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David Mack, Associate Planner
County of Monterey Planning Department
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SUBJECT: DEIR FOR FERRINI RANCH

Dear Mr. Mack:

LandWatch Monterey County has reviewed the draft environmental impact report (DEIR) for the proposed project which consists of a proposed Combined Development Permit for the construction of a 212-unit subdivision on 870 acres and all associated physical improvements, including removal of trees and grading on slopes greater than 30 percent within the Toro Planning Area. A portion of the property is not zoned, and the County intends to reclassify the entire project site with Low Density Residential, 2.5 acres per dwelling unit with Visual Sensitivity, and Design Control overlays (LDR/2.5-VS-D zoning) consistent with the General Plan Land Use Map as a part of the 2010 General Plan Implementation.

The 212 residential lots would consist of 169 market-rate single-family residential lots and 43 inclusionary housing units. The proposed project includes open space designation for Parcels A-C totaling approximately 600 acres; future development of a winery and related uses on Parcel D totally 34.7-acres; and four private roadway parcels totaling 43.1 acres. Three access points would be provided at the following locations: near the entrance of Toro County Park and the State Route 68/Portola interchange; River Road; and San Benancio Road. Action by the County to agree to sell/lease a portion of Toro County Park would require additional review under the National Environmental Protection Act (NEPA) because these County parklands were obtained using federal grant money.

The application also includes the following: (1) a General Plan Amendment to amend the designation of the area of proposed Parcel D (34.7 acres) from Low Density Residential 1-5 Acres/Unit to Agricultural Industrial; (2) a zoning reclassification of proposed Parcel D (34.7 acres) from the LDR/2.5-VS (Low Density Residential, 2.5 Acres/Unit with Visual Sensitivity) zoning district to the AI-VS (Agricultural Industrial, with Visual Sensitivity) zoning district; (3) a Use Permit for removal of approximately 921 protected oak trees (approximately 14 acres of oak woodlands); and (4) a Use Permit for development of roadways and driveways in areas with

slopes greater than 30 percent. The proposed project would also include the construction of on-site roadways, infrastructure, utility improvements, and hiking trails. A Development Agreement may also be executed between the County and the applicant.

Independent of project approval, the County intends to rezone the entire project site with LDR/2.5-VS-D zoning as part of the 2010 General Plan Implementation. The project applicant is requesting that Parcel D be rezoned to AI-VS (Agricultural Industrial), which would also be subject to VS and D overlays. DEIR p. 3.9-13

We have the following comments:

Project Description

1. Both the DEIR Introduction and Project Description state, “The County **intends** to reclassify the entire project site with LDR/2.5-VS-D zoning consistent with the General Plan land use map as part of the 2010 General Plan Implementation.” Reference by the Board of Supervisors identifying its intention should be referenced. If none, the document should be revised to indicate the County **proposes** to reclassify the entire project.

The Project Description is neither complete nor final because it remains unclear where lots and building sites would actually be located.

First, some lots have not even been mapped. Monterey County Code Section 19.05.035, in effect at the time the application was deemed complete in 2005, requires the applicant provide the “approximate lot layout and the approximate dimensions of each lot.” The vesting tentative map (VTM) submitted in 2005 and reproduced in the DEIR does not provide this information for the 66 lots to be developed on Parcel E. This omission violates the County Code, and, without the information, the County could not properly have deemed the application complete. Furthermore, it violates CEQA’s requirement for an adequate, stable project description on which to base the analysis of impacts. The location of these 66 lots is clearly relevant to an adequate analysis of impacts. For example,

- These lots will apparently be on or adjacent to steeply sloped land with soils with severe erosion and rutting susceptibility. DEIR Figure 3.5-4. Without a lot layout, it is impossible to determine potential impacts related to erosion and landslides. We note that none of the discussion of impact and mitigation in Chapter 3.5, Geology and Soils, references the 66 units in parcel E.
- No visual simulations in the Aesthetics section depict any development on parcel E. A portion of Parcel E requires a 100-foot setback for aesthetic impacts and all of Parcel E is in an area of Visual Sensitivity. DEIR, Figure 3.1-1B. There is no evidence that the lots will not intrude into the 100 foot setback, and there is no evidence that layout of the lots is feasible without such an intrusion. The aesthetic analyses for impacts 3.1-1 (development in areas of critical viewshed and visual sensitivity) and 3.1-2 (effect on scenic views) do not consider parcel E.

The analysis of impact 3.1-4, impact on scenic routes, admits that a portion of the Parcel will not be screened from SR68, but contains no analysis to support the conclusion that “development on parcel E will not affect the integrity of the state scenic route.”

Second, mitigation measures for a number of impact categories call for revising the site plan and lot layouts subject only to review by unelected County staff. There is no assurance that the revisions to address impacts to one resource will not result in unexamined impacts to another resource. For example, the following mitigation measures call for changes to the lot layouts:

- MM 3.1-1 – relocate lots outside critical viewshed and 100-foot setback
- MM3.1-6 – relocate structures on Parcel D so not visible from SR68
- MM3.3-1 – modify site plan for special status plant species protection
- MM3.3-2 – modify site plan for CTS
- MM3.3-4 and 3.3-8a – relocate lots to avoid riparian habitat and wetland habitat
- MM3.3-5 – avoidance of impacts to waters of the U.S.
- MM3.3-6 – modification of site plans to preserve trees
- MM3.4-1a, b, and c – modification of site plan to avoid impacts to cultural and historic resources in locations not disclosed in the EIR
- MM3.7-4 – relocate lots for flood protection
- MM3.10-3 – modify site plan to include 2 acres of on-site parkland
- MM 3.10-4a – modify site plan to relocate alignment of Ferrini Ranch Road

2. The DEIR must be revised and recirculated to show the actual site plan and lot layout, and the analyses of impacts to aesthetic, biological, cultural, and hydrological analyses must be revised to reflect the actual site plan. Each of the resource area figures (e.g., figures showing riparian zones, biological communities, wetlands, soils, slopes, etc.) must be revised to reflect the actual lot layout, the proposed building site, the landscaped area, and the defensible space (wildfire protection) zone subject to vegetation removal. Since the location of some cultural resources is not disclosed, it is particularly important that the needed revisions to the site plan be made now.
3. Monterey County Code Section 19.05.040L3C(3) requires an applicant to submit a “to-scale site plan showing proposed building foot prints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.” See also section 19.05.040L1A(1) (substantially the same information requirement). Since some lots include multiple acres, the location of the building site and landscaping can have a critical effect on impacts, including aesthetic, biological and cultural impacts. In addition, as discussed below, the protection of a defensible space from wildfire hazards may require or permit extensive clearing of vegetation around structures, which may in turn have impacts on biological resources and erosion. The EIR must be revised to provide the site plan showing building footprints and landscaping.

Aesthetics and Visual Sensitivity

4. Many of the proposed parcels would be within critical viewshed areas. The Toro Area Plan policies require that newly created parcels have building sites outside of the critical viewshed area and require a 100-foot building setback from scenic routes. Mitigation Measures 3.1-1a and 3.1-1b require the applicant to reconfigure affected lots and identify all open space parcels as scenic and conservation easement, respectively, **prior to final map approval**. Because of potential impacts to other visual resources, the project should be revised accordingly, and a revised DEIR should be circulated for public review and comments.
5. The DEIR states, “An impact to visual character is only considered substantial if the impact is visible from a public viewing area.” P. 3.1-47. Yet it finds the visual impacts to views and vistas from Laureles Grade as less than significant because the viewing distances of about 3 miles “are anticipated to be minimal and inconsequential, with low viewer sensitivity”. (P. 3.1-22) This finding is inconsistent with the criteria described in the DEIR, and impacts on views from Laureles Grade should be found to be **significant and unavoidable**.
6. The DEIR finds the cumulative degradation of visual character to be less than significant because general plan policies would limit development in vicinity of the project site and impose strict design guidelines. This finding conflicts with the following findings in the DEIR which find visual impacts significant and unavoidable:
 - A. Impact 3.1-1 Implementation of the project will result in the creation of ... roadway improvements in areas designated as critical viewshed and areas of visual sensitivity.
 - B. Impact 3.1-4 Implementation of the proposed project would result in permanent site alternations that may affect state- and/or county-designated scenic route[s].

The FEIR should address why these significant and unavoidable impacts do not affect the cumulative analysis since existing development includes roadway improvements and views from scenic routes.

7. The Toro Area Plan Policy 40.2.5 unambiguously requires that building sites be outside the critical viewshed. However, the second sentence of Mitigation Measure 3.1-1a appears to permit a building site to be within the critical viewshed as long as the building is not visible from a scenic roadways. DEIR, p. 3.1-21. This is a misreading of the policy. The second sentence must be deleted. The relocation of lots to comply with this policy must be reflected in a revised and recirculated project description.
8. The DEIR concludes that aesthetic impacts will be rendered less than significant in part by citing the requirement to comply with prospectively applied development standards, such as the requirement to flag and stake building sites and to site access roads and buildings to screen development, minimize grading, erosion, and tree removal. DEIR,

pp. 3.1-20 to 3.1-22. However, without knowing the final lot layout and the proposed building site, it is impossible to determine whether aesthetic impacts can actually be mitigated and that there is, in fact, a building site on each lot that can be developed consistent with the development standards. The DEIR must be revised and recirculated to designate final lot layouts and building footprints. The simulations of aesthetic impacts must be based on these lot layouts and footprints.

9. The DEIR concludes that impacts to scenic routes will be less than significant in part based on assumed landscaping and a landscaped berm. DEIR, pp. 3.1-45 to 3.1-46. Neither of these measures is required mitigation. Furthermore, as noted, the County Code requires landscaping to be specified. These measures must be identified as required mitigation or as an enforceable part of the project description.
10. Mitigation Measure 3.1-6 proposes a berm to screen the industrial development on parcel D. However, Toro Area Plan policy 26.1.9.1 unambiguously bans ridgeline development, not just ridgeline development that is not mitigated by a berm. Furthermore, the EIR does not explain why that berm itself is not considered “development” subject to the bar on ridgeline development. Finally, the DEIR does not evaluate the secondary impacts, including impacts to biological resources, from this berm.

Air Quality

11. **Table 3.2-2, Summary of Ambient Air Quality Data** shows data through 2007. Data are available through 2011, and the table should be updated accordingly.
12. P. 3-2-17. The DEIR states, “It is important to note, however, that ozone precursor pollutants (i.e., ROG and NO_x) are accommodated in the emission inventories of State- and federally-required air plans.” This is an incomplete description of the District’s CEQA Guidelines. The air plans accommodate only those emissions from typical construction equipment. The applicant should determine if the construction equipment meet this criterion.
13. The proposed project would be within 600 feet of Toro Elementary School (p. 3.2-2) with construction activity occurring within 850 feet (p. 3.11-18). Exposure to diesel exhaust includes both acute and chronic health effects including increase incidence of cancer and exacerbation of respiratory conditions, including asthma. Chronic health effects can occur in less than the 70 year period cited in the DEIR depending on exposure. The DEIR fails to adequately address health risks. A diesel risk assessment should be undertaken to determine potential health risks to students and staff from exposure to diesel exhaust emissions from construction activities.
14. The proposed project would include a winery which would result in emissions from winery processing and production. The DEIR failed to quantify winery related emissions and assess their impact on regional air quality. The DEIR should be revised to address

this environmental impact.

15. P. 3.2-26. The Cumulative Impact Analysis does not meet existing District recommendations. The Consistency Analysis should be updated to address **Consistency Procedure 4.0** adopted in 2011. The procedure is available on the District's website.

Biological Resources

16. Implementation of the proposed project would result in temporary disturbance and direct impact on two special-status plant species: Congdon's tarplant and Pacific Grove clover. This would be considered a significant impact. Mitigation measures are identified which the DEIR states would reduce impacts to less than significant. These measures include "long term management" and preparation of an Open Space Management Plan lasting 5 years. We assume this is the plan that is to address long term management. A plan lasting only 5 years does not address long term management. Such a plan should, at a minimum, be for 20 years since it may take that period of time to achieve buildout of the proposed project.
17. Implementation of the proposed project would have a **potentially significant** impact on tiger salamanders and their habitat. (Unaccountably, the DEIR states at p. 3.3-31 that "there are no known rare or endangered wildlife species on the project site." This statement should be corrected.) Several mitigation measures are proposed that the DEIR states would reduce impacts to **less than significant**. Measures include possible modification to the site plan and establishment of an on-site or off-site habitat mitigation plan preserved and protected within open space placed in a conservation easement with a mechanism recorded in deed to provide funding for protection and management in perpetuity. These measures are deferred to a later time. Since they could affect total project design and feasibility, consultation with U.S. Fish and Wildlife Service and California Department of Fish and Game should occur prior to completion of the environmental document with identification of specific mitigation measures.

