

**September 2006 Errata to
Final Environmental Impact Report
September Ranch Subdivision Project
Monterey County, California**

Prepared for:

County of Monterey
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September 2006

Table of Contents

Section 1 - September 2006 Errata to Final EIR	1-1
1.1 Revisions to the Final Environmental Impact Report (July 2006)	1-1
Appendix A - Responses to California Department of Fish and Game,	A-1
March 30, 2006 Letter (CDFG)	
Appendix B - Responses to Robert Hale, March 30, 2006 Letter (RH II)	B-1
Appendix C - Responses to Mrs. Cecil Wahle, March 28, 2006 Letter (CW)	C-1
Appendix D - Responses to Staub Forestry, March June 30, 2005 Letter (SF)	D-1

SECTION 1

SEPTEMBER 2006 ERRATA TO FINAL EIR

The following are revisions to the Final Environmental Impact Report (EIR) for the September Ranch project. The existing response to comments addresses the substantive issues raised. However, for clarity, specific responses to these letters are provided in .Appendices A through D of this document. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Final EIR. The revisions are listed by page number.

1.1 Revisions to the Final Environmental Impact Report (July 2006)

Page 4-71

LWMC 1-1, please also see Response to LWMC 1-7.

Page 5-20 to 5-26

The Final EIR incorrectly included the April 22, 2005 letter from the California Department of Fish and Game (CDFG) in place of the March 30, 2006 letter from the CDFG. Appendix A of this document contains the correct letter, in addition to the responses that were provided to that letter as part of the July 2006 Final EIR.

Page 5-231

The Final EIR omitted a response to Mr. Robert Hale's March 30, 2006 comment letter referred to in his April 3, 2006 email (responses provided in Final EIR). The response to Mr. Hale's March 30, 2006 letter is provided in Appendix B of this document.

Page 5-267

The Final EIR omitted a response to Mrs. Cecil M. Wahle's March 28, 2006 comment letter. The response to this letter is provided in Appendix C of this document.

Page 5-271

The Final EIR omitted a response to Staub Forestry's Monterey Pine Forest Habitat Cumulative Impact Assessment. The response to this assessment is provided in Appendix D of this document.

Pages 6-14, 6-15, 6-38, and 6-39

Mitigation Measure 4.3-2 is revised as follows:

The location of future wells on the September Ranch project site shall be based upon the following:

- Wells will be located based on pumping tests designed and executed to yield information on the radius of influence of potential multiple pumping wells
- Project applicant will ensure that representative transmissivities for the three aquifer units are made available for informed decisions on placement of future wells to ensure new wells will not impact existing wells.

- Resource Management Agency (RMA) retains discretion to require drilling of replacement wells if it is demonstrated, to the satisfaction of RMA and the Environmental Health Division, that the project wells result in impacts to an existing well in use as of the date of project approval (**Environmental Health and RMA - Planning Department**).

Monitoring Action:

Prior to the filing of the first map and prior to the issuance of permits for future groundwater wells, the County of Monterey shall review and approve well site plans to ensure that the insertion of new wells will not have an impact on existing wells.

The terms of this mitigation measure shall be included into the Articles of Incorporation for the mutual water company.

Page 6-19

Mitigation Measure 5.2 is revised as follows:

The applicant shall pay a fair share contribution towards the improvements at the intersection of Highway 68/Laureles Grade Road.

**Appendix A:
Responses to California Department of Fish and Game
March 30, 2006 Letter (CDFG)**

Knaster, Alana x5322

From: Patt Throne-Hetzer [PThrone-Hetzer@dfg.ca.gov]
Sent: Monday, April 03, 2006 9:55 AM
To: Knaster, Alana x5322
Subject: DFG September Ranch letter



SeptRanchSCH1995
08033March06Kn...

Please see the attached letter- hard copy to follow by mail.

Patt Throne-Hetzer
Timberland Conservation Support
and Clerical Lead
Central Coast Region
Phone: (707) 944-5503

RECEIVED

APR ³~~4~~ - 2006

**MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.**

March 30, 2006

Ms. Alana Knaster, Chief Assistant Director
Monterey County Planning and Building
Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Dear Ms. Knaster:

September Ranch Subdivision Project
Re-circulated portion of Draft Revised Environmental Impact Report
SCH 1995083033, Monterey County

Department of Fish and Game (DFG) personnel have reviewed the re-circulated September Ranch Subdivision Draft Revised Environmental Impact Report (DREIR) dated February 15, 2006. The project is located in Carmel Valley approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road. It involves development of Assessor's Parcel Numbers 015-171-10, 015-171-12, 015-381-13 and 015-381-14. The project as proposed would occupy 891 acres to be subdivided into 94 residential lots, 15 units of inclusionary housing, and a 20.2-acre lot for the existing equestrian facility. Seven hundred eighty-two (782) acres are planned as open space. Other facilities and uses would include separate systems for the distribution of potable water, water tanks for fire suppression, a sewage collection and treatment system, wastewater treatment system, drainage system, internal road system, sales office and security gate.

The County has updated and recirculated portions of the 2005 Draft EIR. The project involves tree removal and would require approximately 100,000 cubic yards of grading. The project would also require a waiver of County regulations prohibiting development on slopes in excess of 30 percent to allow for construction of internal access roads.

Terrestrial Resources

The DREIR has addressed most of the terrestrial concerns that we expressed in our April 22, 2005 letter. A few clarifications on plant abundance and status as well as the amount of open space to be set aside (in particular Oak and Pine forest) are needed. Abundant open space has been designated on the Exhibit 4.9-1 (vegetation map) in the

DREIR, but much of it is on steep grades that may not be suitable as mitigation for potential impacts to threatened or endangered species potentially found on-site.

CDFG 2-1

In Section 4.9-10 of the Biological Resources section under the heading "Federal and State Threatened and Endangered species" it appears that some punctuation is missing which makes it look like Yadon's piperia (*Piperia yadonii*) is a California Native Plant Society List 1B species (CNPS 1B) and not Federally Endangered as it is. This is also the case with Pacific Grove clover (*Trifolium polydon*), where it reads like the species is a CNPS 1B species when in fact it is listed as State Rare. Please review this section to be sure that it is accurate.

