F is "unacceptable."

- Ocean Avenue is mentioned on p. 4-14: "Based on turning volumes, the project would contribute 49 trips northbound and 85 trips southbound on Highway 1 north of Carmel Valley Road during the PM Peak Hour. As current (2000) PM Peak Hour operations between Carmel Valley Road and Ocean Avenue are LOS F, this contribution represents a significant impact." On what is this analysis based? No actual study is included in the DEIR. Please provide the study for public review and comment.

Both of these intersections and the adjacent SR 1 road segments would receive a very high proportion of the trips generated by the project. Therefore, they are more likely to be impacted by the project than almost every other intersection *included* in the study. Their omission from the assessment of the project's environmental impacts, and the consequent disregard of the relevant impacts in Chapter 7, is unacceptable under CEQA. Please correct this omission and circulate the information for public review and comment.?

O3

On pages 3.7-14 and 4-10, the "current" deficient operation of the otherwise omitted Carmel Valley Road/Ocean Avenue segment of SR 1 is given as LOS E. But on page 4-14 it is given as LOS F. Please provide

(1) reliable data for this segment, including its operational performance level in 2000 and at the most recent evaluation,

(2) the standards or criteria for all LOS categories on this segment, for 2000 and the most recent evaluation, and

(3) the County's LOS grade assignments for this segment in 2000 and in the most recent evaluation.

O4

Tabulated project and "background" data in the DEIR, chapter 3.7, are provided only for the two-entry access version of the project (including western access at Rio Road and Carmel Rancho Boulevard, and at northern Rio Road and Carmel Valley Road ("CVR")), and not for the other versions. The same data should be provided for the other access versions, including the version on the application.

The developer has given oral assurances to public gatherings on at least two occasions that the actual project will *not* involve two entries option, in which case the DEIR does *not* study the project's traffic effects *at all*. The DEIR should affirmatively describe this aspect of project circulation. If the two-entry access is a project alternative, please make that clear. If the two-entry access is a project mitigation proposed by the EIR preparer or the County, please make that clear, and please clearly identify the impact(s) anticipated to be mitigated, and how the mitigation will be effective.

Please state whether the public should rely on the EIR discussion or the representations of the applicant about his project.

Tables 3.7-11, 12, 13 and 14 include no data for Carmel Valley Road-only traffic. This information should be included because Carmel Valley Road is the major access for the project.

O5

Seasonal and event tourist traffic is not accounted for in the DEIR. During tourist periods, which include numerous highly popular events as well as a long summer visitation season, CVA members have observed that levels of service for local roads, including Carmel Valley Road and SR 1 north and south of intersection 1, often are at and beyond levels that would qualify as "significant adverse impacts." Thus, separate traffic scenarios, consisting of holiday, summer, and event traffic, must be included in the description of existing conditions, and must be included in any analysis ofproject impacts.

These issues are important because the actual conditions faced by motorists during much of the year are not reflected in the off-season data.

The increased traffic load from seasonal and event traffic clearly has an adverse impact on the delivery of emergency services while at the same time increasing the probable demand for such services.

County Public Works staff members have indicated that a 30% "holiday-traffic" increment is a useful rule of thumb. Please discuss whether you agree with this enhancement, and how the EIR has investigated and analyzed this issue.

Without this on-the-ground information, the EIR is fundamentally flawed. Please discuss how this information has been incorporated into the DEIR, and please present the analysis for public review and comment.. Please identify which calculations and conclusions changed as a result of the information.

O6

Please explain why the Carmel Middle School intersection, and access to other schools located along Carmel Valley Road, were not included in the DEIR. Without these nearby intersections, the EIR is flawed.

The presence of schools along Carmel Valley Road causes reductions in speed limits and raises obvious safety questions concerning individual students and delivery and pick up of students by automobile.

The presence of schools brings school buses intensively into the traffic mix. The DEIR takes no account whatsoever of the several schools with existing access from Carmel Valley Road.

For example, the Middle School intersection lies between study intersections 2 and 7. That intersection has been deemed sufficiently important as a traffic site to be signalized. ; Many school buses operate through this intersection during AM peak hours.

In addition, the Middle School athletic field and running track are adjacent to Carmel Valley Road. They are occupied by large amounts of people on a frequent basis, and that at times traffic can be heavy as a result of sporting events. It is in the public interest that local schools should be included routinely in traffic sections of EIRs, and the related traffic and safety effects examined.

This DEIR in a rare break from quoting the Hexagon Specific Plan traffic study, lists in Table 3.7-10 an unidentified school with "23 students," but apparently makes no use of the corresponding data. The schools should be identified and the data discussed, along with data from other schools with access from Carmel Valley Road.

O7

The DEIR fails to address the interaction and inter-relationship between flood-control engineering and roadway development. For example, the DEIR states that "Access to Rancho Canada Village from the west would be by a small scale extension of Rio Road at the top of a new levee." (DEIR, p.3.7-27; the Hexagon study did not include this observation.) Please identify the sources of and support for this statement.

The levee has specific flood-control functions and was not designed as a roadway component. Is this correct? The DEIR discussion is ambiguous.

Flood protection must have priority in all engineering and design considerations concerning the levee, and full particulars of any related construction intentions and plans should be available and examined as part of any traffic study related to this western access route, whether for emergency use or for general traffic.

Full public participation, including direct consultation with the County Service Area 50 board, which is concerned with the levee system, and with all relevant public agencies, is required in the development of plans for this area because of the recent history of serious local flooding,. This participation did not happen. This participation should be recorded in the traffic study.

All construction related to the levee and/or other flood protection elements should be under the supervision and control of public floodwater management agencies, not by private developers. This issue should be specified Plan and how it should be accomplished should be evaluated in the EIR.

Emergency response and safety:

E1

The effects of project (and "background") traffic on emergency services and on emergency evacuation planning, not only for proposed project residents but also for existing residents and workers in the general vicinity, are effectively ignored in the DEIR. These impacts are significant and should be included in the stidy.

Provision of emergency vehicle access through the west Rio Road portal to the project is mentioned in the DEIR, evidently with only project residents in mind, but otherwise there is no significant discussion of emergency conditions and their relationship to traffic conditions. In our experience, this is an area especially vulnerable to flood, forest fire and earthquake. The principal local fire station is located just off Rio Road in the commercially impacted traffic complex just to the west of the site. Additional traffic here, especially under disaster conditions, could effectively block emergency vehicle movement and deny delivery of emergency services. Please investigate and respond.

For these and additional reasons, the impacts of the project on emergency response should be considered significant and unavoidable. Please investigate, analyze and respond.

E2

The principal evacuation routes out of the area are SR 1 north toward the badly impacted intersection at Ocean Avenue, which would be highly congested with traffic from other sources, and SR 1 south which has poor vehicle carrying capacity and for many miles lacks adequate facilities for provisioning a large evacuating population.

Project impacts on emergency access should be considered significant and unavoidable. The DEIR fails to give credible reasons why the impacts would be anything other than significant and unavoidable

Initial and operating assumptions:

A1

The DEIR, which incorporates the Hexagon study as an appendix and uses its relevant assumptions (Hexagon, Figure 6, 7, adopted by DEIR), assumes without valid support that only 40% of project AM peak traffic would travel north on SR 1 from Carmel Valley Road (toward the critical and already stressed intersections at Ocean Avenue and Carpenter street). Please investigate.

Examination of existing traffic patterns reported in the study, and review of other traffic studies involving this intersection, show that the percentage should be closer to 60%, that is, larger by about ½. Similar observations apply to PM peak traffic. Please investigate and discuss. Why is the difference so large?

A2

Please explain why the study's traffic distribution assumptions for the project are logically inconsistent with the geometry of the CVR/SR 1 intersection (labeled intersection 1) and adjacent roadway segments and intersections, which constrain continuity of traffic movement. Northbound SR 1 immediately north of the intersection is effectively the *same* roadway segment as westbound Carmel Valley Road immediately east of the intersection, requiring that traffic volumes on each be the same. However, assumptions in the study do not reflect this continuity. Please investigate.