Proposed Mitigation Measure 3.3-2a calls for modification of the site plan "to the extent feasible in light of other engineering and site constraints . . ." The feasibility of mitigation must be determined in an accountable public process at the time of CEQA findings, and deferred mitigation requires meaningful performance specifications. Please explain how feasibility of site plan modification will be determined and by whom. What factors, including economic factors, will be used to determine feasibility? How exactly will the feasibility determination be informed by the projections of development profitability, e.g., what mitigation costs will the Project be required to accept before the site plan modification is deemed "infeasible?"

Proposed Mitigation Measure 3.3-2c calls for rapidly draining detention basins to mitigate CTS impacts. Please explain how this provision is consistent with the assumption that the detention basins will recharge local groundwater. DEIR, p. 3.6-37.

18. Mitigation Measure 3.3-3a for bats protects roosting sites in trees “within open space areas” that would be affected by construction. The measure should be modified to bar removal of any trees with roosting sites, whether in open space areas or in areas planned for development. If roosting sites are located in trees within development areas, then that development should not be permitted.
19. The discussion of impacts to special-status mammals acknowledges that loss of grassland habitat would affect the American badger and loss of riparian habitat would affect the dusky-footed woodrat. DEIR, p. 3.3-45. Proposed Mitigation Measures 3.3-3b addresses only direct take of these species during construction, not the impacts due to permanent loss of habitat. While Mitigation Measure 3.3-4a protects riparian habitat “where feasible,” there is no requirement to avoid, minimize, or compensate for loss of grassland habitat for the American badger. This must be addressed.

Because bat roosting sites outside open space areas are not protected, because American badger grassland habitat is not protected, and because riparian habitat is only protected “where feasible,” it is not correct that Mitigation Measure 3.3-3b “would reduce the impact to nesting habitat for special status bat and mammal species to a less than significant level.” DEIR, p. 3.3-46.

20. Mitigation Measures 3.3-4a requires avoidance and protection of riparian areas “where feasible.” Mitigation Measures 3.3-4b requires avoidance of wetland areas “where feasible.” The feasibility of mitigation must be determined in an accountable public process at the time of CEQA findings, and deferred mitigation requires meaningful performance specifications. Please explain how feasibility of site plan modification will be determined and by whom. What factors, including economic factors, will be used to determine feasibility? How exactly will the feasibility determination be informed by the projections of development profitability, e.g., what mitigation costs will the Project be required to accept before the site plan modification is deemed “infeasible?”
21. Mitigation Measure 3.3-4b requires avoidance of wetland areas “where feasible,” but also provides that “[e]xisting wetland areas shall be restored, maintained, and protected within open space areas and placed under conservation easements in perpetuity.” (emphasis added.) The mandate to protect existing wetland areas (“shall be restored, maintained, and protected) is inconsistent with the qualification to do so only “where feasible.” The feasibility qualification should simply be removed.
22. Mitigation Measure 3.3-4b requires “no net loss” of wetlands. However, it also provides that “[r]esources within the on-site preserve can be assumed to partially fulfill this requirement when the conservation easement for this area is established.” Please clarify the referent of “this requirement.” Please clarify that protection of on-site wetlands would not count as compensation for wetlands that are impacted.
23. The discussion of oak woodland impacts states that the “actual number of trees to be removed cannot be determined until final site plans for all lots are prepared.” As noted above, Monterey County Code Section 19.05.040L3C(3) requires an applicant to submit

a “to-scale site plan showing proposed building foot prints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.” See also section 19.05.040L1A(1) (substantially the same information requirement).

We note that the EIR consultant objected that the estimate of tree removals was not based on an analysis of proposed building envelopes, and, absent this (required) information, asked that the estimate of tree removals be conservatively based on maximum site coverage. Rochelle Amrhein, PMC, Ferrini Ranch Peer Review of Forest Management Plan, Dec. 5, 2006. The EIR consultant also objected that the removal estimate was not based on an actual survey but on extrapolation from sampled sites. Thus, “it cannot be determined if mitigation is adequate or approximate.” *Id.* The EIR consultant asked for a map that would identify the location of tree removals and protection zones.

None of this information was provided in the EIR.

Based on compliance with the VTM submission requirements in effect when the application as deemed complete, which requires submission of building foot prints and landscaping plans, and following the EIR consultant’s recommendation for an actual survey of affected trees rather than an estimate, the applicant should be in a position to determine the actual number of trees to be removed. Please provide this information based on the applicant’s submission for the VTM. If the applicant has not made the required submission, the DEIR should be revised and recirculated when the required data are available.

The Supplemental Forester’s Report confirms that the tree removal estimates are “the maximum foreseeable level considered approvable under applicable County regulations and review” and are a “high estimate.” Stephen Staub, letter to Luis Osorio, March 17, 2010. There is no evidence that the County has an estimate of actual or likely tree removals. The County will not be able to make the required finding for a use permit under Monterey County Code Section 21.64.260D(5) that the tree removals are the “minimum required under the circumstances of the case” unless the actual circumstances are described, i.e., unless an adequate project description is provided that includes the information mandated by both the Subdivision Ordinance and CEQA.

24. Mitigation Measure 3.3-6a for oak woodland impacts calls for modifying plans “as feasible” to preserve trees. As discussed, it should be possible to determine necessary tree removal now, not later, based on required submissions. Furthermore, the feasibility of mitigation must be determined in an accountable public process at the time of CEQA findings, and deferred mitigation requires meaningful performance specifications. Please explain how feasibility of site plan modification will be determined and by whom. What factors, including economic factors, will be used to determine feasibility? How exactly will the feasibility determination be informed by the projections of development profitability, e.g., what mitigation costs will the Project be required to accept before the site plan modification is deemed “infeasible?”

25. Mitigation Measures 3.3-7 for impacts to burrowing owls calls for notifying agencies and following their recommendations for avoidance measures “[f]or active nests that cannot be avoided . . .” It is difficult to understand how an agency can recommend measures to avoid what cannot be avoided. It appears that this confused language is again importing a feasibility qualification into the mitigation. The feasibility of mitigation must be determined in an accountable public process at the time of CEQA findings, and deferred mitigation requires meaningful performance specifications. Please explain how feasibility of site plan modification will be determined and by whom. What factors, including economic factors, will be used to determine feasibility? How exactly will the feasibility determination be informed by the projections of development profitability, e.g., what mitigation costs will the Project be required to accept before the site plan modification is deemed “infeasible?”
26. The discussion of cumulative biological impacts fails to provide a description of the geographical scope of the cumulative biological analysis and/or to justify any limitation to that geographical scope. The analysis also assumes without evidence that mitigation of project-specific impacts would ensure that the project does not make a considerable contribution to cumulatively significant biological impacts, contrary to CEQA’s recognition that even individually minor impacts may be a considerable contribution. The EIR simply fails to present relevant cumulative information.
27. The proposed project would have a **significant** impact on oak woodlands. The project is subject to Senate Bill 1334 (SB 1334) – Oak Woodlands Conservation Act. Under the provisions of SB 1334, projects with significant oak woodland impacts must conform both to the state’s mandated program that established habitat mitigation standards and to local conservation measures adopted by the county (in the case of the proposed project, Monterey County).
The EIR should identify if the County has adopted conservation measures that meet requirements of SB 1334.
28. The project would have a **potentially significant** impact on wildlife corridors. A mitigation measure (MM 3.3-8a) is proposed requiring site redesign. Project redesign should be addressed during the environmental review process to determine potential impacts of project reconfiguration.
29. Implementation of the proposed project would result in the construction of buildings, roads, and other facilities that would in turn result in the loss of riparian and wetland habitat. This would be considered a **significant** impact. DEIR, p. 3.3-46 Mitigation Measure 3.3-4a would require the site plan or final improvement plans be modified to relocate Lots #1 through #15 and associated improvements in order to avoid riparian habitat and to include the riparian habitat within open space easements. Project redesign should be addressed during the environmental review process to determine impacts related to project redesign.
30. In summary, mitigation measures to address the significant impacts on the tiger salamanders and their habitat, wildlife corridors, and riparian and wetland habitat are

deferred to a later time. All three require project redesign which could result in major project changes and potential impacts to other resources. The project should be redesigned as part of the environmental review process and addressed in an updated DEIR and recirculated for public review and comments.

31. The proposed project is in a moderate to high fire risk zone. The clearance of fire prone vegetation is required under numerous regulations, e.g., Monterey County Wildfire Protection Plan, Monterey County Building Codes, etc. Additionally Senate Bill 1241 recently signed by Governor Brown establishes requirements for high fire hazard safety zones. The DEIR should identify applicable requirements and the impacts they would have on biological resources. Please address the specific question set out under Hazards below.

Cultural Resources

32. Implementation of the proposed project could result in the disturbance and direct physical impact to known prehistoric sites CA-MNT-3, CA-MNT-4/267, and CA-MNT-661, including impacts to areas known to contain human remains. This would be a significant impact. The DEIR proposed three mitigation measures (MM 3.4-1a to 1c) which would require modification of the proposed project to avoid identified sites. Similar to our comments on mitigation measures requiring project redesign to avoid impacts on biological resources, the project should be redesigned as part of the environmental review process and addressed in an updated DEIR and recirculated for public review and comments. The Native American communities consulted in preparation of the DEIR should be consulted regarding project redesign and alternatives.
33. The section states, “Senate Bill 18 (Gov. Code, Sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The provisions of SB 18 do not apply to the current project.” This statement is incorrect since part of the project (Parcel D) would require a general plan amendment. DEIR p. 2-2

Geology

34. Most of the mitigation measures to address geological impacts require action by the applicant prior to construction. The proposed project is a subdivision where the applicant may participate in construction on individual lots. The mitigation measures should be revised to assure that the proposed mitigation measures apply to future contractors.

Hazards

35. The DEIR finds, “According to the *Toro Area Plan*, the project site is located in a moderate to high fire risk zone as shown in **Figure 3.8-1**. The fire hazard map reflects the California Department of Forestry and Fire Protection’s wildland fire hazard risk based

on slope, climate, fuel loading/vegetation, and water availability. The undeveloped habitat surrounding the project site increases the risk for wildland fires in the vicinity of the project site. The proposed project would place urban uses in a somewhat unpopulated area, creating the potential for increased fire hazard and additional demand on existing service providers.” DEIR p. 3.8-16. The DEIR finds less than a significant impact if County ordinances are followed.

We are concerned that regulatory requirements for defensible space and fuel modification to mitigate fire hazard will have unanticipated effects on biological resources. Mandated clearing, trimming, thinning activity, or such activity that is permitted without additional environmental review, including cumulative review, has the potential to cause impacts to biological resources that this DEIR has not evaluated.

For example, the Monterey County Board of Supervisors adopted the Monterey County Community Wildfire Protection Plan (MCCWPP) on December 17, 2010. The MCCWPP states at page 43, Section 4.1.2, “In general, a WUI [wildland urban interface] is that area where hazardous fuel reduction work should be performed to protect communities, infrastructure and watersheds from wildfire.” It continues, “Many communities will extend the WUI to the surrounding watershed ridge breaks (i.e., fireheds) which are usually consistent with historical or anticipated fire suppression control points (e.g., firebreaks and/or fuelbreaks).” The MCCWPP describes all vegetation as fuel and advocates “fire fuel treatment” in a variety of zones within communities in the wildland/urban interface. These zones are: Hazardous Fuel Reduction Zones, Defensible Space, Survivable Space, Mitigation Zones and Threat Zones. According to the MCCWPP at Section 4.3.4, “Threat Zones extend out from Defensible/Survivable Space to major landscape/watershed features such as roads, rivers, or ridges.” Table 13, “Prioritization of Need for Fuel Reduction Work, by Community,” page 50 of the MCCWPP, identifies Highway 68 in the vicinity of the project as a priority. The area is described as “high risk” in all categories – fuel hazard, risk of wildfire occurrence, structural ignitability and overall priority.

Despite the project site being designated in the MCCWPP as a priority area for fuel reduction work, the DEIR does not map or discuss these fuel reduction zones as they apply to the project.

The Staub Forest Management Plan, February 5, 2007 states that “all areas proposed for road, driveway and home construction were reviewed in the field at a reconnaissance level in order to estimate tree removal associated with the project.” However, as previously pointed out, the applicant failed to submit a “to-scale site plan showing proposed building foot prints and landscaping, streets and roads, water supply, sewage disposal, and stormwater runoff facilities.” [Monterey County Code Section 19.05.040L3C(3)] Without these elements of a site plan, driveway construction and home construction could not have been used to estimate tree removal.