CDFG 2-2

In the Executive Summary on page 2-19, mitigation measure 4.9-11 in regard to protection of the small population of Pacific Grove clover located near lots 18-22, indicates that a minor road alignment adjustment can be made to avoid impacting the species. Care should also be used in designing the roadway so that the hydrology of the area is not altered as plants occur where they do based on edaphic factors such as soils and hydrology. Hydrology may be an important factor in the distribution of this species on the property. This area should also be clearly marked on the sensitive species vegetation map so that herbicide is not applied accidentally as part of roadside management practices. An exception to the use of herbicide in this area would be if it were needed to control competition by exotic plant species.

CDFG 2-3

Section 4.9-12 under plant narratives for Eastwood's goldenbush (*Ericameria fasciculata*) and Kellog's horkelia (*horkelia cuneata* ssp. *sericea*) there are conflicting statements about whether surveys were done for these species. When compared with "Appendix H" it appears that the sentence "No surveys for this species have been conducted to date" was not deleted. It should have been deleted as "Appendix H" indicates that new surveys were conducted in 2005.

CDFG 2-4

In regard to nesting birds (mitigation measure 4.9-12 page 2-19 of the Executive summary) there seems to be a discrepancy as to what constitutes an allowable working buffer if habitat removal work cannot be conducted outside the nesting season. The DEIR indicates that DFG would accept a buffer of 100 to 500 feet around a nest located on the property. For raptors, 100-foot buffer is not adequate. A 500-foot buffer should be observed for raptors found to be actively nesting on the property. The Executive summary acknowledges that removing potential nesting habitat during the nesting season is problematic and should be avoided.

CDFG 2-5

DFG personnel met with project proponents on March 9, 2005, to discuss potential impacts. At that time DFG recommended removing parcels 30-58 (based on the vegetation map Exhibit 4.9-1) which are near Jack's Peak and adding them to open

CDFG 2-6

space as a condition of approval. The reason for this recommendation is that steep areas (much of the current proposed set-aside) do not mitigate all habitat impacts. Many of the proposed development sites occur on the level or slightly angled ridge top land that exists on the site. Project proponents indicated that removing these parcels and placing them in open space was acceptable. None of the proposed alternatives completely accomplishes this additional protection of some of the best oak and pine woodland that can be found on the property. The reduced density alternative comes closest and the reduced forest impact alternatives could also accomplish the task but additional parcels would still need to be removed from development. It is helpful to review the number of trees proposed for removal under the following five alternatives versus their title:

<u>Alternative</u>	<u>Removal of Pine</u>	<u>Oak</u>
Reduced (housing) Density	1145	502
Reduced Forest Impact,w/High Inclusionary housing.	1459	768
Reduced Forest Impact, w/20% Inclusionary housing.	1438	583
82/27 version of the 3 other Inculsionary housing proposals identified in the document as the preferred alternative.	1464	819
Full project	2692	890

CDFG 2-6

In the DREIR there is mention of Yadon's piperia and an anecdotal report that 65 plants were found in the vicinity south of Jack's Peak, but that exact location records were not kept. During surveys in 2005, Michael's piperia (*Piperia michaelii*) was located and not Yadon's piperia.

CDFG 2-7

Given the project impacts to Monterey pine and oak woodlands, the more intact mature forest areas such as those near the Jack's Peak boundary (referenced parcels 30-58), which do not occur elsewhere on the property, should be protected. Removal of Monterey pines and oaks in this area would be difficult to mitigate elsewhere on the project site. Whenever possible, avoidance is the preferred form of mitigation, and it is appropriate here. This area provides a needed buffer between the proposed September Ranch, Monterra, and Jack's Peak Park. Buffers play an important role in aiding wildlife movement between the coast and interior foothill areas.

CDFG 2-8

Aquatic Resources

Federally endangered Southern steelhead (*Oncorhynchus mykiss irideus*) and the California red-legged frog (*Rana aurora draytonii*), a Federally threatened and State species of special concern, are known to occur in the Carmel River and throughout its watershed in appropriate habitats. The DREIR contains some re-analysis of potential direct and cumulative impacts to steelhead, California red-legged frog, and other species of concern from water use by this subdivision and the resulting effect on aquatic habitats of the Carmel River and Carmel River watershed.

CDFG 2-9

The previous DEIR stated that the project would only pump the groundwater aquifer for seven months of the year (November 1 through May 31), in order to avoid diminishing flows in the Carmel River during the period of June 1 through October 31, where National Marine Fisheries Service has recommended no further diversions be allowed for the protection of steelhead. However, State Water Resources Control Board Order 98-08 says the Carmel River is fully appropriated for the period of May 1 through December 31 of each year, an eight-month period. Both the DEIR and DREIR acknowledge that the project will reduce inflow to AQ3 by an estimated 12 AF per year. Therefore, the project could only claim to have no effect on diminishing the already fully appropriated flows of the Carmel River via reduced groundwater recharge if it pumps for only four months of the year, January 1 through April 30. This prior DFG comment does not appear to have been addressed in the DREIR. As we inquired in our previous comments on the DEIR, regardless of which groundwater pumping period is used (four or seven months), how will the water demand for the rest of the year be met without an off-stream storage component of approximately 23.84 acre-feet (AF) to as much as 38.14 AF, in order to supply the average monthly demand of 4.77 AF per month the project is predicted to use during periods when it will not be pumping groundwater.

CDFG 2-10

DFG remains concerned that even if this sub-basin is geologically somewhat separated from the Carmel River's flood plain and underflow by a small shallow bedrock sill, this watershed still contributes to the maintenance of flows in the Carmel River and tapping it will diminish flows in the already over-drafted lower Carmel River basin. Therefore, any new wells that tap of the watersheds tributary to the Carmel River will diminish the Carmel River surface and underflow to some degree. The DREIR shows in Table 4.3-9 that on an instantaneous basis this may be a 0.05% to 0.13% reduction in flow; however, this still amounts to a loss of at least 12 AF per year in below normal water years when the yield from the whole Carmel River basin is only 1,000 AF. Therefore, in below normal water years, the project is reducing total flows in the lower basin by 1.2%. The DREIR further argues that once the main river is dewatered by the current levels of diversion, the project induced reduction in water table levels of AQ3 will only be a few millimeters. Therefore, the DREIR admits that the project will have some

CDFG 2-11

small incremental impact on underflow to the already compromised Carmel River lagoon, where fish kills occur in many years due to poor water quality resulting in the most part from a lack of subterranean flow to refresh the lagoon. DFG does not agree with the determination that the development will have no significant impact on the maintenance of flows in the lower Carmel River or underflow to the lagoon, and its' threatened steelhead resource, which is currently experiencing a successive five-year period of decline.