A3

The project trip distribution schemes (Hexagon Figures 6, 7) do not agree with the project trip schemes (Hexagon Figures 9, 10) with respect to trips entering and exiting intersection 1 (CVR and SR 1). Fewer trips pass through Intersection 1 than leave Intersection 2 according to the distribution scheme. But according to the project trips scheme the number of trips is the same . Inconsistent information is fundamentally unreliable. Please investigate, clarify and recirculate for public review.

A4

Precisely **10%** of project trips are assumed to enter/exit the project from/toward the east. No evidence is provided for this assumption.

Existing traffic data within the report indicate a larger percentage would be appropriate, as do other studies of CVR. For example, in the RCV DEIR, 767 existing AM peak vehicles leave intersection 7 eastward toward intersection 8, and 1032 arrive at intersection 7 from the east, so from intersection 7, **43%** head east toward intersection 8 whereas 57% head west toward intersection 2. Another traffic study shows that at the nearby Rancho San Carlos intersection at CVR, at AM peak **40%** are eastbound and 60% westbound. These statistics suggest strongly that 10% is too small and may not be based on credible evidence. This affects all other traffic distribution assumptions and may well affect conclusions concerning significant impacts. Please investigate, and provide firm evidence as to your conclusions. Also, please show the analysis and facts that underlie the DEIR selection of 10%.

A5

Both the DEIR and Hexagon arrive at the same 10% figure for traffic to and from the east at intersection 7. This appears to reflect a lack of objectivity and independence. What investigation and analysis did the EIR perform to arrive at its estimate?

A6

Much of the EIR is exactly the same as the Hexagon study, including basic assumptions that would be expected to involve a degree of independent judgment and even a reasonable degree of uncertainty and hence arbitrariness. Please describe the independent investigation and analysis undertaken by the DEIR in the area of traffic, as required under CEQA. In what sense and in what particulars is the DEIR to be considered an independent study and evaluation from the Hexagon study?

A7

The analytical methods used in preparation of the DEIR yield results substantially different from the plain and direct implications of the data on existing traffic provided within the (DEIR/Hexagon) report (e.g., project trip distributions east of intersection 7, and traffic delays at intersections 3, 4, 5). Consider the following statement (p. 3.7-20 or p. 24 in Hexagon): "The residential trip distribution pattern used in this study was estimated by using select link data supplied by DKS Associates from the AMBAG model." This sentence creates a "black box" that hides not only the input data, but also the input options used in the analysis and the "machinery" of the analytical method, from exposure to assessment.

Thus those not engaged in preparation of the reports cannot possibly evaluate the underlying basis for DEIR and Hexagon claims, or diagnose discrepancies found in the reports. This defeats the requirement that the DEIR provide a basis for "full assessment of significant environmental impacts by reviewing agencies and members of the public" (CEQA Guidelines § 5147).

Understanding whether it is the model itself, management of input options, data input, reporting of output data, or some combination of these that is responsible for the reports' evident discrepancies is critical to the public's review and assessment of the reports' results.

Scrutiny of Table 3.7-11, for example, reveals numerical results that cannot be correct but the source of the discrepancies is concealed, so the seriousness of the problem cannot be evaluated.

This lack of clarity should be corrected, or another more transparent method of estimation should be used. The report should be revised to assure that it is possible for the document to "intelligently take account of environmental consequences" of the project (CEQA Guidelines § 15151).

A8

The DEIR is very unclear in reporting both the explicit source data for bare "background" traffic ("background" with existing traffic omitted – i.e., traffic arising directly from "approved but not completed developments") and the corresponding

intersection volumes. This is another "black box" from which numbers emerge mysteriously, rather than in the transparent, reviewable form expected under CEQA.

These "black boxes" hide the character and specific content of important assumptions in the study.

- No separate diagram or table on specific "background" traffic volumes at intersections is included in the report. This makes it difficult to untangle the specific contributions by developments that have been approved but not completed from existing and project contributions.
- Comparisons given in the report are between so-called "background conditions" in which background volumes are combined with existing volumes, and on "project conditions" in which existing, background and project volumes are combined.
- Direct comparison of the combination of existing and project trips with existing trips alone, which is the most important relationship that the report should reveal, is totally absent.
- The situation is further confused by conflicting definitions of "project conditions" in the reports, which produces misleading numerical results. (See elsewhere in these comments concerning the report's competing incompatible definitions of "project conditions," and concerning the use of "background" traffic.)

Clearly reasonable estimates of projected traffic volume from approved but not yet completed development, properly and accurately reported and properly used, can make a useful contribution to the analysis. However, in this DEIR their significance is obscured and their utility undermined by their indefinite origins and by the reporting of their values at intersections only in combination with other data. In its present form, the DEIR is impossible to assess intelligently and must be considered incomplete. Please state why the DEIR was organized in this problematic and confusing manner. Please reorganize so the information can be understood by the public.

A9

The DEIR tacitly assumes an unsupportable degree of precision in the reporting of traffic counts, delay times, and other data on which conclusions are based. On what is this assumption of precision based? The assumption does not reflect reality.

The assumption of complete precision that is implied in the methods and discussion in the report, which is wholly unwarranted by modern standards of data analysis, is persistent throughout the document. We challenge this assumption as unsupportable and unreal. Please investigate and respond. \

At the same time, no margin of tolerance for error or uncertainty is provided in the DEIR significance criteria. This can, and too often does in this document, produce indefensible decision-making environments and consequent nonsensical decisions that would not be acceptable in other engineering disciplines. This should not be acceptable in traffic engineering, which deals with our critical transportation infrastructure. Measurable uncertainties are inherent in the acquisition of traffic data and are acknowledged even in data sources relevant to this DEIR. For example, a 1990 County

document, *Cumulative Traffic Calculations and Segment Capacity Analysis* for the CVMP Monitoring Program states that "daily traffic counts can vary substantially from day to day ... [and] variations in calculated AADT from one year to the next are significant." (We have found uncertainties in traffic counts on Carmel Valley Road segments to vary by segment and to range between about 2% and 9%, with a clustering around 4%.)

Such uncertainties, and also their propagation throughout the data analysis, should be a routine component of traffic computations, which is easily accomplished with modern computer programs. Without this, relevant margins of error and of safety cannot be incorporated into the assignment of significance criteria. As a result, all the EIR applications of significance criteria based on the assumption of precise input and output data are flawed and vulnerable to serious inaccurate assessments of impacts.

Describe what safeguards are used in the preparation of this DEIR that prevent errors resulting from the use of data that lack accompanying estimates of uncertainty, and that omit proper techniques to manage the propagation of uncertainty in calculations.

A10

The DEIR did not detect and correct the Hexagon ambiguity in the definition of "project traffic volumes" quoted (but without quotation marks) on page 3.7-20, last paragraph. The "Project with CV Rd & Rio Rd Access" data in Tables 3.7-11, 12, 13 and 14 apparently are *not* the "existing traffic volumes plus project trips" *claimed* on page 3.7-20, but instead are "background traffic conditions with the addition of traffic generated by the project" (Hexagon, p. 22 and *de facto* various tables). The DEIR uses different terms are used to mean the same thing, and the same term is used to mean different things. This is but one example. Please investigate and discuss.

Contradictory definitions of "project conditions" appear in the Hexagon study conducted for the project's proponent and incorporated in the DEIR as Appendix D. Sometimes the term is said to refer to "existing traffic volumes plus project trips" and at other times it is said to mean "background conditions with the addition of traffic generated by the project," that is, "background" traffic volumes plus project trips.

The numbers actually reported on figures and in tables as "project conditions" apparently *always* are the latter – "background" plus project-generated trips.

The difference is substantial and the confusion created is highly misleading.