Furthermore, permanent impacts to trees extend far beyond the grading for roads. According to the MCCWPP at page 57, roadside protection includes “a corridor that

extends up to 100 feet out from either side of the road.” The plan calls for spacing between trees to be at least 20 feet between crowns. In addition, the “residual trees” are to be limbed up so that there is at least 20 feet between the tree’s base and its crown. Any tree tall enough to block the road if it falls “should be removed” or topped to avoid this hazard. Finally, the MCCWPP states that “fuel treatments along roads may need to extend beyond 100 feet given conditions such as terrain, vegetation type and potential weather conditions.”

But the MCCWPP calls for protection of infrastructure in general, not just roads. Water supply systems, sewer systems, power and communication transmission lines and storm water facilities all require protection. However, none of these were mapped or considered in the Forest Management Plan or other surveys and analysis of biological resources.

The MCCWPP incorporates the California Department of Forestry and Fire Protection’s General Guidelines for Creating Defensible Space at Appendix E. According to those guidelines, defensible space of between 30 and 100 feet must be maintained around all buildings and structures. Because building envelopes were not mapped, including allowances for additional permitted structures, it is impossible to determine the boundaries of defensible space and the impacts of fuel modification requirements for the project.

The “guidelines apply to any person who owns, leases, controls, operates or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material.” According to the guidelines, “vegetation surrounding a building or structure is fuel for a fire.” Although clearing responsibility is limited to 100 feet away from buildings and other structures, “groups of property owners are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces.” This encouragement to expand clearances beyond the 100-foot requirement was not considered or analyzed in the DEIR. Before one can conclude that impacts of the project on biological resources will be less than significant, the boundaries of this community-wide defensible space need to be determined and analyzed.

The guidelines also state that “Properties with greater fire hazards will require more clearing. Clearing requirements will be greater for those lands with steeper terrain, larger and denser fuels, fuels that are highly volatile, and in locations subject to frequent fires.”

The following table, page 6 of the guidelines, provides plant spacing guidelines on various slopes to prevent fire from moving from one plant or group of plants to another. In addition to these guidelines for trees and shrubs, the guidelines recommend that “grass generally should not exceed 4 inches in height.”

| Plant Spacing Guidelines | |
|---|---|
| Guidelines are designed to break the continuity of fuels and be used as a “rule of thumb” for achieving compliance with Regulation 14 CCR 1299. | |
| Trees | Minimum horizontal space from edge of one tree canopy to the edge of the next |
| | Slope |
| | 0% to 20 % |
| | 20% to 40% |
| Shrubs | Minimum horizontal space between edges of shrub |
| | Slope |
| | 0% to 20 % |
| | 20% to 40% |
| Vertical Space | Minimum vertical space between top of shrub and bottom of lower tree branches: |
| | 3 times the height of the shrub |

Adapted from: Gilmer, M. 1994. California Wildfire Landscaping Landscaping

Depending upon slope, trees must be removed or pruned to allow 10 to 30 feet of space between canopies. If applied to dense oak woodland, these guidelines would transform oak woodland into oak savannah, fundamentally changing the plant community and its dependent flora and fauna. The application of these guidelines was not considered or analyzed in the DEIR.

Depending upon slope, a group of shrubs 4 feet high, manzanita for example, would need to be removed or pruned to allow 8 to 24 feet between shrubs. Again, if applied to continuous coastal scrub or chaparral, these guidelines would fundamentally change the plant community and its dependent flora and fauna. The application of these guidelines was not considered or analyzed in the DEIR.

The understory of oak woodland would also require modification to ensure vertical space between the top of shrubs and the bottom branches of the trees. A shrub standing 4 feet tall would require that trees be limbed up 12 feet. For animals dependent, like the Monterey dusky-footed woodrat, on “forest habitats of moderate canopy and moderate to dense understory,” [Appendix C, Biological Resources, page 96, Biological Assessment, Ferrini Ranch Property, WRA Environmental Consultants, 2007] this fuel modification guideline could have significant impacts. The Monterey dusky-footed woodrat is a CDFG Species of Special Concern that feeds mainly on woody plants: live oak, maple, coffeeberry, alder and elderberry. All of the woody plants upon which it depends, except alder, are listed in the table found on pages 116-122 of Appendix C “Native and Naturalized Vascular Plant Species Observed at the Ferrini Ranch 2005 - 2007.” The likelihood of its occurrence is high, as suitable habitat is found in the project area. However, there is no analysis of potential impacts to the Monterey dusky-footed woodrat of potential fuel modification work.

Alternatively, if continuous tree canopy is to be preserved while creating defensible space, guidelines direct property owners to “remove all surface fuels greater than 4 inches

in height.” In addition, guidelines call for trees to be limbed up between 6 feet and 15 feet, depending upon slope. Small trees can be retained if the lower 1/3 of their branches are removed and if they are spaced to avoid spread of fire to other vegetation or to a building or structure. [Page 8, General Guidelines for Creating Defensible Space]

When implemented, the fuel modification guidelines have potential to significantly impact nesting, migratory and foraging/hunting habitats of most special-status species listed as likely to occur on the project site. For example, the Salinas ornate shrew requires brushy areas of valleys, foothills and forests; the Cooper’s Hawk inhabits dense tree stands and patchy woodlands; the Western Burrowing Owl needs open grasslands and shrublands with perches and burrows; the Loggerhead Shrike nests above ground in densely-foliaged shrubs and trees and the California tiger salamander depends on annual grass habitat and mammal burrows. Impacts of fuel modification to habitats upon which all special-status species in the area depend have not been analyzed in the DEIR.

The Monterey County Voluntary Oak Woodland Stewardship Guidelines, adopted by the Board of Supervisors September 22, 2009 with Technical information obtained from Dr. Mark Stromberg, Director, Hastings Natural History Reserve (University of California), discusses the benefits of and the threats to oak woodlands.

At page 9, Section 2.3.2, Habitat Fragmentation and Isolation, the Guidelines state, “As human development continues in Monterey County, intact oak woodlands and habitat will become more fragmented and degraded. Smaller oak woodlands that are isolated from other habitats are less able to support certain plants and animal species, which can become extirpated (i.e. locally extinct). For example, many birds and mammals need oak woodland and will not venture out to open areas, or even cross open areas. Thus some oak woodlands become critical corridors for dispersal of young and movement of wide-ranging adults. As an ecosystem is simplified (i.e. has fewer species), it becomes weakened and less resilient.” The DEIR fails to analyze impacts to critical corridors by implementing fuel modification guidelines which open up areas in oak woodlands.

The Guidelines continue, “The system further erodes as individual trees become isolated. Oak trees can only cross-pollinate if they are within approximately 1,000 yards of another oak. Declines in acorn production amongst isolated oaks not only reduce oak establishment, thus potentially reducing the oak population, but also decrease food availability for the numerous animal species that forage on acorns.” Because the DEIR doesn’t map building envelopes including associated structures or any infrastructure except roads; and because the DEIR doesn’t consider or analyze impacts of wildfire suppression guidelines, it is impossible to determine the project’s potential for isolating individual oaks.

By the County’s adopted standards, simply counting the number of oaks removed by construction activities does not adequately account for impacts to oak woodlands and other biological resources.

The DEIR must be revised to clarify the extent and nature of fuel modification and defensible space activity, to identify affected biological resources, and to propose mitigation and/or alternatives for any significant impacts that this activity would cause.

Fuel modification activities, including activities that are required or permitted without additional environmental review, also have the potential to substantially alter the viewshed and to create aesthetic impacts that have not been evaluated. The DEIR assumes that existing vegetation will screen views and avoid impacts. However, that screening may be compromised by fuel modification activities. Furthermore, views of hillsides with denuded or partially denuded fire breaks around prominent new development will differ substantially from the modeled views provided in the DEIR. The aesthetic analyses of both the applicant's project and the alternatives must be revised and recirculated to evaluate likely changes to the landscape from fuel modification.

We are also concerned that the DEIR has not provided a coherent description of the project because it has not explained the extent of mandated or permitted fuel modification and defensible space activity. The DEIR must provide a complete description of the project in this regard.

Because the DEIR has not actually identified the measures that will be taken to protect the project from wildfire, it is unclear whether and how the project will create fire hazards by locating more development in hazardous areas. The DEIR must meaningfully assess the actual fire hazard created by the project.

The DEIR finds fire hazard impacts less than significant based on anticipated compliance with Monterey County Code Chapter 18-56, including compliance with "extraordinary fuel modification measures." "Extraordinary fuel modification measures" are referenced, but not defined, at section 18.56.50, as "Categorical Alternative Standards or Measures." It is not clear how or whether extraordinary fuel modification measures would actually apply, or what those standards are. Please clarify this. Please identify the project areas that will be subject to "extraordinary fuel modification" standards.

Section 18-56.90, captioned "Fuel Modification Standards," does not clearly identify fuel modification standards – either "extraordinary" or otherwise. Section 18-56.90(5) states only: "Fuel Modification Standards – Alternative Standards." Section 18.56.05A appears to define "Alternative Standards" as standards developed through an exception procedure and that have "the same practical effect" as the "State minimum standards." Thus, it appears that the County Code simply does not identify any fuel modification standards, either "extraordinary" or otherwise. Please clarify this and identify both the "regular" and "extraordinary" fuel modifications standards that will be applicable to the project. If the applicable standards are the "State minimum standards," –please explain what those standards are and identify the regulations that set them forth.

Please explain how the 30 and 100 foot defensible space requirements under Public Resources Code section 4291 would be implemented for the project. Please explain

whether the County mandates or permits defensible space creation or fuel modification activities in excess of the section 4291 requirements.

Please explain whether and how the project would comply with or implement the Monterey County Community Wildfire Protection Plan (“MCCWPP”). Please identify specific provisions of the MCCWPP the project would implement, or with which it would comply, including large and small scale fuel modification activities.

Please identify for each residential lot or group of lots the anticipated fuel modification zone that would be required in order to comply with state and local regulations, and identify and explain those regulations. (A group of lots is a set of contiguous lots, e.g., 40-47, 48 to 51, 36-38, etc.) For example, what “defensible space” or fuel modification would be required for each lot or group of lots? What defensible space or fuel modification would be permitted for each lot without additional environmental review? What activities (e.g., clearing, trimming, thinning) would be required or permitted without environmental review? How has this activity been reflected in the assessment of impacts to biological resources in the DEIR?

Please identify the specific state and local regulations that would require or permit fuel modification of defensible space. Please explain what additional CEQA review would be required for future fuel modification activity, identifying any applicable CEQA exemptions for such activity. Please explain when and how an environmental review of the cumulative effect of required or permitted fuel modification activity for the project will be undertaken.

According to the current CalFire FHSZ map for Monterey County (available at http://frap.cdf.ca.gov/webdata/maps/monterey/fhszs_map.27.pdf), the project site is in a high to very high fire hazard area, not a moderate to high risk zone as the DEIR states (based on a 1983 map). Please explain how the updated designation would affect hazard protection requirements, including fuel modification requirements. Please provide an overlay of the project and the proposed lots on the current CalFire FHSZ map.

Please explain the project’s implementation of Toro Area Plan Policy 17.4.12, which requires a “zone which can inhibit the spread of wildland fire.” Where will a zone or zones be located? The policy requires irrigated greenbelts, streets, fuel modification zones or other “suitable methods?” Which methods will actually be used? If irrigated greenbelts are to be used, has the water for this been included in the DEIR water use calculations? How will the fire prevention zone affect dedications of open space land to the County, if at all?

36. The DEIR should identify the impacts that climate change will have on fire-prone areas. Climate change is expected to reduce rainfall and increase the incidence of pestilence in California, increasing fire risks within wildlife/urban interface areas. Fires within these areas add significantly to the costs of fire-fighting, adding to public expenditures that we all must share. Additionally, building in these areas place future residents at risk.

Population

37. Policy 27.1.3. of the 2010 Monterey County General Plan states, “Residential development should be concentrated in growth areas.” The DEIR finds the project consistent with this requirement since the project is adjacent to existing development. Specific growth areas identified in the 2010 Plan should be identified, and the project should be found to be inconsistent with this Policy.
38. Policy 27.2.1. of the 2010 Monterey County General Plan states, “Residential areas shall be located with convenient access to employment, shopping, recreation, and transportation. High density residential areas should also be located with convenient access to public transit.” The DEIR finds the project consistent with this requirement since it is located 3 miles from shopping and is located near public transit at the corner of San Benancio Road and State Route 68. The DEIR does not address access to employment. Access to shopping is 3 miles away which should not be considered convenient access. Further, a bus stop at San Benancio Road will serve a limited number of residents, many of which would not be connected to San Benancio Road. The DEIR should identify the number of residents within 1/4 miles of the bus stop, which under most standards is the distance people are willing to walk to take public transit.