CDFG 2-11

All new developments that tap aquifers that are tributary to the surface or underflow of the mainstem Carmel River will have gradually increasing cumulative impacts on the habitat of the lower Carmel River, including the water quality of its lagoon, where steelhead rear. If one were to accept the DREIR's argument that this development has no significant cumulative impact, then one would have to believe that adding developments of this size in the future would have no cumulative impact on the surface and underflow of the Carmel River. DFG does not believe this is the case since the main stem Carmel River is legally declared over-drafted and reductions in contributions from any source of inflow must be having a cumulative effect.

CDFG 2-12

While the DREIR does address some of the further hydrologic impact analysis requested by DFG, the DREIR should have attempted to calculate how much the new groundwater pumping will increase the degree, date, and rate at which the Carmel River's wetted front will dry back each year. The DREIR acknowledges that it will diminish recharge to the mainstem Carmel River's aquifer, so the aforementioned impacts must occur to some degree, yet they have not been quantitatively presented or addressed in the DREIR.

CDFG 2-13

To fully evaluate the probable impacts of the project, the DREIR needs to include an operations plan for the proposed water distribution system. This plan should include descriptions of the number, type, and location of wells used to produce water for the project, and how much each well will produce each month. Such an operations plan was included in the prior DEIR, but was excluded from this DREIR.

CDFG 2-14

DFG continues to request that deed restrictions be placed on the lots in this development to prevent individual owners from drilling any further wells on any part of their property, beyond the ones authorized in this DREIR. Without this restriction, all of the groundwater use calculations and impact assumptions made in the DREIR will be rendered moot through further groundwater development by individual landowners. DFG believes these additional protections and restrictions are necessary as the County does not require CEQA review of new individual well permits granted within the Carmel Valley aquifer.

CDFG 2-15

Ms. Alana Knaster
March 30, 2006
Page 6

In summary, although further analysis has been provided in the DREIR, it does acknowledge and demonstrate that small incremental and cumulative impacts to the surface and underflow of the already over-drafted and over-appropriated Carmel River aquifer will occur as a result of the project. While these impacts may appear to be small, they cannot validly be deemed inconsequential and should be mitigated. A possible mitigation would be augmenting inflow to the Carmel Lagoon with treated water during critical periods. Continuing development within the Carmel River watershed that reduces surface and subsurface inflow to the Carmel River aquifer will have irreversible cumulative impacts, if not incrementally mitigated.

CDFG 2-16

Conclusion

After review of supplementary information that has been provided to DFG and the additional pine and oak woodland the project proponent has agreed to add to open space, as well as the rigorous land use restrictions proposed in the DREIR, we concur that potential terrestrial resource impacts can be mitigated to a less-than-significant level. However, the analyses of groundwater pumping impacts in the document are insufficient to demonstrate that there will be no cumulative impact to the mainstem Carmel River's flows or wetted area during the dry season of each year, and we have suggested some ways that the magnitude of these impacts could be better illustrated in the DREIR.

CDFG 2-17

Thank you for the opportunity to comment on this project. If you have further questions, please contact Mr. Jeff Cann, Associate Wildlife Biologist, at (831) 649-7194 for terrestrial questions; or Mr. Kevan Urquhart, Senior Fisheries Biologist, at (831) 649-2882 for aquatic questions.

Sincerely,

Original signed by Carl Wilcox

Robert W. Floerke
Regional Manager
Central Coast Region

cc: See next page

Ms. Alana Knaster
March 30, 2006
Page 7

cc: State Clearinghouse
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CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

Response to CDFG 2-1

Surveys for 23 special status plants have been conducted over the site. However, the building envelopes, approximately 0.33 acres of each 5-acre site, will be limited to comply with the Monterey County regulations and will require County approval prior to issuance of individual building permits. In addition, only 4 species were observed on site, Pacific Grove clover, small-leaved lomatium, California adder's tongue, and Michael's piperia. Only the Pacific Grove clover, which occurs in closed cone coniferous forest and Valley and foothill grasslands, is California rare. A total of 866.77 acres will be open space in which suitable habitat occurs for special-status plants.

Response to CDFG 2-2

The comments are noted that Yadon's piperia is federally endangered and that the Pacific Grove clover is State rare. On page 4.9-10, the first paragraph under Federal and State Threatened and Endangered Species is revised as follows:

It was initially determined that eight special status plant species had the potential to occur on the site, including CNPS List 1B Monterey pine, CNPS List 1B Hickman's onion (*Allium hickmani*), CNPS List 4 Gairdners yampah (*Perideridia gairdneri*), federally endangered and CNPS List 1B Yadon's piperia (*Piperia yadoni*), CNPS List 1B Santa Cruz clover (*Trifolium buckwestorum*), California rare and CNPS List 1B Pacific Grove clover (*Trifolium polydon*), CNPS List 4 small-leaved lomatium (*Lomatium parvifolium*), and the CNPS List 4 California adder's tongue (*Ophioglossum californicum*) (Denise Duffy and Associates 1998). Another federally-listed species addressed in this Draft REIR is the Monterey spineflower (*Chorizanthe pungens* var. *pungens*), a federally threatened and CNPS list 1B. Please refer to Appendix A of Appendix H of this REIR for a list of special status plant species and their survey dates.

The revision is referenced in Section 6, Errata.

Response to CDFG 2-3

The comment is noted. Project implementation will occur in accordance with Carmel Valley Master Plan Policy 11.1.1.2, as required, which will in part require that the County Planning Department maintain records of the locations of all rare or endangered plant species, such as the CNPS List 1B Pacific Grove clover and that the location shall be noted on resource maps. In addition, as identified in Mitigation Measure 4.9-11, the applicant is required to identify the population of Pacific Grove clover and the roadway realignment on the tentative map. As identified in Mitigation Measure 4.9-10, the applicant is required to consult with CDFG in regard to any special status plant species that may potentially be affected by the proposed project. At such time, CDFG may review the roadway realignment in regards to hydrology concerns. Lastly, Mitigation Measure 4.9-8 precludes the use of herbicides unless applied directly to invasive, non-native species.

Response to CDFG 2-4

Please refer to Response to ZA 2-5.