- On DEIR page 4 we find "Scenario 3: *Project conditions.* Future traffic volumes with the project (hereafter called *project traffic volumes*) were estimated by adding to existing traffic volumes the additional traffic generated by the project." Also, on page 24 (Hexagon) we find "Existing traffic volumes plus project trips are ... typically referred to ... as *project traffic volumes ...*" and "project traffic volumes ... are shown ... on Figures 11 and 12." On Figures 11 and 12 the captions both refer to "project conditions traffic volumes," so that "project conditions traffic volumes"

(though distinct in wording from "project traffic volumes"), according to the previous sentence, also would be defined as "existing traffic volumes plus project trips."

- Yet on page 22 we find the statement, "Project conditions are represented by background traffic conditions with the addition of traffic generated by the project." This is the definition to which numbers are attached in *all* the relevant tables, but the reader is likely to be led to think that the numbers mean something quite different. The DEIR is confusing and misleading. The public cannot make sense of it. Please address and correct.

The competing definitions lead to distinctly different consequences, and the differences are very significant. Claiming to present one data set (existing plus project) while actually reporting another ("background" plus project) may lead to different assessments of project impact. At least one of those assessments isnot defensible. This is a serious breach of trust, and violates CEQA's requirement for a good faith effort at explaining and analyzing the project impacts. Please investigate, correct, and discuss..

A11

The following assumptions apparently cause an underestimation of traffic volumes by not being included in the volumes assumed in the report:

- The DEIR uses trip generation rates for condominium units that are 22% lower than those for other single-family units (Table 3.7-10). In this location and transportation environment, local resident behavior may differ significantly from ITE Trip Generation manual assumptions. Absent justification based on local conditions, this could result in an underestimate by as many as 79 daily trips.
- Provision for 28 "carriage units" is contained in the Specific Plan (see p. B4 and p. B9) but is not included in the DEIR or traffic study's trip generation estimates. This could result in an underestimate of from 210 to 271 daily trips if those units are permitted.
- Estimates of the ratio of AM peak traffic to daily trips for the project are about 16% lower using the DEIR's data than using the County's data (see *Carmel Valley Traffic Improvement Program, DSEIR*, p. 3.7-8,9); the PM estimates, by contrast, are about 3% higher. Please explain the inconsistency, and why the County data was rejected. This could involve major corrections and needs to be examined and explained.

Overall impacts

Ov1

Overall impacts of project traffic on the area, as distinct from individual impacts at specific locations, are ignored in the DEIR. For example, already-committed traffic increases, represented in the study by "background" trips minus existing volumes,

(more easily referred to as bare "background") would add a clearly significant 10% (AM) to 15% (PM) to total peak-period intersection crossings (sum of traffic into or out of all study intersections), and the project would add an additional 5%, or a net of 15% and 20%, which should be unacceptable given the current state of several intersection operations. (At individual intersections the increase by the project is forecast by data in the study to be as much as 31%, and by project plus bare "background" as much as 51% [intersection 6 in both cases]). The actual adverse impact, especially where relevant *existing* traffic *already* must pass through one or more intersections or segments operating at or near unacceptable levels, cannot sensibly be regarded as "less than significant," formal individual-intersection criteria notwithstanding.

Ov2

With respect to impacts, the combination of signalized intersections along west Rio Road is not examined as a whole by the DEIR from the perspective of a motorist traveling through that combination. For the Rio Road and Carmel Valley Road access scheme, many vehicles will pass through closely-spaced intersections 3, 4 and 5 in sequence, and at each intersection they must expect a delay as indicated in Table 3.7-6 (or 9 in Hexagon). As the motorist enters this sequence, the expected delay being confronted is the sum of the three individual expected delays, which is (according to the dubious data of 3.7-9, or 9 and 14 of Hexagon – see elsewhere in these comments) about 45 seconds during the morning peak and 50 seconds in the evening peak, which is solidly into unacceptable LOS D (35 to 55 seconds delay), with the PM experience being 91% of the way to LOS E. Even though the individual intersections all are listed in the Hexagon study and in the DEIR as LOS C or better, the driver's actual and expected experience of the short collective gauntlet is much different and equivalent to LOS D at best. Our members drive this route very often and this is based on our experience.

The traffic volume diagrams (see, e.g., Figures 4, 5, 11, 12 of Hexagon) indicate that the great majority of traffic on Rio Road in this area would pass through this sequence and would experience, effectively, a single unacceptable LOS D event. This circumstance was ignored in the DEIR.

Ov3

For the short road segments between signals on west Rio Road, the issue of vehicle storage between traffic lights during peak traffic hours was not considered in the DEIR.

An important issue is whether travelers along these segments during peak hours would saturate the space available between signals and cause even larger delays than the single signal (single intersection) data suggest, with a potential for motorists having to wait through two or more signal cycles because of inadequate space along a segment. Apparently about 12 passenger cars could be accommodated in the through-traffic lanes between one of the pairs of signals, and perhaps six in the left-turn lane. Please investigate and examine this issue completely for both access options.

- Similarly, a short calculation using Table 3.7-11 data in conjunction with traffic volume data of Hexagon's Figures 4, 5, 7-12 shows that adding 118 vehicle trips to one of the intersections would produce a *lower* travel time through the sequence of all three signalized intersections than would adding only 52; here again, *more cars* produce *shorter* delays! Please explain.

- And again, Table 3.7-6 on p. 3.7-12 (identical with Table 9 on p. 19 of Hexagon) reveals that *addition* of more than 110 "background" vehicle trips during morning rush hour, or more than 180 during evening rush hour, *reduces* delay times at intersections 3,4 and 5. Please explain.

- Yet again, comparison of Table 4-1 with 3.7-6, and comparison of the Avg. Delay columns of 3.7-6, with one another, show that at intersections 4 and 5 cumulative conditions yield shorter delay times than background conditions, and background conditions yield shorter times than existing conditions; more cars, once again, purportedly produce shorter delays! Please explain.

These three examples make no sense either to the lay person or the expert. Please investigate each one and explain separately.

More could be said along these lines about these tables and their relatives but these examples should suffice to indicate serious problems that undermine the credibility – even the plausibility – of the report. Which numbers can we trust? Why? In the explanation of these anomalies, please locate, and logically explain, and correct any sources of errors involved. Also comment on what the public might rely to ensure that data in the report can be regarded as correct, and specify those data that can and cannot be trusted.

DMP4

Please investigate and address the following discrepancies in the DEIR:

a. Tables ES 2 (p. viii) and 6 (p. 14) and 10 (p. 20) of Hexagon (evidently the general data source for the DEIR) all purport to list existing ADT traffic on Carmel Valley Road segments for 2005. But the presumed 2005 data are different in ES 2 from the values reported in 6 and 10. Tables ES 2 and 10 also list "background" ADT values that are consistent only with the ADT 2005 values in Tables 6 and 10, so the ES 2 data contain "background" values that are inconsistent with the ADT 2005 data reported in the same table. (The ES 2 tabulation of "existing" ADT appears to approximate the County's 2002 data.)

b. Two tables in the DEIR contain ADT data (Table 3.7-7, p. 3.7-13, and Table 3.7-12, p. 3.7-24). Table 3.7-7, labeled "Existing ADT on Carmel Valley Road" lists 2007 ADT values (instead of 2005 values used in the Hexagon study), providing yet a third set of "existing" segment ADT values. Table 3.7-12 evades contributing to the collection of "existing" ADT data sets, by not listing any, but uses the

"background" ADT values obtained from the Hexagon Table 10 calculation, the corresponding "existing" values of which are inconsistent with the "existing" values reported in Table 3.7-7 unless a separate, unreported set of "background" trips has been assumed in the DEIR.

c. The DEIR states (p. 3.7-5), "... while ADT changes are disclosed, ADT levels alone are not used to determine significance. The project impact on level of service is used for significance determination." However, LOS levels *are* listed in Table 3.7-12, labeled "Project ADT on Carmel Valley Road," presumably in response to the quotation on page 3.7-16 from the Carmel Valley Master Plan (Policy 39.3.2.1) and the related and mandated annual CVMP traffic report on Carmel Valley Road. The policy links ADT to a requirement that an EIR be prepared "which includes mitigation measures necessary to *raise the LOS to an acceptable level*" and goes on to define "acceptable level" to include (under conditions relevant to this project) "significant impact and worsening traffic conditions relative to the present [1986] condition." In other words, ADT cannot be ignored in the determination of significant impacts and restorative mitigations. (See especially item 39.3.2.1b for a specific link between ADT and LOS.)