Public Services and Facilities

39. The proposed project is in a high to very high fire hazard area which is not considered in the analysis of fire protection services. The DEIR should address the project’s impact on fire protection services based on this designation.
40. The proposed project would increase the student population within the Spreckels Union School District by approximately 38 students and approximately 51 students to Salinas High School. Spreckels Union School District has the capacity to serve approximately 696 students and is currently serving 888 students, requiring that 192 students be accommodated by interim portable facilities. In the Salinas Union High School District, during the 2007–2008 school year, the district was beyond capacity by approximately 929 students. DEIR p. 3.10-3

A mitigation measure would require the payment of developer fees. Under California law, payment of these fees “is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization.” The DEIR should evaluate whether or not the payment of developer fees and increased property tax revenue would offset the cost of educating the additional students.

41. The proposed project would increase demand for recreation services. A mitigation measure would require modification of the site plan to include a minimum of 2 acres of on-site parkland located throughout the subdivision (within ¼ mile of residential units) to promote use by residents of the subdivision. Given the numerous mitigation measures

requiring redesign of the site plan, the proposed project should be redesigned and re-evaluated for impacts as part of a revised DEIR.

42. The DEIR finds, “Given that the proposed project includes the construction of 212 residential units and does not exceed the maximum capacity of 311 single-family residences, wastewater generated by the proposed project itself would not exceed the capacity of the existing wastewater treatment facility if it were approved and connected today.” The DEIR also finds, that the “Corral de Tierra Oaks Subdivision, consisting of approximately 300 existing single-family residences (Phases 1–4) currently on septic systems, has discussed with California Utilities Service the potential of connecting these residential units to the wastewater treatment plant. However, these connections had not been secured at the time this document was prepared (Adcock 2008). Any such connections would occur individually over time ...”

The DEIR concludes the project would have less than a significant impact on wastewater services both at a project level and cumulatively. The cumulative finding is based on the fact that the wastewater treatment facility would not be allowed to exceed capacity because of State regulations. Since unused capacity could be almost completely used by the 300 existing units in the Corral de Tierra Oaks Subdivision, it would be possible that the Ferrini project would be left without any wastewater treatment services. Because the project could potentially exceed wastewater treatment capacity based on foreseeable projects, the cumulative impact would be **significant and unavoidable**.

Transportation

43. Based on the 1982 General Plan, the DEIR adopts LOS C as the threshold of significance for impacts to County roadways, even though the current General Plan’s standard for County roadways is LOS D. DEIR, p. 3.12-5. The DEIR concludes that all impacts under Cumulative conditions would be mitigated by various impact fee programs, including TAMC’s RDIF and unspecified “Monterey County ad hoc mitigation fees.” DEIR, p. 3.12.54 to 55. The DEIR presents no evidence that these impact fee programs are or would be designed to attain LOS C on County roadways. Given the policies and priorities in the current General Plan, it is unreasonable to assume that “Monterey County ad hoc mitigation fees” are or would be designed to attain LOS C. Accordingly, any reliance on ad hoc fees as adequate mitigation for cumulative impacts to County roads is improper. For this reason alone, cumulative impact to County roadways should be deemed unavoidably significant.
44. The DEIR admits that Caltrans and TAMC are not designing improvements and impact fee programs to attain the LOS thresholds that the DEIR uses to determine the significance of project impacts (e.g., the LOS C/D transition for Caltrans facilities and LOS C for County roadways):

“The thresholds of significance listed above are recognized by Monterey County and are consistent with the County’s analysis methods. It should be noted, however, that Caltrans uses a Corridor Management System Approach to develop

the best solutions(s) to address congestion issues on State Route 68 and regional network facilities in general. Caltrans, TAMC, and Monterey County are currently exploring more meaningful methods by which to analyze regional corridors such as State Route 68 and to evaluate them in the context of corridor-wide effects rather than a series of impacts to individual roadway segments and intersections. Using this methodology, TAMC established a Regional Development Impact Fee (RDIF) for its 2005 Regional Transportation Plan (and 2010 update).” DEIR, p. 3.12-28.

“Although the County provides specific thresholds of significance, Caltrans uses a Corridor Management System Approach to develop the best solutions(s) that address congestion issues on regional network facilities. Caltrans, TAMC, and Monterey County are currently exploring more meaningful methods by which to analyze regional corridors such as State Route 68. Monterey County recognizes that State Route 68 from Salinas to Monterey operates as a roadway corridor that is part of the larger regional transportation system. In addition, Monterey County recognizes that State Route 68 will not be widened to four lanes in its entirety for various reasons; therefore, is not likely to fully operate at acceptable levels of service at all locations into the future. For this reason, this analysis includes a study of travel time and delay and provides recommendations to reduce travel delay along the corridor. Although conventional thresholds of significance are recognized and used in this report, the County considers the delay study to be an important discussion with respect to understanding corridor operations and the relative net effect of the proposed project on those operations.” DEIR, p. 3.12-30.

In light of admission, it is unreasonable to assume that planned improvements and impact fee programs will in fact result in adequate mitigation of all cumulative impacts. For this reason alone, cumulative impact to facilities under the jurisdiction of Caltrans and TAMC should be deemed unavoidably significant

45. The proposed project would generate an estimated 2,392 daily trips. The DEIR finds approved projects plus the Ferrini Ranch project would contribute to unacceptable levels of service at 11 intersections and 7 roadway segments under "Background Plus Project Conditions." However, the DEIR fails to provide an analysis of the project's impacts to Existing Conditions.

Background Conditions include approximately 50 development projects that have been approved by various jurisdictions. DEIR, p. 3.12-17. These approved projects would generate an estimated total of 173,157 daily trips. However, many of the identified projects have yet to be constructed, e.g., Marina Station, Cypress Knolls, East Garrison and significant portions of the Dunes of Monterey Bay. Including traffic from approved but unconstructed projects over-estimates service degradation compared to Existing Conditions.

Comparing the project only to these hypothetical Background Conditions may result in an underestimation of the proposed project's impact on traffic. For example, the project by itself may result in degrading Existing conditions from LOS from D to E or E to F, a significant impact, but this is not disclosed by the analysis - because the Background Conditions analysis may show that the service level is already degraded by the assumption that all approved projects will be constructed.

Furthermore, it appears that some of the "Background" projects have already been constructed. Traffic from already constructed projects should be included in Existing Conditions, and the Existing Conditions analysis should be updated to reflect actual traffic.

Finally, the Background Plus Project analysis assumes construction of various roadway improvements which are not yet constructed and which may not be constructed (see comments below), including the SR68 Advisory Committee's recommended improvements and improvements apparently required as mitigation for other development projects. DEIR, p. 3.12-17.

Thus, the EIR must provide a separate analysis of traffic impacts under Project Plus Existing Conditions because "Background Conditions" scenario is uncertain with respect to 1) likely levels of traffic-generating development, and 2) actual roadway improvements. Please provide an analysis of the project's impacts on Existing Conditions that reflects development and roadways as they actually exist.

46. The DEIR identifies a number of improvements that could improve traffic conditions. The Background Plus Project traffic analysis is based on the assumption that the projects described below will be completed.

“For analysis purposes, it is assumed that the State Route 68 Improvement Advisory Committee's recommended improvements discussed above have been fully funded and in place under background traffic conditions. In addition, it is assumed that the following improvement projects are to be in place under Background Conditions as a result of ongoing capital improvements and as mitigation for background project development:

1. York Road/State Route 68 Intersection
 - The addition of a fourth (south) York Road leg (to be implemented by the Monterra Ranch development)
 - A second York Road southbound left-turn lane and eastbound acceleration lane (to be implemented by the Laguna Villas Condominium development)
2. Laureles Grade Road/State Route 68 Intersection
 - A second State Route 68 westbound left-turn lane (State Route 68 Advisory Committee improvement)
 - Extension of the eastbound right-turn lane (State Route 68

- Advisory Committee improvement)
3. Corral de Tierra Road/State Route 68 Intersection
 - The addition of a fourth (north) Corral de Tierra Road leg (to be implemented by the Cypress Church access modification)
 - A second State Route 68 westbound left-turn lane (State Route 68 Advisory Committee improvement)
 4. San Benancio Road/State Route 68 Intersection
 - A second State Route 68 westbound left-turn lane (State Route 68 Advisory Committee improvement) DEIR, p. 3.12-17.

The actual status of these improvements is unclear for several reasons.

First, two of the four specific improvements (# 2 and 4) are identified as “State Route 68 Advisory Committee improvements” that are “in addition” to the purportedly “fully funded” “State Route 68 Improvement Advisory Committee’s recommended improvements discussed above.” It is unclear whether these additional two enumerated improvements are also “fully funded.” What is the planning and funding status of these two enumerated improvements? Are these two projects included in the projects to be paid for by the TAMC RDIF or any other development impact fee program? When are they scheduled for completion?

Second, the DEIR’s discussion of the “State Route 68 Improvement Advisory Committee’s recommended improvements discussed above” apparently refers to the previous page which identifies the “State Route 68 Commuter Improvements” as “widening a 2.3-mile section of State Route 68 to four lanes between the existing four-lane section adjacent to Toro County Park and Corral de Tierra Road.” DEIR, p. 3.12-16. However, the DEIR does not state that this SR68 widening project has actually been approved and funded, only that “TAMC anticipates programming the fee revenue as part of its periodic Regional Transportation Plan update process, which is completed every three to five years.” DEIR, p. 3.12-16, emphasis added. Please explain the planning and funding status of “widening a 2.3-mile section of State Route 68 to four lanes between the existing four-lane section adjacent to Toro County Park and Corral de Tierra Road” and/or the “State Route 68 Commuter Improvements” if that does not refer to the same widening project. Is this project included in the projects to be paid for by the TAMC RDIF or any other approved development impact fee program? When is it scheduled for completion?

Third, we note that two of the four enumerated improvements assumed under Background conditions (DEIR page 3.12-17) are apparently included because they are identified as mitigation for the Monterra Ranch and Cypress Church projects. If these projects are not completed, these improvements may not be constructed. What is the planning and funding status of these two projects? Are these two projects included in the projects to be paid for by the TAMC RDIF or any other approved development impact fee program? When are they scheduled for completion?

The DEIR also assumes the completion of the Marina-Salinas Corridor project. DEIR, pp. 3.12-16 (description) and 3.12-23, 38 (assumption of completion). What is the planning and funding status of this project? Is this project included in the projects to be paid for by the TAMC RDIF or any other approved development impact fee program? When is it scheduled for completion?

47. The analysis of impacts under Background Plus Project conditions contains apparent errors in identifying facilities.

Table 3.12-11 (significantly impacted segments) omits Segment 10, even though Table 3.12-10 shows it operating at LOS F. Since the Project will add at least one trip to it, it should be identified as experiencing a significant impact under the adopted thresholds of significance.

The discussion of Mitigation Measure 3.12-1a references intersection 12, which is not significantly impacted, but omits Intersection 11, which is. DEIR, p. 3.12-37.

48. Mitigation measures 3.13-1a recommends project applicant(s) contribute their proportionate fair share towards the “State Route 68 Commuter Improvements.” As noted above, the DEIR does not state that the State Route 68 Commuter Improvements are actually included in the RDIF, only that TAMC “anticipates” their inclusion. DEIR, p. 3.12-16. The EIR should identify the status of the proposed improvements, funding sources and construction schedule to determine the effectiveness of the mitigation measure.

49. Mitigation Measure 3.12-1c recommends project applicant(s) contribute their proportionate fair share towards the Marina-Salinas Corridor project. The EIR should identify the status of the proposed improvements, funding sources and construction schedule to determine the effectiveness of the mitigation measure.

50. Even with the potential underestimate of project impacts, the DEIR still finds the project would have a **significant and unavoidable** impact on intersections and roadways, including 5 intersections and 5 segments. DEIR, p. 3.12-40. The 1982 General Plan Policy 37.2.1 provides:

“Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless appropriate increases in capacities are provided for.” (emphasis added.)

In light of the admitted unavoidably significant impacts under Background Plus Project conditions, and in light of the apparent **significant and unavoidable** impacts under Cumulative conditions discussed below, the project is inconsistent with this Policy. The DEIR must identify this inconsistency.

51. Cumulative Impact: Table 3.12-12 identifies projects included in the cumulative impact analysis. The following projects are also identified in Table 3.12-5 which identifies

approved projects used to prepare the Background Conditions report: Dunes at Monterey Bay, Ord Military Housing, South of Tiago apartments, commercial and office (identified as Design Center in Table 3.12-2) and East Garrison. Projects on these tables should be reconciled.