Response to CDFG 2-5

The comment is noted. The second bullet point of Mitigation Measure 4.9-12 has been revised as follows:

- The CDFG Central Coast Regional office does allow grading/or tree removal to occur if nesting birds are observed onsite, providing that a 500-foot buffer zone is created around the observed nest. Because nests may occur in the middle of the grading area, this method is not advised.

This revision is included in Section 6, Errata of this document.

Response to CDFG 2-6

The proposed project does not include the removal of Lots 30-58 as a block as this is not necessary to mitigate impacts to the forest or forest habitat, please see MR-4 (Loss of Trees and Mitigation for Tree Removal), MR-5 (Monterey Pine Forest Biological Sensitivity), MR-6 (Monterey Pine Forest Fragmentation and Pitch Canker Susceptibility); however, as identified the Recirculated DREIR Section 6.0 alternatives are evaluated that remove some lots in order to reduce significant impacts to trees.

Response to CDFG 2-7

As stated on page 4.9-11 of the Recirculated Draft REIR, "...during the focused surveys conducted in April 2005 a small colony of unidentifiable species of piperia was observed onsite, a later survey in May 2005 determined that the species was Michael's piperia and not Yadon's piperia."

Response to CDFG 2-8

Please refer to MR-1: Biological Resources Impacts: Mitigation Revisions and Clarifications; MR-2: Adequacy of Mitigation Measures; MR-4: Loss of Trees and Mitigation for Tree Removal.

Response to CDFG 2-9

The comment is noted that the Recirculated Draft REIR contained some addition analysis of potential direct and cumulative impacts to the red-legged frog and other species of concern from the result of the project's water use and the potential effects on aquatic habitats of the Carmel River and Carmel River watershed. No specific comments/questions on the Recirculated Draft REIR were made and no further response is required.

Response to CDFG 2-10

As noted in the Recirculated DREIR, water will be pumped throughout the year. Section 4.9 of the Recirculated DREIR refers in part to monthly impacts on the Carmel River; in terms of annual

impacts, the Recirculated DREIR conservatively evaluates a maximum potential impact of a 1:1 reduction in the CVA and Carmel River of 57.21 AFY. Please see MR-18: Hydrology and Water Availability. This is considered an unlikely scenario, but even at that maximum potential impact, the physical change to Carmel River flow does not affect the essential functions of steelhead in the Carmel River. Please see MR-20 (Aquatic Biological Resources).

Response to CDFG 2-11

The Recirculated Draft REIR Table 4.3-9 values translate to 0.01 to 0.05 %, not 0.13%. The 1,000 AF “yield” of the Carmel River is of limited relevance to the analysis in the Recirculated Draft REIR, as the Recirculated Draft REIR relies on actual gauge readings in the Carmel River to identify flows, rather than assuming a third party number based on unknown assumptions. Again, CEQA prefers actual data to interpreted numbers where available and feasible, and the Recirculated DREIR has attempted to so provide. The Recirculated Draft REIR, Section 4.9 presents the opinion of expert hydrologists and biologists, including Entrix, Inc., that a reduction in River flow of 0.034 cfs would be less than significant because it would not affect the essential functions of steelhead in the potentially affected area of the Carmel River, including the lagoon. See MR-20 (Aquatic Biological Resources). It is noted that DFG supports CAWD receipt of project wastewater with the potential for wastewater flows to augment flows in the lagoon, which is anticipated to occur.

Response to CDFG 2-12

The Recirculated Draft REIR, Section 5.0 provides a quantitative analysis of potential cumulative impacts to Carmel River resources. The Carmel River is not legally declared over-drafted in a manner that precludes the type of water use proposed by the project. Please see MR-19: Significance Thresholds for Water Supply & Availability. Based on the quantitative analysis in Sections 5 of the Recirculated Draft REIR, the Recirculated Draft REIR concludes that cumulative impacts would be less than significant.

Response to CDFG 2-13

The Recirculated Draft REIR, Section 4.9 quantifies maximum potential maximum impact to Carmel River flow as .034 cfs on a monthly basis. This analysis concludes that during months in which water is in the River, the potential reductions are so small relative to River flow that they will not affect fish migration, much less affect riparian resources.

In light of this conclusion, it is neither feasible nor helpful to further calculate reductions on the degree, date, and (finer scale) rate on the dry back of the River’s wetted front. The Recirculated Draft REIR, page 4.3-48 second paragraph states that reduction of flows would likely occur in the summer months and during those months the baseline condition is that the River has no flows under existing pre-project conditions. The Recirculated Draft REIR, page 4.3-48, paragraph four states that, since there are no flows in the River, reduction cannot be quantified by comparison with the USGS gauge readings. As noted in Section 4.9 of the Recirculated Draft REIR, the maximum potential reduction in water table has been calculated to be less than one millimeter and thus would not affect riparian resources.

Response to CDFG 2-14

Please refer to Response to SOCR 1-69.

Response to CDFG 2-15

Measures are proposed that would limit project water use to a maximum cap at 57.21 AFY evaluated in the Recirculated Draft REIR. Additionally, the County has conditioned the project to restrict any separate wells being drilled on individual properties within the September Ranch subdivision. Please also see MR-17: Water Demands.

Response to CDFG 2-16

Please see Responses to CDFG 2-1 to 2-15 and MR-19: Significance Thresholds for Water Supply and Availability, and MR-10: Aquatic Biological Resources. As noted in the Recirculated Draft REIR, it is anticipated that wastewater generated by the project would be used where feasible to augment inflow to the Carmel Lagoon. Please see Response to CAWD 2-1.

Response to CDFG 2-17

Section 4.9 of the Recirculated Draft REIR and the Final EIR incorporate several of CDFG's suggestions, as noted above. Please see Responses to CDFG 2-1 to 2-16.

Appendix B
Responses to Robert Hale
March 30, 2006 Letter (RH II)

Robert Hale
813 Cypress Street
Monterey, CA 93943
30 March 2006

Alana Knaster, Interim Director Monterey County Planning

RE: comments on Recirculated Portion of Revised Draft EIR
for September Ranch Subdivision Project

Alternatives -

There is still no alternative that would reflect a reduced project with development restricted to the southern portion as was discussed at the planning commission hearings. What is labeled as the Planning Commission Recommendation doesn't represent a reduced project developed on the lower half as was discussed there, but rather a reduced density plan with lots still scattered over the whole project site with only the exception of the northeast corner. The RDEIR should address an alternative consisting of lots on the southern half of the property with open space on the northern portion. For example removal of lots 81-100, 102, 32-34 and 45-58 would reduce the project by 38 lots, but maintain a large contiguous block of pine forest adjoining Jacks Peak Park. Density could be increased in lower elevation areas to accommodate more lots and reduce loss of revenue from the project. This would be the true Environmentally preferred alternative.