In your responses, please describe (1) how ADT and their role in determining LOS should be accommodated in significant impact criteria, since evidently they must be accommodated, (2) whether some weighed average of ADT and PTSF (and/or other measures) should be used, and what the weights should be, and (3) how PTSF and ADT (and any other measures) on Carmel Valley Road segments are correlated with one another, using statistical regression or similar standard statistical technique.

DMP5

The DEIR is flawed due to the absence of source data concerning LOS standards for ADT along Carmel Valley Road segments. In this study as in others concerning Carmel Valley Road there are important references to roadway segment LOS standards, usually quoted as LOS C for segments 1-3 or (1- 2B), 8,9; LOS D for segments 4-6 (with segment 4 in some studies being the same as segment 3 in the annual CVMP traffic evaluation for Carmel Valley Road); and LOS E or A/B for segment 10. However, the numerical basis of these assignments seems to be lost in history and is not presented in recent documents. Please investigate and provide this missing information, because without it the public cannot understand the EIR.

Three requirements should be met in this and future reports concerning Carmel Valley Road,:

a The actual ADT figures from the 1986 CVMP EIR that established the segment standards.
b The basis, including numerical data, for any changes in standards adopted since then (e.g., segment 10, but not limited to that segment).
c The ADT standards used to establish thresholds for transition to the next lower (next worse) LOS, for all LOS levels, A through F.

These requirements are critically important for the public to assess the implications of Policy 39.3.2.1 and to understand the annual CVMP traffic evaluation reports for Carmel Valley Road.

DMP6

The DEIR contains discrepancies between project impacts ("threshold exceeded") as stated (erroneously) in Table 3.7-12 in the DEIR and Table 15 in the Hexagon study.

a If the data in the table were presented as stated in the descriptive text, one segment's LOS threshold (segment 4 in Hexagon and DEIR schemes, segment 3 in the County's CVMP evaluation scheme) would be exceeded by simply adding project trips to existing ADT values, and a second segment's (number 7) would be pushed further beyond its already-exceeded threshold. Both these effects should be considered indications of significant adverse environmental deterioration. (It should be remembered that the segments are contiguous with one another and not independent of one another; there are public entries and exits to other major regional arterials *only* at Laureles Grade and at the mouth of the Valley. Deterioration of traffic flow or circulation on one segment strongly affects all segments.)

b The project by itself would, according to Hexagon and DEIR data, bring segment 6 to within less than 4% of threshold, and segment 5 to within 7% of threshold. (If Table ES 2 data are used, both are well within 4% of threshold.)

c If bare "background" trips are added to existing traffic ("background conditions"), with project trips excluded, all four segments – 4 (3 in CVMP evaluations), 5, 6 and 7 – exceed their thresholds by substantial margins (from more than 8% to almost 28%, the latter probably being enough to qualify for LOS F). This means that projects already approved would, collectively, produce highly significant adverse environmental effects *on all four segments*. Further addition of project trips, which on two segments would also *by themselves* cause or exacerbate over-threshold conditions, cannot be interpreted as anything but "piling on" to excessive levels of traffic. (The excess over threshold would then be from almost 9% to almost 29%, if the study's project trip distribution is used. Recall, however, that the trip distribution scheme may well substantially underestimate project trip contributions to road segments east of intersection 7, as pointed out elsewhere in these comments.)

d Comparing "project conditions" only with "background conditions" (the combination of existing plus bare "background" trips), and thus avoiding direct comparison of "project conditions" with "existing conditions," as both the DEIR and Hexagon study do, is a highly inappropriate and deceptive way to characterize the project's role in degrading roadway service. The DEIR provides a weak and partial response to this, but nevertheless a response, by *not* simply using Hexagon Table 15 as its Table 3.7-12, and providing columns labeled

"threshold exceeded" rather than reproducing the columns in Hexagon 15 that are deceptively labeled "significant project impact." Then it provides the honest entrees "yes" under "threshold exceeded" for the four segments in question. (This probably is the DEIR's noblest accomplishment, demonstrating at least a small degree of independence and some potential for understanding the responsibility of objectivity!) By deceptively entering "no" in its "significant project impact" columns for all segments, including the four at issue, the Hexagon report ignores the obvious impacts implied by exceeding established threshold standards, and furthermore pays no heed to the substantial amounts by which they are exceeded.

Please investigate and provide clear and thorough responses to these concerns.

DMP7

More than 81% of project trips leaving the project at intersection 7 heading east on CVR (or 8.1% of all project trips) are assumed by the DEIR to arrive eventually at intersection 9, Highway 68/Laureles Grade. What is the basis for this DEIR assumption? Please provide substantial evidence that this is a reasonable and reliable projection based on relevant existing data.

Existing traffic patterns reported within the DEIR and the Hexagon study provide very strong evidence that only about 1% of all project trips, or about 11% of those leaving the project eastward on Carmel Valley Road would arrive at intersection 9. Examination of other studies of Carmel Valley Road provides reasonable confirmation of this conclusion.

- For example, examination of existing AM peak traffic (as presented in the study) shows that of 767 vehicles leaving intersection 7 to the east, 319 or 41.6% at most could have arrived at intersection 8 (CVR/Laureles Grade). Of these, 82 go north on Laureles Grade, which is prerequisite to arriving at intersection 9. That is, 25.7% of those arriving at intersection 8, or 10.7 % of those leaving the project eastward could possibly arrive eventually at intersection 9.

- For existing PM peak traffic, of the 811 vehicles arriving at intersection 7, 476 or 58.7% could have come from intersection 8, and of these 87 turned westward onto CVR from Laureles Grade. Thus at most 18.3% of vehicles leaving intersection 8 eastward could have come from intersection 9, and 10.7% (again) of those arriving at intersection 7 could have come from intersection 9. Inspection of ADT data also is instructive though less determinative since less detail is available. About 22,000 vehicles pass through intersection 7 (at the juncture of segments 8 and 9), and roughly 11,500 pass through intersection 8 (at the juncture of segments 4 and 5); the latter is 52.3% of the former, which is between the 41.6% and 58.7% ratio of intersection 8 to intersection 7 vehicles, for AM peak and PM peak, respectively, and

lends credence to that part of the calculation. That is, ADT segment data on CVR are consistent with the relevant AM and PM peak intersection data.

- Thus 10.7% of the 10% heading eastward from the project, that is to say 1% of project traffic, might be expected to arrive at intersection 9, not the 8% assumed in the trip distribution schemes of Figures 6 and 7 of the Hexagon Study; in other words, at most 2, not 13, project trips might be expected to arrive at intersection 9 during AM peak hours.

In light of this, the trip-distribution assertions of the DEIR and Hexagon study are not plausible. Please respond.

Also, please discuss how this DEIR assumption affects the DEIR assessment of significant impacts, and why the descriptions of them in the DEIR and Hexagon study should or should not be considered reasonable.

Further, please describe why, in light of this and similar observations elsewhere in the DEIR and Hexagon study, the reader should or should not be highly skeptical, indeed largely disbelieving, of all assertions and conclusions arrived at in those documents.

DMP8

The DEIR conclusion is not credible that 7,200 truckloads of dirt delivered in 28 days, 9 hours per day, or 57 truckloads per hour, fails to "constitute a traffic impact according to the impact criteria." Any reasonable person would consider that a traffic impact, including our members who drive that road every day, at all hours of the day.