52. CEQA requires both an assessment of project-specific or project-level impacts and an assessment of cumulative impacts. CEQA requires that a cumulative impact analysis consist of two steps. Step one is identification of significant impacts caused by a project in combination with past, present, and foreseeable future projects. Step two is determination whether that project will make a considerable contribution to any significant cumulative impacts that were identified in step one. Thus, an agency must separately determine
- whether project-specific or project-level impacts are significant (here, the DEIR considers project-level impacts only in the section captioned Impact 3.12-1 – for Background Plus Project conditions);
 - whether cumulative impacts are significant (step one of the cumulative analysis);
 - whether the project makes a considerable contribution to any significant cumulative impacts (step two of the cumulative analysis).

Individually minor impacts that are not themselves significant at the project-level of analysis may nonetheless be a considerable contribution to a cumulatively significant impact. Thus, the threshold used to determine whether a project makes a considerable contribution to a significant cumulative impact should be a smaller increment of harm than the threshold used to determine whether project-level impacts are significant.

The DEIR identifies thresholds of significance and applies them to its analysis of project-level impacts. DEIR, p. 3.12-27 to 28. However, the DEIR does not identify the threshold of significance for either step one or step two of its cumulative analysis.

The DEIR appears to assume facilities operating below acceptable levels (LOS C for County roads and the transition from LOS C to D for Caltrans facilities) experience significant cumulative impacts. Please confirm this or explain what criteria were used to identify intersections and segments with significant cumulative impacts.

The DEIR appears to assume that the addition of one trip to a facility operating at LOS F constitutes a considerable contribution to a significant cumulative impact. DEIR, p. 3.12-52 and 53 (project trips “would result in a significant impact primarily because they would add at least one trip to [roadways segments or intersections] operating at LOS F.”) The DEIR does not explain what would constitute a considerable contribution to the significant cumulative impact at intersections operating above LOS F but below acceptable LOS level. Please identify the thresholds used to determine whether the project makes a considerable contribution to a facility operating at each LOS below an acceptable LOS (i.e., how much project traffic would be a considerable contribution to a facility operating at either LOS D, E, or F).

Finally, the DEIR simply does not provide the required details of a cumulative analysis. The DEIR does not identify each facility that will suffer a cumulatively significant impact and each of those facilities to which the project will make a considerable contribution. Tables 3.12-13 and 3.12-14 do not provide this information in an explicit or discernible form, particularly since the DEIR does not identify the criteria used to identify significant cumulative impacts (step one) or to determine whether the project makes a considerable contribution to such a significant cumulative impact (step two). Please provide this information, noting that the step one and the step two determinations should be distinct.

Without identification of the specific facilities with cumulative impacts toward which the project makes a considerable contribution, the public is unable to determine whether proposed mitigation would be effective. The DEIR must be revised and recirculated to identify the method for analyzing cumulative impacts, to apply that method to each intersection and segment, and to identify necessary mitigation. As discussed below, effective mitigation must be included in an adopted, funded program or made a condition of project approval.

53. Even though the DEIR finds that impacts at the project level would be **significant and unavoidable**, it finds all cumulative impacts to be less than significant. This finding is inconsistent with the finding that the project by itself causes significant and unavoidable impacts under Background Plus Project conditions. As noted, individually minor impacts may be considerable contributions to a significant cumulative impact even if not significant at the project-level of analysis. However, it is not conceivable that an impact that is significant at the project-level would not be a considerable contribution to a cumulatively significant impact.

Further, the DEIR's cumulative analysis conclusion is based on the assumed implementation of roadway improvement projects that are not identified in any adopted impact fee programs, i.e., intersection improvements at State Route 218/Route 68; Ragsdale Drive/State Route 68; Portola Drive/State Route 68; State Route 68 EB Ramps/River Road; State Route 68 WB Ramps/ Reservation Road; State Route 68 WB Ramps/Spreckels Blvd; State Route 68 EB Off-ramp/Spreckels Blvd., and State Route EB On-ramp/Spreckels Blvd. DEIR, p. 3.12-54. Because these mitigation measures "are not included in any fee program" (DEIR, p. 3.12-54), the project's cumulative impact should be found to have a **significant and unavoidable** impact on transportation facilities.

Furthermore, as discussed above, the DEIR does not clarify the planning and funding status of various roadway improvement projects assumed to be in place to mitigate the project's impacts under Background Plus Project conditions (e.g., the State Route 68 Improvement Advisory Committee's recommended improvements, the 4 additional improvements listed at DEIR, p. 3.12-17, the "State Route 68 Commuter Improvements," and the Marina-Salinas Corridor project). If any of these improvement projects is not included in an adopted, funded impact fee program, then the DEIR cannot reasonably assume that payment of impact fees will address cumulative impacts.

The DEIR must be revised and recirculated to discuss and propose specific mitigation for each cumulatively significant impact toward which the project makes a considerable contribution. If necessary mitigation is not included in an adopted, funded program for facility improvements, then the DEIR must identify the impact as **significant and unavoidable**.

54. Implementation of the proposed project would require alterations to existing Toro Park facilities for construction of Ferrini Ranch Road, the primary access point to the project site. The location of the proposed roadway and access point would conflict with Caltrans design standards and a portion of the championship cross-country track/trail. These conflicts would require alteration to some existing park facilities, including relocating the entrance gate and kiosk, providing additional entrance lanes, security measures, and the realignment of the cross-country course. DEIR p. 3.10-13. The proposed alignment of the roadway would add vehicle trips to the existing interchange ramps and park entrance, which has existing constraints, especially during holidays and special events. DEIR p. 3.10-14. Mitigation measures are identified which the DEIR finds would reduce impacts to less than significant.

Because the project would take parkland which was partially funded by federal grants, an Environmental Impact Statement would be required. Under the National Environmental Policy Act, alternatives to the proposed road would be required to be analyzed on an equal footing. While Alternative 4 addresses access that would eliminate access through Toro Park, the analysis should stand alone and provide a comprehensive comparison to the proposed project access.

Greenhouse Gases and Climate Change

55. Estimates of reduction in CO₂ sequestration due to tree removal are based on removal of 921 trees. The number of trees to be removed may be increased after the comments regarding vegetation removal for fire safety has been addressed. The estimate of 171.82 of reduction in CO₂ sequestration may require revision.
56. Long-term Greenhouse Gas Emissions are estimated at 5,410.2 CO₂ Equivalent (MT/Year). The DEIR identifies mitigation measures that would reduce GHG by 151.7 CO₂ Equivalent (MT/Year) and concludes that this would reduce the project's impact to less than the 5,410.2 CO₂ Equivalent (MT/Year) estimates for long-term emissions. The analysis fails to account for the reduction in CO₂ sequestration of 171.82 MT/Y. The mitigation measures do not even account for the loss of sequestration from tree removal during the first 25 years of the project. The project should be found to have a **significant and unavoidable** cumulative impact on climate change.

Water Supply

57. **FAILURE TO DISCLOSE LITIGATION CHALLENGING RELIANCE ON SVWP**
The DEIR contends that the project will have an adequate water supply because it will be

supplied from sources within the Monterey County Water Resources Agency (MCWRA) Assessment Zone 2C for the Salinas Valley Water Project (“SVWP”). 3.6-39 to 40. However, the DEIR does not disclose existing litigation challenging reliance on the SVWP as a basis to conclude that there is an adequate water supply for new water uses in the Salinas Valley Groundwater Basin (“SVGB”). Suits filed by LandWatch Monterey County and by The Open Monterey Project challenge the EIR for the 2010 Monterey County General Plan, also known as the GPU5 EIR. (Monterey County Superior Court Case No. M109434 and M109441, both filed November 24, 2010). LandWatch’s petition for a writ of mandate to set aside the 2010 General Plan EIR challenged the uncritical reliance on the SVWP and the SVWP EIR despite unanticipated changes to existing and projected land use and water demand.

LandWatch’s petition alleges:

- The 2010 General Plan EIR failed to adequately disclose baseline conditions in the SVGB.
- It did not reflect the increase in irrigated agriculture that occurred between 1995, the SVWP EIR’s baseline year, and the 2010 General Plan’s baseline year, during which time thousands of acres of irrigated farmland were added in the SVGB. By contrast, the SVWP EIR projected that water would be sufficient only because it projected that irrigated farmland would decrease from 1995 to 2030.
- It did not provide complete or accurate baseline pumping data for the SVGB, because it omitted many wells, including non-reporting wells within Zones 2, 2A, and 2B and all wells within Zone 2C but outside Zones 2, 2A, and 2B. Thus there is no coherent analysis to determine whether water use is declining, as projected by the SVWP EIR, or increasing, as common sense would suggest in light of the substantial unanticipated increase in irrigated agricultural acreage.
- It did not reconcile the 1995 baseline from the SVWP EIR to the 2005 baseline in the 2010 General Plan EIR. For example, the 2010 General Plan EIR does not provide the assumptions regarding the agricultural acreage, location, cropping, or water use intensity assumed for 1995 in the SVWP EIR and the acreage, location, cropping, and water use intensity in the 2010 General Plan EIR baseline year.
- It did not resolve discrepancies in the 1995 baseline agricultural acreage assumed in SVWP EIR and the background technical reports for the SVWP EIR.
- The 2010 General Plan EIR failed to provide accurate projections of water demand through 2030.
- It failed initially to include water demand for projected increases in irrigated farmland, even though it did project that thousands of acres of additional land would come under irrigation contrary to the SVWP EIR, which projected a decrease in irrigated acreage between 1995 and 2030.
- Only when repeatedly pressed on this point did the County finally acknowledge that growth in agriculture would result in increased water demand. However, it then equivocated as to the location of this growth in agriculture, suggesting that 25% of it might, or might not, occur outside the SVGB.
- The 2010 General Plan EIR provided four conflicting projections of urban demand through 2030, the last of which reduced previous projected demand by an

amount just sufficient to offset the belatedly acknowledged increase in agricultural demand, so that combined agricultural and urban demand would remain within the total demand projected by the SVWP EIR. These reductions in urban demand were based on misconstruing the effects of SBX77 as mandating an across-the-board 20% reduction in existing and future urban water demand, even though SBX77 does not mandate this outcome.

- The 2010 General Plan does not provide effective policies or mitigation to ensure that water use remains within the safe yield for the SVGB projected by the SVWP EIR.

The County is or should be familiar with these issues. We incorporate the administrative record of the 2010 General Plan as it relates to these issues by reference, including, but not limited to comments by or on behalf of LandWatch, The Open Monterey Project, FANS, and Julie Engell, including comments on the GPU5 DEIR, FEIR, and supplementary materials to the FEIR.

For these reasons, and others, it remains improper for an EIR for a development project to rely uncritically on the SVWP as evidence that there will be as sufficient long term water supply without aggravating the existing overdraft and seawater intrusion impacts.

One potential consequence of the existing litigation seeking to set aside the 2010 General Plan is that petitioners may obtain injunctive relief, which may 1) prevent reliance on the SVWP as the basis to conclude water supplies are sufficient for development projects, and/or 2) enjoin new development projects from relying on SVGB water supplies.

The Ferrini Ranch DEIR's failure to disclose the existence and substance of this litigation is a material omission, which requires revision and recirculation of the DEIR.

58. **COMPREHENSIVE HYDROGEOLOGIC INVESTIGATION REQUIREMENTS:** Preliminarily, we note and object to the fact that the VTM application cannot have properly been deemed complete absent an adequate Initial Water Use and Nitrate Loading Impact Questionnaire and a Comprehensive Hydrogeologic Investigation addressing the relevant basin. Our review of the County's files indicates that the applicant submitted an "Initial Water Use/Nitrate Impact Questionnaire" on March 24, 2005. This document did not even supply an estimate of existing or proposed water use for the project, without which the County could not have determined whether there would be an intensification of water use, or whether a Comprehensive Hydrogeologic Investigation would be required. This violates Monterey County Code sections 19.05.040L1A(2) and 19.05.040L1B . Furthermore, e-mails between the EIR consultant and the County staff indicate that the County was aware that hydrogeologic report would be required, but decided that it could be "scoped into the EIR." John Hodges, e-mail to Erika Spencer, Nov. 23, 2005, responding to Erika Spencer, e-mail to John Hodges, Nov. 23, 2005. This violates Monterey County Code section 19.05.040L3A, which requires that the Comprehensive Hydrogeologic Report be prepared "prior to an application being deemed complete." The County's decision to permit the project to proceed on the basis of the incomplete VTM application as of 2005 is accordingly ultra vires.