RH II 2-1

Why has the RDEIR not addressed higher density at lower elevations as an alternative to allow for a similar size project on a smaller footprint, thus preserving more open space over the northern portion in a manner more contiguous with the preserved Jacks Peak forest?

Special Status plant Issues -

Perideridia gairdneri surveys. It is stated that surveys in the spring have not identified any *Perideridia*. Since this would be very hard to identify until its stem grows upwards and flowers in late summer, surveys in spring would likely miss it. There needs to be surveys done in late August or September to accurately evaluate the presence or absence of the yampah on the project site.

RH II 2-2

It is not stated whether California's adders tongue, small leaved lomatium and Michael's piperia were observed in areas of proposed development such as road banks and lots. Nor is the abundance of lomatium and adders tongue noted. The project's impact on these special status plant species can not be evaluated without some knowledge of the proportion of occurrences in open space areas versus development areas. To determine at time of development is

not proper for special status plants. What if a majority of the populations happen to occur on lots? - then the species will be severely impacted by the project.

RH II 2-2
CONT

Mitigation 4.9-1

Management plans filed prior to development must address the *impact of spread of genista as a result of road and subdivision development*. Plans for management of open space/forest/grasslands must heavily emphasize a weed management program for invasive weeds including genista (french broom), bermuda buttercup and grasses such as Ehrharta erecta and pampas that will easily spread. Past equestrian use has spread genista throughout most of the property along the current ranch roads that will be graded with a grave danger for spread of genista.

RH II 2-3

Need for Weed management plan.

In order for the open space to adequately mitigate development it is important to maintain the health of the intact forest. As this project fragments the forest open space extensively it is even more important to require an adequately funded weed management program for the open space areas. County should require this as a component of the management plans.

Fragmentation of Monterey Pine Forest - open space protection as a mitigation for development is effective when it preserves the largest contiguous blocks of habitat free from disturbance. The project scatters roads and lots throughout the entire monterey pine forest. Ridgetop development will allow non-native plants and disturbance to propagate downhill into the pine forest. Effective mitigation would be achieved by preserving those pine forest in the northern portion of the project that adjoin the extensive protected forest of Jacks Peak Park. The adjacent Del Mesa development is an excellent example of how a very large intact contiguous block of Monterey pine forest on the upper ridges that adjoin Jacks Peak park was placed in easement and development clustered down lower on the southern portion of the property.

RH II 2-4

Open space and forest Management plans -

Vegetative manipulation in easement areas - no indication as to extent of vegetation removal that may be allowed by the open space manager around roads and lots. Such manipulation is highly likely due to the extreme fire hazards posed by the ridgetop placement of most lots. Mitigation 4.9-1 will preclude actual bladed firebreaks, so it is clear that clearing and thinning of vegetation will be the likely occurrence. The impacts on native plant diversity are potentially significant by likely introducing non-native weeds and altering diversity of species that will adapt to frequent disturbance of cutting. Thinning of trees will lead to an impact on the diversity of age classes of trees and shrubs. How many acres beyond the 34.9 of Pine Forest are

RH II 2-5

likely to be modified and or managed? The project is likely to partially degrade much more than the 34.9 acres mentioned and thus the RDEIR is inadequate in its analysis of long term impacts of the project.

RH II 2-5
CONT

Special status plant communities -

Why are there no maps to identify where the Monterey Pine and coastal terrace special status plant communities are located? The RRDEIR is thus deficient since we can not adequately analyze what proportion of the special status plant communities will be developed or impacted. Is there a differentiation between the largely oak dominated forests of the southern portion from the Monterey Pine dominated forest of the upper and northern portion? Are these all special status or just the Monterey pine dominate?

RH II 2-6

Has CDFG analyzed impacts on special status communities and given approval for the project? Are there any Section 404 concerns that require federal approval in special status plant communities?

Consistency with CVMP policy 7.1.1.1 -

Policy 7.1.1.1 addresses developments in areas of biological significance. Clearly Special status plant communities which the document identifies as rare meet any definition of biologically significant lands and thus subject to policy 7.1.1.1. The RRDEIR must clearly discuss whether the Monterey Pine and coastal terrace communities are areas of biological significance under the CVMP and if not explain why not.

The policy states that only a low density clustered development may be allowed but on the portions of land that are not biologically significant or else isolated in some manner by topography, etc so as not to have impacts on the biologically significant lands. Further some development, but not a subdivision, as this project is, is still allowed provided impacts on the resources are minimized. This policy is very protective of the biological significance in that development is meant to be clustered at the edges of the significant resources such as the Monterey Pine forest. This places a higher burden of minimizing impacts on the resource, while not precluding any development.

RH II 2-7

The proposed project scatters lots throughout all of the Monterey Pine Special Status Community and is thus in violation of CVMP Policy 7.1.1.1

Please explain how the proposed project complies with Policy 7.1.1.1 when

it scatters development throughout the biologically significant Monterey Pine Special Status Community?

RH II 2-7
CONT

The RRDEIR again must address an alternative that clusters lots outside of the Monterey Pine Forest Special Status Community so as to be compatible with policy 7.1.1.1 See my discussion above under Alternatives.

Monitoring of Mitigation -

It is a great concern that because this will be a gated community that mitigations be monitored independently in some manner. Some small fee imposed to hire a third party to annually report on monitoring would be helpful. So many times the county has approved projects with detailed mitigations, such as in this case, but over the years few are adequately met much of the time. For example Pebble Beach was required to restore the quarry site, but after an initial planting of trees let the weeds take over and the site is far from restored.

RH II 2-8

Thank you for your consideration,

Robert Hale

RESPONSE TO ROBERT HALE (II)

Response to RH II 2-1

An EIR need not consider every conceivable alternative to a project (CEQA Guideline 15126.6). Please note that the Recirculated Draft REIR examined three additional alternatives that evaluated alternative inclusionary housing locations and/or configurations. The County Board of Supervisors will examine the proposed project in relation to the alternatives evaluated in the Draft REIR and Recirculated Draft REIR Section 6.0, including a reduced density alternative (see Section 6.2 of the Draft REIR) prior to making a final determination of project approval.