The only "criterion" described in the DEIR for its remarkable conclusion is that the "trip totals are less than the estimated project trip generation," (DEIR, p. 3.7-28). But that analysis is wholly inadequate and essentially irrelevant as an evaluation of dump truck impact.

57 truckloads per hour is almost one truckload per minute. The DEIR means 57 incoming truck trips with the dirt, and 57 outgoing truck trips with empty loads, is that correct? That means instead of 7,200 truckloads, it is 7200 full truckloads and 7200 empty loads headed away from the site, correct? The DEIR analysis is unclear. Please respond clearly, and please correct the analysis.

Half of the trucks will be making left turns across three lanes of traffic and into a fourth – that is, a left turn across traffic at intersection 7 (CVR and Rio Rd. north) every other minute. In relation to existing traffic, the trucks would number about 57 per hour as compared with peak traffic at intersection 7 of 1350 vehicles or so per daytime hour, meaning that about one in 24 vehicles approaching or leaving that intersection is a dirt-delivery truck. Since Carmel Valley Road at that intersection is two lanes each way, and both lanes in each direction are used, the effect on drivers' experiences is that one in 12 vehicle-occupying lengths of road in a given direction is occupied by one of the trucks,

or, with both directions included, one in 6 vehicle-occupying lengths of the full roadway would be occupied by one of the trucks.

This truck traffic – roughly one truck per minute in each direction – would be passing through the congested intersections on SR 1 at Ocean Avenue and at Carpenter Street, or at Rio Road, or on the winding, hilly segments of Carmel Valley Road, and perhaps on Laureles Grade. This would be taking place for nearly six calendar weeks, nine hours a day, and that there would be additional trucks performing other functions. The noise and traffic impacts would be huge, and are not adequately assessed in the DEIR.

The DEIR's attempted facile reference to project-generated traffic (which would not be present during the dirt-delivery phase in any event) should not override the Highway Capacity Manual's admonition that "the primary determinant ... is the motorist's expectations" (p. 3.7-6), in light of the simple observations made above.

The DEIR fails to discuss this truck impact on intersections and/or two-lane roadway near the project. A reasonable interpretation of the facts and circumstances relating to actual roadway use during the grading phase of construction is that the impact would be significant, not "less than significant" as the DEIR claims. Please investigate and respond.

DMP9

The moving of a whopping 712 cubic yards of dirt per unit, 356 cubic yards per unit being imported to the site via local roadways, and the heavy-duty traffic associated with delivery of almost 26 truckloads of dirt per unit, should be considered *prima facie* an unavoidable adverse environmental impact for just one unit of housing. If you disagree, please explain why, because the public needs to understand the EIR analysis.

Explain why this would be considered less than significant for the construction of a single home constructed in a location requiring massive reformation of the floodway and floodplain, in a sensitive, over-pumped river area that is a principal potable water source and subject to serious recent flooding (with associated pollution) and vulnerable to earthquakes.

Impacts, "mitigations" and criteria

IMC1

Please explain how this Draft Environmental Impact Report can assess environmental impacts:

- without reliable and "substantial evidence to document its findings" (CEQA Guidelines 15063) -- where "substantial evidence" is defined as "enough relevant

information and reasonable inferences from this information that a fair argument can be made to support a conclusion" (CEQA Guidelines 15384);

- without clear and trustworthy evidence in the form of "scientific and factual data" (CEQA Guidelines 15064);

- without accurate delineation of "direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project" (CEQA Guidelines 15064);

- without "a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences" (CEQA Guidelines 15151); or

- without "adequacy, completeness, and a good faith effort at full disclosure" (CEQA Guidelines 15151).

As shown in the comments above and below, these elements are not fully present in the project DEIR and therefore there is no sound basis for the DEIR's evaluation of environmental impacts arising from project traffic. A properly comprehensive, accurate and dependable identification of environmental impacts, which that would satisfy scientific and technical muster under public scrutiny, must be prepared for this project. The DEIR falls far short of that standard.

IMC2

It is unclear how the DEIR's use of "significant adverse impact" criteria adequately capture actual roadway and intersection conditions.

The current criteria are arbitrarily formulated (e.g., a single number is used as an all-or-none criterion (discrete upper limit) in lieu of a letter grade, which in turn is a surrogate for a lengthy and qualitative, subjective statement attempting to describing a roadway condition, with the relationship between number and actual roadway condition being vague at best).

- In particular, use of LOS grades and categories, rather than of actual increments of degradation of service, produces unrealistic assessments of satisfactory or unsatisfactory operation. The all-or-none character of LOS categories and the wide ranges of service differences they contain can hide substantial, even critically important changes in traffic operations that take place between the arbitrary numerical criteria.

- The DEIR should use criteria that realistically reflect the consequences of incremental changes in traffic, with the assignment of mitigations that are proportional to the degree of adverse environmental impact; or there should be major revision of LOS criteria to respond realistically to incremental changes,

accompanied by corresponding reasonable relationships between impacts and mitigations that are proportional in character.

This particular DEIR is little more than an audit of traffic conditions and projections (which in significant degree are based on unclear and unsupportable assumptions) and fails to provide the kind of information required to prevent traffic malfunction that results from improper and inappropriate planning and development.

The DEIR's current method of evaluating impacts and relating them to mitigations cannot reasonably be understood as effective and suitable to meeting the intent and letter of CEQA requirements and the demands of good, competent and safe engineering practice.

Also, please explain why (if it is in fact the case) the DEIR on this particular project cannot, or ought not, be brought into the realm of good, competent and safe engineering practice and CEQA compliance by choosing more responsive alternatives to the criteria used in the current report and in the Hexagon study.

IMC3

It is not possible for the full traffic impact of the project to be evaluated in accordance with CEQA requirements, and in accordance with the fair needs of the citizens of Monterey County for rational planning, when two of the intersections and three of the highway segments most likely to be affected adversely by the project (SR 1 intersections with Ocean Avenue and Carpenter Street; the segments on SR 1 between intersections from Rio Road and Carpenter Street) are not even included in the DEIR. Please investigate and respond in full.

For example, even according to Hexagon estimates, 108 project vehicles during AM peak hour would pass through intersection 1, and 103 of them would travel along the segment of SR 1 between Carmel Valley Road and Ocean Avenue and would pass through the already congested SR 1/Ocean Avenue intersection; during the PM peak hour, these numbers are 151 and 134, respectively. Except for the project access intersections themselves, these are among the largest traffic volumes generated by the project, according to Hexagon, yet the relevant roadway elements are not fully analyzed in the study. This information should be included in the analysis, because their inclusion will affect the relevant impact assessments.

IMC4

The DEIR lacks evidence-based, careful estimates of project trips eastward from the project, along Carmel Valley Road, and show how they would affect evaluations of impact on Carmel Valley Road segments 8, 7, 6, 5 and 4, and at intersections 8 and 9. The estimate of 10% for project trips east of intersection 7 is substantially below what existing traffic distributions would indicate, but the estimated fraction of trips arriving

at intersection 9 is about 8 times larger than the evidence from existing traffic counts would imply. This suggests that evidence supporting the estimates in the DEIR is either very weak or absent, and that the report's estimates are substantially speculative. What evidence is there to support those claims? Please reveal it without the use of a "black box" such as the AMBAG model and "selected link data." It is unclear why the DEIR's estimates are so drastically inconsistent and in disagreement with existing traffic counts. Please investigate and explain these discrepancies.

IMC5

Please explain why the County's numerous assurances concerning adequacy of infrastructure, including roads, as given in Court briefs (Merz vs. Monterey County Board of Supervisors, April 7, 1987), are not regarded as controlling requirements for new development that affects Carmel Valley Road. Also explain why that information is not stated in the DEIR, since it relates directly to matters affected by the RCV project, including LOS for relevant road segments and intersections. The Court's decision relied heavily upon these assurances.