Monterey County Code section 19.05.040L3, as applicable to the Project, requires a Comprehensive Hydrogeologic Investigation. Although Kleinfelder 2008, included in Appendix E, purports to provide a “preliminary hydrogeologic assessment of the Ferrini Ranch property” it acknowledges that it “is not intended to be a final hydrogeologic study of the site.” Kleinfelder 2008, p. 42, emphasis added.

Even if it had been prepared timely, Kleinfelder 2008 does not meet the requirements of section 19.05.04L3:

- Kleinfelder 2008 is based on the assumption that the Project water supply “will not be derived from the Salinas Groundwater Basin” and that the “Zone 2C requirements should not affect groundwater use at the Ferrini Ranch property.” Id. at 43. Kleinfelder 2008 assumes that water will come from wells in the El Toro area. Id. at 54. However, the DEIR now provides that the water supply will in fact come from wells in the SVGB and that the Project itself is within Zone 2C.
- Kleinfelder 2008 underestimates Project water use substantially. Id at 54, (compare DEIR at p. 3.6-35)
- Kleinfelder 2008 concludes that there is insufficient water available for the project. Id at 55.

In effect, Kleinfelder 2008 simply fails to evaluate the relevant basin. A Comprehensive Hydrogeologic Investigation is still required.

A Comprehensive Hydrogeologic Investigation requires, inter alia, quantification and discussion of groundwater resources, including aquifer identification and characterization; groundwater basin delineation; well yields; groundwater in storage and the amount that can be recovered; current water use for the site; projected project demand; calculation of the water balance for the project using monthly time-step methodology; and the long term safe yield of the aquifer. 19.05.040L3C(7). Project impacts must be assessed in connection with the effects of other past, current, and reasonably likely future projects. Id. CEQA also requires this cumulative analysis. Here, since the DEIR expressly relies on the sufficiency of water supply for the entire SVGB, based on the Salinas Valley Water Project, the relevant basin is the entire SVGB.

Kleinfelder 2010, a 2 ½ page memo issued when it became apparent that the Project water supply would be derived from the SVGB instead of wells in the El Toro area, does not constitute a Comprehensive Hydrogeologic Investigation. Nor does the information provided in the DEIR supply the missing information. For example, the following information is not supplied for the SVGB:

- the long term safe yield of the aquifer
- demand for other past, current, and reasonably likely future projects

Adequate information to support any conclusion regarding the sufficiency of water supply is required both by section 19.05.040L and by CEQA. Accordingly, the DEIR

must be revised and recirculated to provide a Comprehensive Hydrogeologic Investigation of the relevant basin and the information requested below.

59. **BASIN YIELD:** Please identify the groundwater pumping level for the SVGB that would avoid overdraft and continued sea water intrusion. Please identify the year by which this level must be attained to obtain these results. We note that the SVWP EIR concludes that seawater intrusion could be addressed adequately if groundwater pumping declines from 463,000 afy in 1995 to 443,000 afy in 2030. SVWP EIR, Table 1-2.
60. **BASELINE YEAR:** Please identify the baseline year for the Ferrini Ranch EIR water analysis. We note that the baseline is normally the environmental conditions at the time of the NOP. Here the NOP was issued seven years ago, in September 2005. As discussed below, the baseline year assumptions should include the land use status for which baseline demand is modeled using historical average water use factors.
61. **BASELINE AGRICULTURAL DEMAND INFORMATION:** The Ferrini Ranch EIR bases its conclusion that water supply is adequate on the SVWP and the SVWP EIR. The DEIR does not provide meaningful baseline information for the SVGB to allow the public to understand if existing groundwater pumping plus cumulative future water demand will exceed the groundwater pumping level that constitutes overdraft and causes continued sea water intrusion. Nor is the public able to reconcile current baseline information (which is not provided for the SVGB) with the 1995 baseline information in the SVWP EIR, upon which the Ferrini Ranch EIR relies. The EIR must provide this information.

The County has represented that the baseline water demand for meaningful analysis, such as the analysis provided by the SVWP EIR, must not be determined with reference to a single year:

“Agricultural water demand varies substantially from year to year depending on climatic conditions, including temperatures, precipitation, and the timing of temperatures and precipitation. MCWRA used a long-term period of hydrologic condition to identify what the demand of 1995’s agriculture would be under a [sic] long-term average climatic conditions. This is an appropriate approach for modeling water use as the use of a single year would not be sufficiently representative.” GPU5 FEIR Supplement, p. S-12.

MCWRA states that baseline water use for the SVWP EIR was determined as the 45-year average pumping demand applied to “an overlay of land use as documented in 1995.” Curtis Weeks, MCWRA. Memo to General Plan Update Team, Sept. 13, 2010. Thus, the SVWP baseline was determined by applying average water use factors to the land use pattern in place as of 1995. In other words, the SVWP baseline was modeled, not simply measured in the year 1995, and it “represents the annual demand of the 1995 land use baseline averaged over 45 years of hydrology/climatic conditions.” GPU5 FEIR Supplement, p. S-12, note 1.

The 2010 General Plan EIR reports that there were material changes to the “1995 land use baseline” between 1995 and 2005. The SVWP EIR projected that farmland would decrease by 1,849 acres between 1995 and 2030. SVWP EIR, section 7.2.3. However, the GPU5 DEIR shows that farmland actually grew substantially between 1995 and 2006: 8,209 acres of habitat were converted to farmland between 1996-2006, the ten year period immediately following the SVWP EIR’s 1995 baseline year. GPU5 DEIR, p. 4.9-46, Table 4.9-6. This increase was offset by 2,837 acres of farmland converted to urban uses, but the County acknowledged that the net increase in farmland was at least 5,684 acres. Monterey County, Responses to October 26, 2010 letter from M.R. Wolfe & Associates (Landwatch), Oct. 26, 2010, p. 3. Most of this new farmland was in the Salinas Valley. GPU5 DEIR Exhibits 4.9-7, 4.9-8 and 4.9-9 (mapping locations of conversions between 1996-2006); GPU5 FEIR pp. 2- 2-38 (acknowledging that the projection that most future conversions would occur in Salinas Valley is based on “historic trend analysis.”)

In addition to the change in total irrigated farmland after 1995, there may also have been changes after 1995 to the cropping patterns and irrigation methods assumed or projected by the SVWP EIR. For example, in addition to reductions in water use attributed to the projected decrease in farmland, the SVWP EIR projects some reduction in per acre water use compared to 1995 due to changes in water use efficiency and cropping patterns, as follows:

“Agricultural needs, which make up a far greater share of water use, are projected to decrease by approximately 51,700 AFY (a 13% reduction) as a result of several factors, including increased irrigation efficiencies, changes in crops (i.e., increase in lower water-demand grape production), and some conversion of land from agriculture to urban uses. Although some agricultural land will be converted to urban uses, some of this acreage will be replaced by conversion of non-agricultural or non-irrigated land to irrigated uses. An overall slight net reduction in agricultural land uses would be expected. Because the agricultural portion of the total existing water needs in the Basin is approximately 90% of the total, and agricultural water use reductions would be substantial, an overall reduction of 17,000 AFY in basin-wide water use in 2030 is projected.” SVWP EIR, § 3.2.4.

“Agricultural land uses would shift, with a large increase in relative acreage devoted to vineyards (a 25% increase between 1995 and 2030 was assumed), and a decrease to all other uses (truck crops, field crops, pasture, and orchards). Conversion of agricultural acreage to urban uses is also assumed to occur, but would be generally replaced by land not currently in agricultural use. Net agricultural acreage would remain effectively unchanged. Through cropping patterns, as well as conservation realized through incorporation of new technologies, a 5% increase in water conservation, compared to water use by the same crops, would be expected between 1995 and 2030. The shift in agricultural land uses coupled with water conservation and cropping patterns would result in a net reduction of 60,000 acre-feet per year (AFY) by 2030.” SVWP EIR, § 7.2.1.

However, we note that data in the GPU5 EIR indicates that the increase in viticulture came largely from the unanticipated conversion of previously unfarmed habitat to viticulture, and not just from replacement of existing crops with grapes. About 40% of the 8,209-acre increase in farmland between 1996-2006 was for viticulture. GPU5 DEIR, p. 4.9-63. In identifying conversion of habitat to farmland, the GPU5 DEIR states that “between 1996 and 2006, there was an annual average increase of about 800 acres per year in vineyard acreage.” GPU5 DEIR, p. 4.9-45. Thus, a significant portion of the increase in viticulture acreage projected by the SVWP EIR represents an increase in water demand due to the irrigation of new acreage, not a decrease in demand due to shifting to viticulture from more water-intensive crops.

In order to determine whether the SVWP EIR still provides an adequate basis to evaluate the sufficiency of water supply for the Ferrini Ranch under cumulative conditions, the public must be able to understand and reconcile the assumptions in both the SVWP EIR and the Ferrini Ranch EIR, accounting for differences in relevant factors, including the actual farmland acreage, cropping patterns, and water conservation methods. In particular, the public must be able to understand the effects of the unanticipated growth in new farmland between 1995 and the Ferrini Ranch EIR baseline year.

Please identify the total baseline agricultural groundwater demand deriving water from the SVGB for the Ferrini Ranch EIR’s baseline year. For the purpose of this response, please provide the following information for both the SVWP EIR 1995 baseline year and the Ferrini Ranch EIR baseline year:

- Irrigated farmland acreage
- Relevant assumptions regarding cropping patterns, e.g., total number of acres of crops classified by similar per-acre water use (such as row crops, viticulture, tree crops)
- Relevant water use factors for each crop type, e.g., the per acre water usage for each type crop (taking into account the number of crops per year)
- Relevant assumptions regarding the existing and future level of water conservation, if not reflected in the water use factors
- Any other factors used in the SVWP analysis to project agricultural demand that may vary between 1995 and the Ferrini Ranch EIR baseline year.

In sum, we ask that the EIR provide the “overlay of land use as documented in 1995” (Curtis Weeks, MCWRA. Memo to General Plan Update Team, Sept. 13, 2010) and the land use overlay in the Ferrini Ranch baseline year, and provide the modeled historic average water use factors for those baseline land uses.

62. **INCLUSION OF FERRINI RANCH PROJECT DEMAND IN SVWP EIR:** It is not clear that projected future demand from the Project was actually included in projected 2030 demand in the SVWP EIR in light of evidence indicating that the Project site was not included in the modeling for the SVWP.

The SVWP EIR Figure 3-2, Salinas Valley Groundwater Basin SVIGSM (Salinas Valley Integrated Groundwater and Surface Model) Subareas, does not include the project area. SVWP EIR, § 3.1. In addition, at page 3-1 of the SVWP EIR, the description of the Basin is limited to four hydrologically and hydraulically connected subareas, “the Pressure, East Side, Forebay, and Upper Valley areas. However, the Ferrini Ranch DEIR implies that the SVWP EIR did assume future demand from the project by stating that the SVWP

“was developed to meet projected water demands based on development and population forecasts. Development forecasts for the project site previously assumed a maximum allowable buildout of 447 units. . . the higher density (and associated water consumption) was accounted for in the SVWP.” DEIR 3.6-42.

Please identify and provide documentation that demand from expected development at the Project site was included in planning documents for the SVWP and for the SVWP EIR. Please identify the specific pages of any relevant documentation that address the Project site. Please provide any map or list of parcels that was used to determine or illustrate whether the Project site was included in the demand projections for the SVWP and for the SVWP EIR. If the Project site was in the SVWP EIR demand projections, please explain why it was omitted from the SVIGSM Subareas as identified in the SVWP EIR Figure 3-2.

In this connection, we note that Toro County Park is located between the eastern and western portions of the Project. Table W2 in the Revised Supplemental materials to the Final EIR for the 2010 General Plan states that Toro County Park “may be outside SVIGSM model used for the SVWP EIR and thus would be accounted for in model boundary conditions.” GPU5 FEIR Supplement, p. S-16. Please explain whether

- Toro County Park is in or out of the SVIGSM modeled area,
- the Project’s eastern portion is in or out of the SVIGSM modeled area, and
- the Project’s western portion is in or out of the SVIGSM modeled area.

Please identify and provide documentation that supports this answer, and identify the specific pages that concern the Project site.