The suggestion to eliminate lots along the northern ridge was not adopted because the analysis demonstrated that the placement of these lots do not result in fragmentation or other significant environmental impacts and therefore there was no material benefit related to significant impacts that would be realized from removing them; at the same time, keeping these lots in allowed the project to be configured to include additional inclusionary housing, a project priority.

Please also refer to Response to Comment MPRPD 1-1.

Response to RH II 2-2

As discussed on pages 4.9-10 and 4.9-11 of the Recirculated REDEIR, it was initially determined that CNPS List 1B Gairdner's yampah (*Perideridia gairden*) had the potential to occur onsite. Surveys were conducted in 1995 to determine the presence or absence of Gairdner's yampah in March before the blooming period but when characteristic vegetative parts were identifiable. Survey results were negative in March 1995 for Gairdner's yampah and subsequent surveys conducted in April 1995 for Garirdner's yampah were negative. Specifically, page 4.9-11 of the Recirculated RDEIR states,

A total of five special status plant species have been observed on the project site: small-leaved lomatium, California Adders tongue, Pacific Grove clover, Michael's piperia and Monterey pine. Although focused surveys were conducted for the remaining 5 species, Hickman's onion, Gairdner's yampah, Yadon's piperia, Santa Cruz clover, and Monterey clover, none of these species were observed. Repeated surveys by qualified botanists covering a representative area over a range of times and conditions on September Ranch has provided a level of effort that is required for a CEQA analysis and is sufficient to allow for the following conclusions:

1. The federally-listed plants identified above, specifically the Monterey clover and Yadon's piperia, were not found onsite during the surveys and therefore, none would be impacted by the project;
2. One population of Pacific Grove clover (CDFG Rare) is located onsite;
3. Native Monterey pine forest is present onsite and approximately 34.9 acres of Monterey forest/oak woodland will be impacted by the September Ranch Subdivision project;
4. California Adders tongue and small-leaved lomatium (CNPS List 1B) have been found on site.
5. Michael's piperia (CNPS List 1B) has been located on site.

Please see Mitigation Measure 4.9-1 of the Recirculated RDEIR.

Response to RH II 2-3

Please see MR-8.

Response to RH II 2-4

Please see MR-6.

Response to RH II 2-5

The proposed project would result in direct impacts to approximately 34.9 acres of the 426 acres of Monterey pine/coast live oak forest on the project site, representing approximately 1% loss of Monterey pine forest habitat in the cumulative study area of approximately 3,758 acres. Existing and proposed dedicated acreage in the study area totals about 1,552.5 acres or about 50% of the pine habitat. As noted in the REIR, the project would not result in fragmentation of the pine forest within the study area or result in adverse edge effects. The project would be conditioned with a requirement to replace lost acreage of Monterey pines at a 3:1 ratio, and lost trees at a 1:1 ratio with a 100% survival rate, with the County reserving discretion to preclude build-out if this performance standard is not met. Approval of an alternative with fewer units than the proposed project would further reduce the already less than significant direct and cumulative impacts to Monterey pines.

Please see MR-4 and MR-6.

Response to RH II 2-6

The Monterey pine is classified as a special status natural community under the California Natural Diversity Data Base, whereas the oak dominated forest is not classified as such, but does require mitigation for loss of individuals. Nonetheless, the project mitigates for the loss of individuals at 1:1, with a 100 percent survival rate required. The impact analysis treats all pines on the property as sensitive species entitled to protection.

The USACE 404 protects plant species that are federally listed as they pertain to wetlands. Some jurisdictions of the USFWS will protect upland species under a 404, but it is on a case-by-case basis.

In addition, please see Exhibit 4.9-1 of the Recirculated DREIR, Appendix A of this document, and Response to Comment RH II 2-5.

Response to RH II 2-7

Please see MR-5.

Response to RE II 2-8

Please see MR-2.

Appendix C:
Responses to Mrs. Cecil Wahle
March 28, 2006 Letter (CW)

3/31/06

Mrs. Cecil M. Wahle
194 Del Mesa Carmel
Carmel, California 93923
625 2999

March 28, 2006

SUBJECT: SEPTEMBER RANCH PARTNERS (PC95062/PLN050001)

REMINDER

Comments on the recirculated portion of the RDEIR are due Monday, April 3, 2006, no later than 4:30 p.m.

My comments are these:

1. For the sake of our already-imperiled ecology, cutting down all those trees is folly. [] CW 2-1
2. For air-quality: already severely compromised, all those daily drives could be the last straw. [] CW 2-2
3. Water use: enough water for all those houses (with pools no doubt), and water for the equestrian center will have to come at the expense of present water drawers. There is just not enough to serve this huge new user. [] CW 2-3
4. The Monterey County General Plan prohibits development on slopes over 30 percent or more. There should be no exceptions to this vital policy. [] CW 2-4

- over -

5. A sewage proposal which is a disaster waiting to happen, or one which solves their problem at the public's expense.

CW
2-5

6. Traffic congestion, already dangerously heavy, will increase greatly.

CW
2-6

7. A project of this size will soon demand traffic signals, road widening and police attention — all at the public expense.

CW
2-7

8. Destruction of the view-shed. Our beautiful valley's sheltering views violated.

CW
2-8

We (you) must protect this extraordinary place. We (you) must not let this scene be destroyed forever. We read daily about the deteriorating environment. Help!

CW
2-9

Sincerely,

Cecil M. Wähle

RESPONSE TO MRS. CECIL M. WAHLE (CW)

Response to CW 2-1

Please see Section 4.9 of the Recirculated Draft Revised EIR and Responses to MR-6.

Response to CW 2-2

As identified in the Draft REIR, Section 4.7, with the implementation of mitigation, the proposed project will not result in any significant air quality impacts. In addition, please refer to Response to MBUAPCD 1-1 and 1-4 of the Final EIR.

Response to CW 2-3

Water use for the equestrian center is baseline, not an impact of the proposed project. The REIR quantitatively evaluates whether the SRA can sustain existing uses plus project demand with respect to the supplies of the SRA itself, the CVA and the Carmel River. The project will not require any user to forego water use or seek out new supplies. Please see Chapter 4.3 of the Recirculated Draft REIR,

Appendix C, MR-17, MR-18 and the Final REIR Technical Memo 7.