The County's assurances (more than a dozen listed in the Superior Court decision) include promises (a) that projects would be approved only if they do "not impact Highway One absent other constraints" (p.3, bottom, item (1)), and (b) that "new development shall be located where there is adequate existing road and highway capacity or where adequate road and highway capacity will be provided" (p. 4., bottom), and (c) that "new development cannot be approved unless there are sufficient existing transportation facilities to accommodate it" (p. 5, bottom), and (d) that "when the ADT associated with LOS C is exceeded, a road improvement should be made or a feasible method to reduce traffic implemented" (p.6, indented quotation from County brief). Note the word "existing" in quotation (c), and "reduce," and "implemented," (*not* "proposed") in the last quotation. Please describe how each of the assurances is implemented by the RCV project. The DEIR fails ti address the project's consistency with these statements.

IMC6

Why is Policy 39.3.2.1 quoted without being accompanied by additional quotations of repeated assurances given by the County in its briefs before the Court extensively listed in Merz (April 7, 1987, no. 75918, Motion to Dissolve Injunction) that it would

> "... restrict new development until level of service and road constraints can be mitigated. This is a development control trigger."? (p. 4)

Note the word "*until*." On page 5 the County Brief is quoted as saying (item 6.in the Decision's list of County assurances),

> "Nevertheless, there are alternatives in the plan if the mitigation measures [in the EIR for the CVMP] are not implemented: if the dam is not built, if Carmel

> Valley Road is not four-laned, if the Hatton Canyon Freeway is not funded, if the Carmel Valley is not sewered where the groundwater may become contaminated. That alternative is not to approve development unless there is infrastructure to support it. That is one of the first statements of the plan." (County's Trial Brief, p. 40)

Note the phrase "there *is* infrastructure" in the last sentence; the verb is *not* "will be."

Again, in item 8 of the list of County assurances (p.5-6) the Decision quotes the County Brief:

> "However, development will not be approved unless all constraints to development are overcome." (County's Trial Brief, p. 57)

On page 6 of the Decision is another County assurance, which includes,

> "When the ADT associated with LOS C is exceeded a road improvement should be made or a feasible method to reduce traffic implemented." (County's Trial Brief, p. 21-22)

The Decision itself concludes (p. 6-7),

> "Therefore, any new development project would require a "project specific" traffic study and a finding of whether the project would 'impact' on traffic conditions and, if so, where. If it would adversely impact the County standard of LOS C then the development could not be approved without implementation of a sufficient mitigation measure. ... This provides sufficient policies and standards to meet legal requirements."

Note the phrase "*implementation* of a *sufficient* mitigation measure" which is *not* the same as "proposal of a mitigation measure" (whether sufficient or not.)

The legal sufficiency of the CVMP depends on the County's enforcing its own infrastructure management policies with respect to specific projects. Failure of the County to meet the obligations implied by its assurances in Court would seem to have potentially serious consequences. These obligations are not fully disclosed in Policy 39.3.2.1; the Decision of the Court, based on the County's assurances, occurred after adoption of the policy (December 16, 1986). Please explain the DEIR's inclusion of the Policy statement without reference to subsequent clarification or to the County's obligations. Also please investigate and discuss how the DEIR demonstrates that the project would or could satisfy the requirements specified in the Court's decisions.

IMC7

Please explain why, LOS D standards (upper limit, or "threshold") for ADT on segment 7 of CVR have shifted from 12,900 ('86) or 12,937 ('88), to 17,007 ('90), to 16,340 ('91 and current)? Supposedly LOS standards were to have been fixed at 1986 levels, according

to CVMP Policy 39.3.2.1. The DEIR does not ecplain this important issue, and as a result the analysis it not understandable.

The standard for CVR was supposed to have been LOS C, but inadequate monitoring apparently allowed it to stray well into LOS D territory by the time CVMP was adopted in 1986. At that time, LOS D was defined to have its upper limit for segment 7 at 12,937 ADT, and measured ADT was 15,285. Thus, please explain the process and rationale by which the LOS D standard for segment 7 in particular apparently was moved upward by 27% between 1986 – when Policy 39.3.2.1 was adopted -- and 1991 (and the present), and explain how and why LOS standards for other segments were altered. This is a critical matter because it affects criteria for "significant adverse environmental impact." and the facts and principles may be relevant to other segments as well. This information is missing in the DEIR, and it is relevant to the public's understanding of the applicable regulations and the policies.

IMC8

Please describe in detail how proper revision (meeting CEQA and reasonable scientific and technical standards) of the many inadequate portions of the DEIR, including such matters as the anomalous delay estimates along Rio Road between Val Verde and SR 1, would alter significant DEIR environmental impact evaluations caused by the project's additions to traffic.

IMC9

The "significant impact criteria" used in the DEIR and the Hexagon study is inadequate, and does not meet the "duty for public agencies to avoid or minimize environmental damage where feasible" (CEQA 15020, 15021). Note, for example, that the use of LOS grades can allow as much as 57 % degradation of level service from the next-higher LOS before an "impact" is declared, but as the criterion is approached, a tiny fraction of a percentage point is critical to the declaration of an impact.

No mechanism is in place, under these criteria, to lessen actual impacts as the arbitrary DEIR "thresholds" are approached. One result is that serious and increasing environmental damage occurs over wide ranges of service deterioration with no impairment-management measures brought into play to minimize or arrest the progress of disintegration. Thus there is likely to be highly significant actual environmental impact to which the criteria used by the DEIR are unresponsive, and very slight impact to which its responsiveness is highly exaggerated.

Another result is that when the all-or-none criteria are exceeded, irreparable and irreversible damage may already have occurred. Adhering to such standards, which lack proportional management measures as deterioration increases, does not satisfy the DEIR's "duty to minimize environmental damage and balance competing objectives."

IMC10

From an engineering perspective, a project such as this should not be considered for approval when relevant significant adverse environmental impact criteria are exceeded but the proposed "mitigations" (such as the payment of fees) do not directly reduce the physical sources of the declared environmental impacts, and may not ever do so at all. Fee payment for *proposed* roadway improvements -- some still un-funded and still embedded in long-term planning efforts without specific commitments for implementation, others many miles from a purported (though dubious) impact, and another the subject of a "study report" in preparation -- is the principal mode of "mitigation" proposed for this project.

Is it possible that the project would be allowed to proceed, and might it be completed, before the actual projects cited as "mitigations" would be completed (if ever)? . If so, please investigate and describe how the indicated "mitigations" actually would mitigate (in the every-day meaning of the word) the corresponding impacts.

If it helps, you might use the construction of a bridge or of a large multi-story building as an analogy, and explain how payment of fees for indefinitely deferred correction of structural design flaws would mitigate the dangers implicit in going forward with construction.

IMC11

Why is LOS E is used as the standard for Carmel Valley Road segment 10 (DEIR. p. 3.7-18). It is not sufficient to say, "because the County told me so" or any equivalent. The EIR has a duty to independently investigate and verify information that it uses. Please obtain and provide "the County's" full explanation, including the history of the physical conditions of that road segment, and of whatever changes have been made in the LOS standard for that segment.

Please explain why, given that the DEIR is supposed to be an independent, objective study of the environmental circumstances, questions were not raised in the DEIR concerning use of this standard in light of existing traffic and roadway conditions.

IMC12

Given that

- the LOS standards for segments 4 (numbered 3 in County's CVMP evaluations), 5, 6, 7 of Carmel Valley Road are stated as D (DEIR, p. 3.7-18),
- Table 3.7-12 shows that LOS D thresholds for those segments would be substantially exceeded by both "background" and "project - CVRd & Rio Rd Access" (note that the corresponding Hexagon table, Table 15, consistently and incorrectly reports "no" under "significant project impact" for those segments)

- the DEIR states that "segment 7 has exceeded its monitoring threshold" and "under background conditions, segments 4, 5, and 6 would exceed their monitoring thresholds" (DEIR, p. 3.7-24; segment 7 should have been included in this statement but was not), and
- the standard adopted in the DEIR for significant impact on roadway segments is that traffic levels "exceed, either individually or cumulatively the LOS standards set by the County" (which in this case presumably refers to thresholds) (DEIR, p. 3.7-18),

please explain how and why the DEIR concludes, "Because the project would not cause a degradation in level of service grade on any segment, this impact is considered *less than significant.*"

We note the following:

- The DEIR conclusion is based on a standard different from that announced on p. 3.7-18, and ignores the evidence provided in Table 3.7-12 that the announced standard indeed would be violated on four segments and that the impact accordingly should be regarded as "significant."