We understand that the SVIGSM “boundary conditions” consist of an assumption regarding groundwater flows at the edge of the area modeled by the SVIGSM:

“By definition, a boundary condition [in the SVIGSM] is any external influence or effect that either acts as a source or sink, adding to or removing water from the groundwater flow system. The boundary conditions used in the mode are no-flow, constant head, river and general head boundary. . . The eastern, northern, and southern edges of the active model area represent subsurface underflow and were simulated using the genera head boundary package with a specified head based on the model simulated groundwater elevation from the SVIGSM.” North Marina Ground Water Model Evaluation of Potential Projects, Geoscience

Support Services, Inc., July 25, 2008, p. 12 (appendix E to the October 2009 CalAm Coastal Water Project Final EIR). ”

If any portion of the Project is outside the SVIGSM modeled area used for the SVWP EIR, please explain whether and how its existing and projected demand were “accounted for in model boundary conditions” as suggested by Table W2 in the Revised Supplemental materials to the Final EIR for the 2010 General Plan. Please explain whether and how the model boundary conditions contain discernible assumptions or information about existing and future water demand from the Project site in particular. In particular, please explain how existing boundary conditions were adjusted for changes in future demand outside the SVIGSM, if they were in fact adjusted. If the boundary conditions do contain information about the existing and future demand from the project site, please identify that information.

The DEIR states that the applicant has been paying assessments for Zone 2C. Please explain whether the MCWRA assessments for Zone 2C are based on and vary with land use type, e.g., grazing, row crops, urban development. If so, please explain on what basis the applicant has been paying assessments, e.g., what land use has been assumed.

Please provide documentation confirming the date on which the applicant began paying assessments for Zone 2C.

Please provide the hydrologic assessment which formed the rationale for including the project site in Zone 2C, especially in light of its apparent omission from the SVIGSM and its specific omission from inclusion in the Salinas Valley Historical Benefits Analysis Final Report, April 1998 (HBA). At page ES-4 the HBA states, “The Salinas Valley was divided into 12 Economic Study Units (ESUs) to separate the geographic areas in the Valley that have received similar average benefits from higher ground water levels due to the operation of reservoirs. Figure ES-3 shows the delineation of the ESU boundaries. ESU 4 corresponds to the Fort Ord/Toro area and is excluded from the analysis because Fort Ord and Toro areas are not believed to be part of the main ground water basin.” If historic operation of the reservoirs provided no economic benefit to the Toro area because the area is outside the Basin and only areas within the Basin benefited by higher groundwater levels, then what is the hydrologic rationale that the SVWP, which is designed to increase water levels in the Basin, will benefit the Toro Area?

Please identify and provide the minutes for any meetings at which the inclusion of the Toro Area into Zone 2C was discussed. Please also identify and provide minutes for any meetings at which a decision was made to include the Toro Area into Zone 2C.

63. **PROJECTION OF CUMULATIVE FUTURE AGRICULTURAL DEMAND:**
LandWatch and others have called into question the determination of the sufficiency of the SVGB as a water supply for cumulative future demand based on changes to the projections of future agricultural demand that have occurred since the assumptions were developed for the SVWP EIR. The sufficiency of the SVWP is also called into question

by the fact that Zone 2C is apparently larger than the area that was modeled for the SVWP and SVWP EIR. Both of these points are addressed below.

GPU5 EIR Admits Substantial Growth In Agriculture After 2008: First, as noted above, the GPU5 EIR eventually admitted that there would be a substantial increase in irrigated acreage in the SVGB not anticipated by the SVWP EIR. The GPU5 EIR eventually projected that a net change in agricultural acreage of 9,531 acres compared to the SVWP EIR would require an additional 17,537 AFY, based on the expectation that this additional acreage would require 1.84 afy per acre. GPU5 FEIR Supplement, pp. S-20, S-134 to 138. This analysis considered only the projected increase in agricultural acreage from 2008 to 2030, and did not include any increase in demand to reflect the net increase in farmland between 1995 and 2008.

GPU5 Admits Substantial Growth In Agriculture Between 1995 to 2006: Also as noted, the County admitted that irrigated acreage increased by a net of 5,684 acres between 1995 and 2006. Monterey County, Responses to October 26, 2010 letter from M.R. Wolfe & Associates (Landwatch), Oct. 26, 2010, p. 3. (However, the County claimed that this increase in farmland, which is based on Department of Conservation Farmland Mapping and Monitoring Program data, would not somehow increase water demand, a claim that simply defies logic. Monterey County, Responses to October 26, 2010 letter from M.R. Wolfe & Associates (Landwatch), Oct. 26, 2010, p. 3.)

2003 SVWP Engineers Report Documents Substantially More Acreage In Zone 2C Than Assumed By the SVWP EIR In Projecting Demand: It is evident that Zone 2C includes substantially more irrigated acreage than was assumed by the SVWP EIR. In determining baseline and 2030 agricultural water demand, the SVWP EIR assumed that irrigated agricultural acreage was 196,357 acres in 1995 and would be 194,508 acres in 2030. SVWP EIR, §7.2.3. By contrast the 2003 SVWP Engineers Report (at http://www.mcwra.co.monterey.ca.us/SVWP/final_engineers_report.pdf), which was prepared to define Zone 2C and to support an assessment of the Zone 2C area for the SVWP, identifies substantially more irrigated acreage within Zone 2C than the SVWP EIR included in projecting future demand. Tables 3-5 and 3-9 in the Engineers Report identify 212,003 irrigated acres within the proposed Zone 2C assessment district. SVWP Engineers Report, pp. 3-10, 3-15. These data were based on “parcel information, including land use, acreage, zone and other data” developed by MCWRA. Id., p. 3-10. Significantly, nowhere in the SVWP Engineers Report is there any explanation of the relation of the area of agricultural demand modeled in the SVWP EIR, based on 1995 land use data and assumed 2030 conditions, and the Zone 2C area, based on MCWRA data developed in 2003. The criteria for including land in Zone 2C was not whether it had been included in the SVIGSM or the SVWP EIR land use assumptions. Id. p. 3-3. Instead, “[i]t was concluded that the proposed Zone 2C should encompass the entire area within the Salinas Valley and Monterey County that overlies water bearing alluvium.” Id., p. 3-3. Regardless of the hydrological basis for defining Zone 2C, its water demand should be consistent with the projected demand in the SVWP EIR if the County is to conclude that the SVWP ensures that there is sufficient water supply within Zone 2C.

In sum, since the SVWP EIR predicated its conclusion that overdraft and saltwater intrusion would be controlled by 2030 if irrigated agricultural land were reduced to 194,508 acres, then the SVWP EIR's analysis does not support the conclusion that there is sufficient water for all of the much larger, and growing, irrigated acreage within Zone 2C.

Accordingly, we seek information about the currently projected cumulative demand for agricultural water from the SVGB and the relation of that demand to the assumptions used to prepare the SVWP EIR.

Please provide the currently projected 2030 agricultural water demand for the SVGB and compare this to the projection made in the SVWP EIR. For the purpose of this response, please provide the following information:

- Projected 2030 irrigated farmland acreage. Please indicate the total acres currently projected to be irrigated in 2030 that will derive water from the SVGB and, separately, the total acres that were projected to be irrigated in 2030 in the SVWP EIR. Please identify and account for any differences.
- Relevant current assumptions regarding cropping patterns, e.g., number of acres of crops classified by similar per-acre water use (such as row crops, viticulture, tree crops), and, separately, the assumptions regarding cropping patterns made in the SVWP EIR. Please account for any differences in the current projections and the projections made for the SVWP EIR.
- Relevant current assumptions for water use factors for each crop type, e.g., the per acre water usage for each type crop (taking into account the number of crops per year), and, separately, assumed water use factors in the SVWP EIR. Please account for any differences in the current projections and the projections made for the SVWP EIR.
- Relevant assumptions regarding the level of water conservation, if not reflected in the water use factors; and, separately, assumed level of water conservation in the SVWP EIR. Please account for any differences in the current projections and the projections made for the SVWP EIR.
- Any other factors used in the SVWP analysis to project agricultural demand that may vary between the SVWP's 2030 projection and the Ferrini Ranch EIR 2030 cumulative projection for the SVGB. Please account for any differences in the current projections and the projections made for the SVWP EIR.
- The geographic scope of the farmland included in the current projection of 2030 agricultural water demand from the SVGB, and, separately, the geographic scope of farmland included in the projection of 2030 agricultural demand in the SVWP EIR. Please account for any differences in the current projections and the projections made for the SVWP EIR.

64. GEOGRAPHIC SCOPE OF CUMULATIVE AGRICULTURAL DEMAND IN SVWP EIR: Additional evidence suggests that the area for which the County claims benefits

from the SVWP is larger than the groundwater basin area actually modeled for the SVWP and the SVWP EIR.

The Ferrini Ranch EIR and the 2010 General Plan assume that the entire area within the Zone 2C assessment area will have an adequate water supply. However, the groundwater area modeled for the SVWP and the SVWP EIR does not include all of Zone 2C. For example, the geographic scope of the area within SVWP EIR Figure 3-2, Salinas Valley Groundwater Basin SVIGSM Subareas, does not include the Project area and other areas within Zone 2C. SVWP EIR, § 3.1. Table W2 in the Revised Supplemental Materials to the Final EIR for the 2010 General Plan identifies a number of areas within Zone 2C that are outside the SVIGSM model boundary. For all but one of these areas, Table W2 states that the area “would be accounted for in model boundary conditions.” GPU5 FEIR Supplement, p. S-16. The GPU5 EIR claims that “[a]reas outside the SVIGSM modeled area were addressed in SVIGSM for the SVWP EIR through consideration of boundary flows.” Despite this, it nonetheless “conservatively” provides ad hoc adjustments to baseline demand and to projected 2030 demand for these areas, an adjustment that belies the claim that the baseline and future demand was somehow already accounted for.

Please explain how its existing and projected future demand for areas outside the SVIGSM were “accounted for in model boundary conditions” as indicated by Table W2 in the Revised Supplemental materials to the Final EIR for the 2010 General Plan. Please explain whether and how the model boundary conditions contain discernible assumptions or information about existing and future water demand from each of these areas. In particular, please explain how existing boundary conditions were adjusted for changes in future demand outside the SVIGSM. If the boundary conditions do contain information about the existing and future demand from each of these areas, please identify that information, including the specific information for each of the areas identified in Table W-2 of the GPU5 FEIR Supplement.

In sum, it is unclear whether and how the SVWP EIR’s 1995 baseline water use and its 2030 agricultural demand forecast included agricultural acreage outside the SVIGSM modeled area. Given the confusion in the GPU5 EIR on this topic, and the discrepancies between the acreage assumed in the SVWP EIR and the 2003 SVWP Engineers Report, the public needs to understand the relation between the following geographic areas:

- the SVIGSM modeled areas (presumably represented in the SVWP EIR Figure 3-

- 3);
- the area for which the SVWP EIR included demand in its 1995 baseline and projected 2030 agricultural demand;
- the area currently included in Zone 2C.

Accordingly, please provide maps of 1) the agricultural areas that the SVWP EIR included in its identification of baseline agricultural demand and 2) the agricultural areas the SVWP EIR included in its projections of 2030 agricultural demand, if it differs. Please provide a map or figure that overlays those two areas on the SVWP EIR Figure 3-3 (showing SVIGSM modeled areas). Please identify and quantify the acreage differences between the SVIGSM modeled area and the areas included in the 1995 baseline and 2030 irrigated acreage projections.

Please also overlay the SVWP EIR Figure 3-3 showing SVIGSM modeled areas and the current Zone 2C boundary. For those areas that are included in Zone 2C but were not included in the SVIGSM modeled areas, please provide the following information:

- identify and quantify the total acreage (whether irrigated or not),
- identify and quantify the 1995 irrigated acreage,
- identify and quantify the currently irrigated acreage, its water demand, and the basis for determining this water demand,
- quantify the projected future irrigated acreage through 2030, its water demand, and the basis for determining this water demand.

65. **BASELINE AND PROJECTED CUMULATIVE URBAN DEMAND:** The Ferrini Ranch DEIR provides no information about current and projected cumulative urban demand from the SVGB. Please provide the current baseline urban (non-agricultural) water use supplied from the SVGB. In responding, please provide the following information:

- Identify the Ferrini Ranch DEIR's baseline year for urban water use.
- Identify the portion of baseline cumulative urban water use attributed to domestic water supply and explain how this was determined.
- Identify the population served for this domestic cumulative baseline water supply and explain how this was determined. We would like to determine current per capita water baseline water use with reference to actual data for domestic water use in the SVGB. This determination is particularly critical since the County has

claimed that baseline water use will be reduced 20% across the board as a result of SBX77, as discussed below.

- Identify the portion of baseline urban water use attributed to industrial and commercial water use and explain how this was determined. We request this information because SBX77 applies different requirements to industrial and commercial water use than to domestic water use.
- Identify the geographic scope of the baseline urban water use data, i.e., what communities and rural areas are included?
- Compare the geographic scope of the Ferrini Ranch cumulative analysis baseline urban water use data to the following areas:
 - the SVIGSM modeled area for the SVWP EIR
 - Zone 2C
- Identify each source of urban baseline water use information used in this response.