Response to CW 2-4

The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and Carmel Valley Master Plan related to aesthetics, general land use policies, and residential land use than other alternatives. Development envelopes, including all building sites and septic disposal areas, have been located on slopes of less than 30 percent. The areas of 30 percent slope where development is allowed consist of existing ranch roads that need to be improved to accommodate the project, fire safety requirements, and county private road requirements. The road system has been designed to achieve the maximum amount of resource protection while taking advantage of existing ranch roads, where possible, to minimize resource disturbance. Portions of the building sites for some inclusionary units (lots 5-11) are located on slopes greater than thirty percent, but these are small portions of thirty percent slope within the proposed development envelopes. All undeveloped areas of the project with slopes over 30 percent will be placed into a conservation and scenic easement, per conditions of approval.

Response to CW 2-5

Please see Responses please see the Carmel Area Wastewater District (CAWD) comment letter and Responses CAWD 1-1 and 1-2. CAWD has capacity to serve the project.

Response to CW 2-6

As identified in the Draft REIR, Section 4.6, with implementation of mitigation, the proposed project will not result in any significant transportation and traffic impacts.

Response to CW 2-7

The project applicant will be required to pay either fair share, in-lieu, or development fees to provide the infrastructure needed to support the proposed project. Please see Response MR-13 and Section 4.13, Public Services and Utilities of the Draft REIR. Please see Response to CW 2-6.

Response to CW 2-8

Please see Response MR-14, MPRPD 1-1, SOCR 1-152, and SOCR 1-159. Please see Section 4-11 of the Draft REIR.

Response to CW 2-9

The comment is noted. As identified in the Draft REIR and the Recirculated DREIR, with mitigation, all project-related and cumulative impacts will be reduced to less than significant.

**Appendix D:
Responses to Staub Forestry
June 30, 2005 Letter (SF)**



September Ranch
Monterey Pine Forest Habitat
Cumulative Impact Assessment

A cumulative impact assessment study area was defined based on the occurrence of large remaining blocks of intact Monterey pine forest contiguous with the ridges adjacent to Jack's Peak Regional Park and the project site (see Figure). Monterey pine forest habitat in this area occurs primarily on inland Monterey shales with coast live oaks often forming a subcanopy and typical understory associates including grasses and mixed shrubs such as poison oak, bush monkeyflower, California blackberry, coyote brush and California coffeeberry. Notable differences between this habitat type and Monterey pine forest on different soils at lower elevations on the Monterey Peninsula have been identified (Jones and Stokes Associates, 1994). Therefore, it is appropriate to consider cumulative impacts to this habitat type on a sub-regional basis.

SF II 2-1

Seven contiguous and relatively large ownerships covering an area of approximately 3,758 acres define the study area (see Table and Figure). While other, mostly smaller land holdings with this type of Monterey pine forest habitat occur in the vicinity outside of this study area, those parcels are primarily developed as single family residential parcels; in most cases, their ultimate disposition relative to open space dedication and land use restrictions has long been established and does not materially affect this cumulative impact assessment.

SF II 2-2

On the seven ownerships, Monterey pine forest occurs on approximately 3042.5 acres or on over 80% of the land area within the study area. Previously dedicated or otherwise set aside and undeveloped open space primarily supporting Monterey pine forest occurs on three of the seven ownerships (Del Mesa Carmel, Pacific Meadows and Monterra Ranch) adjoining Jack's Peak Regional Park and totaling about 460.5 acres. A minimum of 266 acres of the 796.3 forested acres on Pebble Beach Company holdings at Aguajito have been committed to open space as part of the recent approval of the Del Monte Forest Preservation and Development Plan. When added to the 826 acres of Monterey pine forest within public open space at Jack's Peak Regional Park, the existing and proposed dedicated acreage totals about 1,552.5 acres or over 50% of the Monterey pine forest habitat in the study area.

SF II 2-3

Development of roads, infrastructure and houses on September Ranch would directly affect about 34.9 acres of the existing 426 acres of Monterey pine/coast live oak forest on the property. The remainder of the forested land (over 390 acres) would remain relatively undisturbed as either common or private open space. A significant portion of the forested land on September Ranch contiguous to Jack's Peak would be dedicated through conservation easement or other appropriate means to increase the habitat preserve "footprint" adjacent to the regional park.

SF II 2-4

September Ranch's contribution to direct loss of Monterey Pine forest, approximately 34.9 acres, represents slightly greater than a 1% incremental loss to Monterey pine forest habitat in the cumulative impact assessment study area.

SF II 2-4
CONT

There are no reasonably foreseeable probable future projects within this study area. There are two parcels in the study area contain Monterey pine forest and have some development potential: the remaining 530.3 forested acres on Pebble Beach Company holdings at Aguajito & the 533.3 forested acres on lands of Property Reserve, Inc. However, no applications to develop these parcels have been submitted and there are no proposals for development of these properties. Slope constraints substantially limit the development potential of both sites. In addition, the PRI parcel is under a Williamson Act contract which limits its use to agriculture for the duration of the contract period.