- The DEIR word "cause" is used here as a linguistic device for taking refuge behind the notion that bare "background" traffic, not project traffic, was the "cause" of the violation. However,
    - (1) on segment 4 project traffic alone (as forecast in the DEIR), when added to existing traffic, would have lifted ADT over threshold, and segment 7 would be even further over threshold than under existing traffic conditions,
    - (2) "background" traffic, arising as it does from already approved projects, has a certain priority over the Rancho Canada Village project, and so its prospective traffic should be considered to have created an already significant adverse environmental impact which this project would exacerbate and which should be reported as an even further significant adverse environmental impact, and
    - (3) in Merz vs. Monterey County, May 4, 1987, concerning Carmel Valley traffic, the Court states clearly the obvious logical observation that "... the existence of necessary infrastructure is what is critical, not the cause of a lack of infrastructure ...."

- Note also that the standard for Carmel Valley as a whole is supposed to be LOS C. Evidently inadequate monitoring and other factors prior to 1986 allowed segments 4 – 7 to drop below LOS D. Thus LOS D should be considered a *de facto* condition of those segments, not a standard. Please investigate and respond in detail.

In light of these facts, the DEIR's projected ADT values on segments 4, 5. 6 and 7 that are 9%, 12%, 15% and 29% respectively above existing (LOS D) thresholds, and 80%, 74%, 140% and 152% above the basic CMVP and current County standard of LOS C

(according to LOS criteria for ADT given in the County's 1990 CVMP *Cumulative Traffic Calculation and Segment Capacity Analysis*), must be considered significant adverse environmental impacts.

IMC13

When "background conditions" (existing plus bare "background" traffic) exceed significant impact criteria, the DEIR considers further addition of project traffic to be of no consequence and considers the resulting traffic conditions not to contribute to (or to "cause") an environmental impact. That does not make sense. What limit is the DEIR using as a standard, with which to measure the addition of project traffic to "background" traffic? At what point in the DEIR's standard does the traffic increase become a significant environmental impact? Without these metrics, the DEIR analysis is confusing and meaningless, and the public is left in the dark.

It appears that the scheme implied in this DEIR would allow traffic attributable to *any* proposed project to be hidden behind "background," claiming the "background" to be the "cause" of crossing LOS thresholds, thereby using the resulting lower LOS as the effective standard. The DEIR does not explain whether, once an LOS criterion is exceeded under this scheme, there is any way an EIR can reasonably be held responsible for assessing and reporting further degradation of service as a significant impact. If so, please describe how that could be logically applied in the present case.

In other words, please explain why the method of assessing significant impact used in this DEIR is not, in effect, a mechanism for preventing the notion of significant impact from having any practical meaning, and doing so by essentially lowering the standard through the implicit argument that other projects were the "cause" of exceeding the threshold and the present project could not be held responsible for that.

IMC14

The environmental impacts of recommended "mitigations" themselves are not included in the DEIR. Generally, the mitigations do not actually reduce impacts directly without additional consequences, but rather change the character of the impacts, generally with important impacts of their own. For example, introduction of a traffic signal (or stop sign) has as its function to bring vehicles on a major road to a halt, and creating stop-and-go conditions where they did not exist before; this is an obvious consequence of a project that generates signal warrants. When this occurs on a road that has been four-laned (as would be the case here at intersection 7), it can significantly undo the traffic flow improvement gained by the four-laning.

Some recommended "mitigations" actually do little if anything to reduce the impact of the project, but rather are intended to ameliorate pre-existing conditions. The supposed impact of the project on Laureles Grade/Highway 68 and the small or negligible probable impact on Carmel Valley Road/Laureles Grade are examples in this project.

Describe in detail the actual consequences, including qualitative traffic changes, of the proposed "mitigations."

Cumulative Conditions:

The situation for cumulative conditions is essentially parallel to that for "background" conditions except that of course the consequences are more severe. The tables of the DEIR contain precisely the same information as those in the Hexagon study, though in slightly different formats; the analysis is the same in both documents. The DEIR analysis appears to be neither independent nor credible; the data it lifts from the Hexagon study contains certain material that defies logic.

For example, in Table 4-1 there are two intersections (4 and 5) at which the delay times for cumulative conditions are systematically lower than for existing conditions and "background" conditions (Table 3.7-6), as indicated above.

Credibility is a serious problem for the Cumulative Conditions analyses, just as it is for the rest of the DEIR and the Hexagon study, and therefore detailed review is unwarranted, except to note that the recommended "mitigations" for significant impacts are entirely inadequate, and the numerous intersections and segments listed as LOS E and F under cumulative conditions should be considered unmitigatable.

The only conclusion to be drawn from the cumulative "output" data, highly suspect as both it and the "input" data are, is that under those scenarios as well as the "background" and "project" scenarios, the project would make an unsatisfactory set of environmental conditions worse through its evidently serious adverse environmental impacts. The project absolutely should not be approved.

Conclusion:

The DEIR traffic study, like its near twin and source document, the Hexagon traffic study for the Specific Plan, is not a useful examination of the prospective impacts of the project. With its numerous and severe flaws, from assumptions through analysis to conclusions and recommendations, it cannot be regarded as a credible evaluation of environmental effects, and in particular does not bring to the task the straightforward scientific approaches and techniques that give good engineering practice its reputation for technical clarity, integrity and reasonable reliability and safety. This is a most unfortunate document, and to the extent that it represents an application of "industry standards" it is an indictment of the industry to which the standards would apply. The public cannot rely on it.

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March 4, 2008

To: Michael Doyle, PE, Carmel Valley Association
From: Billy E. Johnson, PhD, PE, D.WRE

Subject: Independent Technical Review of the Hydrologic and Hydraulic Analysis for the Rancho Canada Project

From performing a technical review of the reports, model assumptions, and model output in the Draft EIR, it is my view that there are areas that need to be reviewed in more detail and some additional analyses that need to be done in order to provide an adequate hydrologic and hydraulic analysis.

1.) The assumption that the peak runoff from the development will not coincide with the peak runoff from drainage areas above the project may be incorrect. Depending upon the storm direction, the peaks could coincide. One way this could happen is if the storm initiates in the upper portion of the watershed and moves downward towards the outlet. This should be investigated further. Since a steady flow analysis is being done, the conservative estimation would be to assume that the peak flows coincide. I also recommend that a watershed model for the whole drainage area be developed such that the effects of storm pattern and magnitude can be assessed over the whole system.

2.) The overbank Manning's roughness value of 0.05 seems low. The assumption made is that since the land use is a golf course, whereby the lawn is continually cut, the roughness value should be slightly higher than the channel roughness. From the report, my understanding is that this area will convert to open space and will probably not be maintained as well as one would expect a golf course to be maintained. Hence a reasonable assumption would be that this area will have tall grass and brush such that one would expect a higher roughness value.

3.) In the report, the downstream boundary condition is set to a known water surface elevation of 33.81 ft. The authors indicate that they were not sure where that value came from. A better

assumption would be to assume normal depth at the downstream boundary and let the model compute the water surface elevation. If there are backwater effects due to high tides then these effects will need to be considered in specifying the downstream boundary conditions. A conservative estimation would be to assume a high tide is occurring during the flooding event.