Please provide the current projection of 2030 urban water use to be supplied by the SVGB. In responding, please provide the following information:

- Identify the 2030 population for which domestic water supply is to be provided and explain how this was determined
- Identify the 2030 per capita water usage for domestic water supply and explain how this was determined.
- Identify the 2030 industrial and commercial water use and explain how this was determined.
- Identify each source of urban 2030 water use information used in this response.

Identify the geographic scope of the 2030 urban water use projection.

- Compare the geographic scope of baseline 2030 water use projection to the following areas:
 - the SVIGSM modeled area for the SVWP EIR
 - Zone 2C.
- If the Ferrini Ranch EIR cumulative urban demand projection relies on any projected decreases in water use attributed to future conservation and/or SBX77, please identify those decreases and explain how they were determined.

66. **RELATION OF PROJECT TO ZONE 2C:** It is not clear that the entire Project is in Zone 2C. The DEIR claims that the Project is located in Zone 2C “as shown in Figure 3.6-6.” 3.6-17. However, Figure 3.6-6, sourced from an unidentified 2003 MCWRA document, does not show the Project’s actual location. Please locate the project on Figure 3.6-6. Please identify the 2003 MCWRA document that is the source of Figure 3.6-6. Please explain whether the Zone 2C boundary in Figure 3.6-6 is the same as the proposed Zone 2C boundary in the MCWRA’s 2003 SVWP Engineers Report. Please confirm that each APN listed in the DEIR at page 2-3 is within Zone 2C. If so, please explain whether the parcels were included in Zone 2C when Zone 2C was initially created. If not, when were the parcels annexed? Please identify the MCWRA ordinance or resolution by which any parcels were annexed.

HYDROLOGIC CONNECTIVITY: The DEIR equivocates as to whether there is hydrologic connectivity between the Project site and the SVGB, and even whether the Project is within Zone 2C. For example, Kleinfelder 2008 (p. 42) states that Zone 2C requirements do not apply, but the DEIR (p. 3.6-41) says it is in Zone 2C. Kleinfelder 2008 is itself internally inconsistent, stating that water will be supplied from wells in the Spreckels area (p. 59) and that water will be supplied by wells in the El Toro area (p. 54).

The DEIR cites Geosyntec 2007 as evidence that there is hydraulic connectivity between the SVGB and the Corral de Tierra Subbasin. DEIR, p. 3.6-9. However, the DEIR claims incorrectly that the Geosyntec 2007 report “did not take into account MCWRA’s Zone 2C boundaries . . .” 3.6-2. The Geosyntec 2007 report does in fact relate its study area to Zone 2C as follows:

“Portions of the northern margin of the El Toro Planning Area fall within Zone 2C of the Salinas Basin (Figure 1-1). Commitment for long-term water supply within Zone 2C is allocated through the implementation of the Salinas Valley Water Project, which includes benefits from the operation of Nacimineto and San Antonio Reservoirs.” Geosyntec 2007, p. 2.

Geosyntec’s Figure 1-1 superimposes Zone 2C on the El Toro Planning Area. From that map it appears that at least a portion of the Project site may not be included in Zone 2C. Please locate project on Geosyntec Figure ES-1, Study Location.

Even if the Project is within Zone 2C, it is not clear that inclusion in Zone 2C means that a parcel is in fact within the SVGB. (For example, parcels in the Chalona area are within

Zone 2C.) Zone 2C is a political boundary, not a map of the SVGB. For example, the MCWRA Act does not require hydrogeological basis for annexation to Zone 2C. See MCWRA Act, section 43.

There is evidence that at least portions of the Project site are not hydraulically connected to the SVGB despite claim to contrary in DEIR. For example, the Salinas Valley Historical Benefits Analysis completed in 1998 analyzed the historical benefits of the dams for various areas within the valley. This study also was used to calculate benefits of the SVWP. The valley was broken into various "economic study units" (ESUs). The Ft. Ord/Toro area was ESU 4. The HBA states, "ESU 4 corresponds to the Fort Ord/Toro area and is excluded from the analysis because Fort Ord and Toro areas are not believed to be part of the main groundwater basin." HBA, p. ES-4 and Figure ES-3.

Furthermore, there are contradictions between groundwater mapping in the body of the Ferrini Ranch DEIR and the description of groundwater in Kleinfelder 2008, DEIR Appendix E. Kleinfelder 2008 states in Table 5 that groundwater flow towards the Salinas Basin only occurs in the northeastern part of the project site near River Road. For the rest of the site, groundwater flow is described as flowing toward the El Toro Creek and the Seaside Basin. (DEIR Figure 3.6-3, Geosyntec Study Area Groundwater Flow, indicates that groundwater on the southeastern portion of the project flows north.) In other words, the DEIR claims that Ferrini Ranch groundwater is connected to the Salinas Basin. However, Kleinfelder states that most of the groundwater under Ferrini Ranch is not flowing toward the Salinas Basin. Please explain this discrepancy.

DEIR Figure 3.6-1, Groundwater Basin Map, implies that both the Corral de Tierra and the Seaside Area are subbasins of the SVGB. We note that the Seaside Basin is not one of the 8 listed subbasins identified by the DEIR. DEIR p. 3.6-2. Please explain whether the Seaside Basin is a subbasin of the SVGB. Please explain whether and how the Seaside Basin was included in the SVIGSM used to model the SVGB for the SVWP. If the Seaside Basin is not in fact part of the SVGB, please explain why Figure 3.6-1 indicates that it is.

Please also explain whether the Corral de Tierra subbasin is a subbasin of the SVGB and whether and how it was included in the area modeled in the SVIGSM in planning the SVWP.

The Harper Canyon/Encina Hills DEIR at 3.6-2 identifies the Harper Fault as the eastern boundary of the El Toro Groundwater Basin. This would locate the project in the El Toro Groundwater Basin. Similarly, the Ferrini Ranch DEIR Figure 3.6-4 indicates that much of the Project is east of the Harper Fault. The Ferrini Ranch DEIR states that a portion of Salinas Basin groundwater used for landscape irrigation at Ferrini Ranch will recharge the Corral de Tierra Area Subbasin:

“Water for the proposed subdivision would be acquired from a variety of wells located in the Spreckels area, along River Road that draw water from the 180/400-Foot Aquifer Subbasin, and it is our understanding that no water for the project will be drawn from wells within the Corral de Tierra Area Subbasin. Transport of water from the 180/400-foot Aquifer Subbasin and consumed and discharged in the Corral de Tierra Area Subbasin, in point of fact, will increase recharge to the local subbasin.” DEIR, Appendix E, Kleinfelder, Hydrogeologic Update Memorandum, June 12, 2012, pp. 1-2,

Please explain whether and how the El Toro Groundwater Basin is included in the SVGB. Please explain the relation between the Corral de Tierra Area Subbasin, the El Toro Groundwater Basin, and the SVGB.

67. EFFICACY OF SVWP: The DEIR claims that “the basin as a whole appears to be becoming more hydrologically balanced.” DEIR, p. 3.6-41. Please provide substantiation this claim, including whatever groundwater and seawater intrusion data and trend analyses are available. Please explain the effects of short term variations in weather (annual and seasonal) and pumping on this data.

Seawater intrusion data in the DEIR is based only on the extent of the acreage overlying that intrusion. Please provide volumetric seawater intrusion data that takes into account the varying thickness of the aquifer.

Water use fluctuates substantially from year to year based on weather. For example, Montgomery Watson identified a 12% fluctuation based on climatic conditions:

"Agricultural water supply for the study area is obtained from groundwater pumping which has not historically been metered; therefore direct water use data are not available. To compensate for this lack of data, historical agricultural water use was estimated by the Crop Consumptive Use method, based on historical crop

acreages (obtained from DWR and USBR), hydrologic conditions since 1949, soil moisture requirements, effective rainfall, potential evapotranspiration, and irrigation efficiency. The 1970 through 1992 estimated annual water use is presented in Figure 7. The average agricultural water use for current (1991) land use conditions is estimated to be 510,000 acre-feet per year. The historical annual variation of water use is presented in Figure 8. This figure shows fluctuations due primarily to differences in the amounts and timing of rainfall over any given year, indicating that annual water use can vary by plus or minus 12 percent depending on climatic conditions." Salinas River Basin Water Resources Management Plan Water Needs Analysis Final Technical Memorandum, December 1993, by Montgomery Watson at page 5 under "Historical Agricultural Water Use."

The County repeatedly argued in the GPU5 proceedings that water use must be evaluated over a long period of years. See e.g., FEIR Supplement, p. S-12. Accordingly, it is not reasonable for the EIR to conclude at this point that the SVWP is effective.

Indeed, the County's position has been that it is simply too early to determine the efficacy of the SVWP. For example, in its settlement of General Plan litigation with the Salinas Valley Water Coalition, the County proposes to adopt a General Plan amendment calling for a study that would not be completed until 2018 to determine whether conditions in the SVGB are improving and whether water demand is consistent with projections in the SVWP EIR. Settlement Agreement, SVWC v. County of Monterey, Monterey County Case No. M109451, Exhibit A.

In an August 15, 2012 letter, the MCWRA advised the public that at least 10 years of data would be required to determine if the SVWP is working:

"Question 19 is asking whether the data already collected is showing positive benefit of the SVWP for North County. Since the SVWP went on-line in April 2010, it is too early to tell the magnitude of benefit that can be attributed to the project. As with the answer above, it will take extensive analysis of various amounts of data to determine the success of the SVWP. Staff is estimating that roughly 10 years of data would be a good place to start for evaluation of the project's success." Robert Johnson, Chief of Water Resources Planning, MCWRA, letter to Margie Kay, August 15, 2012, available at <http://www.mcwra.co.monterey.ca.us/BOD/BOD/agenda/BOD%20Pkt%20082712.pdf>

In an August 27, 2012 presentation to the MCWRA Board of Directors, available at http://www.mcwra.co.monterey.ca.us/Agency_data/Hydrogeologic%20Reports/GroundwaterInformationalPresentation_8-27-2012.pdf, MCWRA staff explained that “[r]esearch has shown that success of these types of projects are measured in decades” and that 10 years of data are required for “meaningful evaluation.”

In light of this evidence, it is difficult to understand how the Ferrini Ranch EIR can have already concluded that the SVWP is effective.

68. LONG TERM SUPPLY: Kleinfelder 2008 (p. 60) states that the wells in the Spreckels area supplying water to the Project may be adversely impacted by seawater after 2015. In view of this projection, please explain how the County could conclude that there is a long term water supply for the Project.

Alternatives

69. The DEIR includes the following mitigation measures that required redesign of the proposed project: Mitigation Measures 3.1-1a and 1b; mitigation measures to address impact on tiger salamanders and establishment of an on-site or off-site habitat mitigation plan preserve and protected within open space placed in a conservation easement; Mitigation Measure 3.3-8a requiring site redesign to reduce impacts on wildlife corridors; Mitigation Measure 3.3-4a to reduce impacts on riparian and wetland habitat.; Mitigation Measures 3.4-1a to 1c to address impacts to cultural resources. Alternatives 3a, 3b and 4 address some but not all of the mitigation measures requiring redesign.

A comprehensive alternative addressing all mitigation measures requiring redesign should be developed and evaluated in comparison to the proposed project. The analysis should identify how each mitigation measure is addressed, whether or not the impacts are mitigated to less than significant and any new impacts resulting from implementation of the mitigation measure. The analysis of Alternatives 3 and 4, purporting to address redesign of the project still fail to provide the required data for building sites and landscaped areas. Furthermore, the cursory level of impact analysis, e.g., for aesthetic and biological impacts, is not sufficient to permit the adoption of these alternatives as a means of addressing impacts. Finally, any consideration of alternative 3 or 4 must be informed by an adequate response to the concerns outlined above regarding the sufficiency of the analysis of biological, fire hazard, and aesthetic impacts.

70. The DEIR rules out consideration of an alternative location for the project because the project objectives include development of this site so as to generate enough funds to “build the necessary infrastructure.” The objectives are improperly truncated so as to rule out feasible alternatives. The objectives are also internally inconsistent since it is obvious that the necessary transportation infrastructure cannot in fact be funded through development of this site. Rural sprawl subdivisions are not an appropriate land use in Monterey County. Housing can and should be developed in more compact patterns closer to urban cores where facilities and services are available.

Cumulative Impacts

71. The analysis of Cumulative Impacts should be updated based on response to comments. In particular, many mitigation measures which the DEIR finds would reduce impacts to less than significant require project redesign. Many of these mitigation measures are deferred and do not meet CEQA requirements for feasible mitigation measures.

Thank you for the opportunity to comment on the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy L. White', written in a cursive style.

Amy L. White
Executive Director