



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404-4731

March 6, 2008

In response refer to:  
151416SWR2008SR00093

Jacqueline R. Onciano  
Monterey County Resource Management Agency  
Planning Department  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, California 93901

Dear Ms. Onciano:

Thank you for the opportunity to comment on the January 2008 Draft Environmental Impact Report (DEIR) for the Rancho Cañada Village Subdivision Development Application/Specific Plan (Project). The County of Monterey is seeking written comment on the DEIR on the Project in accordance with the California Environmental Quality Act.

The proposed Project consists of the creation of an approximately 281-unit, sustainable mixed-use residential neighborhood. The 81-plus acre Project is located on the West Course of the Rancho Cañada Golf Club adjacent to the Carmel River, near the mouth of the Carmel Valley, in Monterey County, California. The proposed Project would redevelop the existing golf course. We have reviewed the DEIR and our comments are provided below.

The Carmel River supports Federally threatened South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*) and is designated as critical habitat. Downstream of San Clemente Dam, the Carmel River supports a significant portion of the juvenile steelhead rearing in the lower Carmel River. We have consistently ranked the Carmel River as the most potentially viable steelhead watershed in the DPS and have determined the already severely depressed Carmel River steelhead run cannot be allowed to decline further if recovery of the S-CCC DPS is to be achieved. We are concerned the proposed Project may result in adverse effects to steelhead and their habitat and could impede our efforts to recover the S-CCC DPS.

The project area lies within the Carmel Valley Aquifer system (page 3.2-6). Within the project area, the aquifer underlying and closely paralleling the surface water course of the Carmel River is water flowing in a subterranean stream and subject to the jurisdiction of the State Water Resources Control Board.<sup>1</sup> The DEIR should make it clear to the public that the source of water

<sup>1</sup> Order on Four Complaints Filed Against The California-American Water Company, Carmel River, Monterey County. Order No. WR 95-10. State Water Resources Control Board, California Environmental Protection Agency. July 6, 1995.



that will be used for this project is the Carmel River aquifer. The aquifer is important to steelhead and their habitat. Lowered aquifer levels have been identified as the cause of several negative effects along the Carmel River: loss of riparian vegetation and associated bank instability, and reduced steelhead habitat due to low river levels (page 3.2-6). Water withdrawals from wells and direct diversions from the Carmel River aquifer affect stream flow and water quality, especially in the low-flow season. Excess illegal pumping, combined with legal water allocations in the Carmel River, causes at least seven miles of the river to go dry each year. Because of water withdrawals from the aquifer underlying the river, the lower mainstem of the river does not reach the lagoon until substantial fall or winter rains have raised river levels and recharged the aquifer. The DEIR notes that groundwater pumping has affected the riparian vegetation and that diversions and groundwater pumping have caused the once perennial river to become characteristically dry in the late summer (page 3.3-10).

The DEIR lists domestic and municipal use, agricultural supply and industrial use as beneficial uses of groundwater in the project area (page 3.2-13). The Rancho Cañada Golf Club has a series of five on-site wells that it presently uses to draw water for irrigation from the lower Carmel Valley aquifer (page 3.10-7) and that the water source for the Project would be these wells or a connection to California-American Water Company (Cal-Am) facilitated by dedication of an appropriate amount of the applicant's water right to Cal-Am (page 3.10-20). The DEIR also notes that one of Cal-Am's wells is located in the project area (page 3.2-7). This well also pumps from the aquifer.

The State Water Resources Control Board issued Cal-Am a draft Cease and Desist Order on January 15, 2008, after the DEIR was completed. The Cease and Desist Order could affect the water supply for the Project. The DEIR acknowledges the existing impact of Cal-Am withdrawals on the Carmel River (page 3.10-19) but appears to discount the existing impacts the applicant's wells have on water withdrawals from the aquifer and discounts the impacts the proposed Project will also have on the aquifer.

The applicant currently uses between 309 and 684 acre-feet of water per year (AFY) for irrigation, with an average use of 467 AFY (page 3.10-17). The estimated net demand for the Project during a very dry year is 131 AF (page 3.1-20). The DEIR recommends that the County of Monterey, as a condition of approval, require a permanent dedication of 131 AF of the applicant's water right that reserves its use solely for the Rancho Cañada Village residential development (including the park and reserve; page 3.10-20). This condition would preclude any future use of the 131 AFY by the applicant for golf course irrigation, other use or transfer (page 3.10-20).

The DEIR states the Project will result in an overall reduction in water use and therefore the impact of water withdrawal is considered less than significant (page 3.10-20). However, we expect the Project's annual withdrawal of 70-131 acre-feet (page 3.10-20) will continue to contribute to the ongoing adverse effects to steelhead and their habitat.

The state has reserved 700 AFY for allocation to the Ranch Cañada property, which exceeds the amount needed for golf course irrigation and the Project (page 3.1-20). In order to minimize impacts to steelhead and their habitat, we recommend the remainder of the applicant's water

from riffles, disrupt spawning and cause egg mortality. The DEIR does not adequately address the expected effects.

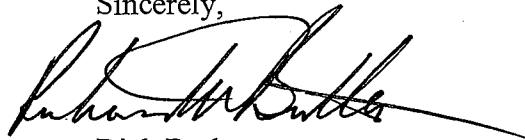
We expect the Project as proposed will result in extensive channel adjustment and expect the increase in stream velocities will have upstream and downstream effects on the river and its banks. Bank erosion can result in adverse effects to steelhead and their habitat and stream bank protection activities can cause additional adverse effects. The proposed mitigation measure is to monitor bank erosion in the Project reach and restore riparian vegetation and river bank if disturbed due to increased velocities (page 3.3-36). Monitoring is not mitigation. In order to avoid take of steelhead, we recommend the Project be designed and implemented in such a manner that bank erosion does not occur.

The Project proposes to excavate approximately 120,000 cubic yards of soil from the lower floodplain and create a detention basin within the Project area. Without an outlet channel, the detention basin will create the potential for stranding of steelhead during a 10-year flow, or even more frequently such as during a 5-year or 2-year event (page 3.3-50). As mitigation, the DEIR states the applicant will apply to NMFS for permission to rescue steelhead if they become trapped in the new site basin (page 3.3-50). Like above, the Project should be designed and implemented to avoid adverse effects to steelhead. Further, applying for ESA take exemption (in order to rescue steelhead) after the fact when take is anticipated does not comport with the intent of the ESA. The Project must minimize and avoid impacts to listed species, not plan for the rescue of steelhead that are stranded due to the Project.

We expect the Project as proposed may result in the take of S-CCC DPS steelhead and adversely affect their habitat. Effects to steelhead likely include impaired stream flow, impaired upstream migration, degradation of habitat, and stranding. As noted in the DEIR (page 3.3-24) any impacts to steelhead or their habitat will need to be addressed through the section 7 of ESA process (if a Federal agency proposes to authorize, fund, or carry out the Project) or section 10(a)(1)(B) of the ESA (*i.e.*, Habitat Conservation Plan).

Please contact Mr. Bill Stevens at (707) 575-6066, or via e-mail at [William.Stevens@noaa.gov](mailto:William.Stevens@noaa.gov), if you have any questions concerning this letter.

Sincerely,



Dick Butler  
Santa Rosa Area Office Supervisor  
Protected Resources Division

cc: Russ Strach, NMFS, Sacramento  
Jacob Martin, U.S. Fish and Wildlife Service, Ventura  
Julie Means, California Department of Fish and Game, Fresno  
Roy Thomas, Carmel River Steelhead Association, Monterey