4.) The modelers computed the maximum encroachment allowed based upon FEMA guidelines. However they did not modify the post project channel cross-sections to reflect the development encroaching into the floodplain. In my opinion this encroachment will raise the flood profiles, which will propagate upstream and downstream. In laymen's terms, the fill placed into the flood plain for the project will raise the overall water level in the event of a flood, will likely lead to greater flooding upstream because of higher backwater levels, and also greater flooding downstream as the flood waters move west from the project. Given that the raised flood profiles will have effects upstream and downstream of the project, a revised HEC-RAS model should be developed to include more of those areas so that these anticipated effects can be assessed.

5.) In regards to the potential water quality impacts, the report indicates that a street sweeping and chemical application maintenance plan will be developed to mitigate pollutant runoff from the development into the adjacent stream. From my experience, these maintenance plans tend to be overly optimistic given budget constraints. My suggestion is to have an analysis of the pre-project and post-project water quality assuming varying levels of maintenance to make sure that if adequate maintenance is not done on a regular basis there will not be adverse effects downstream.

6.) Another water quality concern is increased channel erosion due to prolonged flows and potentially higher velocities. Channel erosion could affect downstream structures in addition to affecting sensitive environmental features downstream. A sediment analysis is warranted if there are channel features downstream that could be affected by increased sedimentation.

7.) The report mentions the possible effect on groundwater recharge. However it was hard to ascertain whether or not this project would adversely affect the groundwater levels. While piping the runoff to the area that is supposed to be converted to open space is more desirable than piping it directly to the river, during low flows this transports the water closer to the stream and hence the water could potentially make its way to the stream via interflow rather than percolating down to the groundwater. Also, during high flows it appears that the water will go directly into the river, hence those flows will not be able to infiltrate into the groundwater. Finally, the piping of the surface runoff to the open space area could potentially carry pollutants to the open area and hence pollutants could be resuspended into Carmel River during times of high flows.

If you have any questions concerning my comments and suggestions, please feel free to contact me via. e-mail or phone.

Sincerely,

Billy E. Johnson

BILLY E. JOHNSON
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Education:

- B.S., Mississippi State University, 1987, Civil Engineering
- M.S., Memphis State University, 1993, Civil Engineering
- PhD, Colorado State University, 1997, Civil Engineering

Current Position:

As a Research Civil Engineer in the Water Quality and Contaminant Modeling Branch, Dr. Johnson develops and applies multi-dimensional hydrodynamic and hydrologic models. Dr. Johnson works with various ERDC laboratories as well as Universities, Private Companies, Federal Govt., State Govt. and Local Govt. in this development and application. He is currently interested in developing physically based Nutrient and Chemical fate/transport processes to the distributive hydrologic model, GSSHA as well as continuing to work with ERDC team members to add sediment capability to the reservoir water quality model, CE-QUAL-W2.

Research Expertise:

- One-, two-, and three-dimensional hydrodynamic modeling.
- One-, two- dimensional hydrologic and water quality modeling.
- Development of upland erosion and channel sedimentation algorithms for two- dimensional distributed rainfall-runoff model.
- Development of nutrient sub-modules for inclusion into USACE developed water engines.
- Development of contaminant sub-modules for inclusion into USACE developed water engines.

Professional Experience:

- Hydraulic Engineer, Memphis District, USACE, 1987 – 1991.
  - Lumped parameter hydrologic modeling (HEC-1).
  - One– dimensional hydraulic modeling (HEC-2).
- Research Hydraulic Engineer, ERDC Coastal and Hydraulics Laboratory, 1991 - 2000.
  - One-, two-, three – dimensional hydrodynamic modeling (UNET, HEC-2, RMA-2, CH3D).
  - One-, two- dimensional hydrologic modeling (HEC-1, CASC2D, HSPF).
  - Development of the upland erosion algorithm for CASC2D.

- Assisted in the incorporation of CASC2D into the WMS.
- Principal Environmental Systems Modeler, Concurrent Technologies Corporation, 2000 – 2001.
  - Three– dimensional hydrodynamic modeling (CH3D).
  - Watershed / Water quality modeling (HSPF).
- Research Civil Engineer, ERDC Environmental Laboratory, 2001 – present.
  - One-, two-, three- dimensional hydrodynamic and water quality modeling.
  - Multi-Dimensional Watershed / Water quality model development and application.
  - Multi-Dimensional Watershed / Contaminant model development and application.
  - Assisting in the incorporation of HSPF into the WMS.
- Professional Engineer, Mississippi, 1993 – Present.
- Diplomate, Water Resources Engineer - American Academy of Water Resources Engineers (AAWRE)

Professional Organizations:

- Member American Society of Civil Engineers (ASCE)
  Surface Water Hydrology Committee
- Member American Water Resources Association (AWRA)
  Hydrology and Watershed Management Committee
  Distributed Watershed Modeling Committee (Chairman)
  Associate Editor of JAWRA (Surface Water Hydrology)
- Member International Association of Hydrological Sciences (IAHS)
- Member Society of American Military Engineers (SAME)

Special Recognitions:

2006 Hebert D. Vogel Engineer Award Winner
2006 Armed Forces Civilian Service Medal (Hurricane Katrina Support)

Selected Publications:

Johnson, Billy E. and Raphelt, Nolan K. 1994 (September), "Using GIS to solve Urban Hydrology Problems", Proceedings of IRTCUW/UNESCO and TECHWARE (The European Conference and Exhibition on Remote Sensing and GIS in Urban Waters) UDT'94 IAHR to be held in Moscow Russia.

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Johnson, Billy E., Merkle, Peter, Russell Lisle H., Bushong, Philip M., Wolski, Matthew G., and Holland, Jeffery. 2000 (July). "Development of a Particulate Transport Algorithm within the 2-D Rainfall-Runoff Model (CASC2D), Fourth Annual George Mason University Transport and Dispersion Modeling Workshop, Fairfax, VA.

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Billy E. Johnson, Medina Victor F., and Cunniff, David, "Evaluation of the Movement of Depleted Uranium using a Distributed Watershed Model", Practice Periodical of Hazardous, Toxic & Radioactive Waste Management (ASCE), Vol. 10 No. 3 pages 179-189. July 2006.

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Billy E. Johnson and Terry K. Gerald, "Development of a Distributed Watershed Water Quality Model", Journal of American Water Resources Association (JAWRA), Vol. 42, No. 6: 1503-1525, Reston, VA., December 2006.

Johnson, Billy E., and Gerald, Terry, 2006, "Development of Distributed Nutrient Sub-Model (NSMv1.0) for Watersheds - Kinetic Process Descriptions", System Wide Water Resources Research Program (SWWRP), ERDC/EL TR-06-12.

Johnson, Billy E., and Coldren, Cade L., 2006, "Linkage of a Physically Based Distributed Watershed Model and a Dynamic Plant Growth Model", SWWRP Research Program, ERDC/EL TR-06-17.

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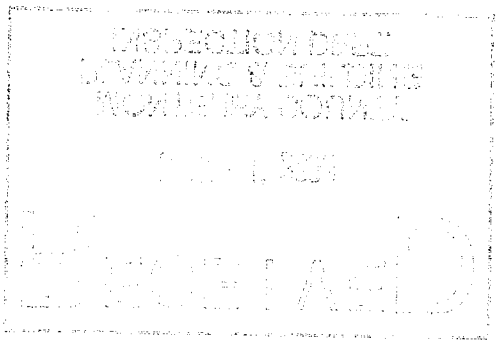

Onciano, Jacqueline x5193

From: Carmel Valley Association [cva@mbay.net]
Sent: Thursday, March 06, 2008 4:05 PM
To: Onciano, Jacqueline x5193
Subject: Rancho Canada DEIR Comments

Dear Ms. Onciano,

Please find attached CVA's comments on the DEIR for Rancho Canada Village. Please confirm that you received this (rather large – sorry!) document and that this is an acceptable format for formal submission of our comments. If it is not or if you have any problems, please let us know and we will ensure that a hard copy of the document is delivered to you tomorrow. Thank you!

Sincerely,

John Dalessio
Incoming CVA President

Glenn Robinson
Outgoing CVA President