SF II 2-5

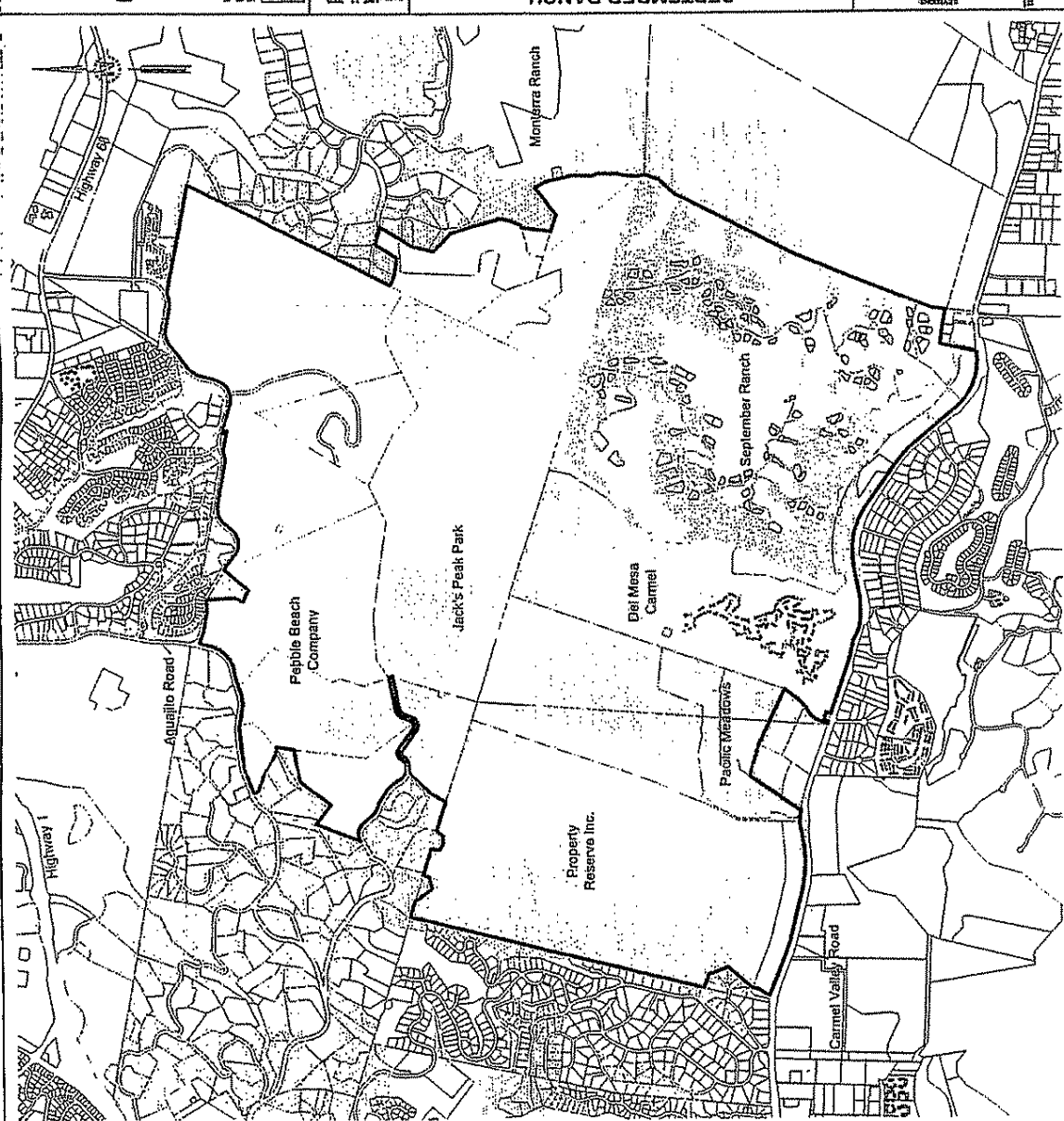
Land use restrictions and dedication of up to 390 acres of Monterey pine forest on September Ranch could increase the area of forested open space within the study area from 1552.5 acres to 1942.5 acres, which represents as much as a 25% increase in base acreage of designated undevelopable forest. This additional acreage will help ensure the long-term sustainability and manageability of the Monterey pine resource by expanding the contiguous block of intact forest preserve along the flanks of Jacks Peak Regional Park. The level of cumulative loss due to the project, especially with open space dedication and/or land use restrictions on the remaining forested acres, is minor because a significant contiguous block of Monterey pine forest habitat will remain in place that is sufficiently large to sustain this habitat. In fact, the cumulative loss of Monterey pine forest habitat would not be substantial even assuming both the Pebble Beach Company and Property Reserve, Inc. were developed at a similar level of density as the September Ranch project.

SF II 2-6

Submitted by:

Stephen R. Staub
Registered Professional Forester
License Number 1911

June 30, 2005



LEGEND

- Cumulative Impact Assessment Study Area
— Proposed Road (September Ranch)
| | Development envelope (September Ranch)
1994 JONES & STOKES *
MAPPING OF MONTEREY PINE FOREST
2004 MICHAEL BRANDMAN ASSOCIATES **
MAPPING OF MONTEREY PINE FOREST

Area of Monterey Pine Forest within each property.

<u>Property Owner</u>	
Del Mesa Carmel	277.1 Acres
Jack's Peak Park (Monterey County)	826.5 Acres
Monterra Ranch Properties, LLC	109.6 Acres
Property Reserve Inc.	535.3 Acres
Pacific Meadows	73.8 Acres
Pebble Beach Company Properties	796.3 Acres
September Ranch**	425.0 Acres
	3042.6 Acres

Mapping of the Monterey Pine Forest (except for September 1983) by Jones & Stores in 1994 was conducted by aerial photograph interpretation and limited field verification. Aerial photographs used were 9 x 9 inch format, 1:12,000 scale, unrectified, false color, infrared images taken on December 2, 1983. The 1994 mapping was conducted on 1:72,000 scale aerial photographic base maps (enlarged from 1:24,000 scale U.S. Geological Survey Quadrangles). Monterey pine forest identified from the aerial photographs was visually rectified and delineated on the photographic base map using identification common features such as roads, streams, and ridge crests.

**** Mapping of the Monterey PinelCoast Live Oak Forest as delineated in the Draft REIR, Appendix H, "September Ranch Subdivision Project Biological Resources Assessment", Exhibit 3-1 "Vegetation Map", prepared by Michael Brandman Associates in January 2004.**

Property Owner	Gross Acreage	MPF Acreage	% Area MPF
Del Mesa Carmel	339.4	277.1	81.64%
Jack's Peak Park (Monterey County)	903.4	826.5	91.49%
Monterra Ranch Properties, LLC.	115.3	109.6	95.06%
Property Reserve, Inc.	565.4	533.3	94.32%
Pacific Meadows	100.6	73.8	73.36%
Pebble Beach Company Properties	842.8	796.3	94.48%
September Ranch (Brandman - EIS)	891.0	426.0	47.81%
Totals	3757.9	3042.6	80.97%

September Ranch (Brandman EIR)	891.0	426.0	47.81%
September Ranch (JSA)	891.0	483.3	54.24%

STAUB FORESTRY (SF) II

Response to SF II 2-1

Comment noted. Although not specifically referenced in the REIR, this information was independently reviewed by the project consultants in reaching impact conclusions.

Response to SF II 2-2

See Response to SF II 2-1.

Response to SF II 2-3

See Response to SF II 2-1.

Response to SF II 2-4

See Response to SF II 2-1.

Response to SF II 2-5

See Response to SF II 2-1.

Response to SF II 2-6

See Response to SF II 2-1.